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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC  
COMMISSIONER

PUBLIC HEARING

OPERATION EMBER

Reference: Operation E18/0281

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 21 MAY, 2019

AT 2.00PM

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

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

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**Sensitive**

THE COMMISSIONER: Thanks, Mr Hamidi.

MS WRIGHT: Commissioner, just before recommencing with Mr Hamidi, could I seek a suppression order in respect of some evidence given by Mr Hamidi before the luncheon adjournment in respect of a medical issue concerning his wife?

10

THE COMMISSIONER: Yes.

MS WRIGHT: I do have a transcript reference if that would assist, Commissioner.

THE COMMISSIONER: Yes, what was it?

MS WRIGHT: It's page 107 from line 28 from the words, "During this time," to the first word on line 29.

20

THE COMMISSIONER: Right. Being satisfied that it is necessary in the public interest to do so, I direct that pursuant to section 112 of the Independent Commission Against Corruption Act that the evidence given by this witness on 21 May as recorded in the transcript at page 107, commencing line 27, "During the time," and finishing on line 29 at the end of the first word, is confidential and will not be published or otherwise communicated to anyone other than Commission officers or between legal representatives during this public inquiry.

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**SECTION 112 STANDARD DIRECTION - SUPPRESS EVIDENCE GIVEN BY MR HAMIDI AT TRANSCRIPT PAGE 108T, LINE 27-29**

MS WRIGHT: Thank you, Commissioner. Mr Hamidi, if I could take you to volume 14B at page 248. We're still with the documents which have been printed from the USB which you provided to the Commission and which you have given evidence was left in your letterbox about a week after meeting with Mr Soliman on 16 November, 2018.---Yes, that's the first time I met him after, so the last time would have been the 18<sup>th</sup>.

40

Sorry, you met with him on the 19<sup>th</sup>.---19<sup>th</sup>, sorry.

And gave him a USB.---That's correct.

And then I think your evidence was a week or two later - - -?---Yeah.

**Sensitive**

- - - you found in your letterbox the same USB which you took to your solicitor.---Yes, that's correct.

These pages here do not appear to be or to form part of any report. Do you recognise this graph?---I do not.

It's not something that you had saved on the USB?---No.

10 Or the next two pages to page 250 are of a similar nature?---No.

And then at page 251 there's a table?---I'm not sure if - - -

You're not sure about this one?---Not sure about this one. It just looks like the, the variances from the different trials and the vehicles.

But did you prepare a table like this?---It looks similar to one of the ones from the trials, one of the trials.

20 It looks similar, but did you prepare a table at any time?---Like this, no.

THE COMMISSIONER: I think you gave some evidence Mr Singh might have been there - - -?---Recording it.

- - - and he had on his laptop a spreadsheet?---Yes.

And the data would be entered onto that spreadsheet?---Yes.

30 Is that something similar to the spreadsheet that you observed on that occasion?---There would be something similar. I can't confidently say that was it, but it would have been something similar where we just measured the height, length, width.

MS WRIGHT: Did you ever save the spreadsheet onto your own computer?---I don't think so.

And the next page, 252, is a table in a different format. Did you ever see anything like that or save anything like that on your computer?---I don't recall.

40 Then page 256 of volume 14B, have you ever seen this document before, did you see that with your solicitor?---No, we didn't go through all the documents with my solicitor.

Have you seen this document before today?---I don't recall seeing this, this page of this document.

You didn't prepare it?---I did not prepare it.

**Sensitive**

Do you see at point 3 on the page, “deploy install,” and there’s a reference to CIC Engineering?---Yes.

Are you familiar with that name?---No.

And there’s a name there and a phone number. Are you familiar with those items?---No.

You didn’t draft this?---No.

10

Page 260 appears to be in a similar font. Again, there are a number of points, 1 to 4, and a heading Project Plan for Full Comprehensive Side-by-Side Comparison of Static Scales to be Completed before 220 [sic]. Did you ever prepare this project plan?---No. I didn’t prepare the project plans.

Did you ever intend to prepare anything by 220, sorry, 2020?---No.

20

No. And did Mr Soliman ever tell you or give you a deadline for completing any of the work from AZH?---He told me when I met him on the 16<sup>th</sup> that there was no deadline on a lot of them, no hard written deadlines. So they, they still had time to be completed.

Did he ever give you any deadline? Did he say, did he suggest any deadline at that point?---No, he didn’t suggest any deadline other than we just need to get the work done.

30

Then just staying on that document, point 2, “Trial at RMS recommended site in 2019. Confirm with RMS which site they would like this solution trialled at.” You didn’t draft this?---No, I did not.

Do you have any idea of the origin of this document?---This would have been the, the project plans, like, instructions on how to complete some of these, these projects.

Did you understand this to be instructions from Mr Soliman?---I’d imagine this is what he set out as an instruction when he created this file.

At page 264, also headed Project Plan, you didn’t draft this one?---No.

40

Did you ever come up with any sort of project plan?---No because I don’t know how to complete these projects. I wouldn’t know who to contact, I wouldn’t know how to get them done.

Page 268. Another file on the USB which refers to two technology options and there’s a person’s name and a 1300 number. Was that name ever mentioned to you?---No. I don’t recall that name.

Do you have any familiarity with it at all?---No.

**Sensitive**

Then page 272. There is a AZH report titled TIRTL and Thermal Scanner Integration. Had you seen that report before meeting with your solicitor and opening the USB?---No. If it wasn't from the two that I left on that USB I had never seen any other scoping study.

And the two you're referring to are the first project involving the thermal camera in early 2017 in February?---Yes.

10 When you attended Picton Road?---Yes.

And the second one is the SICK, S-I-C-K, dimension scanner where you saw a scoping study report about - - -?---Yeah, where I submitted it. Where I emailed it to the RMS. They're the only two I ever saw prior to this.

When you accessed the USB, to your understanding were documents which you had saved on to the USB on the day when you purchased the USB still on the USB when you got it back from - - -?---I think so. I can't, I can't recall.

20

Sorry, just so I can finish my question. When you got it back into your letterbox?---I don't, I can't remember but I'm pretty sure they were still on it those original files I put there and then he added to them.

But did you see the files on the USB?---I saw a list of them but not in great detail.

30

But did you recognise that any were documents you yourself had saved on to that USB?---I think so. I think the, the invoices were there that I saved there.

Now, you've given evidence about what Mr Soliman asked you to do in relation to your email account. Did he ask you to do anything in relation to your - - -

MR YOUNG: Well, I object to that. I mean, that's not the evidence, with respect.

40

THE COMMISSIONER: Sorry?

MR YOUNG: That is not the evidence.

THE COMMISSIONER: That Mr Soliman - - -

MR YOUNG: Mr Soliman, as in my client, had a conversation about the email account.

**Sensitive**

THE COMMISSIONER: I thought there was evidence when his brother arrived and put Mr Soliman on the phone.

MR YOUNG: Oh, no, I accept he gave that evidence, but in relation to Mr Soliman it seems to be suggested now that there was a conversation with Mr Samer Soliman.

MS WRIGHT: I see. I understand the objection. I can reword it, Commissioner. Did you ever have a conversation directly with Mr Soliman about anything you should do with your email account?---Yes, on the  
10 phone.

On the phone?---Yes.

And what did he ask you to do on the phone with your email account lest it be - - -?---He told me to delete all the emails and delete the email account.

And did he ask you to do anything in relation to anything else?---He said, he told me that he had a USB at work that had the invoices and quotes he  
20 created and that's what he was really worried about, and then he actually asked me to go to Mr Singh's house and ask Mr Singh to get, ask him to get the USB from work which I didn't do and, and his brother even told him that was a very stupid idea.

And what about your phone?---I deleted my WhatsApp.

You deleted WhatsApp. You had an application on your phone of WhatsApp.---Yes.

30 And did you have any discussion with Mr Soliman about your phone or WhatsApp?---Yes. He told me to delete the WhatsApp and to delete the app as well.

When did he ask you to do that?---On the 18<sup>th</sup> on the phone when his brother was at my house.

18 October, 2018?---Yes, 18 October.

40 What did he tell you about the reason for doing that, if he told you anything?---He didn't really go into reasons, he just said delete, delete it and he said it was bad and then just don't contact him, and that's kind of where it ended.

And you deleted the WhatsApp from your phone?---I deleted the WhatsApp on my phone.

Those are my questions for Mr Hamidi, Commissioner.

**Sensitive**

THE COMMISSIONER: Right. Thank you, Ms Wright. Mr Glover?

MS WRIGHT: I'm sorry, Your Honour, there is one matter.

THE COMMISSIONER: Not yet, Mr Glover.

MS WRIGHT: I apologise. You gave some evidence before the luncheon adjournment about a conversation with a lawyer, Mr Soliman's lawyer and Mr Soliman.---Yes, yes.

10

And that conversation you said related to, or in that conversation you've given evidence that Mr Soliman said that he'd been committing a fraud. ---Yes.

And that he needed to complete the work. I'm just summarising.---Yes.

Is that your evidence?---Yes.

20

And that was in front of the lawyer?---Yeah. So he told me that the work had not been completed and that I needed to complete the work because it's classified as fraud because the work was never completed.

And where were you when that conversation took place?---I was in the lawyer's office talking to Mr Soliman. His lawyer was present in the room.

And was that a solicitor?---Yes.

30

Can I just give you this piece of paper and could I ask you, and a pen, or perhaps the Commission's pen, could I ask you, Mr Hamidi, to note down the name of the solicitor if you, if you have it. If that could be handed to the Commissioner. And I'll just ask that that be marked for identification at this stage, Commissioner.

THE COMMISSIONER: The name of the lawyer referred to by Mr Hamidi which Mr Hamidi has written on this piece of paper will be MFI 1.

**#MFI-001 – NAME OF THE LAWYER REFERRED TO IN DOCUMENT BY MR HAMIDI**

40

THE WITNESS: Can I just add to that, just on that conversation?

THE COMMISSIONER: Something about the content of the conversation? ---Yeah.

Yes.---His lawyer did then tell me to seek legal advice and referred me to a solicitor's firm down the road, just, yeah.

**Sensitive**

21/05/2019  
E18/0281

A. HAMIDI  
(WRIGHT)

138T

All right.

MS WRIGHT: Okay. Thank you.

THE COMMISSIONER: Thank you. Excuse me. Right, Mr Glover.

MR GLOVER: No questions for this witness, Commissioner.

10 THE COMMISSIONER: Right. Mr Young?

MR YOUNG: When did you obtain legal, when did you obtain legal representation in relation to this matter?---On 19 November.

Right. And prior to - - -?---Sorry.

And what firm was that?---Sorry, I think it was October. I'm not, no, November, sorry. It was, sorry, November, 19 November.

20 What firm did you obtain legal representation from?---Nyman Gibson & Miralis.

And prior to that, what firms had you contacted in relation to legal representation?---It was New South Lawyers in Parramatta.

Yes.---And I just - - -

Well, let's just deal with New South Lawyers for a second. New South Lawyers are in Macquarie Street, Parramatta.---Yes.

30 Were you walked down to Macquarie Street lawyers by the lawyer who you knew to be Mr Soliman's lawyer?---Was I walked down there?

Were you walked down to show you where it was?---No.

Well, I suggest to you, you were.---I - - -

You went, you went to an office, another office in Parramatta close to Parramatta Station. Do you agree you went there - - -?---Yes.

40 - - - on four occasions?---Not four occasions, no.

You knew when you went there that that firm represented Mr Soliman?  
---Which - - -

THE COMMISSIONER: Sorry, I'm getting a bit confused Mr Young.

MR YOUNG: I'm sorry, all right.

**Sensitive**

THE COMMISSIONER: We've had Mr Hamidi attending solicitors' offices at Parramatta and Mr Soliman's there and it's Mr Soliman's solicitor.

MR YOUNG: I'll take it back. You went, I suggest to you, to the solicitors that, or the solicitor that you knew to be Mr Soliman's solicitor on four occasions?---No, that's incorrect.

10 And I suggest to you that on one of those occasions you said to him words to the effect that you weren't able to sleep, you were very worried and he said, "You should get legal representation"?---That is correct.

And he walked you down to New South Lawyers to show you where they were?---That is not correct.

Did you make contact with New South Lawyers?---I went and saw them. He, he made a phone call to them and then he told me to go down and see them. He did not walk me down there.

20

Did you know where Macquarie Street, Parramatta was?---I put it in my Google Maps on my phone and I walked down there.

And what was the date of that?---It was 16 November.

And why did you go to the solicitors who you knew to be Mr Soliman's solicitors?

30

MS WRIGHT: Oh, there's - - -

THE WITNESS: Because he called me and asked me that – he, he called me and said that this is, he's a friend of Samer's and this is regarding his issue, if I was going to come down and have a coffee and have a chat.

40

MR YOUNG: See, I suggest to you that that's completely untrue, that you went to his office on a number of occasions and your intention was to try to meet up with Mr Soliman.---He called me and you could probably pull a log if you wanted to do a call trace, that he contacted me from his, from his office in October and he told me that he's a friend of Samer's and if I should come down and have a chat to him, which I did that afternoon he made that phone call. Then he told me, as I said previously, we walked around Parramatta, he told me that Samer had been raided and on top of that, it wasn't just by ICAC, that they found marijuana plants in his house and that, that if, that Samer also told him to contact me because I wouldn't be sleeping well and then he told me that I should see, seek a, a lawyer, he did at that time, but then he gave me a barrister's number at that time and he said, "If anything happens, call this barrister." He said, "If you need to speak to Samer, you need to contact me."

**Sensitive**

And this is as you walked around Parramatta?---Yes.

Yes, well, you see before lunch you said that there was no walking around, it was just outside the office.---Yeah, it was just outside around there.

MS DABLIZ: I object.

10 THE COMMISSIONER: That's not my recollection of his evidence, Mr Young.

MR YOUNG: Is the office on the ground floor?---I think it's the first floor. Yeah, I went upstairs to go to his office, it's shared with a finance company and some other company.

And did you contact the barrister that he suggested?---I did contact him.

20 And did you then contact the solicitor again and say that you hadn't been able to make contact with that barrister?---No, I did not.

And I suggest to you that you never had a conversation at that solicitor's office where Mr Soliman was present?---I did have a conversation with Mr Soliman at that solicitor's office.

Now, the company that you gave evidence about yesterday, ABH, sorry, AZH, the Z-H stands for Zoe Hamidi, correct?---Yes.

30 And this company was set up specifically, wasn't it, for RMS work?---No, it was not.

Well, what was the date on which it was set up?---I can't remember. It's been noted in the evidence. Yes, it was very close but at the same time, I have advised that I had been working on an e-commerce business which Samer also had some of my apparel.

Sorry, he had some of your apparel?---Yes. So he had, like, he had been given some of my clothing as well, so he knows the business I was running.

40 The business you were running was simply selling cheap merchandise from China, wasn't it?---It was not actually. I was making the merchandise myself.

Well, what was this, football apparel?---Yes.

And who did you have a licence agreement with?---It was like a tribute, it was designs, it was custom designs.

**Sensitive**

You pitched to Mr Soliman that in 2016, that your wife and yourself would be good in terms of doing RMS work, didn't you?---I did not.

And you said, and he knew, about your background in technology at Optus.  
---Yes, he did know.

And you said that your wife was very good at financial management.---I did not say that to Mr Soliman.

10 Why was your wife made the director?---Because as I explained, she was part-time and I thought having an additional income it would be beneficial to go to someone that's working part-time.

Well, this is a, at that stage you're saying it's a start-up company. Is that right?---Yes.

So why would she be paid a salary at all from a start-up company?---I didn't know the ins and outs of the finances and it was up until I went and met with the accountant who told me I'd set it up wrong.

20

And who was that accountant?---It was A & C Accounting.

And when was the bank account set up?---I think in January.

January of?---2017. I'm not sure. It would be in evidence when the account was established.

So at that stage were you doing any e-commerce business?---In January 2017?

30

Yes.---Yes.

Now, has AZH Accounting, AZH Consulting submitted annual returns?  
---Yes.

And has it made a profit?

THE COMMISSIONER: Sorry, annual returns to what?

40 MR YOUNG: Company returns.

THE COMMISSIONER: To ASIC?

MR YOUNG: To ASIC, yes.---Yes.

And they've been signed off by your wife - - -?---Yes.

- - - as the sole director?---Yes.

**Sensitive**

THE COMMISSIONER: Sorry, what annual returns are - - -

MR YOUNG: During the period in which it's been - - -

THE COMMISSIONER: No, no, no, but which actual documents are you talking about are lodged with ASIC when it's a proprietary limited company?

10 MR YOUNG: Well, it has lodged returns, correct?---Yes.

Now, are they only taxation returns or have they lodged other returns?---As far as I know they would just be tax returns.

So they've been signed off by your wife each year?---Yes.

So that she has been aware of the sources of income of the company?---She never saw the documents. She signed them but she never saw them.

20 Well, your evidence is, isn't it, that – when was the first receipt of money on behalf of the company? When did the company first start receiving money from RMS?---It would be somewhere in the evidence, I can't remember the exact date. It would be in 2017.

Early 2017?---Yeah, somewhere along those lines.

And when did, when did you first make a payment to Mr Soliman?---It was in the ledger, in - - -

30 Well, according to that ledger the first payment you made was on 4 June, 2017.---Yes.

So you made no payment for months and months and months?---Yes.

And - - -?---And then suddenly there were substantial payments paid towards him in June as well, so that covers that period where you're, I don't know what you're suggesting, but - - -

40 Well, I'm just asking you why there was no payment made up until 4 June, 2017.---I don't know. He didn't ask for it up until then.

Well, don't you say that the arrangement was that he was to receive 75 per cent?---Yes.

And how much did AZH receive in total?---I think it was 1.3 million.

And how much do you say that Mr Soliman received?---175,000.

**Sensitive**

Which is less than 20 per cent.---Yes.

There was never any such arrangement about 75 per cent, was there?  
---There was, hence why there's still a lot of capital in the account.

And do you say that each of these payments was received by Mr Soliman in an envelope?---Yes.

10 And these were envelopes for things like bills?---Not all of them. Some of them were.

Well, you said - - -?---No, I did say not all of them. I said some including envelopes.

Well, what were the others in?---Other envelopes. There's even a large envelope.

Well, was there a payment that you say was made for \$46,000?---Yes.

20 And what denominations was that in?---Fifties, hundreds.

And how was that obtained?---From the banks.

By what means, from ATMs or what?---ATMs, from physical withdrawals from the actual branch.

Over what period?---I cannot remember. It would be all in the banking transactions.

30 Why would you wait until you had \$46,000?---Because he needed a large sum of money to pay for his concrete slab for his house.

So how did you manage to get \$46,000 in a short period of time?---So I did it over time. So the transactions would show you when the money was pulled out.

The arrangement was, what you told him originally was that both your wife and you would draw salaries from the company?---I didn't draw a salary up until I was made redundant so that's false.

40 From AZH I'm talking about.---Yes, from AZH.

What I suggest to you is that you told him that you would be drawing a salary from the company.---No.

And that you would share it 50/50 with him for the assistance which he gave you.---Which is what assistance?

**Sensitive**

Well, you say that you thought that ultimately he was doing all the work.  
---That's what he approached me with. There was no, I don't know  
anything about government workings or vendorships or contracts or even  
the technology for me to - - -

But you say that later on, for example in 2018 - - -?---Yes.

- - - you thought that he was doing all the work.---That's what he told me.

10 And yet you're receiving massive amounts of money from the New South  
Wales taxpayer.---Yes, it's going into that AZH bank account.

And you're paying him you say around about, payments of around about  
\$8,000 a month.---Yes.

It's just nonsense, isn't it?---It was the agreement that we came together on  
regarding tax brackets and paying extra tax.

20 Well, just explain what the tax bracket implication is of paying Mr Soliman  
\$8,000 in cash for example in April/May/June 2018.---Yeah, but - - -

THE COMMISSIONER: I don't think his evidence was to do with  
Mr Soliman's tax.

MR YOUNG: No. He said it had implications. There were taxation  
implications - - -?---Okay. So if - - -

- - - in relation to his wife by those payments.

30 THE COMMISSIONER: Yes.---So if - - -

MR YOUNG: Can you explain those taxation implications?---If my wife is  
making \$30,000 a year and then you add another 100, if I suddenly put  
\$200,000 as payments the tax brackets is going to be significantly higher,  
isn't it? So there is tax implications and he didn't want to pay the tax.

But the payments were in cash.---Yes. I understand that.

40 So how does what you pay Mr Soliman have any implication at all in  
relation to the taxation that your wife pays?---Because it was part of the, he  
gets 75 per cent of what comes into the account, so if we're paying  
substantial tax on that his 75 per cent reduces. Does it not?

His 75 per cent reduces what?---Well, if he's entitled to 75 per cent and we  
pay 50 per cent of the 1.3 on tax, his 75 per cent would decrease.

If you pay him 75 per cent that would mean that the company would pay  
less tax, wouldn't it?---If I paid him 75 per cent?

**Sensitive**

Yes.---To who?

If you paid Mr Soliman 75 per cent the company would pay less tax.---What happens to the income tax?

10 Do you understand if you pay somebody 75 per cent of the amount that comes into the company, the company itself pays less tax?---I understand that, but that tax has to be put on someone. So if he submitted to me an ABN and said, "Pay me into this account," yes, I could pay him 75 per cent and then he would have to declare the tax on that.

Now, the evidence that you gave just before lunch in relation to the USB, I suggest to you, is completely false.---You would be wrong.

That USB never turned up in your letterbox, did it?---It did.

20 What happened, I suggest to you, is that you took that USB around to Mr Soliman's house.---I did not.

And you showed it to him and he said to you words to the effect, he was in a lot of trouble, you'd be in a lot of trouble too if you hadn't done the work? ---He did not tell me that in his house. He told me that at the solicitor's office, that I would be liable.

30 Now, do you seriously say that during the period of 2018, you believed that he was doing all the work for which you were being paid?---That's what he was telling me when I would ask him and I even asked him, "Doesn't anyone audit this type of work? Can't anyone check to see if I've been to sites?" And he told me to the exact word, "I'm the one that does the auditing."

And when did he tell you that?---That was in mid-2018 when I would ask him if he'd completed the work.

All right. So what work did you ask him whether he'd completed?---The, the scoping studies, the trials, everything.

40 And how much were you paid in relation to all of that work?

THE COMMISSIONER: Sorry, overall?

MR YOUNG: For the time that you – from the time that the work for which you were being paid approximately 30,000, when that ended and you went on to the higher work, how much were you paid after that?---In total or - - -

In total.---So, it was 1.3 million.

**Sensitive**

1.3 million in total?---Yes.

And about how much of that was in that first period during which you got the 30,000?---I think that was about 350,000.

So approximately a million dollars for work for which you did nothing?  
---No.

10 And for which you say that you thought that he was doing all of the work?  
---Yes.

And for which he was accepting \$8,000 per month?---Yes, with the, the rest to be paid to him.

Well, how was the rest to be paid to him?---Like I told you, he wanted to buy a business and if you actually want to have a look, we looked at a business at, in Castle Hill called Jetts and if, I'm pretty sure if you pull up the CCTV, you would see us walking in and going through it.

20 So what investigations do you say you made of buying into that business?  
---I enquired about it, about the, about the financials and sent the financials over to Mr Soliman to have a look at.

And what did the financials show?---It just showed the, the memberships, the, the rentals, all the, the stuff that goes along with the business.

So what was the business?---It was a gym.

30 But what, how did it operate, membership or what?---Yeah, it was a franchise business, so operated off membership.

And how much profit was it making?---It wasn't making that much profit.

So what would make that an attractive business?---Because it potentially was, I was investigating, to potentially it wasn't running adequately.

And who did you get the financials from?---The broker.

40 Which broker?---The one that was selling the gym, I don't remember. It's in the emails that were taken from me.

So when was it being sold?---It was in late 2018.

And was it sold?---I have no idea.

So this business proposition that was very important to you in 2018, you never bothered to even enquire whether it sold or not?---Because Mr Soliman was raided a week after that.

**Sensitive**

But wasn't it a business that you had an interest in yourself?---Well, I didn't have the capital because 75 per cent of it belonged to Mr Soliman.

You're seriously suggesting that 75 per cent of the money belonged to Mr Soliman?---Yes.

10 Even after you found out that no work had been done?---Well, it wasn't my money then, was it, so once I find out it's fraudulent I'm not going to go and spend money that was obtained fraudulently.

But a business that you had thought enough of to get all the financials about you're then talking about - - -

THE COMMISSIONER: No, I think we're at cross-purposes. Are you talking about the gym now?

MR YOUNG: I'm talking about the gym.

20 THE COMMISSIONER: I think you were at cross-purposes. You were talking about the money in the AZH bank account, weren't you?---Yeah, what he was saying, why didn't you purchase it with the money.

MR YOUNG: Why didn't you take any interest in the sale of that gym? ---Because he was raided and the money didn't belong to me.

Were you not interested in how much the gym sold for?---No.

30 THE COMMISSIONER: Was the gym sold?---I don't know.

MR YOUNG: Well, you've just said it was sold.---I did not say it was sold.

You said that it was sold in late 2018.

MS WRIGHT: No, no, no.

THE COMMISSIONER: I don't think he said that.

MS WRIGHT: No, Commissioner.

40 THE COMMISSIONER: I thought his evidence was that after the raid he just lost interest in it.

MR YOUNG: Do you know what happened to the gym?---I do not know what happened to the gym.

**Sensitive**

So as of today you have no idea what happened to that gym that you were interested in acquiring?---That we looked at once. No, I do not know what happened.

And you got the financials for.---It's, getting financials for a gym is as easy as emailing a broker and asking him for the details for that business.

Now, you said a few times in your evidence that you don't know what the letters ITS stand for.---Yes.

10

Are you serious about that?---I haven't, I don't know what it stood for in that context.

So during the whole of the period that you were involved with RMS you never made any inquiries at all about basic concepts in relation to the industry, any issues in relation to the industry.---Well, he was meant to teach me and he didn't, so once he just said, "I'll do the work and you just deal with the money," I, it was not something that he was going to let me into, so no.

20

So were you dissatisfied with what happened in relation to the arrangement? ---I was, I was, I was interested in it, to find out more, because when I was attending the trials it was very interesting, but being dissatisfied, he just made it that it was really complex and it would just take too much time to train me into it.

Well, why then did you put in the tender?---On his instructions. I blindly trusted a good friend of mine and - - -

30

Well, sorry, you've just said that you were dissatisfied with the fact that he had not taught you.---No, you said I was dissatisfied. I said I was disappointed that I wasn't able to get involved but I didn't say anything else.

Well, isn't your evidence that you thought you were going to be taught the industry?---Yes.

You weren't taught the industry?---No.

40

So didn't that lead to a level of dissatisfaction with the arrangement? ---Yeah, it did, disappointment that I didn't get to learn a different industry.

And so when you made the application for the tender, your position was that you knew nothing about the industry.---I, I don't.

And yet you knew that if you were accepted you'd be getting large sums of money.---Potentially, yeah, that's what he said, that there'd be bigger contracts to come.

**Sensitive**

And what on your evidence was your basis for believing that you'd get any assistance from Mr Soliman in the future if you'd had very little in the past?  
---Because he was a very good friend of mine so I trusted a friend of mine who I didn't think would ever do something like this to me.

But isn't your evidence that prior to you tendering, he promised you assistance and not provided it?---Yes.

10 You tender for bigger contracts, bigger amounts, believing that somebody who up to that point has let you down, will do all the work in the future?  
---Yeah, well, I don't think he let me down in that, the way you're framing it, but there was just, I just trusted a friend of mine which I shouldn't have obviously trusted.

Well, did he provide you with assistance in relation to those contracts, those scoping studies, in the early stages?---No, he did not.

So why didn't you then just abandon the arrangement?---I should have.

20 The position was that he did provide you with a great deal of assistance throughout, didn't he?---No.

And that is the reason that you were prepared to pay him.---No.

And the amounts, you agree that the amounts in Exhibit 37 up to and including, perhaps the witness could be shown Exhibit 37. Now, do you see there there's a date of 10/3/18, and then there are five payments after that, each of \$8,000?---Yes.

30 Now, the numbers up the top of that page have been, were provided to you by Mr Soliman. Is that correct?---That's correct.

And they were provided, I suggest to you, from records he kept as to how much salary you told him you had got from the company.---No.

And the arrangement was that he would be paid half of that amount.---No.

40 You've said that he said at some point that the arrangement could go to 50/50.---Yes.

When was that?---It was some stage in 2018.

Well, when?---I don't know. I can't give you the exact date or else I would.

Well, that would have been beneficial to you and your wife, would it not?  
---It would have.

**Sensitive**

So did you never follow that up?---He told me he will let me know once he settled his debts and he paid off a certain amount of his house.

And you never returned to discuss, you never returned to the subject of that?  
---No. I was going through a difficult time with my family at that stage and this wasn't a priority for me.

10 Reducing the amount that you say that you had to pay Mr Soliman from 75 per cent to 50 per cent wasn't an important matter for you?---Not what my wife and I went through, it was not even in my mind, so no.

Well, on 75 per cent wasn't the position at the end of 2018 that you owed Mr Soliman something in the order of \$1 million?---It would have been, yeah.

20 And yet there was never any discussion about the million dollars that you owed him?---Well, he was raided and he couldn't speak to me, and as you can see, the money was earned dishonestly so I don't think he would be pursuing \$1 million.

Prior to the raid he never said anything about the million dollars that was owed?---He never said anything.

What was the approximate price of the gym that you were going to buy?  
---It was only like, I think it was like 400, 500,000, something like that.

So your share of that would be 250 max?---25 per cent, yeah.

30 Well, if you base it on 50/50, that would be around about 250,000.  
---But we weren't at 50/50.

No, but so, but your share then would be something like \$125,000?  
---Yeah, somewhere like that, yeah.

So how did you intend to make up the balance of what you owed him prior to the raid?---It was just to pay him, to keep paying him. That's why the payments were regular.

40 Sorry, every month you're getting further behind?---That was just, it was pretty consistent and I advised that when it was \$6,000 it was because I tore my ligament and I couldn't go and get all of his \$8,000.

THE COMMISSIONER: But the rest of the money, where was it?---The rest of the, it was just in the bank account.

So it's sitting in a bank account?---It still sitting in a bank account.

**Sensitive**

MR YOUNG: Well, when did you intend to pay it?---Well, it was just over time he just wanted his money. That was the agreement up until he got raided, where he wasn't pursuing me for his money.

But do you agree that the amount of money that AZH was getting was vastly in excess, on average, of \$8,000 a month?---Yes.

It was vastly in excess of \$16,000 a month?---Yes.

10 So that every month you owed, on your evidence, you owed Mr Soliman much more money?---So I explained to you the tax implications that he agreed to take \$8,000 a month because he didn't want to lose out on his total paid in taxes. So again, I could have paid him into an ABN account, the, the million dollars and he could have declared his tax.

Now, you said that one of these payments was made when you had a problem with mobility, with an injury.---Yes.

Which one was that?---It was the \$6,000, the last one.

20

The 10 August, 2018?---Approximately that date.

All right. So how did you get the money?---I was hobbling in a moon boot, I was able to get some of it, I wasn't able to get the rest of it.

Sorry, it says you paid it.---The \$8,000 I wasn't able to pay. So I was able to get \$6,000, I wasn't able to get \$8,000 because it required another trip to the ATM which I, it was hard for me to do.

30 Well, how many trips did it take to the ATM?---Yeah, at that time, it was two trips.

Well, if it took two trips, why couldn't you get \$8,000?---I'm not sure at that time why. It could have been one trip, sorry, it could have been one trip and I had \$2,000 at home.

If it was two trips, you'd agree you could have got \$8,000?---Yes, but - - -

40 Because you had two cards on which you could draw \$8,000?---Yes. So I can't remember exactly but it, it quite potentially could have been that I had \$2,000 at home.

And if you could go in the moon boot once, why couldn't you go twice?  
---Because it was after I went to see a specialist and told me they tore it.  
Prior to that, I hadn't gone to see anyone.

**Sensitive**

Why was there no payment made between August 2017 and December 2017?---Because there was just the, the large amounts. So if you kind of scaled that down it averages out to the, to the \$8,000 or so.

Well, it doesn't, does it?---I'm not sure but it was just - - -

Well, if you look at 26 August is \$18,000.---Yes.

10 The next payment which is three and a half months later is \$20,000.---Yes.

Well that's not \$8,000 a month, is it?---Yes, well I'm not trying to establish a pattern at the start. He would ask me for money, I would get him the money and then it became an arrangement where you can see clearly it was \$8,000 a month.

The figures from 13 April, 2018, are not provided by Mr Soliman, are they?---No.

20 So the figures above where it says, "Approximate payment, physical dates," are provided by him?---Those lines, "Approximately payment, physical dates," they were the ones I put together from the transactions from my bank.

And when did you compile this document?---It would have been in late 2017.

For the purposes of ICAC?---Yes.

30 And when you say that \$8,000 was paid approximately on 13 April, 2018 what primary material did you go to to be able to say that that was paid?---It was from the transactions withdrawn from my bank account and then the days around it.

THE COMMISSIONER: So you would look at a bank statement, see when - - -?---When the transaction like, the funds were pulled and it would have been roughly around that time.

40 MR YOUNG: Now, what was your title within the company?---I didn't have a real title. I just had the operations manager at the start.

Then if you're the operations manager why did you need communications coming from your wife?---Because she was the director and most of it came from, most of it was addressed to her.

Because she was engaged in the communications with RMS.---She was not engaged with communications.

**Sensitive**

21/05/2019  
E18/0281

A. HAMIDI  
(YOUNG)

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Well, her name was on many, many documents.---Yes. Her name was on it. You can change your signature on any email account. It's not complicated.

But what - - -?---She, she signed stuff because I asked her to sign it. She never read it.

She has a degree in communications?---Yes.

10 An educated woman?---Yes.

And did you discuss with her and did she discuss with the accountant what the responsibilities of being a director were?---No.

So you're saying that she has never discussed with anybody the responsibilities of being a director?

To your knowledge.---No.

20 As far as you are aware?---No.

Did you have any discussions with anybody about what the responsibilities were of a director if you set up a company?---That she would just be the like, like, the owner of the, the company. So I never discussed it with anyone, no.

Well, who is the owner of the company, who owns the shares?---It's the director owns it, so my wife.

30 So your wife owns all the shares?---Yes.

And is the sole director?---Yes.

Now, why was that arrangement entered into?---It was the same as I explained. At the time when I set up the business she was part-time. I thought that's how you set up a business. I did it online so I wasn't getting advice from anyone. I didn't know how to do it and I set it up.

40 Well, later on you say that an accountant told you that the way you set this up for e-commerce was all wrong, words to that effect?---No. The way I set up my business was all wrong because I had the, the BAS sitting on quarterly, the GST sitting here. He was like, it doesn't make any sense and he had to correct it.

What you said yesterday was this - - -

THE COMMISSIONER: What's the transcript reference?

**Sensitive**

MR YOUNG: Page 32 of the transcript, Ms Wright asked you, "Why did you feel you needed to create or register a company for that business, being the, what you call the ecommerce business?" And you said, "Because I just thought it was for tax reasons. I had no idea that the way I set it up was completely wrong until I saw an accountant and he was like, 'The way you did it was completely wrong. You didn't need to do that.' He was just, yeah." And then Ms Wright asked you, "What was wrong about that?" and you said, "I didn't need, like, a Pty Ltd company or anything like that for the ecommerce side of stuff." Now, what you were talking about there  
10 wasn't anything to do with BAS. It was about the setting up of a company, wasn't it?---Yeah, which also go with setting up the BAS and the GST, when you register a company.

But what you were saying is that you went to see an accountant and discussed the whole company structure issue.---Later, yes.

And do you say that that accountant provided you with no advice at all in relation to the duties of directors?---No.

20 Did you ask about the duties of directors?---No, I did not.

Did you take with you your wife to that meeting?---No, I did not.

Well, what would be the purpose of having a meeting with an accountant where you're discussing issues about structure of company and such matters without taking the director?---Because I just took it to do the tax returns.

Well, when was that?---In 2017 at some stage.

30 In 2017? When did you set up the business?---In 2016. As I said before, I registered the business on the internet, not through a tax agent.

So by the time you were paying any tax, the RMS side of things was swamping the e-commerce side, wasn't it?---Yes.

And do you say that the accountant gave you advice that you didn't need to set up a company? I mean all your money's coming from RMS business?  
---Yes.

40 You need, you needed, as far as you were told, a company for that?---It was, as I said yesterday at well, was having a business meant that when people paid me into my business PayPal account they couldn't see my personal details, and that's why the business was established, so people couldn't see it. If you're selling something on the internet do you want the whole world to see who you are?

And how was the company selling the merchandise from the e-commerce side of things?---There, there wasn't much sales, it went in patches.

**Sensitive**

A very small, it was a very small operation.---Yes.

The e-commerce.---It was a, it was a passion of mine, it was an outlet for my anxiety, that's why I did it.

And the truth is that the setting up of the company had absolutely nothing to with the e-commerce side of things, did it?---No, that's not true.

10 It was all to do with the RMS business and you pitched that to Mr Soliman as work that you and your wife could do.---No, because, firstly, no, and secondly, I had no idea what work I could get from the RMS. I don't work for the RMS. I've never engaged in working for the government, so I don't know what I could pitch to Mr Soliman.

You pitched to him the particular skills that he knew you had from Optus and you added to that the skills of your wife.---No.

20 THE COMMISSIONER: What skills did you have from Optus?---Just data analysis.

MR YOUNG: Who selected the place of banking?---I selected it because it's with our bank.

All right. You bank with Westpac?---Yes.

But what about the location of the bank?

30 THE COMMISSIONER: Or the branch?

MR YOUNG: Branch, the branch.---It was Castle Hill, I live in Castle Hill.

Well, is it Castle Hill?---Yes.

Or is it Kent Street in the city, the branch?---The one it was registered through was Castle Hill. I think just because I applied for it online to set it up and then my wife went in and just signed the paper because she's the director.

40 THE COMMISSIONER: Sorry, you applied online to open - - -?---The business account.

- - - the AZH account?---Business account, yes.

MR YOUNG: So you applied online through Westpac. Is that right?---Yes, that's correct.

**Sensitive**

And how was it that your wife became the sole signatory?---Because the business is, she's the director of it and they needed a director to sign.

But did she need to go to a bank to do that?---Yes.

And what did you tell her was going to be the business of the company?  
---The T-shirts, the apparel.

10 And so do you say that in the years that you were doing business with the RMS that your wife, despite signing various documents, was never aware of that at all?---Of the money? She knew I was doing work with Mr Soliman, that was to the extent she knew.

And she had access to the bank account?---No.

THE COMMISSIONER: Sorry, AZH's bank account?

MR YOUNG: The AZH bank account.---She does not know the details, she didn't have the card, she couldn't access it.

20

Well, what about on the internet?---She doesn't know the details to access it.

Why is that?---Because she takes no interest in stuff like that. She looks after, as I've said before, she looks after my son, she looks after us, she's, she's, like, a stay-at-home mum and [REDACTED] and that's been her prime concern. So she takes no interest in any of this financial stuff. Even mortgage stuff, when we go to sign them, I just give her the papers, she signs it, we submit it.

30

Now, do you agree that you reached out to Mr Soliman for work?---I do.

All right. Now, you'd been made redundant by Optus?---Last year, yes.

Well, did you work for anybody else after Optus?---I worked briefly for a company for three weeks, and due to anxiety issues I was unable to continue working there.

40 Well, was it anxiety issues or did you decide that you were on a very good wicket with RMS?---It was anxiety issues.

And when was that?---That was in September, 2018.

THE COMMISSIONER: And which company?---It was Cochlear.

MR YOUNG: And what was your job with them?---Business, business analyst of services.

**Sensitive**

Doing what exactly?---It was doing data analysis and setting up their reporting structure.

All right. And you provided a CV?---Yes, I did.

And did you have on the CV your work with the RMS?---No, I did not.

So what did you disclose in terms of your employment?---I did – what do you mean?

10

Well, to get a job you have to tell people what you've done in the past. ---Yeah, so I said I was made redundant, I worked for Optus for 12 years, I was made redundant last year, it was a six-month break. I didn't have to go into any further details.

So you say that you didn't say anything about any work with AZH and its relationship with RMS?---No, I did not.

20

Well, why wouldn't you?---Because it wasn't work I was doing.

It would be work that would be relevant, would it not, to the position of business analyst?---No, not in this instance, it would not. Setting up reporting infrastructure, setting up data digitalisation is completely different.

And why did you reach out to Mr Soliman saying that you needed work? ---In 2016 I reached out to him and said that, you know, Optus is going to make my team redundant, if he knew anyone. He referred me to a, a friend of his that was looking for a project manager.

30

Well, what was the first time the conversation turned to the RMS?---It was probably a couple of months after that.

And what do you say was said?---He told me that he, he has, he could get some work for me through the RMS and then he came over to my house and we discussed it further and he said that there would be opportunity, that he would train me and, yeah, as I've discussed yesterday and today.

40

THE COMMISSIONER: In 2016 there was an indication from Optus that you and your team would be made redundant?---Yes.

Why?---Because we were in the NBN HFC department and HFC, NBN decided they no longer wanted to roll out HFC as a technology type, especially not Optus's one because it was all above ground and the costs of bringing it underground and, it was just too much for them.

And when you eventually were made redundant in 2018, was it for that reason?---Yes. The majority of my team was already made redundant. A lot of them were contractors, so the contractors came to an end and I believe

**Sensitive**

only just recently they, the, the rest of the team, like, NBN and Optus have come to a legal conclusion so the, the battle, because they signed a big contract.

MR YOUNG: In this first conversation, did Mr Soliman tell you how much work you could expect to be given?---No, not really.

Well, did he say anything about that?---He said there would be some work.

10 Nothing more than that?---No.

All right. You see, yesterday you were asked exactly that same question. "He said really just a couple of jobs here and there, he would, like, they would be, like, 20 or \$30,000, he never said the extent of it then I asked him, you know, "How much work?" He said, you know, at the start he'll take, like, 75 per cent. Now, yesterday you said that the conversation about the 75 per cent was on this first occasion.---Yes, it was.

20 And that there was discussion about 20 or \$30,000 per job.---Yeah, he said there would be a few jobs at that value. He didn't say how many jobs there would be.

Well, what did he say in relation to 75 per cent?---He said that he would get 75 per cent, I'd get 25 per cent until he trained me up, and then, then it'd be, like, my business.

And what was the discussion about 20 or 30,000?---I asked him the sum of the jobs. He said there would be a few of them at that price.

30 What, for each job?---Yes, it was something like that, I recall.

Now, did you have any discussion with him on that occasion about why 75 per cent?---No (not transcribable) because he's the one setting it all up. I didn't really question it.

40 Why then was it not possible for you, as time went on, to negotiate in relation to that 75 per cent?---Because after the first trial, he, when I asked him show me how to do the scoping study, he just said, "I'll do the first one and then I'll show you the next one." Came to the next one, he said it was easier for him to do the work and he would just do all the work and then he'll collect the 75 per cent.

Well, when did you have the second conversation with him, you say, about the 75 per cent? Was that after the first job?

THE COMMISSIONER: Sorry, what 75 per cent?

**Sensitive**

MR YOUNG: Well, you say that you had further discussions about the 75 per cent arrangement.---I didn't. He just said he was going to do the, the work and then I, it just continued the way it was, so there wasn't, it was just, the arrangement will stay the same because he's just going to do the work.

But he told you that, did he?---I can't recall him saying that exactly, but he was, he was going to do the work and he always alluded to the fact that 75 per cent was his.

10 Well, if he alluded to it, he told you 75 per cent was his, did he?---Yes.

Well, when was the second time that he said 75 per cent was his?---I can't recall the exact date. It would have been in 2017, when he told me that he would just do the jobs.

Well, the first time that 75 per cent is mentioned is before you've done anything. You know nothing about the RMS.---Yes.

20 You know nothing about the kind of work. He says he's going to take 75 per cent.---Yes.

At some later point you say, your word, he "alludes" to 75 per cent again. ---Yeah, so he, alluding by saying the arrangement will stay the same and he will do all the work.

And when - - -?---Because it's easier for him to do the work.

30 Well, when does he say that the arrangement will stay the same and he will do all the work?---In 2017, early 2017.

What, after the first scoping study?---It was after the first scoping study, when I asked can you, after we did the trial, can you show me how we do it, and he told me he would do the first one and then the next one I can learn from that. Come the next one it was, "It's just easier if I do the work," and just, yeah.

40 He gave you assistance in how to do this work and it was basically, as you've said yesterday, it wasn't particularly difficult, was it?---What assisting?

THE COMMISSIONER: What wasn't?

MR YOUNG: Assisting in relation to the work in terms of scoping studies. --- (not transcribable) work had gone into a trial. It wasn't difficult. Scoping studies, I, he never gave me any assistance to doing scoping studies.

Well, did you ever ask? Do you say you'd never asked for anything?---I explicitly said, I asked him and he told me he will do the first one, then I

**Sensitive**

asked him, "Can you show me how to do it?" and he said it's easier for him to do it. So, yes, I did ask him to help me or to teach me, and he didn't.

And if that was the case, you would have been grossly dissatisfied with the arrangement.---No. You've already asked this.

Well, just explain. If somebody has told you that there is going to be a particular arrangement, that arrangement does not happen, how can you be happy with that arrangement?---Because it was, at the end of the day it was getting something for doing nothing, so - - -

So when you applied for the tender you expected to get even more for doing nothing and not paying any more to Mr Soliman.---Not paying any more?

Not paying any more.---No.

No further negotiation of the arrangement.---Nothing changed, no.

You knew that from the outset, according to your evidence, that you were engaging in complete fraud in relation to the RMS, do you say?---From the outset, no.

In terms of the tender you never expected to do any work for which you got money?---No.

Well, does no mean that you're agreeing with me?---When I asked Samer about this work and I asked him is this illegal, he said no. I said, "Will I go to gaol or this?" He told me, no. He laughed and said, "The worst case is I lose my job, because the work is getting completed."

That's right at the outset, isn't it?---Yes.

When you applied for the tender and you knew that you were going to be getting, or the company was going to be getting a great deal more money than it had got in the past - - -?---I didn't know that it was going to increase significantly when we did the tender. He never disclosed that to me. I don't know what the tender process with the RMS is, I don't know what these jobs, their scope is, what their market is, what their industry is and what they pay.

Well, you put in a tender application.---I sat with Mr Soliman as he completed the tender application.

And does that tender application include significant information about your wife?---It just has that she has a degree.

Well, it mentions her before it mentions you, doesn't it?---Because she's the director.

**Sensitive**

Well, why didn't you simply say, my wife's completely irrelevant in this?  
---Because he said it needed my wife because she's the director and that's  
how - - -

THE COMMISSIONER: I don't think you've established who drafted it.  
His evidence is that Mr Soliman completed the tender.

10 MR YOUNG: What I want to suggest to you is that the two of you worked  
on that document together and that in fact more of the document is from you  
than him.---No.

And I suggest to you that the suggestion that you didn't know how much  
you'd be earning or the company would be earning in the future if it was  
accepted is just fanciful.---No.

Did you ever discuss with Mr Singh how much you might earn?---No.

20 Did you ever discuss any aspect of the tender with Mr Singh?---No.

Did you ring up anybody else from RMS - - -?---No.

- - - about the tender process? Well, when did you first find out about how  
much you were earning, going to be, going to be earning as a result of  
having been successful in relation to the tender?---It was when the, the  
quotes start, when Mr Soliman sent me the quotes and I saw the amount.

30 So when you saw the amount, what did you do, did you say anything to  
him?---I didn't say anything to him. At that time I was just forwarding them  
on. On his instructions I would convert the file and I would email it to the  
RMS.

So you saw that there were amounts in the hundreds of thousand that you  
were getting?---Yes.

You were doing no work for it?---I was doing no work for it.

And you say you just did nothing about that?---What do you mean?

40 Well, you could stop work, couldn't you?---Yes. I was stupid and I blindly  
trusted a friend of mine, so I am.

You kept putting in these invoices to RMS.---Yes.

It was you who did that, wasn't it?---After being sent them by Mr Soliman  
and told to send them, yes.

Well, you didn't have to submit invoices, did you?---I didn't have to, no.

**Sensitive**

So you knew each time and you knew from past experience that each time you submitted an invoice that it was likely to be paid.---It wasn't paid all the time.

It was not paid all the time?---Not the invoice but the quotes that were submitted.

But the - - -?---The invoice, yes.

10

The invoices were always paid?---Yes.

So why didn't you simply, if you say that you got a shock about the size of the amounts that you were receiving for doing no work, why didn't you simply stop doing the work?---I was foolish. I was stupid.

And in fact it continued on and on and on, didn't it?---Yes.

20

And it was only, I suggest to you, after you discovered that there'd been a raid on Mr Soliman that you did anything about it.---Yes.

And what you did was you decided that you were going to blame Mr Soliman for everything.---No.

And in fact the arrangement was that you would do the work in relation to the tender which you got with Mr Soliman's assistance.---That was the arrangement after that, yes.

30

THE COMMISSIONER: Sorry, when was it the arrangement?---The 16<sup>th</sup>, when I met him and he said that we needed to complete the work. So where I had to call the vendors and the, and Paul Walker to set up trials.

MR YOUNG: It was the arrangement from the start that you would do the work.---From the start of when?

From the start of the tender. You'd been putting in for the tender, then accepted in relation to the tender that you would do the work with Mr Soliman's assistance when you needed it.---No.

40

If you were receiving these sums of money, did you think that the RMS might ever contact you if work was not done?---Yes, I did. And that's why when Mr Paul Walker contacted me I, I did something about it.

In late 2018.---Yes.

But prior to that - - -?---Prior to that, as I have stated, I asked Mr Soliman was the work completed. He told me yes. I asked him even does anyone audit them. He said he's the only person that can audit them.

**Sensitive**

I suggest to you that there was never any such conversation.---There was a conversation.

Well, were you concerned for your own integrity that the work had to be done?---I never felt right about it and that's why the majority of the money sits in the bank account.

10 But in terms of the work being done, you say all you ever did was you asked Mr Soliman.---What do you mean?

All you ever did to find out whether the work was done was to ask Mr Soliman?---Ask Mr, yes, that's correct.

Did you ever think that RMS might contact your wife?---No.

20 Well, she's the director. Her name's all over all of the AZH documents. ---Yes, and the phone that, and the phone that was attached to it was always in my possession. And as far as I know, Mr Soliman always told me that he, he was doing everything and then he was – he's on the inside. I, I don't have the authority he had, so I just took his word for it.

And how did you think he was actually doing this work?---I just, from experience. He's a very smart person.

But he's working 9-to-5 for the RMS.---He wasn't always at work. He was at his house, building his house during work hours, he would come past my house, so I'd imagine he had a lot of time on his hands.

30 You never seriously believed that he was doing this work, did you?---Yes, I did.

And in fact didn't the two of you have something of a falling out in 2018 when he found out that you weren't doing the work?---We never had a falling out.

40 Well, see, what I suggest to you is that prior to the raid by ICAC on Mr Soliman, relations between the two of you were strained.---That is totally incorrect.

And that he had discovered that you were not doing work that you were supposed to be doing.---That is incorrect.

In terms of the banking arrangements that you say you did, why did you do it in the way that, the way that you did, what was your purpose in doing it in that way?

THE COMMISSIONER: Sorry, which banking?

**Sensitive**

MR YOUNG: I'm sorry, I'll withdraw that question. In terms of how money you say got to Mr Soliman, why did you do the banking arrangements in the way that you did?---What do you mean?

Well, why did your wife need to be involved in that at all?---What do you mean? She wasn't really involved in it. I was the one withdrawing the money from ATMs.

10 Including from an account of hers?---Yes.

Why did she need, why did her account need to be involved?---Because the salary from the business was going into her account and I would pull that money and it's all in the statements and that, that salary would be given to Mr Soliman.

Sorry, you said it's all in the statements.---Yes.

20 You mean the bank statements?---The bank statements.

But why were you paying it first into her account?---As a salary for tax purposes, to reduce income tax.

Now, you were paying amounts into people's accounts of for example \$35,000 and having them withdraw \$34,000 the next day?---That was, yeah, my mother-in-law's account.

30 Right. Now, that was a completely fraudulent arrangement, wasn't it?  
---Yes. So I'd put money in my mother-in-law's accounts, I paid income tax on it through the business and she gave, she withdrew the money for me.

But it was to defraud people into believing that she was an employee?---It's a common tax practice.

You knew it was fraudulent, didn't you?---I don't think it's, that was advice I got from my accountant. So having someone on your books, they can be doing nothing for you, if they're on your books, they're on your books.

40 But if they're paid a salary - - -?---Yes.

- - - they keep that money, don't they?---Yes.

They don't draw it out of the bank and give it back to you the next day, do they?---Yes, and Mr Soliman was the one that was receiving the money.

So everything comes back to Mr Soliman, doesn't it. What did Mr Soliman have to do with that arrangement?---What arrangement?

**Sensitive**

The arrangement of paying your mother-in-law \$35,000 - - -?---He didn't have anything to do with that arrangement but it was to get his money that he requested.

No, it wasn't. The arrangement was to defraud the Taxation Department that you had an employee who you were paying, AZH was paying \$35,000 to, wasn't it?---Yes.

10 And they were not paying \$35,000 to that person?---No.

And in fact that person wasn't an employee at all?---No.

And what I suggest is that you were also engaged in fraud when you tendered for a contract intending not to do any work in relation to it. ---Yes. So when I did it with Mr Soliman it was fraud, yes.

20 It was fraud by you.---Yes, because I was ultimately the one that submitted it. I did not draft it, Mr Soliman did. The contents of that is, it met vendor requirements, so I don't know what the requirements are, I don't know what to put into a vendor application to make it get approved.

At the time you tendered for that work, you never intended to do it?---The arrangement was for me not to do it, it was for Mr Soliman to do it.

So prior to that tender, what's the, how does this arrangement come about?

MS WRIGHT: So which tender?

30 MR YOUNG: Prior to the tender for which you were successful in - - -

THE COMMISSIONER: This is to get on the panel?

MR YOUNG: To get on the panel. Prior to - - -

40 THE COMMISSIONER: So do you remember that?---Yeah, so Mr Soliman told me to register on the e-tendering website, gave me the link, I registered and then we, we went to a café and he typed out the, the draft for the tender application and I gave him information about myself and my wife.

MR YOUNG: But you're saying there was a lot more to the arrangement than that, aren't you?---What do you mean?

Well, you're saying that you had an arrangement with him whereby, prior to doing that, he had told you that he would do all the work?---Yes.

**Sensitive**

Well, what's that arrangement?---It was the same. It was just, it was him saying we're going to go off this way and go to tendering instead of doing – the, the, the previous arrangement I don't think required a tender.

No, well you know it didn't, don't you?---Yes.

10 So what's the conversation that you say you had with Mr Soliman prior to you putting in that application for tender?---He said that he wanted to put AZH on a tender panel and then that's when he sent me the details, told me to register and then he, he, we sat in a, in the chicken shop and completed the, the application.

But you're saying that he told you that he would do all the work?---Yes.

When did he tell you that?---It didn't change. It was just this is the, the new process, this is the new method of how we're going to operate.

20 THE COMMISSIONER: That's by being on the tender panel?---Yeah. It just was his, it was the same process, he just said we're just going to go on a tender now, so register on the, the, the panel, he sent me the link, we met and he drafted the, the application.

MR YOUNG: So are you saying that you never specifically had a conversation with him about who would do the work if you were accepted on to the tender panel?---It was, there, there was no conversation to be had. It was just this is the new process of obtaining contracts with RMS.

30 Well, did you ask, "How is the work going to get done"?---Yes, I was asking him and he said, "I, I've done the work." He always told me he completed the work, he uploaded it on to RMS website, all the documents, so I - - -

THE COMMISSIONER: Was it your expectation that the procedure that was in place where he would do the work and you would submit quotes and invoices would continue but now as part of a tender panel?---Yes.

MR YOUNG: So is what you're saying there was no specific conversation about that?---No.

40 So you just expected that he same - - -?---But it's like saying that with every single quote I submitted or invoiced that I would have to have that conversation with him about who does the work. That's just the, the arrangement I had with him. He said we're going to go from this process to being on the panel. It didn't, didn't change.

But it wasn't the arrangement you had prior to the application for tender at all, was it?---Sorry?

**Sensitive**

What you're saying as to the arrangement after you were accepted onto the tender panel was not the same as the what you expected to be the arrangement before?---It is the same arrangement, it never changed.

Well, what you said is that he told you that he would provide you with assistance for you to do the work, that was the original arrangement.---From the start, which he then turned around and told me he will do the work. So it never changed, I never said that he told me would provide me assistance other than from the start, from 2016 when he approached me with this idea.

10

That was always the arrangement, wasn't it?---That he would do the work?

That he would provide your assistance for you to do the work.---No, that was not always the arrangement.

Did you ask, at any point, any relation of Mr Soliman's if they could provide you with a lawyer?---With a lawyer to any of his relations?

20 Did you ask either his father or his brother about whether they could provide you with a lawyer?---When his brother came over, yes, and he just, he just googled and said, "Call these people."

THE COMMISSIONER: So what did you ask – this is Shady Soliman. ---Yeah.

30 When he came over with the phone.---Yeah, well, he, he told me that, before he left he's like, "You should see a lawyer," and I said, "Can you look one up?" and he just googled one, and I can't even remember what that was.

MR YOUNG: So why did you ask him about a lawyer?---Because he came to my house and told me that he'd been raided. I spoke to Sam about, on the phone that time, and I had no idea what to do. I was, I had no idea what was happening, and he said, "Maybe you should speak to someone."

And what do you say was the date of this meeting?---It was 18 October.

18 October?---Yeah.

40 And you didn't get a lawyer till when?---Till the, I attained a lawyer on 19 November.

All right, so - - -?---I contacted a lawyer the following day, on 19 October. I said this has happened. They just told me wait until you get a summons or you get some notification, and I just waited until further discussions with Mr Soliman, and then I attained counsel.

**Sensitive**

THE COMMISSIONER: And when you say counsel - - -?---Sorry, I meant a solicitor.

And is that - - -?---Yes, my current solicitor, yes.

Your current solicitors.

MR YOUNG: So how many lawyers in total did you go to between 18  
October and 19 November?---I only went to, for representation I only went  
10 to New South Lawyers. I had a conversation with, I can't remember, a  
company I just found on the internet, and that was the one that told me you  
can't do anything until we get like a summons or a warrant or something.  
And, and then the barrister that Mr Soliman's lawyer referred me to, I  
contacted him. I set a meeting but I never, I never went to it because I had  
attained services from my solicitor.

Well, how many meetings do you say you had with Mr Soliman after 18  
October?---After? There was at his solicitor's office that day, and then that  
20 afternoon again I met him at the coffee shop, and then the following  
Monday. So - - -

And what did you, did you ever give him anything?---I gave him a USB.

Now, what was the purpose of you giving him a USB?---He asked me for  
the invoices that were submitted and the scoping studies.

Well, when did he ask you to do that?---That was on 16 November.

So on 18 October, you've asked his brother about a lawyer.---Ah hmm.  
30

You've had a conversation, you say, with him on 16 November.---With?

With Mr Soliman.---Yes.

You still haven't got a solicitor.---No.

And you give to him, do you say, a USB.---On the 19<sup>th</sup>, yes.

And is that the day that you retain your solicitor?---Yes.  
40

So was that before or after you'd retained the solicitor that you gave him the  
USB?---It was before.

Now, why, when you're going to be seeing a solicitor, do you give to Mr  
Soliman, you say, a USB?---Because at that time I wasn't, I didn't know  
what I should be doing, and that's why after that I went and seeked, so he  
told me that we needed to finish the work to reduce the, the, the charges or  
the implications, and then on that Friday he asked me to bring all the, the

**Sensitive**

invoices and the scoping studies. I gave it to him. I even told him that day I was going to go get a lawyer, and then that afternoon I got a lawyer, and that's why I never met with him after that.

Well, when do you say that you deleted the emails?---It would have been on 18 October.

And what about the WhatsApp?---On 18 October.

10 And why did you do that?---Because Mr Soliman told me to delete it.

So do you say that because he told you to do that, you did it?---Yes.

And yet you say that in conversation with his brother you asked about a lawyer?---His brother said, "Maybe you should speak to someone to find out, you know, what kind of trouble you're in."

And that's all that happened, isn't it. His brother went over, you had a conversation with the brother - - -?---And a telephone - - -  
20

- - - who told you what had happened with Mr Soliman and said you probably should see a lawyer.---No. I spoke with Mr Soliman on the phone, as I told you, his brother called his mum's phone, put Mr Soliman on the phone and I spoke to him.

Now, the USB, what time do you say you had the meeting where you gave to Mr Soliman the USB?---I think it was around 10 o'clock that morning.

30 And what time did you have the meeting with the solicitor?---It was about 2.00, 3.00pm that day.

And was that a prearranged meeting?---Yes, I arranged it that morning.

So before you saw Mr Soliman?---Yes.

So before you see Mr Soliman you've arranged to see a solicitor.---Yes.

And yet you say you give to Mr Soliman a USB?---Yes.

40 Without any legal advice at all?---Yes.

And why would you do that?---Because Mr Soliman is my friend and he's been my friend for such a long time and he was a close friend of mine. He attended the hospital when my son was born and even bought a bracelet for him.

Look, you know at that point that there is an involvement of ICAC.---Yes.

**Sensitive**

You also know that Mr Soliman has been charged with an offence in relation to possession of something that was found at his home, nothing to do with this, the matter before the present Commission. You knew that as well, didn't you?---Yes.

Do you seriously say that you gave to him on the day that you're to go and see a solicitor, a USB?---Yes.

10 And miraculously, how long later was it that it turned up in your letterbox?  
---A week or two.

And when it turned up, what did you do?---I took it to my solicitors.

So what was the date on which you took it to your solicitor?---I can't remember, I'd have to check with them.

Well, what was the sequence of events when it turned up?---I put it in a zip-lock bag and then when I met with my solicitor I took it.

20 So you put it in a zip-lock bag.---Yes.

And you took it to your solicitor.---Yes.

And then you hadn't looked at it?---I hadn't looked at it at that point.

So why did you think it was necessarily significant?---Well, I wanted to look at it with my solicitor. It could have been nothing, it could have been something, and it turned out that it had a whole bunch of documents on it.

30 Those matters that were put onto the USB were all put on by you, weren't they?---The invoices and the two scoping studies that I had, yes.

You showed that document earlier to Mr Soliman. You showed the USB to Mr Soliman earlier on and he looked at it on his computer.---I gave him the USB with the invoices and - - -

And you took it?---No, I did not take it.

40 Well, why did you leave it with him?---Because he asked me for all the invoices and scoping studies because he was going to finish the scoping studies.

Well, why did you need to do it by USB?---How else was I going to give it to him?

Why did you physically need to give it to him by USB? Weren't you concerned about having a meeting with him?---I, I don't understand. How was I meant to give it to him?

**Sensitive**

You knew that he had been raided by ICAC, didn't you?---Yes. He told me that it would lessen the involvement if the, the work was done, there would be less charges or whatever.

And this was work that you not he was contracted to do?---Yes.

10 So what you're saying is that, notwithstanding all his troubles, he was providing you with work during that period that made it look like you had performed duties which you were supposed to do?---Because that was the arrangement throughout the whole entire relationship in this matter, that he was doing the work and I would just send emails and give him his money.

So in relation to this aspect of what you say that happened when you gave him the USB, what did he actually say about what he was going to do with it?---He said that he would complete the scoping studies and then that he would give, like, instructions and projects plans on how to finish the other ones that required trials and equipment.

20 Yes. And how was he going to do that?---Well, as I said before, we were meant to meet up the following week at Stanhope Gardens and he was going to give me the, the instructions and the files.

So what was the date on which you gave him the USB?---It was 19 November.

And what was the date – you say you don't know the date on which the USB just turned up in the - - -?---I can't remember. It would be I the records.

30 Did anybody else see it?---I don't think anyone else would have seen it.

THE COMMISSIONER: Sorry, after it had been put in the post box?

MR YOUNG: Yes. Was there anybody else at home?---No.

Did you, apart from taking it to your solicitor, did you tell anybody else about it?---No.

40 There is just, Commissioner, a matter that I do want to take some instructions about overnight. I won't be very long, but there was a matter that arose just before lunchtime today on which I think I do need to take some instructions, so if I could possibly complete tomorrow.

THE COMMISSIONER: That's fine. I just might make some inquiries because our next witness, Ms Wright, is Mr Singh, is it?

MS WRIGHT: Yes, Commissioner.

**Sensitive**

THE COMMISSIONER: Now, look, this is the question everybody hates, but, Mr O'Brien, how long do you think you'll be with Mr Hamidi?

MR O'BRIEN: I've got no questions of Mr Hamidi, Commissioner.

THE COMMISSIONER: Thank you. Mr Lonergan?

10 MR LONERGAN: Commissioner, no more than half an hour.

THE COMMISSIONER: All right. I hope I'm not missing anybody out. Mr Boatswain, are you next?

MR BOATSWAIN: I believe I am. No questions.

THE COMMISSIONER: All right. And I'm sorry if I've neglected anybody. Is that it? Right. Mr O'Brien – oh, I'm sorry, Ms Wright.

20 MS WRIGHT: There's nothing, Commissioner.

THE COMMISSIONER: If Mr Singh could be here in the morning.

MR O'BRIEN: He's been here all afternoon. He'll be here tomorrow morning at 10 o'clock.

THE COMMISSIONER: All right. Look, I'm sorry. We were hopeful that we might get to him this afternoon, but I apologise for that. The other thing is we have, we're starting 40 minutes late - - -

30 MR O'BRIEN: Oh, yes, I did pick that up this morning. Thank you. Yes.

THE COMMISSIONER: - - - tomorrow morning. So as long as you could let Mr Singh know that so he's not hanging around further.

MR O'BRIEN: Thanks for the reminder. Yes, thank you.

40 THE COMMISSIONER: All right. Now, Mr Hamidi, if you can – and I'm sorry, I didn't neglect you. You'll obviously have a chance to ask any questions as well.

MS DABLIZ: Thank you, Commissioner.

THE COMMISSIONER: If you can return tomorrow morning and your evidence will be finished, and we'll adjourn until about 20 to 11.00.

MS WRIGHT: Just before that, Commissioner, could I tender as part of Exhibit 34 volumes 14B and volume 15 in a USB.

**Sensitive**

THE COMMISSIONER: We forgot that. Now, are we going to include that in Exhibit 34?

MS WRIGHT: If that's convenient, yes, that's the proposal.

THE COMMISSIONER: So that's volume 14B and 15?

MS WRIGHT: 14B and 15.

10 THE COMMISSIONER: Right. They are accepted into evidence and they will now supplement and be part of Exhibit 34.

**#EXH-034 – VOLUMES 14A AND 15**

THE COMMISSIONER: All right. We're adjourned until tomorrow morning.

20

**THE WITNESS STOOD DOWN [4.00pm]**

**AT 4.00PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.00pm]**

**Sensitive**