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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 21 MAY, 2019

AT 10.00AM

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

THE COMMISSIONER: Right. I see Mr Glover has arrived.

MR GLOVER: Yes, thank you, Commissioner.

THE COMMISSIONER: All right. Now, a couple of administrative issues. The first one is apologies for the late start this morning but there were some technical problems. The second matter is tomorrow we've got a late start because I have an obligation with the Bar Practice Course that couldn't be rescheduled, so we'll be starting at about 20 to 11.00 tomorrow morning.

10 Any other administrative issues? All right. Mr Hamidi, and we administer the oath.

THE COMMISSIONER: Right. Thank you, Ms Wright.

MS WRIGHT: Thank you, Commissioner. Mr Hamidi, you gave evidence yesterday that you met with Mr Soliman at a chicken shop in Castle Hill to prepare AZH's tender for the PSC Panel. Do you recall that evidence?
---Yes.

10

And you said that you yourself lodged AZH's tender in a red letterbox in Parramatta.---Yes.

Was that a letterbox at the RMS, was it an RMS letterbox or an Australia Post letterbox?---I think it was, I think it was an RMS one, it was outside the building.

It was a dedicated letterbox for the agency?---Yes.

20

Thank you. Now, how long before you lodged the tender for AZH at Parramatta did you meet with Mr Soliman?---It would have probably been, like, the week before.

Now, you gave evidence that after the appointment of your company to the PSC Panel, AZH was awarded further contracts.---Yes.

And if I suggested to you that it was four additional contracts from RMS would you agree with that?---Yes, I believe so.

30

And in each case did you receive a request for quote from RMS before providing a quote?---Yes.

Do you recall who you received the request for quotes from?---No. They were from different people.

Different people?---Yeah.

Can you tell us who?---I can't remember their names. They would have been in the emails.

40

Were they sent to you by email?---Yes.

If Mr Hamidi could be shown volume 4, page 60. This is a request for quotation dated 7 December, 2017, for a field trial and report for modern portable weigh scales. Do you recall receiving that document?---Yes.

Did you read it?---No.

And at volume 4, page 70, this is a quote from AZH of 15 December, 2015, sorry, '17, for modern portable weigh scales. Did you submit that quote?
---Yes.

What was the purpose of this modern portable weigh scales trial?---I'm not sure. The quote was sent to me by Mr Soliman.

And did Mr Soliman tell you anything about what this project was about?
---No.

10

See how the quote is for \$241,175?---Yes.

That's significantly higher than any of the previous quotes submitted by AZH. Do you agree with that?---Yes.

And you have no idea, do you, how the monetary figure was derived?---No idea.

20 Did you ever raise with Mr Soliman that this was a much larger quote than any previous quote?---I did ask him are these bigger, and he said because they're bigger projects, but it's fine, he'll finish them. I never questioned after that. Like, at this point it just became just me sending, receiving invoices and quotes and sending them onwards. I didn't question them.

When did you ask him about the size of this quote?---It would have been when this one came, when they were a lot larger than the previous ones, and he just said that because it's on the, the tender panel that they're just going to be bigger projects, but that he would get them done.

30 Now, the quote refers to a number of items falling within the scope of works, including procurement of three brand-new world-leading modern portable weigh scale models. I wonder if it could be enlarged. Can you read that, Mr Hamidi?---Yes, I can.

Did you see that at the time?---No, I did not.

Did you have any – what were you expecting to do about this trial?
---Nothing.

40 You weren't expecting to do any work at all?---Nothing, no, it was just, like I said, the process at that time was just receiving the invoice or the quote and forwarding it on.

Then if Mr Hamidi could be shown page 42, please. This is an invoice, this is an email rather, in the name of your wife, Zoe Hamidi, of 9 January, to TSS invoices. Who did you understand or what did you understand that to be?---It was just the invoice for one of those quotes.

But the address, TSS invoices?---That was the invoice payment address that I was told to send all invoices to.

And you've copied Paul Walker on that email.---Yes.

Why did you do that?---Because I think he was the person on the RFQ or he would have been the person that sent the RFQ at the time.

10 I see. So you think he would have sent you the email with the RFQ?---Yes, I think so.

And did you ever speak to Mr Walker?---I never spoke to Mr Walker.

And how is it that you were able to attach to this email an invoice?---What do you mean?

20 Well, did you prepare the invoice?---No, so I was sent the invoice by Mr Soliman, I created a new email with the recipients on it and attached the invoice to it and sent it.

And when you were sent an invoice by Mr Soliman, from which email address did he send you the invoice?---It was from his personal one.

Was it always from his personal address?---Yes. Well, towards the end it definitely was from his personal address.

30 Well, when you say towards the end, what do you mean by that?---I, I think at the start he was sending it from his work one. I can't remember exactly but the back end of it was from, from his personal email address?

Which was [REDACTED]?---Yes.

And did he send you the invoices in PDF or Word?---They were in Word and then the body of the email was "Convert it to PDF."

And so the actual body of the email said, "Covert to PDF"?---To PDF.

And did you then covert to PDF then submit it to RMS?---Yes.

40 THE COMMISSIONER: Could I just have page 43 up, please, on volume 4. That was the invoice?---Yes, I believe so.

Looking at the phone number, it appears to have changed from the phone number on the invoices in 2017?---Yes. That's correct. So the first phone number I got was, like, an Amaysim prepaid phone number.

So it's the one ending in 7-4-4? It's not on that.---Yeah. So the 8-1, yeah, sorry, that's, yeah, so that was the new number I registered because the prepaid one lapsed and expired because I never actually ever used that.

So you got a new phone?---Yeah. So I just put a new, new SIM card on my plan.

And this new phone, who had access to it?---Just me.

10 Your wife never had access to it?---No. So it was one of, it was the phone that you guys obtained.

MS WRIGHT: Now, was AZH then awarded a further contract for a project into an in-ground thermal camera system, do you recall that?---I believe so, yes.

If Mr Hamidi could be shown volume 4, page 50A, please. This is an email of 23 March, 2018, again from Zoe Hamidi, attaching a quote. Why the need to pretend to be your wife when you're sending it to a person you
20 know is in on it?---I think it was just to, to remove myself being, you know, friends with Mr Soliman and she was the director and everything was addressed to her as well.

When you say you think that was the reason, I mean, surely you can tell us precisely what - - ?---Yeah. So Mr Soliman told me it's better coming from my wife than myself.

Did he tell you why?---Because, he, like, from the start it was unethical, the, the operation that we, I suppose, we were involved in.
30

And if it's unethical, why would you want to use your wife's name in it?---It was me being stupid and not realising the extent of what I was doing, how bad it was really.

Yet a lot of money is coming into the AZH account and you know you're not entitled to that money because you haven't done any of the work and you knew that was unlawful?---Yes.

And you're prepared to put your wife's name all over the emails being submitted to RMS?---Yes.
40

And you know that RMS will have a record of these emails and they may have questions of your wife?---Yes.

It doesn't really make sense, Mr Hamidi. Are you sure your wife wasn't assisting you with some of this documentation?---My, my wife was not assisting me at all. My wife has no idea about the email address, access to

the account, any information, she had never had real dialogue with Mr Soliman. Yes.

THE COMMISSIONER: And when you say no real dialogue with Mr Soliman, what do you mean by that?---So, like, we'd attend his daughter's birthday, that would be the only kind of dialogue she would have with him.

10 So she would speak to him at an occasional social event like a wedding or a birthday party of a child?---Yes. Outside of that, she never really interacted with Mr Soliman.

MS WRIGHT: Did your wife know, did you discuss with your wife that you were doing some work with RMS?---Yes. I, I told my wife that Mr Soliman had, you know, organised the work for me. That was the extent of what I really told her.

And did she question that?---No, she didn't question it.

20 And when you attended three trials you discussed the fact that you were going to work for RMS on those days?---Yes. I said this was part of the work that was arranged for me.

And she must have taken an interest in whether you were being paid for that work?---Yes, she, she asked me if I was getting paid and I said yes. She never really asked how much or any further information.

You didn't tell her that you were receiving literally tens of thousands of dollars from RMS?---No, I did not.

30 Why not?---I, I just didn't want to tell her. I didn't want her getting involved in, in this whole thing.

What were you going to do with the money?---Similar to the money still sitting there so - - -

The Commission has become involved. You're aware of that?---Yes, that's correct.

40 But you fully intended that that money would be partly yours?---Yes.

And - - -?---It was to, you know, purchase, at the time with Mr Soliman we spoke about purchasing a business or something along those lines.

THE COMMISSIONER: Was this the gym or something?---Yeah, yeah. So it was like, talking about having a gym or a café or something.

And both of you would put in money and then run it?---Yes.

Was that the - - -?---Yes.

Sorry, a proposal which was rather vague at that stage, was it?---Yes.
So - - -

10 MS WRIGHT: Now, the document at 50A which I've just taken you to attached a quote which is at page 50B. If that could please be shown. And that is a quote RMS16 of 23 March, 2018 for engineering development civil works field trials and detailed scoping study for an in-ground thermal camera system. Now, the services include a number of items there including for a scoping study report and item 1 if you could read that to yourself.---Yeah.

That includes AZH releasing the concept design drawings and technical specifications to RMS. Did you see that at the time?---I wasn't reading these quotes.

20 And seeing that now, is there anything you can add to that? You didn't have any concept design drawings, I take it?---No. And, yeah, so this is, it was after, further on when we go into it is when I discovered that this was really all fraudulent and equipment had to be provided that was never provided, so when he was telling me he was doing the work he physically was unable to do the work because he needed to acquire equipment.

And you hadn't acquired any equipment?---Had not acquired any equipment.

30 And that quote is also for a much larger amount than the previous contracts?---Yes.

Then at page 53 Mr Walker has sent you a purchase order for this thermal camera project saying, "Hi, Zoe."---Yes.

But to your knowledge your wife never spoke to Mr Walker?---No.

And you never spoke to Mr Walker?---I never spoke to Mr Walker.

40 And why did you think you were receiving a purchase order?---I'd imagine it was from the, the, the quote being successful.

Did you use that purchase order for any of the information in it including the order number which is at page 54 to prepare an invoice for RMS?---No, I did not.

You didn't even insert the purchase order number ever into any invoice? ---Never into an invoice.

You see there the order number at the top right-hand corner?---Yes.

And then if we could turn to the invoice at page 56. That invoice, do you recognise that?---Yes, just - - -

Did you have anything at all to do with that invoice?---Not to my knowledge, I didn't create any of the invoices.

Did you send this invoice to the RMS?---I would have sent this invoice to RMS.

10

This is another false invoice?---It was another false invoice.

Later in the year did Mr Walker contact you about this particular project, the in-ground thermal camera?---Yes, he left a voicemail message.

And when was that?---On 15 November last year.

Well, we'll come back to that a little later, but if I could just take you to two other contracts that you were awarded following your appointment or your company's appointment to the PSC Panel. At page 78A you see this is an email chain, starting at the bottom from Mr Soliman to AZH attaching an RFQ?---Yes.

20

And then there's an email in reply, "Hi Samer, please find attached our quote for the required work." It's not signed off. That's on 30 April. And then there's a further email asking Samer to disregard the previous quote due to a typing error. Now, that does suggest, doesn't it, that you had done some work on the documents?---It could have been that I had not converted the PDF properly and it had his name on it as the author.

30

When you say his name on it, what do you mean by that?---So when you create a file, say if you create it in Word, one of the reasons it was created in PDF was to remove him as the author or the creator of the file, and sometimes he would get me to resend it if I didn't convert it properly, so I'd have to go and reconvert it and send it again.

Not converting it properly would involve what?---Would leave him on the PDF as the author, so when you drill into the properties of the file you can see who created the file, and if I didn't convert it properly it would have his name on it.

40

Do you recall in this instance had you converted it initially to a PDF and sent it?---I would have converted it to a PDF and sent it.

And how would you have determined whether it was converted properly? ---He, he was the one that would message me on WhatsApp and say, send it again, it has my name on it.

And did you ever look at the file properties yourself?---Yes, I did, afterwards I would look at it and say, okay, it didn't work, and I would resend it.

I'm not understanding what not converting it properly means. Does it mean that you looked at the file properties and it was a PDF file but the - - -?---It was a PDF file.

10 - - - properties showed you, sorry, Mr Soliman to be the creator of the file?
---Yes. So that would mean that I didn't convert it properly and then when I converted it properly it wouldn't have anyone on it or it would have me on it or something along those lines.

Do you have any idea how that would happen?---Sometimes it's when you, if you print the file as a PDF it removes the authors because it just becomes kind of a raw file, if you save it as a PDF and don't remove the, the author if there is one in there, it will publish it as a PDF.

20 Now, do you actually have a recollection in this case that this is what happened and this is why you sent an amended quote or are you just hypothesising that this is what occurred?---This is what, if it happened, in the past that's what normally would happen when I'd resend the file, it was because of that reason.

And you've said in the email that there was a typing error.---Yes.

But is it your evidence that there was no typing error - - -?---No.

30 - - - because you did no typing?---No, I did no typing.

And that quote which is at 78B is for a fibre-optic WIM technology trial. To your knowledge, did that progress to the issuing of an invoice and any payment?---I am not too sure.

You don't know?---No. I, it, it would have been in the files that were submitted. There was a series of quotes that never progressed to invoices.

40 You're aware of the fact that there were some quotes that you submitted which didn't result in any invoice or payment from RMS?---That's correct.

Now, if Mr Hamidi could please be shown page 79 of volume 4. This is a quote of 25 May, 2018, numbered RMS17, and that quote, turning to the next page, 80, is for \$230,890 and again it relates to procurement for a modernising ITS field trials and scoping study. Have you see that quote before?---It would have been one that I would have converted.

But do you recognise it?---Going through it, no. Well, not until afterwards. At the time I never looked at it. Afterwards when I found out that this was

all fraudulent, I went through it to find out exactly to what degree it was. So at the time of sending it, no, I never went through it.

The RMS records show that AZH was paid in relation to this project on 27 June, 2018. Were you expecting that money to come into the account? In other words, are you aware of the quote and you'd submitted an invoice?
---Yes. So once I submitted the invoice, I generally, the money would come in, well, always. If there was an invoice submitted, the RMS paid the amount.

10

And then the invoice is at 94A and that's the covering email and the invoice itself is at 94B and you've invoices for procurement of some form of technology, end-to-end trial, management and, over the page, a scoping study report, but you prepared no report at all?---No.

Didn't attend any trial?---Didn't attend any trial, didn't procure anything.

Didn't procure any hardware?---No.

20

And do you know anything at all about this particular field trial?
---Technology, no.

And then finally you were paid for another trial, and if Mr Hamidi could be shown page 118A, please. Now, that's an email chain in which Mr Alex Lee advised you that there was a new closing time for the RFQ for an HV, heavy vehicle, avoidance solution and field trial and scoping study.---Yes.

30

And the email in reply from AZH is attaching a quote and a signed copy of schedule 2, and at page 118B is what's called a schedule 2 "response form" followed at page 118C, but if we could just stay on 118B, sorry, for a moment, with an AZH quote. This particular quote, Mr Hamidi, was accompanied by a signed document and this is signed, is it not, by your wife?---Yes.

What were the circumstances in which your wife came to sign that document?---It was, I was told I was required her signature being the director on this document when I submitted it.

40

Who told you that?---Mr Soliman.

How and when did he tell you that?---On WhatsApp. It would have been around the time that the document was submitted.

And you asked your wife to sign?---Yes.

Did she ask you what this was about?---She just basically, I would put a paper on the table. She would just sign it and walk off.

THE COMMISSIONER: Can we go back to 118A, please. Counsel Assisting took you to this.---Yes.

You've got Alex Lee emailing you saying new closing time.---Yes.

Then when you look at it you get in by just less than three minutes.---Yes.

Which is just cutting it so fine. How did you know when to submit or - - -?
---He instructed me to send it a couple of minutes before - - -

10

Sorry, who is he?---Mr Soliman. A couple of minutes before the sign-off, the, the end day. On one of the incidences I sent it but they didn't receive it in time and I ended up sending, and Mr Soliman told me it hadn't come in and then he told me to resend the email with a screenshot of when I actually submitted it.

When you said, "Mr Soliman told me to come in," come in where?---Sorry, not come in. To submit it. I didn't, saying the email didn't come into their - -

20

Oh, sorry.--- - - - into their email system till after - - -

The cut-off time?--- - - - the cut-off time. Then he asked me to send another email like, with a screenshot of when I sent the original email to prove it.

So looking at this, can you recall – sorry, your evidence, just confirming it, is that you would receive the quote to be submitted in a Word document from Mr Soliman?---That's correct.

30

The instruction to send it in a couple of minutes before the cut-off by Mr Soliman, how was that instruction given to you?---It was just on WhatsApp saying just, just send it before the cut-off.

And can you recall in respect of this one when did you receive the invoice from Mr Soliman in a Word document?---I could not recall that.

Throughout all these quotes that you've been provided with and then submitting, was there a practice usually as to when you would receive it?
---He would send it like, a week before, maybe two weeks before. Yeah, so
40 it was normally when he kind of sent the quote if, if it was going to progress to an invoice.

No, no, no, not the invoice, sorry.---The quote?

Yes. So for example here you send the quote just three minutes before cut-off date.---Yes.

And you said you would have received the quote - - -?---Earlier.

- - - in a Word document earlier?---Yes, earlier.

Do you know when, like, that day, the day before?---Sometimes a week earlier. Normally it would have been just after the RFQ was issued. So it would come just after that generally. It would, it would never come in like, last minute. Yeah.

10 MS WRIGHT: And when you received the quote from Mr Soliman, it had the value filled out already?---Yes.

Is that the case?---Yes.

Always?---Always. I would not have a clue what these projects would be valued at.

Could he be shown page 118B again. Did you fill out the details of this schedule 2 form?---I'm not sure. I cannot recall to be honest.

20 Your wife has signed it.---Yes.

It contains a fixed price offer which is consistent with - - -?---The quote.

- - - the quote, excluding GST. Did you fill in that detail?---I'm not sure. Perhaps. Perhaps I took it from the quote and added it in there, but I can't remember.

30 Do you know why Mr Soliman asked you to wait a few minutes before cut-off until that point?---It was because, in case someone else came in lower, because I believe the rules was the lowest quote wins.

In case someone came in lower with their offer?---Yeah.

But you've said that you received the quote with the - - -?---Yes.

- - - price filled out sometime before, up to a week before.---Yes.

40 Or just after the RFQ was issued.---So he's, so it was so if someone came in lower then he would issue me another invoice, another quote.

Did that ever happen?---No, never really happened, never happened.

Are you sure that never happened?---I can't recall it. It may have but I don't remember.

You're not trying to distance yourself from creating or assisting with the creation of documents, are you?---No, I'm not. I've, I've sent the document, I know that. I didn't create, I didn't create any of the, the quotes.

Well, you may not have created them, but what I'm asking you is if you ever - - -?---Changed the prices?

- - - amended them or changed them or inserted anything.---The only thing I've inserted in them that I remember was the, the phone number, was changing it from the old one to the new one. That was the only thing I ever changed, that I can remember.

10 And you've said that possibly you might have inserted what's in the schedule 2 response form - - -?---Yes.

- - - for this particular matter.---Yes.

Now - - -

THE COMMISSIONER: Sorry – you said that if another quote had been submitted which was lower - - -?---Ah hmm.

20 - - - then I think you said Mr Soliman would send you a new quote with a lower amount.---Yes.

And then Ms Wright asked you had that ever happened and you couldn't recall it ever happening.---I couldn't recall it ever happening.

But how can you speak about that procedure?---I just, he told me that beforehand, that's why it was sent very late, and he told me that all of them just send it right at the last minute, so I suppose - - -

30 So that was something that Mr Soliman had told you?---Yes.

MS WRIGHT: Now, is it the case that the only, I'm summarising in a sense your evidence given yesterday and in view of the answers you've given today, that the only two scoping study reports you ever saw were for the first two projects?---Yes.

Now, you've given evidence that you gave some money to Mr Soliman. ---Yes.

40 When to the best of your recollection did you start giving him money? ---It would have been in 2017, it would be on the sheet. I can't recall exactly.

But do you know the month?---It would have been what I submitted, I can't remember the days. You're referring to the - - -

Okay, I'm referring to a document you've provided to the Commission. Do you recall when the last payment was made?---I think it was in August

2018, and the only reason I remember that was because I tore three ligaments in my ankle and I couldn't leave the house so he came to my house to, to get the money.

THE COMMISSIONER: And how did you get the money if you were house-bound?---I, I waddled my way to the, to the ATM. There was one close to my house and the parking was right next to it. So I was in a moon boot and that was before I found out I actually tore it. It was days after that where I went and saw a specialist and he told me I'd torn three ligaments.

10

MS WRIGHT: And how much cash in total did you give to Mr Soliman during that period from 2017 to August 2018?---I think it was around 175,000.

20

And did you make the payments to Mr Soliman on a regular basis or was it more intermittent?---At the start it was, like, a whole bunch of money here and there and then it became to a point where he was asking for money and I said, "I can't keep giving you that sum of money because it's just too much." And then he's just said, "Give me 8,000 at the start of every month," like, "the 8th or 9th." And we did that and that was pretty much the process.

So there came a time when you were giving him \$8,000 at the start of every month?---Yes.

And over what period of time, approximately, did that arrangement take place?---I'm not sure. It will be in the, the documentation. Yes.

30

And at the start, you said you were giving him amounts here and there?---I gave him, yeah, large amounts here and there.

Was there any arrangement made as to when and how much that would be? ---No. Well, he was, he just said I need, like, this, this sum of money and I would kind of get it, pull it out from the bank account.

So he would contact you and ask for a particular amount and then you would go to the bank and get it out?---Yeah. So, and sometimes I, it would take me a few weeks to get that kind of volume of money out.

40

What sort of volumes of money are you talking about?---It was, it was larger at the start, it was, I think 20,000, more. It's, it's in the, the, the -- sorry, I, I, I just can't remember the exact figures.

Perhaps if I could show you this document, please. Did you make a record of the amount of money that you gave to Mr Soliman?---I made this record but up until the 10th of the 3rd, those were the records that Mr Soliman sent me on WhatsApp that I had given him. So he was recording all the amounts.

When did you make a record, was it at each time that you made a payment to him you noted it down or did he send to you a record of what you had given him?---Yes. I never noted it down. He noted it down every time I gave him, he would put it in his phone.

How do you know that?---Because I physically saw him enter it in his phone every time I gave him the money.

10 On each occasion you gave him money, you saw him enter something into his phone?---Enter it into his – yep, yes.

And was there a time when he sent you a record of dates and payments?
---Yes. So it would have been just after the, the 10th of the 3rd, 2018, he messaged me the, how much I had given him.

Thus far?---Thus far.

20 And then did you make your own record after that of subsequent payments?---Yes. So then after that, I matched up the, the withdrawals from the bank account because I would go 2,000 and 4,000 at a time. 2,000 on each card which is the max on an ATM card and, yeah, and I would try and marry it up to when those withdrawals were made to when I kind of gave it to him.

When did you match up the withdrawals and make the record?---This would have been late last year, so - - -

30 Was that after the Commission contacted you?---Yes.

And the document in front of you, is that the document you're referring to?
---Yes

I tender that, Commissioner, and then I'll have some questions.

THE COMMISSIONER: Can I just confirm, this document you created?
---Yes.

40 And you created it late last year?---Yes. There's also a sum of money that's not there as well, that I didn't know the exact amount.

Can I just stop you for a sec.---Yeah.

I'll put this into evidence and then we can explore that last part.---Okay. No problem.

The typed document created by Mr Hamidi recording payments he made to Mr Soliman, the document being created late last year, will be Exhibit 37.

#EXH-037 – LEDGER OF CASH PAYMENTS CREATED BY ALI HAMIDI

MS WRIGHT: That's up on the screen now and the last date recorded there is a payment of \$6,000 on 10 August, 2018. Is that the very last payment that you made?---That was the very last made, payment I made.

10

And when do you say there was an additional payment that's not recorded here?---So for his bucks party last year I used the business account to book the hotel and when everyone paid their portion they gave it, well, they gave it to me and I just gave it to him, so they all paid their part in cash to me because I booked the hotel and then I gave him that money, and it would have been like 2,000 and something.

Did you pay for the hotel using money from the AZH business account?
---Yes.

20

And then you said you gave – did you pay for Mr Soliman?---So there was a group of us so everyone had to pay their, their portion of the, the hotel, so they all gave me the cash and then I gave it to Mr Soliman.

THE COMMISSIONER: So you ended up paying from the AZH bank account, you ended up paying for the hotel?---Yes.

And then when other people went to make their contribution that cash went to Mr Soliman?---Yes, that's correct.

30

MS WRIGHT: And that was supposed to represent one of the cash payments to him, was it?---Yes.

How much was that in total?---I think it was, it was over \$2,000. Can't remember exactly.

Now, did you say that Mr Soliman sent you a WhatsApp message in which was listed the first seven payments listed on this document - - -?---Yes.

40

- - - up to and including 10 March, 2018?---Yes.

And then at the end of last year did you use that record and then add to it the later payments from 13 April, 2018, based on your review of bank records?
---Yes, that's correct.

Now, you gave some evidence yesterday that the conversation about splitting, a conversation about splitting money 75 to 25 per cent - - -?---Yes.

- - - happened right at the beginning of the work that you got from RMS.
---Yes.

And you've given some evidence this morning that there were payments of \$8,000 in cash every month - - -?---Yes.

- - - which commenced at some point, and so based on this Exhibit 37, that looks to be around January 2018. Is that the case, that you started that \$8,000 arrangement at the start of 2018?---Yes.

10

How does the \$8,000, if you paid him \$8,000 does that represent 75 per cent of a particular amount or was it part-payment of an amount - - -?---It was just - - -

- - - that would be due to him over time?---Yeah, just payment over time.

And was it intended over time that he would end up with 75 per cent of whatever - - -?---Yes. So it would be - - -

20

- - - AZH received?---Yes. So like I said, discussions were about acquiring a business or something, that he would own 75 per cent of it.

But it was to be paid in instalments?---Yes.

THE COMMISSIONER: Sorry, so he's getting \$8,000 a month?---Yes.

And in addition you've got the rest of the money in the AZH account?
---Yes, that's correct.

30

And the idea was that you were going to establish either the gym or the café together?---Yeah.

Using that as some form of capital or investment money?---Yes, that's correct.

And if that business was established, Mr Soliman's interest in the business would be 75 per cent?---Basically, yes, yeah.

40

MS WRIGHT: How did you access the money to give to him?---I would go online, online banking to the business account and I would pay like a wage to my wife's account then I would pull it out. I would split it then I would transfer half of it into my account and then I would make ATM withdrawals.

THE COMMISSIONER: Hold on. So it's in the AZH account. Some of it goes to – sorry, an amount designated wages would go into your wife's personal account?---Yes, that's correct.

And from there where would it go?---And then I would split it in, half of it into my personal account. That way when I went to the ATM I would pull out 2,000 at a time from each card and I would do that in two days.

So some of it would come from Zoe's account and some of it would come from your personal account?---Yes, that's correct.

MS WRIGHT: Why did you do it that way?---To, as in how, split it?

10 Why did you split it up that way?---Because the maximum ATM withdrawal is \$2,000.

I see.---So that way each time I could be 4,000 and I'd only have to do it twice.

Did you always do it via ATM or did you ever attend the bank teller?---At the start I would attend the bank to get those large amounts of money, yes. So it was just when it started becoming 8,000 it was ATM.

20 Now, I'm just going to show you some bank records. If Mr Hamidi could be shown volume 21 at page 57. Perhaps page 56 I'm sorry, before that, which will show the account name which is in the name of Mrs Zoe Antoinette Hamidi. That's your wife.---Wife, yes.

And then over the page, 57, 5 December. It's not highlighted but can you see 5 December there's a payment AZH Consulting \$15,000?---Yes.

Did you make that transfer from AZH?---Yes.

30 Are you sure about that?---Yes.

Into your wife's account?---Yes.

And then there are multiple withdrawals for various amounts made over the course of a couple of days. Are they withdrawals of cash to be given to Mr Soliman?---Yes.

40 And who made the withdrawals?---The \$2,000 ones I made them. The larger ones that went into her account I asked my wife to do it and I told her it's, because we were building a house at the time it was just something for the house.

When you say the larger amounts, what are you referring to?---At the start there was like, the 15,000.

That's a deposit. That's a credit.---Sorry. Yeah, so at the start there was larger amounts withdrawn from the account.

I see.---And then, yeah.

THE COMMISSIONER: There's a withdrawal on the 6th of 12,300.---I can't, sorry.

MS WRIGHT: That looks to be - - -?---Yes, that's right. So that one like, my wife would have pulled that out.

10 Well, do you know that your wife pulled it out, Mr Hamidi, or you're assuming?---I asked her to pull it out.

\$12,300?---Yes.

What was that for?---It was to give to Mr Soliman.

Is that one of the payments that you did make to him in December 2017?
---So it would have been, at the start you see the larger amounts, it would have been part of that, like, bundle.

20 There was a payment to him on the 11 December of \$20,000 according to Exhibit 37. Is that \$12,300 part of that payment?---Yeah, it could potentially could have been.

And then subsequent withdrawals of one for \$1,000 and four for \$2,000, are all of them related to payments to Mr Soliman?---The \$2,000 definitely were. The \$1,000 I'm not too sure, perhaps.

Who made the withdrawals?---The \$2,000 ones, I did.

30 And how did you do that from your wife's account?---So I would have her ATM card.

Did you have it as a matter of course or just for the purpose of making particular withdrawals?---It was just every time I needed to make a withdrawal, I would take it and withdraw the money.

Did you tell your wife or ask her that you were taking a card?---No.

40 How did you get it?---I went into her purse and got her card.

Without her knowing?---Without her knowing. She doesn't question when I do stuff like that, so it wasn't a big deal.

And so you took her card, you made a withdrawal. Did you keep the card or did you give it back?---I would normally give it back. Sometimes I'd say, "I need your, to borrow your card," and I would take it. It just depends where she was at the time.

Your wife's salary was paid into this account.---Yes.

Page 65. Credit on 14 February from Panasonic for \$2,489.58. Her employer was Panasonic?---Yes.

And that's her salary?---Yes.

10 So she used this account, didn't she?---No. This is where I've clarified before. When she'd get paid, I'd move the money into either our offset account or pay our credit card. She, for any spend, she would use our credit card because we would get rewards points, Qantas points. So she would just use the credit card.

Well, how did she get cash?---She never really uses cash. This day and age, as you probably know, that most places you just tap and go.

20 Everyone uses cash at some point, I'd suggest.---She rarely uses cash and most of the time you can see the account never sat in high, if you have a look, it's sitting at 130, 130, \$300, it never sat in large amounts for long periods of time.

Your wife had access to her bank accounts to your knowledge?---The, the online bank account?

Yes.---She would not know how to access them. She wouldn't know her customer ID and she wouldn't know her password. She doesn't deal with that stuff.

30 Are you suggesting she would have no idea of the balance in her bank account?---Yes. If you asked her how much was in her bank account, she wouldn't be able to tell you. If you asked her what her customer ID with Westpac is, she wouldn't be able to tell you.

Who else was – well, perhaps just on this page still, 8 February, a payment from AZH Consulting of \$8,000 and the subject line is "Zoe's salary". Why did you include that description on the transfer?---It was just for, like, tax purposes to, because I took everything to an accountant and paid the appropriate tax on it.

40 Your wife paid tax in what she received from AZH, did she?---Yes.

And that would have been included in an income tax return?---Yes.

And your wife would have signed that income tax return?---Yes.

And she would have known that she was receiving a salary from AZH?
---You sign the last page of the, the paper and I lodged her tax returns so she

didn't go through line by line through the several pages that a tax return comes to. She just signed at the end, then I would lodge it.

You see, at this point in time, Mr Hamidi, your wife is the sole signatory to the AZH bank account?---Yes.

She's the sole director of AZH?---Yes.

10 She's purportedly receiving a salary from AZH in thousands of dollars?
---Yes.

Emails in her name are sent to RMS on a regular basis?---Yes.

She actually signed a deed of agreement with RMS following AZH's appointment to the PSC Panel in October 2017?---Yes.

And she signed a quote, which we've seen this morning - - -?---Yes.

20 - - - for a contract in the order of \$200,000?---Yes.

And you're saying she had no knowledge or involvement at all in the fraud you were perpetrating on RMS?---That's exactly what I'm saying.

And do you see how the Commission might find it at least, or might take the view that your wife was working with you on AZH's arrangement with Mr Soliman?---My wife was, my wife's, she doesn't really, like, she's not a career person. She's not a money-driven person. [REDACTED]

30 [REDACTED]. My wife doesn't know about any of this. She trusts me completely, and that might be hard for some people to believe, but not everyone's a lawyer and questions what their partner was doing. And I can understand that, I can understand how it looks, but at the same time I would never put my wife in a position where she was committing these acts. Despite using her name, she had no knowledge of what was happening.

THE COMMISSIONER: Did you say yesterday around this time you also have a little boy?---I do have a little boy.

40 How old was he around this time?---Which year?

Say, January 2018.---'18, he would have been 3. So my wife works part-time and the other days she looks after him. She, she's a great mum and she spends a lot of time with him.

And when you say she works part-time, how many days a week?
---Three days a week.

MS WRIGHT: So the money that was given to Mr Soliman, it's coming out partly from your wife's personal Westpac Bank account.---Yes.

What other accounts was the cash which you gave to Mr Soliman withdrawn from?---So it was from my wife's account that I withdrew, from my account that I withdrew, from my account which I withdrew, and also my mother-in-law. I transferred money into her account and she withdrew that for me as well.

10 THE COMMISSIONER: Hold on. Can you just, so it was Zoe's account. ---Yeah.

Your own account.---Yeah.

And then you transferred some money - - -?---To my mother-in-law's. I put it, like, on the books as an employee and she wasn't working at the time.

An employee of AZH?---AZH, yes. Just for tax purposes.

20 MS WRIGHT: In relation to that, page 114 of volume 21, please. This is a St George bank account statement for Hannah Mylonas.---Yes.

Is that your mother-in-law?---That's my mother-in-law.

And on 13 June, amounts in, credits to the amount of \$5,000 and \$30,000 were paid from the AZH Consulting account into Ms Mylonas's account. ---Yes.

30 Did you make those transfers?---I made the transfers.

And you've described them as salary.---Yes.

What role, if anything, did Ms Mylonas have in AZH?---Nothing.

And what did you tell her about making a salary payment to her of \$35,000?---I just said because she wasn't working and I just, I had extra work coming my way that I just, for tax purposes if I could transfer it into her account.

40 What are these tax purposes that would require you to transfer to Ms Mylonas?---Well, income tax, so if her yearly income tax is \$35,000, it's below certain thresholds, so you would pay less tax.

So she was to pay tax, was she?---So, yes, tax was paid on that money.

She was paid more than \$35,000 from AZH, do you agree?---Yes.

How much was she paid?---Then the following year she was paid another 30,000 or so.

So she was paid \$65,000?---Yeah, over two financial years.

And you told her – sorry, what is it that you told Ms Mylonas about this?
---Well, the first, this first one I just said it was just actual money that work, you know, business, she knew I was doing the T-shirts and other things, and that was it. And then she just opened that account for me to do that, and - - -

10

THE COMMISSIONER: So this was opened specially for the money to be transferred and then withdrawn?---For me, yeah. Yes.

MS WRIGHT: AZH was to pay tax as a company and file its own income tax return?---Yes. Yes.

Why would you then pay a salary to someone that had nothing to do with the AZH work?---Because she wasn't working and, yeah, I believe it was just, it's a regular occurrence with a lot of companies, small companies, where they pay family members or whatnot, any pay tax on it.

20

THE COMMISSIONER: Did you do this with advice of an accountant?
---Yes.

So your accountant informed you it's like a form of income splitting.---Yes.

And that's what the accountant said to you?---The accountant said, you know, if you know someone that's not working, you know, family member, we could pay them, that way you pay less tax. And as far as, I believe I don't think it's illegal to do something like that.

30

MS WRIGHT: Who was the accountant?---A & C Accounting.

Where are they based?---In Winston Hills.

And then there are two withdrawals, 15 June, 23 June, \$10,000 and \$24,000. How were those withdrawals made?---My mother-in-law made those withdrawals for me in person at the bank accountant, at the bank.

40 THE COMMISSIONER: In cash?---In cash.

Goodness.---Yeah.

MS WRIGHT: Did you ask her to do that?---Yes, I asked her to do that.

And what did you tell her about the purpose of that?---Just for the house, building the house.

When did you start building a house?---It would have been around that time. I purchased land in September 2016.

THE COMMISSIONER: And the benefit she received was \$1,000?---My mother-in-law?

10 Well, I suppose to be fairer, \$1,000 just remained in the account.---It remained for that, for that statement and then it was added to and there's still, there's, like, \$4,000 left in that account. So she never actually gained any money or anything.

MS WRIGHT: And when you made transfers into your own personal account, which account was that?---I'm not sure the account number.

What bank?---It's Westpac.

And you withdrew money from that account to give to Mr Soliman?---Yes.

20 When you transferred the money into your own account did you also call it salary?---I only did that really towards the end, after I was made redundant.

By Optus?---Yes.

Did Mr Soliman ever have access to any of your or your wife's accounts?
---No, he did not.

You've never issued him with a card to access any of your accounts?---I did not.

30 THE COMMISSIONER: And, for example, in June 2017, you've recorded that you paid cash to him in the amount of about \$46,000.---Yes.

So in one lot you handed over 46,000 or was it - - -?---Yes, so one lot.

And where did you hand over the 46,000?---When he came to my house and picked it up.

So you would keep it stored somewhere in your house?---Yeah.

40 And then he would come over.---And pick it up.

MS WRIGHT: Did he tell you what he wanted the money for?---He said it was for his house, because he was also building a house. Yeah, that's all he ever told me and that's what he always said, "I need money for my house."

Now, you said earlier that Mr Walker of RMS contacted you towards the end of last year.---Yes.

THE COMMISSIONER: Could I just pause. Is this a slightly different topic?

MS WRIGHT: Yes, it is, Commissioner.

THE COMMISSIONER: We might just take the morning tea adjournment and resume at about 5 to 12.00

10 **SHORT ADJOURNMENT**

[11.34am]

MS WRIGHT: Mr Hamidi, do you still have Exhibit 37 in front of you?
---No.

If Mr Hamidi could have that exhibit, please. Mr Hamidi, you gave some evidence yesterday about the 75 per cent/25 per cent split of the money from RMS to you and to Mr Soliman, and you said that, and I'll read your answer, "That was when he first approached me at my house and when I
20 asked them the questions about it and like, he said then, you know, I asked him, like, how would it work, he said, 'Until I'll train you up and then once you're trained it's all yours, but for now, while I show you it, it will be 75 per cent/25 per cent.'"---Yes.

And so the first conversation you ever had about how to split the money, that was at your house, was it?---Yes.

And was it the same occasion when Mr Soliman told you he could give you RMS work for the first time?---I'm not sure. He may have said – I think so
30 it was RMS because in the past he said, "I may have some work for you."

So you think he had on a previous occasion suggested that he might have some RMS work for you?---Yeah.

And then sometime after that you discussed with him how the money would be split between you?---Yes.

And you might recall yesterday one of the first documents I took you to was an email from Mr Singh asking for AZH company details, including the
40 ABN et cetera.---Yes.

And that email was dated 28 November, 2016.---Yes.

By that stage had you already had the conversation with Mr Soliman about the 75 per cent/25 per cent split?---Yes.

So it's your evidence that it occurred before any contact that you had with RMS or the award of any contracts at all by RMS?---Yes.

Now, did the 75 per cent/25 per cent split ever change from that?---No.

Did you ever have a conversation with Mr Soliman where you agreed that there might be a different split of the money?---He did say that if you're trained up, yeah, and then later on he said that it could go to 50/50, depending on if he paid his, his debts or something like that.

10 The conversation about going to 50/50, was that on the same occasion as you'd initially discussed the 75/25 - - -?---No.

- - - or was it a later conversation?---It was much later.

Much later.---Yes.

Can you say approximately when?---It would have been 2018 or so.

2018, so that's well over a year after - - -?---Yes.

20 - - - you'd been doing work for RMS.---Yes.

And what was the circumstances in which you had that conversation?---It was just, he was doing his finances and wanted to pay of the, his, his houses.

That's something he said to you?---Yeah.

Where were you when you had this conversation?---It was just on WhatsApp.

30 To the best of your recollection, what did he say to you about a change to a 50/50 per cent split?---It was once he sorted out, he paid a certain amount of his debt off, then it would go 50/50.

Your evidence has been that initially he would train you - - -?---Yes.

- - - and it would be 75 per cent/25 per cent, and then at some point Mr Soliman said that it was just easier for him to do the work?---Yeah.

40 And you didn't have any involvement at all in preparing scoping studies?
---Yes.

Now you've said that in 2018 at some point he said it would go to 50/50.
---Yes.

THE COMMISSIONER: I think it was could go to 50/50.---Could go, yeah.

MS WRIGHT: Sorry, Commissioner, could go to 50/50. Was there an arrangement that it would go to 50/50?---There was no official arrangement, it was just that it could go to 50/50 once he sorted out his debts.

But you understood that it was still 75/25 per cent?---Yes.

At all times?---At all times.

Notwithstanding that he was doing you thought all of the work?---Yes.

10

THE COMMISSIONER: But so 75/25 split throughout 2018?---Yes.

But he's only getting 8,000 a month.---Yes.

The surplus, and this is when you're earning quite a bit of money, the surplus is just being kept in the AZH account, is it?---That's correct, yes.

And it just remained there?---Yes.

20

MS WRIGHT: And when you gave Mr Soliman cash, and perhaps if you could have reference to Exhibit 37, can you tell us where you were on each occasion that you gave him cash?---No.

You gave some evidence that the \$46,000 was given at your house.---Yeah.

The very first payment, \$29,000 in June 2017 - - -?---I think it was at my house as well.

30

And so you got that money from the teller at a bank?---Yes, that was withdrawn over I think numerous transactions.

And he came over to your house?---Yes.

Did you make an arrangement specifically for the handover of a payment or was it a social occasion, how did it happen?---No, it was, he wanted to come and collect money.

And did he tell you for that payment what it was for?---No.

40

THE COMMISSIONER: And how did the arrangement that he would come over and pick up the cash come about?---He would just message me and said, oh, like, "Can I come pick up the money," basically.

And that was on that WhatsApp?---Yeah. It was on WhatsApp. Sometimes we would go and have dinner or lunch afterwards but sometimes it would just be just a transaction where I just give it to him.

MS WRIGHT: Did he tell you via WhatsApp how much it needed to be?
---No. He just said he needed money, that was it, and for me to get money for him.

So how was the \$29,000 figure arrived at?---He was just the 75 per cent, so I was trying to get him as much as, as I could at the time.

10 75 per cent of what you'd been paid by that stage, was it?---It wasn't, no, it was just getting, well, because he was entitled to the 75 per cent, it was just me getting as much money as I could for him, knowing that I wasn't able to get, you know, over \$200,000 from the bank.

So you at the figure of \$29,000, did you?---Yes.

As at 4 June, 2017, RMS had remitted to AZH over \$120,000.---Yes.

20 And so \$29,000 isn't anywhere near 75 per cent, do you agree?---No, it's not. Would be quite difficult to pull out 75 per cent of that money in cash without paying taxes and stuff like that.

So you considered this to be a part-payment, do you?---Yes. All of this was part-payments.

30 And as the Commissioner has noted, the money by 2018 had accumulated significantly in AZH's account. How was that to be worked out, the payments on an ongoing basis to Mr Soliman, or were there to be any ongoing payments?---There was to be ongoing payments at that rate of, that you could see, the pattern, but it was to use the money to, to buy a business or something that was the, the, kind of, the point of it at that stage.

You've referred to the business idea before. When was that idea first discussed between you and Mr Soliman or was it only something that you had in your own mind?---No, it was discussed early on, even that we were, you know, with the work, we could start a business and - - -

What sort of business?---Either café at that time or a gym or something to just run full-time as opposed to working - - -

40 Was the idea that you would both work in the business or that others would work in it and you would be the investors? What was the discussion?
---There wasn't, it was just acquire a business, that was the discussion. So it never really developed further than that at the early stages. The latter stages, it was to purchase a gym and just work in it.

And when specifically did you first discuss that you might be able to use money earned from RMS together to purchase a business of some sort with Mr Soliman?---When was it first discussed? At the early stages, so - - -

By early stages are you referring to the early stages of doing the work or prior to any work being done?---Oh, prior to any work being done.

Was it the same occasion when you discussed the 75/25 per cent split?
---Yes.

But it didn't advance any further, is that what you're saying?---It never advanced any further.

10 Was it discussed on other occasions or just initially?---At the, the latter stages, late last year we discussed it about purchasing a gym. That, and we looked, even looked at a gym.

You went physically and looked at a gym?---Yes.

With Mr Soliman?---With Mr Soliman.

Which gym?---It was Jetts in Castle Hill.

20 In?---Castle Hill.

And why that gym?---It was for sale.

And did you discuss at that time that the fund that you might use would be the funds that AZH had earned from RMS?---Yes.

Could you tell us what the discussion was with Mr Soliman?---It was to use the money that was I the AZH and purchase the, the gym.

30 And was there any agreement about how much each person would contribute?---Yeah, it would be that 75/25 split.

Now, the \$8,000 arrangement, if I could call it that, which commenced in January of 2018, why was that agreed?---It was just to reduce paying income tax because the more we paid out, the more I paid out from, into like, a salary you're taken to higher tax brackets.

It would take him into higher tax brackets?---No, it would take the, like, my wife Zoe who is getting the salary into a higher tax bracket so then - - -

40

I'm referring to the \$8,000 cash payments to Mr Soliman.---That's how I'm telling you it worked. So the more wages I paid my wife would mean she would be in a higher tax bracket, so 8,000 would limit it from going into, you know, 200, 300,000 a year and paying higher income tax.

THE COMMISSIONER: So was the procedure that you were going to get the 8,000 a month to Mr Soliman by transferring from the AZH account into

your wife's personal account \$8,000 which was designated as her salary?
---Yes.

And then I think you said before morning tea then there would either be money transferred to your personal account that you could withdraw at the ATM or you could withdraw money from your wife's account at the ATM?
---Yeah. So I'd withdraw it from both but the payment, the salary payment was - - -

10 Was the source of the 8,000?---Yeah, that's correct.

And you're limiting it to 8,000 because if you, for example, did 20,000, your wife's income might go into a higher tax bracket?---It would, yeah, go into a higher, and I was just reducing the amount of tax paid.

MS WRIGHT: Prior to starting that arrangement of \$8,000 going through your wife's account, you weren't transferring money from AZH into your wife's account at all, were you?---I can't remember. I may have been transferring it in there.

20

The 29,000 or the 46,000 that we can see on Exhibit 37 that was taken out of the AZH bank account, was it?---Yeah, it would have been in sections. I'm not too sure. It'll be on the bank statements.

So it wasn't necessary for it to go via Zoe Hamidi in order to make cash payments to Mr Soliman, was it?---No, it wasn't but it was just to make, balance the books I suppose, and once I started seeing an accountant it was just to streamline the process.

30 And apart from withdrawing money for Mr Soliman I think you've given evidence that you used some of the money from RMS for your own purposes?---Yes.

How much approximately?---I'm not sure. It would be there in the transactions.

40 For what purposes did you use money for your own purposes?---I, I used nearly 30,000 just to do, to finish my house, to finish my landscaping and I paid some, some debts off. My car debt which I think was like 13,000. I cleared my wife's HECS and then the rest a lot of it was like, on car insurance, petrol like, bills like, general expenses like, business expenses that sort of - - -

General day-to-day living?---It was more, yeah. So it was just car and a lot of it was, yeah.

And how much was your wife's HECS debt?---I can't remember. It would be in the, in the bank statement how much was paid.

For all of these cash payments to Mr Soliman were you always at your house?---No. Sometimes we would meet at a café or a chicken shop that, in Castle Hill.

The same chicken shop you've referred to earlier?---Yeah, I frequent, yeah.

You'd have a meal there?---Yeah. I'd give him the money beforehand and we'd have a meal and - - -

10

And did you ever give him the money at his own house?---Yes. Once he finished building his house I, I went there a couple of times and gave him this.

When was that?---It would have been, it would have been around, after March I think 2018. I'm not exactly sure but - - -

A couple of times at his house or on every occasion thereafter?---No, a couple of times.

20

And how did you hand over these wads of cash?---Just in an envelope.

Every time in an envelope?---In an envelope, yes.

What colour was the envelope?---White, some of, sometimes it was like an old, like an envelope from a bill I had, so, you know, instead of discarding the empty envelope I'd use that.

So a broken envelope?---Yeah.

30

Was it mostly a broken envelope or a - - -?---It was a mixture, yeah.

Was it ever sealed?---No, it was never really sealed.

Now, did Paul Walker of RMS contact you on 15 November, 2018?---Yes, he called and left a voicemail message.

What did the voicemail message say?---It said he was following up in a thermal in-ground camera scoping study.

40

Had you ever heard from him before?---No.

Did you reply to Mr Walker?---I did not.

What did you do when you received his message?---I tried to contact Mr Soliman.

How?---I contacted his lawyer.

Why did you contact his lawyer?---Because on the, because I knew he'd been raided and his lawyer, I had a discussion with his lawyer before when he told me not to contact him and if I needed to contact him I'd have to go through him.

THE COMMISSIONER: Sorry, that's Mr Soliman's lawyer?---Yes, that's correct.

10 MS WRIGHT: How did you, you've used the word raided.---Yes.

How did you come to learn that news?---On the, I think 18 October, his brother came to my house, that's the first time I've ever seen his brother, like outside of seeing Mr Soliman. He told me that Sam, Mr Soliman, had been raided by ICAC. At that time I had no idea who ICAC was, and he told me that I had to delete everything I had. I was pretty frazzled. I said, "Can I talk to him?" He called his mum's phone - - -

20 Okay. Just before we get too far, he told you you had to delete everything. What did he say? This is Mr Soliman's brother?---Yeah.

Yes. And you'd already, you knew who he was?---Yes, I knew who he was.

And what were the words that he said?---He said that Mr Soliman was raided and, "He told me to come to your house and tell you that you need to delete everything."

30 And what did you understand by everything?---Well, that's when I asked him, "Can I speak to Sam?" And he called his mother's phone.

In front of you?---In front of me. Put Sam on the phone and I spoke to him. I said, "What, what's happened?" He said, "It's bad. I've been raided." I said, "What do you mean it's bad, what, you told me everything was done." He said, "I fucked up. You need to delete all the emails and anything you have from me, including the email account." At that time I, I told him, "I'm not going to delete the email account because that just looks very suspicious to completely wipe an email address." I then, and then he kind of, the conversation ended with him. I deleted all the email address, all the email communications.

40 What did his brother do when the conversation ended?---Nothing. He just told me that, "Just do what's best for you, for your family." He had no idea what was going on and he told me that, he goes, "I didn't know what you guys were doing."

THE COMMISSIONER: What's the brother's name?---Shady.

Shady Soliman?---Yes.

How did you know that he was putting you on to, using his mum's phone or - - -?---Because he told me about they'd confiscated his phone when he was raided and they took his laptop, his phones.

MS WRIGHT: And did you have any further conversation with his brother at that point or did he leave?---His brother just sat there and kind of told me I should probably get legal, go to counsel to speak to a lawyer and find out. His brother had no idea what Mr Soliman and I were doing and he kind of
10 just told me that, you know, do what's best for your family.

And he departed?---Yeah, then he left.

And what did you do if anything with email accounts and documents?
---I deleted, I deleted everything. I deleted the email account but then I restored it, because was like, that's, yeah, and I was like that's just too suspicious to delete it.

Which email account are you talking about?---
20 So I restored it immediately but I deleted all the email communications that had him sending me quotes and invoices.

From any source or from one particular email?---So it was just from the AZH email and my personal email which was the [REDACTED].

But where he had sent you emails, did you delete every single email that he ever sent you or only ones from a particular email address?---I deleted the ones that had any invoices or quotes that he sent through.

30 So any email attaching an invoice or quote you deleted?---Yes, yes.

And what about anything else? Did you delete other items?---And basically any other documents that he'd sent me, I deleted from my laptop.

So any documents that you had saved on your laptop, is that what you mean?---Yes. Yeah, so the ones that I converted to PDF, the Word documents, I deleted everything.

40 So what was left after that process?---Nothing. Nothing other than the, the converted files, yeah.

And when did this occur, when did you delete - - -?---This was 18 October, that night.

Was this after Mr Walker had contacted you?---This was before Mr Walker had contacted me.

I see. Now, did you then have occasion to meet with Mr Soliman?---On 16 November, I met with Mr Soliman.

THE COMMISSIONER: On, sorry, what was the date again?---16 November. I'm pretty sure it was the day after Paul Walker left a voicemail message.

10 MS WRIGHT: So did you have any contact after 18 – sorry, I withdraw that. After the contact from Mr Soliman's brother and the day you spoke to both Mr Soliman and his brother, did you have any contact with Mr Soliman before Mr Walker left you the message in November?---No. I'd only been contacted by Mr Soliman's lawyer a week after he was raided.

Did you reply to that contact?---Yes. I went and met with him in Parramatta and he just told me that he'd been raided and to, to not contact him and that was pretty much the conversation.

20 THE COMMISSIONER: Hold on. I'm getting confused. 18 October, Mr Soliman's brother, Shady, comes to your house?---Yes.

And says Sam has been raided and you had to delete everything. You asked to speak to Sam and you're put in contact with him via – that was Mr Shady's phone, that he - - -?---Yes.

All right. Then we've got Mr Walker contacting you subsequently?---On 15 November.

30 Thank you. Then on 16 November, you contacted Mr Soliman's lawyer? ---Yes.

And what did you say to the lawyer?---I said I need to speak to Mr Soliman. I went in - - -

Hold on. And what did the lawyer say?---He told me to come in to his office. He told me, "What's it about?" I just said, you know, "RMS called me, I need to speak to Mr Soliman because I don't know how to reply." He told me he would get in contact with him, that, and try and get him in. I went home, he called me back and said, "Mr Soliman's here."

40 The lawyer rang you back?---Yep. And then I went back in to Parramatta and I met with Mr Soliman.

At the lawyer's office?---Yes.

Was the lawyer present during this?---He was in the office, yes.

But in the room or - - -?---In the room, yes.

So you had a conversation with Mr Soliman?---I had a conversation with Mr Soliman.

MS WRIGHT: Was the first contact with Mr Soliman's lawyer before Mr Walker had contacted you?---Yes, yes.

And did you contact the lawyer or did the lawyer contact you?---The lawyer contacted me. I didn't know who his legal representation was.

10 THE COMMISSIONER: So this is after the conversation on 18 with - - -?
---With his brother?

- - - his brother?---Yes.

And before Mr Walker rings you on the 15th, the lawyer had contacted you?
---Yes.

And said something along the lines of - - -?---He told me to come in for a coffee. He's a friend of Samer's, he told me. He's a - - -

20

The lawyer said to you come in for a coffee?---Yeah, "Just come for a chat," he said. And then when I got there he said, "Look, Mr Soliman told me to contact you because you might not be sleeping well at night and that he's been raided and that you shouldn't keep contact with him." He goes, "He's been raided on another matter." And he obviously didn't disclose anything about his case, he just said he's being investigated by ICAC and he just told me what ICAC was, because at the time I still wasn't too sure what ICAC was, and then he just, yeah, told me not to contact Mr Soliman and if I had to, to contact him instead of Mr Soliman.

30

MS WRIGHT: Where were you when you had that discussion with the lawyer, in his office?---No, it was outside at Parramatta.

Where?---Just outside his office there's like a, there's, I don't know how to describe it, it's just - - -

THE COMMISSIONER: Did you have a cup of coffee or - - -?---No, we didn't, we just went for a walk, it was very brief.

40 MS WRIGHT: Okay. Now then Mr Walker contacts you?---Yeah, on the 15th.

And did you have any further contact with Mr Soliman's lawyer?---So on the 16th I just asked to speak to him and then I spoke to, he arranged me to, for me to speak to Mr Soliman.

And did you then meet with Mr Soliman?---Yes, I met with him.

Where did you meet?---In his lawyer's office.

And then what was the nature of that conversation?---I just asked him, Paul Walker called, I don't know what's happened with, with whatever he was requesting and that's when he told me that he hadn't done the work and then that it was all fraudulent, it was all classified as fraud because he hadn't completed the work.

10 So is this in front of his lawyer?---Yes.

And what, how did the conversation continue? He told you that it was fraudulent, he hadn't done the work.---He hadn't done the work. He told me that we should meet and try and complete the work that can be completed and then we arranged to meet in a couple of hours in, in Castle Hill at a café called The Coffee Company.

Is this the same day as you met in the lawyer's office?---Yes, yes.

20 And what was the purpose of the later meeting that day?---It was for him to give me instructions on how to complete the works that hadn't been - - -

Sorry, how did the meeting at the lawyer's office finish? Was it that you would meet again later that day?---Yes. So it was to meet in a couple of hours.

30 And did you discuss what the reason for that second meeting would be? ---Yes. So he told me that we need to finish the work and, yeah, and then he'll, I was like, "I don't know how to do the work, I'm not, I'm not, you know, you've never trained me, I don't know anything about it." He said, "Well, we'll meet," and he'll take me through it.

Now, this all occurred in front of a lawyer?---Yes.

Did you meet with Mr Soliman later that day at a chicken shop?---At the coffee shop, yes.

At a coffee shop?---At a coffee shop.

40 THE COMMISSIONER: Coffee Company.

MS WRIGHT: I'm sorry, I thought you said chicken shop. And where was that?---In Castle Hill.

And what happened at that meeting?---So he basically told me that the work again was fraudulent because we hadn't acquired, because at that point I'd, I went home and read through the invoices and quotes and I said to him, you know, these invoices said that we needed to acquire - - -

I thought you'd deleted all of the documents?---No, I deleted the ones he sent me. I kept the ones I sent to the RMS. So the ones that were sent from AZH to RMS.

I thought I'd asked you earlier about documents saved on your computer - - -?---And that's what I said, I said I kept the ones that I'd converted.

Okay.---Yes.

10 So in the meantime you'd checked what those quotes said.---Yeah.

And then you met with him at the café in Castle Hill.---Yes.

And what did you say to him?---I said that, you know, "You told me all this was, like, completed." I go, "How do you complete it if you have to acquire equipment we don't have?"

20 And that was the first time you'd discovered that AZH had been purporting to provide equipment and hardware to RMS?---Yes, yes.

And how did he respond?---He just basically said there's nothing we can do about it now other than trying to finish the, the work that was still left and - - -

Did he ask you to any of the work?---He, he asked me to do it. He gave me instructions on contacting a, a vendor and calling Paul Walker back to organise a second trial.

30 THE COMMISSIONER: Hold on. Did he allocate you a particular study or - - -?---It was the, in, in, in-ground thermal one, the one that Paul Walker enquired about which he told me that he'd already finished the scoping study and it was on his desk when he got raided.

MS WRIGHT: He told you that particular one was already done?---Yeah. Yeah, he said it was sitting on his desk when ICAC raided him.

40 And what did he ask you to do?---He told me to contact the, the vendor that was on the quote and Paul Walker and tell him that we have to arrange a second trial because the first trial didn't work out and then he just, yeah, he just told me to do that and then for us to meet again on the Monday.

Did he ask you to provide him with anything?---Yes. He just asked me to, to meet on Monday, that I provided him the, the invoices and quotes and, and the scoping studies.

And did he tell you why he wanted that material?---He said that he was going to finish the, the scoping studies off where he could, the ones that didn't require equipment, or he said that he will finish the ones he could and

he would put instructions on how to finish the other ones or project plans on how to finish the other ones but to give him all that data on the Monday.

Had you ever heard that expression, project plans, before in the context of RMS work?---Not project, I've heard project plan before from corporate but not in this context, no.

Had he ever discussed project plans with you previously?---No.

10 And did he say he would do project plans?---He would do project plans to guide me on how to finish some of those projects off.

Did you make an arrangement to meet again?---Yes. So - - -

And when would that be?---The following Monday, so that was a Friday so it was a couple of days later, I can't remember exactly what the date would be.

20 Well, if you met on - - -?---It would be the 18th, I think.

- - - 16 November, is that the date you met?---Yes. That was the date we met.

The following Monday would be 19 November.---The 19th, yes.

And did you meet on Monday, 19 November, 2018?---Yes. We met that day.

30 Where did you meet?---It was meant to be at The Coffee Company again but it was closed so we met around the corner at the Anytime Fitness gym, like, just outside, there was an alleyway outside near the car park.

40 Now, if you could take us through what the conversation was on that occasion and what happened.---I just, he asked me, "Did you contact Paul?" I told him I did even though I hadn't. He asked me, did I contact, the, the member and I also said I did, which I hadn't because I'd arranged to meet with my solicitor that day in the afternoon. I just didn't want to, I just wanted to go along with it until I got advice from my solicitor and I handed them over the, the USB.

What USB are you referring to?---The USB that had all the invoices, quotes and scoping studies on it.

Where did that USB come from?---I purchased a USB from Office Works that morning.

On the Monday?---On the Monday, and I transferred all the files that I had on to that USB.

From your laptop?---From my laptop.

And did you give that USB to Mr Soliman?---I gave Mr Soliman that USB.

What did the USB contain?---It was, I'm pretty sure it was the invoices, the scoping studies that I had that were completed.

10 How many?---I think it was just the two that I ever received and I'm not sure if I had the quotes on it or not.

Any RFQs?---Yes, I think I had put the RFQs that I had from the latter jobs.

Do you recall whether you had any quotes on your laptop at that stage?---I may have. I may have just downloaded them from the emails.

20 THE COMMISSIONER: And sorry, just confirming, your evidence is these documents that you were downloading onto the USB were the ones that had been sent to you that you converted to - - -?---No, these were the one - yeah. So these were the ones that I converted and sent to the RMS. So they would have been from those emails that I sent to the RMS.

MS WRIGHT: But in converting them had you saved them onto your computer?---Those, I would have deleted all of those ones and I, the ones I gave him I would have downloaded from the actual emails I sent to the RMS.

30 So you retained all your emails that you had sent to RMS which attached various invoices?---Yes.

And you saved those attachments on to the USB. Is that the case?---That's correct.

Now, what did Mr Soliman say at that meeting in the alleyway outside Anytime Fitness - - -?---He said - - -

40 - - - in response to receiving the USB, if anything?---He said that he will try and complete as much of the scoping studies as he can and then for me to, then he will give me instructions on how to deal with the other ones that he can't complete.

And did he say anything about which ones he would focus on and which ones he may not be able to complete?---No, he didn't specifically, yeah.

And did he say anything about what he would do with the documents that he would complete?---So he said he would give them back to me and he'll rearrange to meet the following Tuesday at Stanhope Gardens.

Did he say why he'd give them back to you?---Because it would have instructions on how to complete the, the, the work and if ICAC raided me I had documents completed to say I, I did the work.

Did he tell you that he would complete them or that he'd give you instructions on how to complete them or was it a combination?---It was a combination. So he would complete the ones that he could and then instructions on the ones that required equipment.

- 10 Only the ones that required equipment he would give you instructions on what to do. Is that what he said?---Yeah. That's correct, yeah.

And did he say when he would provide this material back to you?---Well, he said that we would meet the following week and then we would discuss further.

Did you ask him at all how he was going to complete it?---I asked him how would you complete it because you don't have the data or anything anymore.

- 20 What did he say?---He just said that he, he will just do it to the best of his abilities and worst case they would just think I was a negligent vendor who was just not experienced enough so I'd just be a bad vendor essentially.

If they were poor documents?---Yeah.

Now, what was the arrangement made to meet again?---It was to meet at Stanhope Gardens the following week.

- 30 At any particular time?---I think it was at 10.30 and he said if neither one of us was there by 10.45 to leave.

Did he say why?---Just in case I had been raided or something had happened to me or him.

What happened after that?---That afternoon I met with my solicitors and just was under their advice. I never met him again. Never spoke to him again.

- 40 Now, did you have any further contact from Mr Soliman after 19 November, 2018?---The only contact, I didn't have physical contact with him but, however, I received that USB in my letterbox I think it was a week later or two weeks later.

So the USB that you've given him on 19 November you received it, the same USB back into your letterbox. Is that the case?---The same USB back, yes.

Did you find the USB?---Yes, I found the USB.

And when was that?---I, I can't remember the date. My lawyer would, my solicitor would have the date but it was - - -

Approximately when after you've met?---I think it was two weeks. One or two weeks after.

So late November or at best early December?---Yeah, yes.

10 And what did you do when you found the USB?---I took it to my solicitor.

Did you access it first?---I didn't access it first. I put it in a Ziploc bag and took it to my solicitor.

Are you sure you didn't have a look at what was on the USB?---No, because we did it together with my solicitor.

So when you were with your solicitor you both opened the files in the USB?---Yes.

20 And what did you notice about it?---That it had completed scoping studies on it and project plans or, yeah, I'm pretty sure it was project plans.

And they were documents which you recognised that you yourself had not saved onto the USB - - -?---I have not saved them.

- - - that you had given to Mr Soliman. Is that the case?---Yes.

30 THE COMMISSIONER:.. Sorry, so did you just open your post box and there was a USB there?---Yes, yes.

And I know probably all USBs look alike, but - - -?---It was the one I purchased so I recognised it. And the fact that I hadn't met with, I missed that meeting with Mr Soliman.

You didn't turn up to the Stanhope - - -?---So Stanhope Gardens, yeah. So that's why I just thought it was safe for me to take it to my solicitors and get advice from them.

40 MS WRIGHT: Are you able to tell the Commissioner how many scoping study reports were on the USB that you hadn't seen before?---Other than the two that were, that I submitted to the RMS, I hadn't seen the rest. I don't know how many there were on that, I honestly didn't analyse that USB.

But you don't recall even approximately how many there were?---No.

And do you agree, Mr Hamidi, you gave the Commission the USB you found in your letterbox?---Yes.

And I'm going to show you some documents now. If volume 14B could be brought up from page 172, please. You can take from me, Mr Hamidi, that these documents I'm about to show you are printed from the USB which you provided to the Commission.---Yes.

I'm just going to take you through some, if not most of them. This document here, Austroads Vehicle Classification System, had you seen that document before?---No.

10 Did you save that onto the USB you gave to Mr Soliman?---If it wasn't on the scoping studies that, the two scoping studies I put on, then, no, I did not.

Turning to page 175, this is a AZH Consulting document titled Cooled vs Non-cooled Thermal Imagine Sensors. And if we could turn to the next page, you'll see that's undated, contents page and the next page, Purpose. "This report details further trials conducted for the RMS which tested the efficacy of different thermal imaging technology for brake and tyre screening of vehicles." Do you recognise any of this content?---No, I do not.

20

And then if each page could be shown to Mr Hamidi. Did you ever see the scoping study prior to opening the USB with your solicitor?---No, I did not, other than the two scoping studies that I sent to the RMS I've never seen any other scoping studies prior to the USB.

Page 188, this is titled The Houston Radar Length Detection System. Had you ever seen this report previously?---No.

30 You gave some evidence yesterday of an email sent on 19 May, 2017, saying that this scoping study report was being sent by USB to Mr Soliman. ---Yes.

Do you recall?---Yes.

And your evidence was that that time, May 2017, you hadn't in fact sent a USB.---No, I did not.

And you hadn't seen a scoping study at that time?---I had not seen a scoping study.

40

Or indeed at any point prior to opening this USB - - -?---No.

- - - that you received in your letterbox.---Yes, that's correct.

And if the content could be shown briefly to Mr Hamidi, you see the purpose of the report refers to an independent review of the Houston Radar length detection system which is being trialled at RMS sites such as Galston

Gorge. And do you recognise that as one of the scoping studies for which AZH was paid by RMS?---Yes.

But you yourself didn't - - -?---See.

- - - participate in any such trial?---No, no.

Or attend at any location?---No.

10 And page 193, the section titled Method refers to, "Reports and observations were collected and this report offers an independent review and recommendations for future use potential." And then the next page, 194, the last paragraph refers to the Houston Radar system measured particularly poorly, but that's not an opinion that you ever reached.---No.

Did you ever discuss the content of this report with Mr Soliman?---No.

20 At page 200, again an undated report titled Improved Mass Screening, Weight-in-Motion and TIRTL Integration. And if you turn to page, again there's a contents page at 201, and then the first page, 202, where there's the font and the spacing appears identical to the other reports I've just taken you to. Again, is this one of the reports that you've never seen before?---No. So for, again, if it wasn't part of the two I submitted to the RMS, I've never seen any other scoping studies.

Page 204. Is that a photo that you took?---No, it is not.

30 At page 212, another AZH Consulting report, this time titled PAT IRD 10C III. Do you know what that is?---I do not know what that is.

Do you have any idea what sort of equipment that is?---No.

Again, the report, page 214 refers to the purpose of the report, "RMS has procured a set of portable scales," and 216 there are some photos. Have you ever seen photos like that before?---No, I have not.

40 At page 223, this is an AZH report titled TIRTL, I assume, TIRTL and LTI Dimension Scanner Integration. Do you recognise the title?---I think this might have been one of the trials, I'm not too sure, because out of the three trials I only saw two scoping studies.

THE COMMISSIONER: But you attended three sites?---I attended three trials, three sites, but I only saw two scoping studies from it.

MS WRIGHT: Page 225 refers to the purpose of the report, and it refers to a trial conducted for RMS which tested the efficacy of integrating two standalone measuring detection systems. The second paragraph, "The system was installed at the Marulan heavy vehicle safety station." Was that

one of the trials that you attended?---I think so. I'm not a hundred per cent sure.

Page 227, do you recognise anything on that page?---No.

Page 228, it refers to the LTI laser being installed on a gantry. Do you see that on the first line?---Yes.

10 Do you recognise that location in the photo?---Yeah, it's Marulan.

And that occasion where you attended, was there an LTI laser installed on a gantry?---I'm pretty sure there was. I think that's how we were testing it, but again I'm not a hundred per cent confident.

THE COMMISSIONER: Did you take that photo?---I did not take that photo.

20 MS WRIGHT: And then on page 231 of that same report, final paragraph in the conclusion section, "AZH has performed some further analysis to provide recommendations and there are some laser curtain solutions available in the ITS market which would detect overhand and may be of interest to RMS." Had AZH performed any analysis to provide recommendations?---No.

And your evidence yesterday is you don't even know what ITS stands for? ---No.

30 Just going on, for completeness, Commissioner, page 235. This is a report by, apparently, AZH titled Heavy Vehicle Safety and Trends Report New South Wales and you might recall that I took you to an email in May 2017 which said that, from AZH saying that a report for a study with this same title had been sent by USB to Mr Soliman?---Yes.

And your evidence is you didn't send any USBs with any reports?---I didn't send any USBs.

Have you ever seen this report prior to the meeting with your solicitor?---I have not.

40 And page 238 refers to background including that the Centre for Road Safety and Transport for New South Wales has documented, since the 1970s, fatal crashes have drastically reduced until a spike in 2014 and following years and then sets out a graph. Did you have any familiarity at all with this?---No.

Had you ever seen this before the meeting with your solicitor?---No.

And last paragraph, “The report pulls together many data sources, published and unpublished, and expert opinions to provide independent analysis and recommendations for RMS for future guarding against further increases in road deaths in New South Wales, particularly those involving heavy vehicles.” But it’s your evidence that AZH had nothing at all to do with this report or any of the underlying research that’s said to have been done?
---Yes.

10 THE COMMISSIONER: Would that be an appropriate time?

MS WRIGHT: Yes. I’m sorry, Commissioner.

THE COMMISSIONER: That’s all right.

MS WRIGHT: I note the time.

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

20 **LUNCHEON ADJOURNMENT** **[1.07pm]**