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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC  
COMMISSIONER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 21 JUNE, 2019

AT 9.00AM

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

MS WRIGHT: Good morning, Commissioner.

THE COMMISSIONER: Good morning. Any administrative matters?

MS WRIGHT: Not at this stage, Commissioner. There is a new appearance for Mr Soliman this morning.

MR LAWRENCE: Commissioner, Lawrence, L-a-w-r-e-n-c-e. I seek authority to represent Mr Soliman.

10

THE COMMISSIONER: Thank you, Mr Lawrence.

MR LAWRENCE: I'll be appearing hopefully today and on the 26<sup>th</sup> while Mr Young is not able to be here.

THE COMMISSIONER: Not available. Thank you very much. Mr Soliman.

MS WRIGHT: Thank you, Commissioner. Mr Soliman - - -

MR LAWRENCE: Commissioner, might he be granted the 38 declaration again? I notice you have granted him that earlier on.

10 THE COMMISSIONER: Yes. Mr Lawrence, my understanding was I've granted it and it then continues for the whole of Mr Soliman's evidence.

MR LAWRENCE: Yes.

THE COMMISSIONER: When witnesses have given evidence over a number of days, even when we've had a break in between, I haven't repeated the section or given section 38 order or given it again. My view was it would continue for all of Mr Soliman's evidence during this public inquiry. Are you all right with that?

20 MR LAWRENCE: Yes, I'm fine with that, as long as we're clear on that. Thank you, Commissioner.

THE COMMISSIONER: Yes. No, that's fine, Mr Lawrence.

MR LAWRENCE: Thank you.

MS WRIGHT: Mr Soliman, when we finished up on the last occasion, I was asking you about a Houston Radar vehicle scanning technology trial. Do you recall that alleged project?---Yes.

30 And you requested a quote from Mr Hamidi for that trial on 26 April, 2017. I can take you to the email if it would assist.---No, that's fine.

And on the same day, I suggest, you also requested a quote from Mr Hamidi for another trial, and I'll take you to that. That's at volume 3, page 234. Do you see here an email chain of 27 April, 2017?---Yes.

40 Down the bottom of the page on April 26 there is an email from you, "Hi, AZH." Do you see that?---Yes.

And if we could go over the page. Page 235. You've asked for a quotation for phase 1 and phase 2 reports and you've set out in the email a description of what you require. Do you see that?---Yes.

And it includes a "Crash stats data collection. Examine road crashes which involve heavy trucks and report on this data."---Yes.

And the phase 2 requires an analysis of various matters to do with heavy vehicle crashes. Do you agree with that?---Yes.

And you required AZH to conduct that analysis?---Yes.

10 And if I could draw your attention in particular to the last paragraph, which is, "To examine rates of fatal crashes, to distinguish between single-vehicle accidents versus multi-vehicle accidents involving a heavy vehicle in New South Wales, i.e. extrapolate general trends of the causes or [sic] fatal accidents involving a heavy vehicle."

And could I suggest that there's a typo there and it should say, "of the causes of fatal accidents." Do you agree with that?---It seems so, yeah.

And did you regard that work as important to the Heavy Vehicles Programs Unit?---Yes.

20 And part of the objectives of the unit was to regulate the heavy vehicle industry with a view to improving road safety in New South Wales. Do you agree with that?---Yes.

And an analysis of road crashes involving heavy vehicles could have an impact on the programs to be delivered, could it not?---I guess so.

And Mr Hamidi didn't have any experience with heavy vehicles, did he? ---No, he didn't, he didn't have to for this type of work.

30 Well, you didn't expect him to be able to produce for RMS a reliable report that could usefully inform the work the Heavy Vehicles Unit was doing, did you?---Yes, he was a business analyst and a data analyst.

This was a report that was to examine and come up with trends of the causes of fatal accidents involving heavy vehicles.---Yes.

Was it not?---Yes.

40 And you didn't expect him, with no experience in heavy vehicles, to be able to produce a reliable and authoritative report from RMS, did you?---Yes. It was just based on data, looking at the data.

And this could have an impact on road safety, couldn't it, this work?---I don't understand, what, what do you mean?

You've agreed that it could have an impact on the programs to be delivered by the Heavy Vehicles Programs Unit.---It could basically inform some of the programs, based on what came out of it.

And indirectly or even directly it could have an impact on road safety.  
---It could.

And Mr Hamidi, with no experience in heavy vehicles, could not I suggest or did not have the necessary experience to be producing a report of this nature to your knowledge, Mr Soliman.---I don't agree with that.

10 Isn't it the case that it didn't matter whether he could do it because he was going to be paid for a job for doing nothing?---I don't agree with that.

Did you receive from him a phase 1 and a phase 2 report?---No, but I think also that was one - - -

My question was did you receive it, and your answer is no?---I don't recall getting a finished version of it.

Well, you know you didn't receive one from him, don't you?---I don't recall getting one.

20 You asked Mr Thevathasan to raise a purchase order in respect of this project, didn't you?---I believe so.

And Mr Hamidi sent you an invoice for this project?---He wouldn't have sent it to me.

He bcc'd you on his email submitting his invoice to RMS. Do you agree with that?---If it's there, it's fine, yeah.

30 You accept that, you wouldn't dispute that, Mr Soliman?---I don't recall it, but no, I don't dispute it no.

And Mr Hamidi also sent you an email saying he had sent you a report by USB. Do you recall that?---I think - - -

I'll take you to it. Volume 3, page 279. Do you see here an email from AZH Consulting to you of 19 May, 2017?---Yes.

We've seen this type of email before, do you agree with that?---Yes.

40 Saying, "Due to the file content and its size, I have sent the documentation including photos and videos on a USB to you."---Yes.

Do you see that?---(No Audible Reply)

And you did not receive any USB from AZH including documentation relating to this project, did you?---I recall a previous, my, I don't think it was this one. I don't think it was this project, no.

This is the heavy vehicle safety crash analysis and trends project, do you agree with that, as the subject line of the email indicates?---Yes.

And you agree that you did not receive, following receipt of this email from Zoe Hamidi, on 19 May, 2017, and documentation or report by USB relating to this project, do you agree with that?---I don't recall getting one for this specific project, but I remember there was another USB. I don't think it was this one, though.

10 And you didn't receive a report at all from Mr Hamidi relating to this project, did you?---I don't recall seeing a finished one.

And the – I'm sorry?---I don't recall seeing a finished one.

You didn't receive any report, whether draft or final, from Mr Hamidi relating to this project, I suggest, Mr Soliman. Do you agree with that?---I don't recall seeing a finished one.

20 Could you please deal with my question? You did not receive from Mr Hamidi any report, whether draft or final, relating to this project.---I didn't get anything from him, but I recall seeing something of the drafts that he would show me.

In respect of this project, do you recall seeing a draft?---I'm pretty sure, yeah.

30 Mr Soliman, when do you say you saw a draft of this report?---Again, I'm not sure what date it was, but, mmm, like I said previously, when he would kind of briefly skim through some of the projects, I'm pretty sure this was one of them also.

And where were you when you skimmed through some of the projects? ---I'd have generally been at his, at his house, or at a café.

And in, what did he show you, Mr Soliman? And I'm talking about this particular project.---I don't recall what it was on, but I recall that he showed me something on this project, maybe just headings, that's why it's triggering my memory now.

40 And what did you tell him about it?---Nothing.

Why did he show you?---Maybe just to show me that the work was moving on. I mean - - -

Do you recall - - -?---Don't know.

- - - and can you assist the Commission with anything he said to you at the time you say he showed you a draft report?---What do you mean?

What did he say to you, Mr Soliman, when he showed you, you say, a draft report for this project?---I don't recall what he said exactly for this one.

You can't tell the Commission anything about where you were, or what he said, when you say you think that he flicked through and showed you a report relating to this project, is that the position?---Yes.

And that's because it didn't happen.---I don't agree.

10

And so you have no details to give evidence about, I suggest.---I'm trying to recall something that happened a couple of years ago. It's difficult.

Now, the report, I suggest, was found on a USB which Mr Hamidi provided to the Commission and which he told the Commission was found in his letterbox. You recall I've already taken you to that evidence?---That he said that, yep.

20

And the report, if I could take you to that as at volume 14B, page 235, do you see here a report on AZH Consulting logo, Heavy Vehicle Safety and Trends Report, New South Wales?---Yes.

And if we could turn to page 236, the contents page, and then page 237, Purpose. And I suggest that the format – which includes the font and the paragraph spacing and the general appearance of this report – is consistent with other reports on the USB which Mr Hamidi has told the Commission was found in his letterbox, and of which I've already taken you to a number of examples. Do you agree with that?---Yeah, sure.

30

And that is because, I suggest, you prepared the reports contained on this USB around the same time following the execution of the search warrant by the Commission on your home.---No, I didn't.

Do you deny that? I can't hear you, Mr Soliman, I'm sorry. You're very - - -?---Yeah, like I've, like I've already said previously, that's not what I did.

Had you prepared these reports prior to execution of the search warrant on your home?---No, but I had given him lots of templates and things that he would have asked, asked me for, but not the preparation, no.

40

Well, you've told the Commission that you might have flicked through a draft report with him. Are you now saying that in respect of this particular project you gave him a lot of information for the report?---I don't know what I gave him. Maybe previous examples or places to get the data from, but I didn't write anything for him.

If I could take you to page 238. You see the bottom paragraph says, "This report will pull 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.” Mr Soliman, is your evidence that you considered Mr Hamidi properly equipped to be providing recommendations for RMS for future guarding against further increases in road deaths in New South Wales based on research? Is that your evidence?---Yeah, I didn’t see it necessary that he knows about heavy vehicles in general.

10 Isn’t it the Centre for Road Safety’s job to do that sort of work?---It depends, though. They don’t generally, I think anyway they don’t generally go down to kind of the nitty-gritty about specific programs.

Isn’t it one of the Centre for Road Safety’s responsibilities to collate and analyse crash statistics?---Don’t know.

You would have known that when you were the Manager of the Heavy Vehicle Programs Unit, wouldn’t you?---They do some data. I don’t know about crash stats. I’m not sure exactly what they do.

20

I put to you that you prepared this report, Mr Soliman.---I didn’t prepare it.

I put to you that you placed it or caused it to be placed in Mr Hamidi’s letterbox on a USB.---I didn’t do that.

And I suggest that you did that so that Mr Hamidi would have it among his records in case there was a search warrant on his home, as there already had been on your home.---No.

30 Now, Mr Soliman, between July and December 2017, you received from AZH five further quotes relating to trials of portable weigh scales. Do you agree with that?---Sorry, quotes for - - -

Quotes relating to trials or scoping studies for portable weigh scales. Do you agree with that?---I’m not sure how many. There was I think a few, one for HAENNI, one for PAT. I don’t know the others.

40 Well, I suggest there were more than one for HAENNI and more than one for PAT. Do you agree or disagree? I can take you to them if - - -?---I thought there was just on each and - - -

All right. If we could just go to volume 3, page 284A, please. Do you see here on 5 July, 2017 copied to you is an email from AZH Consulting addressed to Mr Singh, attaching a fixed price quotation for a field trial? ---Yeah.

And then if we turn to page 284B, here is a quote on AZH letterhead for an ITS technology HAENNI dynamic portable scales end-to-end field trial.  
---Yeah.

See that, for \$53,625?---Yeah.

And that includes end-to-end management of the trial, technology vendor liaison, customer liaison, site design and set-up, WHS management and running of technology trial, up to three months' attendance required.---Yep.

10

And you asked Mr Thevathasan, if we could turn to page 285, and Mr Singh to open some purchase orders, including a purchase order relating to this trial. Do you agree with that?---Yep.

And I'll take you to the bottom, if it could be scrolled down, on 6 July, 2017. Do you agree with that?---Yeah.

20

And you were in effect asking Mr Thevathasan to approve the purchase order in your place as delegate. Do you agree with that?---Yeah, I recall I was going somewhere for a short period so he was the manager.

And so you were asking him to approve the purchase order as delegate in your place. Do you agree?---Yeah, basically.

Now, Mr Hamidi sent you I suggest an invoice for this trial.---Okay.

And that is at page, volume 4, page 1, but I don't need to take it to you if you accept from me the documentation shows - - -?---I do.

30

- - - that he did send to you an invoice for the trial. Do you accept that, Mr Soliman?---If you say so, yep, I accept it.

And Mr Hamidi or Ms Hamidi in fact wrote to you on 24 July saying, and I'll take you to this, please, at volume 3, page 293A, on 24 July, 2017, advising you that, "We have secured a field trial location and period for the HAENNI dynamic portable scale technology." Do you see that?---Yeah.

40

What can you tell the Commissioner about the details of this trial, Mr Soliman, where and when it was conducted and what occurred?

---I just remember there was some sort of new HAENNI dynamic scale. There was a site I think picked but I don't know, I forgot where it was exactly. I think also one of the - - -

Does that complete your - - -?---Sorry. I think one of, I thought I told Jai to cancel this one from memory. There was one of the HAENNI ones I think which was cancelled.

All right. So you say there were two trials, one of which was cancelled. Just focus on the one that was not cancelled.---Yeah.

I suggest that there was a payment by RMS, a remittance to AZH for this particular trial for which you received an invoice from - - -?---Yep.

- - - AZH on 25 July, 2017.---Yeah.

10 Have you completed your answer as to what you can tell the Commissioner about the details of this trial, Mr Soliman, where it occurred, when it occurred and what occurred?---Yeah, I remember there was a site picked out, I don't know what happened after that.

The bottom line is you don't know any specifics at all about this trial, do you?---No.

20 And I suggest that a project plan was located on the letterbox USB, if I could use that shorthand to identify the USB which Mr Hamidi has told the Commission he found in his letterbox after you informed him that you had been the subject of a search warrant. And I'll take you to that volume 14B, page 264. Do you see here a project plan, a document headed Project Plan for New HAENNI Dynamic Weighing Solution?---Yeah, this looks familiar to me.

And I suggest that you prepared that document. Do you agree with that? ---Not the, not the document but this is very close to what I would have written Ali on a piece of paper for the project plan.

30 So you say you gave him some instructions on a piece of paper about this project?---Yeah, would have been very similar to this, basically.

THE COMMISSIONER: Sorry, Ms Wright, which page is that again?

MS WRIGHT: Sorry, page 264 of volume 14B.

THE COMMISSIONER: Thank you.

40 MS WRIGHT: Do you see the note, Mr Soliman, project 11 or 13 - - -?  
---Yes.

- - - was not progressed by RMS?---Yes.

When do you say you gave Mr Hamidi information consistent with what is set out in this document at page 265 of volume 14?---Don't recall the date.

Now, this project is in around July 2017. That is, the documentation I've taken you to is dated around July 2017.---Okay.

You agree with that?---Yes. Yes.

And at the same time of the year I suggest you directed Mr Singh to raise a purchase order for a PAT dynamic portable weigh scale field trial. Do you agree with that?---Okay, yeah.

That's at page 296 of volume 3. And you'll see here on 11 August, 2017, from AZH, Mr Singh and yourself received a quote relating to the PAT field trial. Do you agree with that?---Yes.

10

I suggest that the same process was followed as for the previous trial. That is, you approved the purchase order and then Ms Hamidi advised by email that a site for the field trial was secured. Would you accept that?---Sorry, could you, say, say that again, sorry?

I suggest that the same process was followed as for the previous trial I've just taken you to - - -?---Oh, yes.

- - - namely the HAENNI dynamic, in that you approved the purchase order. You subsequently received from Ms Hamidi an email advising that a site for the field trial was secured and you also received an invoice which you approved. Do you agree with that?---Everything except, except the sites. I don't know if there was an email about the site.

20

I'll take you to 3, volume 3, page 302.---Okay, yeah.

Do you now accept it?---Yes.

And could I just take you back to page 298? This is the quote, Mr Soliman, and it's for a PAT 10C Series III dynamic portable scale trial?---Yes.

30

Do you agree with that?---Yes.

What can you tell the Commissioner about when this trial took place and where it took place, and any other details you say applied to this trial?---I don't know too much about it now, obviously. But again, I would have given him some basic pointers like I did with the previous HAENNI, HAENNI, HAENNI one. Pretty sure there was a site already selected, and – but again, I don't know if he went to this one.

40

You can't tell the Commissioner where this trial took place?---I don't know.

You can't tell the Commissioner what was trialled, how many scales?---It would have been just a couple.

And you can't tell the Commissioner when the trial took place?---No. I don't know.

And you see, the Commission has received evidence from Mr Jones that he had no knowledge of a PAT 10C III dynamic scale trial - - -?---Okay.

- - - except for his own efforts to have some PAT 10C III scales, which were delivered to him, operate. Do you understand?---Okay. Yes.

So I suggest that there was no trial, Mr Soliman.---I don't know.

10 And yet you were the manager of the Heavy Vehicle Programs Unit and you were involved in a number of significant procurement processes for new portable weigh scales, and yet you have no knowledge as to whether a, in 2017, a portable weigh scale trial took place relating to PAT scales. That's the case, isn't it?---Well, it should have. But like I've already said previously, I don't know what Ali did or didn't do anymore.

And you took absolutely no interest in whether he did, because you were approving invoices fully intending that it didn't matter whether the work was done or not, because you were favouring your friend and yourself financially by awarding these contracts. That's the position, isn't it?  
20 ---There's a couple of points in there. Yes, as I, I've, I've already said, I was favouring him, but no, he was, he was meant to do the work. And as I've already said previously, there was a period there where he had a family trauma, and I didn't push him until the middle, middle of 2018.

You've said a number of times that he was meant to do the work, and yet you cannot give any evidence about what he was meant to do and what assistance you gave him or direction you gave him to do it or whether it was even done, Mr Soliman.---I have said what I done for him. I gave him pointers and some project plans. You saw a typed version of what I gave him there for the HAENNI. Gave him lots of templates. I basically, you  
30 know, taught him how to run these projects, so - - -

Well, I suggest you're lying in that answer. Your answer there is false, in that any project plan that exists was produced by you after the Commission - - -?---Mmm.

- - - and provided by you to Mr Hamidi after the Commission executed a search warrant on your home.---I don't agree with that.

40 Now, I've just taken you to both a HAENNI dynamic and a PAT 10C III dynamic trial, and I suggest – sorry, documentation relating to a trial. The evidence shows that AZH was paid for those two trials, and also that the same technology was the subject of two further quotes by AZH in November, 2017. Now, I'll take you to those, Mr Soliman. The first is at volume 4, page 30. Do you see here this is another quote for a HAENNI dynamic portable weigh scales project?---Yes.

And this is only about three months after the previous quote I took you to. Do you see the date is 6 November, 2017?---Yes.

And if we just go to the page before, page 29, you'll see there an email by which AZH submitted its quote to Mr Singh.---Yes.

And going back to page 30, this time a report is being quoted for, a scoping study report.---Yes.

10 And then if I could take you to page 28B, that's 28B of the same volume, do you see here there's a quote in a similar format, but this time for a PAT 10C Series III - - -?---Yes.

- - - ITS technology trial and scoping study report.---Yes.

And again 28A is an email and it's submitting that quote to Mr Singh on 6 December, 2017.---Okay.

20 Why are these two trials being quoted for again, Mr Soliman, that is a trial relating to the HAENNI dynamic scale and another trial for the PAT 10C III dynamic scale, in circumstances where AZH had quoted and invoiced RMS and indeed been paid for a HAENNI dynamic and a PAT 10C III trial in July and August of 2017?---I recall some issue and I told Jai to cancel the HAENNI one, maybe the PAT one also. I don't remember why exactly. It looks like the work progressed later on.

30 Mr Soliman, why is it that AZH is submitting to RMS quotes for the same two trials as it has been paid for only three months before?---I don't think they were paid, they were cancelled from - - -

THE COMMISSIONER: No, no, no, no. Ms Wright is saying that quotes for trials that they had been paid for three months ago. So what she's saying is, three months ago there were quotes, invoices and payments to AZH, now, three months later we've got the quotes for what appears to be the same work. Why would that be occurring?---I'm not sure. I'm mixed up myself. I thought the earlier ones were cancelled.

You thought the ones three months before were cancelled?---Yeah.

40 MS WRIGHT: You couldn't have thought that, Mr Soliman, in circumstances where you approved payment.---Trying to think now why that would have happened. I thought the earlier ones were cancelled.

Well, you're wrong about that, I suggest, and do you accept that as you sit here now?---Well, I must be wrong, yeah, because I can see it, yeah.

Do you have any explanation at all for why you would be receiving quotes for the same two technology trials three months after the same trials had

been sought and paid for by RMS through you?---I'm trying to think what was happening at that time. I know there was a long HAENNI, there was a long HAENNI scale that Brett Patterson wanted to test, I don't know if it was that one, but that could be it. I don't know.

You see the evidence shows, Mr Soliman, that you signed a purchase order for this second HAENNI trial, and I'll take you to that at page 9 of volume 4. Do you see here a purchase order request signed by you as delegate for a HAENNI dynamic portable scales trial, dated 16 November, 2017?---Yes.

10

Why were you raising a purchase order for the same thing again as you had approved back in July 2017?---Don't know exactly but it wouldn't have been for the same thing if the other one was already progressed.

THE COMMISSIONER: Sorry, say that again.---If the previous one was progressed like Ms Wright is saying, this wouldn't have been for the same hardware.

MS WRIGHT: The description is precisely the same, HAENNI dynamic portable weigh scales.---Yeah. All I can think of, it's potentially the, the long scale that Brett Patterson would have been asking for. Don't know what else we were talking about at that time.

20

You have no explanation at all to offer for why you are raising and thereby authorising payment pursuant to a purchase order for the same technology trial three months after?---Wouldn't have been the, the same thing. That doesn't make sense.

30

It doesn't make sense, no. That's what I'm putting to you, Mr Soliman, and I'm asking you whether you have any explanation as to why you're raising a purchase order for the same thing.---Wouldn't have been the same thing. I mean, if, if there was anything here, it would have been a different hardware. I'm pretty sure they had multiple dynamic scales and I remember Brett was asking also about this long scale. This could have been that but I'm not exactly sure.

You're speculating.---Yes.

40

You have no answer to provide the Commission at all, I suggest. Do you agree?---I thought I just answered but I don't know.

Well, I'm suggesting that your answer is not an answer at all, Mr Soliman, because you haven't given any explanation.

THE COMMISSIONER: Your answer is speculating that it was a longer scale.---Yeah, that's what I recall was happening at that time.

Would you recall or is it speculation? Previously you just agreed it was speculation. Now are you saying it's your recollection?---Well, I recall that Mr Patterson was talking about that scale at that time. I guess here I'm speculating that that's what this one was.

MS WRIGHT: Now, there is an invoice for this trial at volume 4, page 10, please. You see this invoice, Mr Soliman, dated 29 November, 2017, for a scoping study report for HAENNI dynamic portable weigh scales?---Yes.

10 And you see the reference number at the top, E180281A7242, et cetera?  
---Yes.

This document was located by the Commission on a USB found at your workstation at RMS.---Yes.

Now, this is a document which I suggest that you had created at your workstation at RMS.---Don't know if this was one of the ones that I drafted for him, but I would always give him the purchase order, purchase order number, which he didn't seem to be getting.

20 So it's possible that you did create this invoice?---It's possible, yes.

Now, I'll take you, in fairness, to page 14A of the same volume. Do you see here this is an email from AZH, bcc'd to you on the 29<sup>th</sup> of November, attaching an invoice?---Yes.

And then at page 14B there is the invoice.---Yes.

30 And I suggest that there is a minor difference between this email and the email – sorry, this invoice attached to the email from AZH and the invoice found at your workstation, which I just took you to, and I'll just point that out to you. Do you see where it says, "Attention: client PO reference"?  
---Yes.

And where it says, "Client, Roads and Maritime Services" it's all in one line?---Yes.

40 And then if we go back to page 10, you see there, "Client, Roads and Maritime Services," the word "Services" is on the next row?---Yes.

You see that. And so there is a small difference between those two documents I suggest. And you accept that?---Yes.

Now, the evidence shows, Mr Soliman, I suggest, that there was no remittance made by RMS to AZH for this particular project. Do you understand that?---Yes.

Now, why would that be the case if you'd received an invoice from the vendor, AZH?---I don't know exactly what happened but I recall telling Jai to cancel a couple of these. I don't recall the reason exactly.

You signed the purchase order and received an invoice, so you and Mr Hamidi must have been expecting a trial to take place, wouldn't you?  
---I wouldn't have expected it if I wanted it to be cancelled.

10 At the time you signed the invoice, sorry, signed the purchase order, you would have been expecting a trial to take place.---I guess so, but again something changed.

I suggest in fact you were not expecting a trial to take place because this documentation was designed to justify a payment by RMS to AZH in return for no service at all being provided by AZH. I suggest that. Do you accept that or reject it?---I don't understand the question, sorry.

20 You were not expecting any trial to take place because this documentation was designed to justify a payment to AZH by RMS in return for no service at all being provided by AZH.---I don't, don't agree with that, no.

Would you agree that you were not expecting AZH to participate in any trial?---Sorry, are you saying they weren't meant to go or - - -

You were not expecting AZH to be participating in any - - -?---No.

- - - HAENNI dynamic portable weigh scales trial in 2017.---Don't agree with that.

30 And the documentation here, being the invoice and the purchase order et cetera, was submitted to RMS to justify a payment to AZH when you had full knowledge that AZH would not be participating in any trial.  
---Don't agree with that.

And in your position as manager of the program, the Heavy Vehicle Programs, no one at RMS would be any the wiser about whether the trial had taken place or AZH had participated in it, would they?---That's not correct, he was meant to do it.

40 And you abused your position which enabled you to authorise payments knowing that no one would be checking the details of any trial and the outcome and whether AZH participated at all.---I didn't approve the payments, that was Jai.

Is that your serious response, Mr Soliman?---Yes.

Now, I suggest it's not a serious response because you know full well that you approved all of these payments and it was not Mr Singh who approved them at all, Mr Soliman.---I didn't approve the invoices for the payments.

It was you who approved the expenditure coming out of the Heavy Vehicles Programs Unit.---The purchase order, yes.

And you fully expected and approved that down the track any invoices raised in the context of these projects had your approval for payment.

10 ---In that, in that sense, yes.

And so you are – I withdraw that. Now, around this time there was a tender process for appointment to a Professional Service Contract Panel. This is around November 2017, you agree with that?---Yes.

And following AZH's inclusion on that panel, AZH was awarded a number of further trial and scoping study contracts. Do you agree with that?---Yes.

20 And the value of those contracts increased very significantly following its appointment to the PSC Panel, do you agree?---Yes.

Each trial was around or in excess of \$200,000, do you agree with that?---I think so, yes.

And the first of those trials was another portable weigh scale scoping study. You recall that?---Okay, yes, yes.

30 Yes. And in December 2017, so this is only a month after these quotes have been submitted and a purchase order has been raised for the HAENNI portable weigh scales trial – which you can't tell the Commission anything about – you received a quote from AZH for a modern portable weigh scales trial, and I'll take you to that now. That's at volume 4, page 68. Now do you see here this is a schedule 2 quote response form signed by Zoe Hamidi?---Yes.

For providing a fixed price offer of \$219,250, excluding GST, for a modern portable weigh scales field trial and report.---Yes.

40 And then if we turn to page 70, the actual AZH Consulting quote for the same amount is set out, dated 15 December, 2017.---Yes.

And this is December 2017. Is this not the time you had been told that \$2 million had become available to go to market for the purchase of new scales? And I've already taken you to - - -?---It was around this time. I thought it was a little bit later.

All right, well, I'll take you to it at volume 10. Do you see page 25 of volume 10? In a moment that will come up on the screen.---Yes.

Now, there's an email there on 21 December, 2017.---Yes.

"Samer, let's progress to market." And that is in part response to an email on page 26 of the same date informing Mr Weeks that there is \$2 million available, and that's halfway down the page. Do you see that?---Yeah. Yeah.

10 And then if we go back to page 25, you say to Mr Weeks at the top of the page that "The pre-work for requirements has completed and we will be able to issue the RFQ as soon as business recommences in the week of 8 January. I would expect to have a result by the end of January 2018." You see that?---Yes. Yes.

And you were there referring to the RFQ for the issue of the 125-scale procurement process.---Yes.

20 Now, so this is around the time, and going back to volume 4, please, at page 70, where you are receiving from AZH a quote for over \$200,000 for a modern portable weigh scales project. Do you see?---Yes.

And he is proposing to procure for RMS six HAENNI static scales, six PAT static with dynamic capability scales and six Intercomp scales.---Yes.

And the trial would be very important, would it not, for the procurement which is forthcoming?---Yes, that's probably why this happened at that, at this time.

30 So what can you tell the Commissioner about this project, when it occurred, where it occurred and what the outcome was, Mr Soliman?---I recall telling Ali which scales, what my recommendation was to test, I think I also told him some recommended locations and some contacts for the inspectors. Yeah, that's what I know of it.

THE COMMISSIONER: That's it?---Yeah.

40 MS WRIGHT: And I suggest that there is no evidence of you telling anyone around this time that funding has become available, that there is a trial of three types of portable weigh scale going on.---The whole team would have known about it.

You see I took you to that email in volume 10 where you say that you'll have the documentation for the RFQ for the procurement issued by the end of January 2018. You recall that email I took you to a moment ago?---Yes.

Do you?---Yes.

And you make no mention that there is an important trial of scales RMS may be interested in procuring about to occur.---I don't think I did in that email, no.

You didn't actually raise it with anyone in the context of the procurement process, did you?---Again the whole team would have known but I don't know who else I told.

10 And yet you can't tell the Commissioner when or where this trial took place or the outcome or anything about it, apart from the fact that you suggest you recommended some locations to Mr Hamidi and some contacts for inspectors.---That's what I know, yeah.

There was no trial and there was to be no trial to your knowledge, Mr Soliman.---I don't agree.

Isn't that the truth?---I don't agree.

20 Isn't that the simple truth, that there was no trial and there was to be no trial because you used your position to authorise a payment to AZH on this spurious basis that a portable weigh scale trial was being quoted for and was to occur.---No, no.

And AZH was paid \$241,000 of public money for this alleged trial of which you can give the Commission no specifics at all. Do you accept that?  
---I told you what I know of it, I mean - - -

30 Which was nothing, I suggest. Precisely nothing. Do you accept that?  
---I told you what I, what I know.

And you never received a scoping study report from Mr Hamidi or Ms Hamidi or AZH about this trial, did you?---This is another one of the ones, I'm pretty sure he flicked through a draft, so again I thought he was working on it, again I don't know any more.

Now, a report, if I could take you to volume 14A at page 7. Do you see here a report on AZH corporate logo called Modernising Mass Management for Regulated Scoping Study 2018?---Yes.

40 Now, the number at the top of the page I suggest indicates that this document was found on a USB located at your RMS workstation. Okay? You'd accept that?---Yes.

And if we could just turn to page 9. You see here it purports to explain a scoping study conducted by AZH in relation to three types of scale which are listed one, two, three, and that includes the Intercomp and the 10A III scale.---Yes.

And you see the WL 104. Is that a HAENNI model?---Yeah, I think it's the one the guys have now, yeah.

And, Mr Soliman, this report was not submitted, or at least the evidence suggests it was not submitted, by Mr Hamidi or Ms Hamidi or anyone at AZH to RMS, it being found only on a USB at your workstation.---Yeah.

You understand?---Yeah.

10 I suggest that you prepared this document.---I don't recall doing the document but I do recall giving him feedback about the one-day trial that I was at with Mr Jones.

So is that the trial where Mr Jones is trying to get the PAT 10C dynamic scale to work because the software wasn't working?---No. No, it's the one where the Intercomp one broke. I think it was the 788. It was - - -

And Mr Hamidi was not at that trial.---No, I was. He just asked my feedback.

20

I see. But dealing with preparation of this actual report, is it your evidence that you did not prepare this document?---I don't recall doing this document but - - -

You don't recall it but you don't deny that it's a possibility, Mr Soliman? ---Could you flick through some of the pages? I mean, it's a bit, bit hard to tell.

30 Let me flick through the next page and the next. See "Following several meetings and discussions with RMS stakeholders"? You see that?---Yeah.

And that's suggesting that AZH has had several meetings and discussions with RMS stakeholders, isn't it?---I guess so, yeah.

But that didn't happen, did it, to your knowledge?---I don't know. I didn't check with him about the details.

40 I suggest that you prepared this report, Mr Soliman.---Don't think so. I mean, it looks like it's a template from the previous one.

Now, you say it looks like a template to the previous one, and yet you authorised payment of \$219,250 plus GST to AZH for this scoping study, did you not?---The, the purchase order, yes, yeah.

And you didn't care whether AZH even produced anything of value to RMS in exchange for those funds.---Don't agree with that.

Well, how is it that you don't agree with it when you can't even tell the Commission anything about this trial and your evidence is that this looks like a template?---I told you what I know again. I recall giving him my recommendations for models and sites and the people that he needs to speak to, and he asked me also for his, for the feedback on that one-day trial so he can put it, scoping study.

10 Wouldn't caring about the outcome of this trial and whether it took place involve you taking an interest in the trial, where it occurred, what the outcomes was, how each scale performed, whether the inspectors had been consulted and involved and whether feedback about each type of scale had been conveyed to the inspectors and then passing that information on in some guise to those who may be involved in the procurement process which was kicking off at this time?---Yes, and at the time I had no kind of doubt that the work wasn't getting done, but again - - -

20 But you took no interest in any of those matters that I've just listed in my previous question and you can't tell the Commission anything about any of those matters. Isn't that the case?---Well, of course I cared about it, but like I said previously, there was no point in me doing much if I hadn't seen a final report and - - -

THE COMMISSIONER: Sorry, not doing much if you hadn't seen a final report?---Yeah, well, if I haven't, haven't seen a final, like recommendation there's not much for me to feed back or say anything on.

30 But you've got, in 2018, two panels looking at spending initially about two million and then up to five or six million of public funds on scales, this report would have been integral.---Yes.

And none of those panel members had ever seen this. You didn't think that was part of your role, to chase up, where's the report, I'd be interested in what was recommended, what were the good scales, our panel members should be reading this report, having a look at it, and you did nothing along those lines?---Don't know what I did exactly but I definitely chased him on it, but again he was going through his family trauma and I felt bad to kind of push him on a certain time line and I should have.

40 MS WRIGHT: Mr Soliman, there is no family trauma that has any relevance to any of this I suggest. This was a scam by you in collusion with Mr Hamidi to enrich yourselves.---I don't, I don't agree with that.

You were receiving money from Mr Hamidi at this time by way of cash payments from him, weren't you?---Yeah, what date was this, sorry?

This is December 2017.---Yes.

And yet you're seriously saying that this was not a scam on RMS, a fraud in other words, Mr Soliman?---No, I don't, don't, no.

Now, just before we, if we've still got that particular report, 14A, page 7, there was another project of significant value I suggest, over \$200,000, awarded to AZH following its appointment to the PSC Panel called a Modernising ITS Field Trial and Scoping Study. Do you recall the one?  
---(No Audible Reply)

10 That was in April 2015?---Briefly, briefly, yeah.

Yes, because you were the manager of the RFQ for that scoping study, weren't you?---I don't know.

My question is whether this particular report called Modernising Mass Management for Regulators relates to that project in April 2018, which was called Modernising ITS Field Trials and Scoping Study, or whether it relates to the trial I've just taken you to, which was to do with modern portable weigh scales.---Don't know.

20

See, both those projects dealt with portable weigh scales, didn't they?  
---I think one of them had, because I think we were taking about fibre-optic WMS at that time, which is a different technology, it's not a portable scale.

You're referring to April 2018?---I don't know when but I'm just, I know we were talking about it during 2018.

And there was an amended quote for an analysis on new fibre-optic WIM technology submitted by AZH, wasn't there?---A quote for it?

30

Ah hmm.---Okay, sure.

You know full well the details of all of this, Mr Soliman, don't you?---Not right now, no, I don't.

Well, you gave an answer that it was to do with the optic, fibre-optic matter, so I suggest you know precisely what I'm asking you, Mr Soliman.---I don't understand what you're asking me.

40 Now, the next project awarded following the modern portable weigh scales project, to which I've just taken you, was called an in-ground thermal camera system. Do you recall that project?---Vaguely.

Volume 4, page 95, please. You sent to Mr Hamidi a request for quote. Do you see here an email of 15 December, 2017 from you, requesting a quote - -?---Yes.

- - - from AZH, and then he responds on 22 December, submitting a quote.  
---Yes.

Which is at page 97, if we could have page 97. And he's provided a quote for \$93,610.---Yes.

Now, this is in December, and I suggest that IMC had, you had been liaising with IMC in relation to an in-ground thermal camera trial at around this time. Do you recall that?---I think so, yes.

10

And there had been a plan to commence that trial on 13 December, 2017. Would you accept that?---If you say so, yes, that's fine.

Well, I suggest that the evidence at Exhibit 51, annexure J – I won't take you to it, but so that you're advisers are aware – indicates that there was a placeholder sent by you for commencement of the thermal camera trial on 13 December, 2017.---For which thermal camera?

For a thermal camera trial with IMC involved.---Okay.

20

And what I'm suggesting is that at volume 4, page 95, that on 15 December, which is just two days after the proposed trial, you sent a request for quote to AZH because you were proposing that AZH looked like they were going to be involved in this trial.---I think you've got the wrong thermal camera.

If we could go to page 97. Do you see FLIR ONE Pro thermal camera field trial?---Yes.

30

Do you say that's a different thermal camera than the IMC camera that was proposed to be trialled in December 2017?---I think so because the other one was inside the ground, so - - -

The IMC camera was nevertheless a FLIR thermal camera, was it not?  
---The one that's in the ground, but I'm pretty sure this is the handheld one.

THE COMMISSIONER: Sorry, so there was a FLIR one which was tested when it was in the ground. This FLIR one, the proposal is to be tested while holding it, is that what you're saying?---No, sorry, I'm pretty sure the FLIR ONE Pro, if I recall, that's a - - -

40

I'm sorry, I can't hear you.---I'm pretty sure the FLIR ONE, that's like a handheld thermal camera.

All right, and that's the one that we're looking at the quote on page 97?---Is that what I'm looking at now?

Yes.---Yeah, that's like a handheld one. I think that's FLIR ONE.

And what do you say the previous one was?---The other ones are still, I think they're all by FLIR but it's inside the ground. It's a different type of thermal camera.

MS WRIGHT: Now, the trial with IMC was put back from December 2017 to a date or dates in March 2018, do you agree with that?---Okay.

Do you agree with that, Mr Soliman?---Yes, yes.

10 And that was arranged to be conducted in Orchard Hills with IMC staff attending?---Yes.

And I suggest because that was put back, you did not proceed with the quote at volume 4, page 97, which I've taken you to, do you agree with that? ---Don't understand the question.

Well, what I'm suggesting is that IMC, there was a plan for a trial in December 2017 involving a thermal camera with IMC, okay?---Yes.

20 And at the same time you asked your friend Mr Hamidi to issue you with a quote relating to a thermal camera trial in December 2017. You agree with that?---No, that's a different camera. That's a different hardware.

And then he issued you with a quote for a thermal, a FLIR thermal camera trial. Do you agree with that?---Again, no, because you're mixing up two different projects, actually.

30 All right. I understand what you're saying, Mr Soliman, but he issued you with a quote for a FLIR thermal camera trial on 22 December, 2017. You don't dispute that, do you? I took you to the quote.---The FLIR ONE Pro, yes.

And I'm suggesting that Mr – well, not Mr Snell, but IMC and yourself arranged to put back the thermal camera trial from December to March 2018. You agree with that? You've already agreed it was put back to March 2018.---Yeah. I don't remember why, though.

40 And I'm not asking you why, but you agree that it was put back to March 2018?---Yes.

And Ms Hamidi then sent you a quote, and so this is another quote from AZH for an in-ground thermal camera system trial in March 2018, and I'll take you to that now. That's at volume 4, page 50A. This is the email from Ms Hamidi and then the next page is the quote for \$162,963 plus GST. You see that?---Yes.

And what I'm suggesting is that the reason that the previous quote submitted in December 2017 by AZH for an in-ground thermal camera trial

was not proceeded with – and what I mean by that is that RMS, you did not submit it for payment and they were not paid for that quote – is because the IMC trial was put back to March 2017 and you then sought another quote, a larger quote, from AZH for that new trial.---No, that's not correct. Another vendor won the previous project that you showed me.

THE COMMISSIONER: Sorry, say that again?---For the FLIR ONE Pro, AZH weren't successful from what I can recall, someone else won it. This is a separate project.

10

You're saying that the quote in December, AZH weren't successful?  
---For the FLIR ONE Pro, yeah.

Who was successful?---Maybe SGS or JYW, I'm not - - -

Do you remember or are you speculating?---I'm just guessing, because they were the other, other two that won work.

Sorry, SGS or who was the other one?---JYW.

20

MS WRIGHT: Sorry, could I just have a moment, Commissioner.

THE COMMISSIONER: Yes.

MS WRIGHT: You're not mixing that up, are you, with the stand-alone low-visibility detection system trial, are you, where JYW was chosen?  
---Don't think so, I'm pretty sure Ali told me he didn't win that one.

30

Now, if we could just stay with that quote at volume 4, page 50A. Do you see here, if you could just familiarise yourself with this quote and the total, which is 232,000 – I'm sorry it's not 232,000, it's \$179,259 at 50B. This is at volume 4, 50B. Do you see that?---Yes.

40

And the services include development of a thermal camera system, 2, development engineering fabrication including customised removable from tarmac stainless steel housing, end-to-end management and scoping study report. And then if I could take you to volume, page 45, I suggest that this is the same project that is being quoted for here, on the same date, being 23 March, 2018, for an in-ground thermal camera system, and this quote contains the same description, yet the amount quoted is different, at \$232,210.---Yes, okay.

Do you accept that it's the same quote but for a different amount, Mr Soliman?---Seems that way, yeah.

And this version of the quote, as the document at the top, the document number at the top of the page suggests, was found on your workstation at RMS.---Okay.

So my question to you is, why would you have a different version of the quote on your workstation? I suggest that you created this quote, Mr Soliman.---I'm reading some of the scope of works and I definitely gave him some of that.

THE COMMISSIONER: No, you're not being asked that. Why are there different monetary amounts?---I don't know. Maybe I sent it to him and sent him a scope and he priced it.

10

MS WRIGHT: Didn't you create this document at page 45 of volume 4 and insert the figure \$232,210?---Don't recall that, but I recall part of the scope of works. That looks like it would have been me.

Mr Hamidi would not have come up with the figure himself, would he?  
---No, he always did.

What did you say?---He, he always priced it.

20

So this document here at page 45, this was found on your workstation.  
---Yes.

You accept Mr Hamidi had no access to your workstation at RMS?---Yes.

It is simply not possible for him to have saved it onto your computer, is it, Mr Soliman?---No.

And so the only person who would have saved it on your computer is you, you agree?---Yes.

30

And the quote that he's submitted is for \$179,259.---Yes.

Did you subsequently decide after creating a quote for \$232,000 that you should lower the figure?---Again, I don't know. I mean - - -

Did you - - -?---Maybe it was a previous template.

I'm sorry?---If I was typing up the scope of works, maybe it was a previous template. I don't know exactly. I don't recall thinking about the price, even.

40

In any event, you accepted the quote for 179-odd thousand dollars, which is at page 50B?---Okay.

You agree that you accepted the quote?---Someone in the team did. I don't know if it was me.

Well, it was you, Mr Soliman. You accepted the quote. Do you deny that?  
---What do you mean, sorry?

You accepted AZH's quote for \$179,000 for this project.---Don't know if it was me. It would have been whoever is running that.

Page 52. Do you see here a letter of acceptance for the quote which has your name on it?---Yes.

- 10 And now accept that this document is not signed, but do you agree that you signed a quote acceptance letter for this project to AZH?---I don't know. I don't recall doing that.

I'll take you to page 51. Do you see that Mr Walker sent you the letter?  
---Yes.

And you responded in the affirmative, didn't you?---It may seem that way, yeah. I don't recall signing it, though.

- 20 You don't recall responding to Mr Walker that you refused to sign it either, do you?---What do you mean?

You don't recall responding to Mr Walker that you would not sign the letter of acceptance, do you?---Don't recall telling him I wouldn't.

That's what I'm asking you. So you agree you don't recall that you wouldn't. And the evidence shows that a purchase order was raised and an invoice was raised, which was paid by RMS.---Yes.

- 30 So in those circumstances it is more than likely that you accepted the quote pursuant to the request sent to you by Mr Walker at page 51.---Seems that way, yes.

And IMC sent you a report relating to its involvement in this trial of a thermal camera. Do you agree with that?---I believe so, yeah.

- 40 And if we could go to the affidavit of Tim Snell, please, at page 110, which is annexure M, Commissioner, of that statement, and Mr Snell has sent to you on 17 April, 2018, his report from the most recent trial and he says, "We can provide any or all of the captured data on request." You see that?  
---Yes.

And you looked at the report when you received it, wouldn't you?---I'm sure I would have, yeah.

If we could turn to two pages later, which is the report on thermographic heavy vehicle defect detection. Do you see?---Yes.

And then we turn the page and then to the next page, you see it sets out the purpose, background and technology.---Yes.

“The intention of this system is to provide a tool to automatically flag vehicles with potential brake defects to undergo a more rigorous manual inspection by the RMS inspectors.”---Yes.

And then it refers under Technology to the 2017 trial which I’ve already taken you to.---Yes.

10

And the FLIR A65 was selected for this trial - - -?---Yes.

- - - as it was deemed the most appropriate - - -?---Ah hmm.

- - - for low-speed inspection bays. Then the same report I suggest as this report, perhaps if we could just turn the next page to demonstrate some of the figures, you see here a figure 1 and then going over the page there’s a system status, a screen print, and then going over the page there’s a picture of a truck and the plate number and axle temperatures recorded, and that’s called Figure 4, Screenshot of the Results, Overview. And it goes on, perhaps just go over the page, please, some thermal camera photos and then over the page at Figure 6, Trial Location Overview. Now, I suggest that the same report is found by the Commission on a USB at your RMS workstation, and that is at volume 14A, page 88. However, this version of the report contains the AZH Consulting logo. Do you see that?---Yes.

20

And if we go over the page, and again we see it’s got the same content, Purpose, Background, Technology headings. Under Background, “The intention of this system is to provide a tool,” et cetera.---Yes.

30

And under Technology it doesn’t refer to the trial in 2017, but I suggest it then goes on with identical text, “The FLIR A65 was selected for this trial.” You see that?---Yes.

“As it was deemed the most appropriate for low-speed inspection bays,” et cetera.---Yes.

And then turning to the next page, the same figure 1.---Yes.

40

And over to the next page, the same system status screenshot, being figure 2.---Yeah.

And then over the page, if we go over again, the same picture of a truck with the axle temperature results in figure 4.---Yeah.

And then over again, the same thermal cameras, and again on the next page the same installation photos and text in relation to that trial. Now, Mr Soliman, you would accept that this report, being found on a USB at your

desk at your workplace, that it was you who removed the IMC information and turned this into a report that appears to be by AZH?---I don't recall taking the logo off, but again this is, I don't know if this one or the other one that I would have resized the logo for him, and also this was one of the ones that was meant to go for much longer.

10 This was something that was much longer? What did you say?---I'm pretty sure this is one of the ones that was meant to go for much longer, so I think I asked Ali for, for this one, after this first kind of trial, to go on with the trial for much longer because the technology seemed to work, so wanted a much longer trial.

Well, that's all very interesting, Mr Soliman, but what I'm asking you is do you agree that you are the person who turned the IMC report into a report which purports to be by AZH?---I don't recall changing it but I remember seeing it and resizing the logo. Again, I think it was this one. I don't know if it was the one which we previously saw a couple of weeks ago.

20 THE COMMISSIONER: Was Mr Hamidi incapable of resizing the logo, his own company's logo?---I just remember for one which he showed me and it was a bit small.

No, so you're telling us that Mr Hamidi was incapable of resizing his own company's logo?---It's not that. But obviously when I have the, have, have the actual file and he's asking me what do I think, I make changes as I thought.

30 What, sorry, say that again.---So obviously when he's, when he's asking me what - - -

What's your evidence now?---It's the same. I mean, when, when he asked me what I thought, if there were changes which I would recommend, I would just do it.

MS WRIGHT: You see, there's no evidence of Mr Hamidi submitting this report to you or to RMS, Mr Soliman, and the only place it's found is on a USB at your workstation.---I don't think he finished the whole trial, though. It was meant to be a lengthy trial.

40 Well, that has nothing, I suggest, to do with the question of how IMC's report turns into a report containing AZH corporate information, which purports to be by AZH. Do you have any explanation as to how that report with AZH's logo appeared on a USB found at your workstation?---All I can think is that that's one of the ones which I changed some formatting for him and, and again it's the same as previously. He said he was working with them to, to produce this report but I, I wanted it for a much longer trial after the manufacturer left.

And when you say you changed the formatting for him, you changed it from IMC's report into an AZH report. That's what you mean by changing the formatting for him, being Mr Hamidi.---Don't recall doing that. I mean, he, he could have done that, obviously. I mean, he would just ask me what I think - - -

10 THE COMMISSIONER: No, Ms Wright is saying to you that the evidence points to the fact that you were the one who's received the IMC report and then you merely changed, your reference to changing formatting is basically to put AZH logo and other relevant AZH information to pass it off as an AZH report, and you did that.---That's not what I meant by formatting, no.

So you deny that?---I don't deny it, but I'm just saying, well, what I can, what I can recall doing to, to the documents for him, for formatting.

MS WRIGHT: And you didn't save any scoping study report by AZH onto Objective or any other RMS internal database, did you?---I don't think so, no.

20 And you didn't tell anyone at RMS that you had either produced AZH's report about this project or received a report from AZH about this project, did you?---Wasn't finished, to me, anyway, no.

So you're agreeing that you did not tell anyone at RMS that there was a report by AZH about this project?---Don't think I told anyone, no.

30 Now, the next project was the modernising ITS field trials and scoping study, which I've already referred to, and if I could take you to volume 4, page 78A. Do you see here on 24 April, 2018, you sent an email to AZH attaching the request for quote?---Yes.

And then on 30 April, just above your email, AZH responds, attaching a quote for the required work. You see that?---Yes.

And then on 1 May, in the same email chain, AZH sends you an amended quote.---Okay, yes.

40 And the quote is on page 78B, and this one's for fibre optic WIM technology.---Yes.

And then you see how the quote is numbered RMS 17?---Yes.

And then on page 79, if we turn to that document, this is also quote RMS 17. However, if we turn to the next page, RMS 17 is now a quote for a different matter, so it's not fibre optic anymore, it's for the modernising ITS field trials and scoping study. Do you see?---Yes.

And it's obviously a lengthy quote with a lot of text, but if I could take you to under the heading Procurement, it refers to hardware and software, and then it says, "AZH has investigated the requirements above," and it goes on to say that, "The following technologies are nominated which best meet the requirements, especially the mandatory requirement," and it then lists the scales 10A III, LP 788, and WL 104, which were listed in the scoping study report which I took you to earlier. Do you recall that?---Sorry, those three, you mean?

10 Yes.---Yeah, I think the other one was meant to be different ones, though, because I recall telling Ali to test the 15C III also.

But do you agree that these scales are the same scales listed in the modernising mass management scoping study which I took you to earlier - - -?---Yes.

- - - which is found at volume 14A, page 9 - - -?---Yes.

- - - and which was found on a USB at your workstation.---Yes.

20

Now, Mr Soliman, that's why I asked you earlier whether that particular scoping study related to the modern portable weigh scales project or this particular quote, which is a later and different quote. You understand that? ---Yes, I do, yeah.

Now, the same process as we've gone through multiple times I suggest was followed in that a purchase order was raised and an invoice was sent by AZH, which was bcc'd to you and was approved and paid for this project. ---Yes.

30

Mr Soliman?---Yes.

You understand that? And AZH was paid \$230,890 in June of 2018 for this project. You understand?---Yes.

And yet, well, first are you able to tell the Commission about the details of this project, when it took place, where it took place or any other specifics? ---Yeah. Yeah, the same as the previous one. I would always basically tell him the recommendation for models and the location and the people to talk to. Don't know what, what happened after that.

40

So this is at a time where you've just completed a procurement process for 125 new portable weigh scales, and you are going to embark on a further procurement for the balance of the scales required to replace the entire RMS fleet, and yet you know nothing about any trial which took place in 2018 trialling the 10A III LP788 and WL 104 scales listed in the quote at volume 4, page 90? Is that your evidence?---I just know what I told you, what I recommended to, to Ali to test.

That's your recommendation in advance of the trial? That's what you're referring to?---Yes.

But you cannot give any evidence about the outcome or the actual carrying on of the trial itself?---I don't know.

Now, this quote at page 79 to 81 was found on your workstation at RMS, and again I suggest that the reference number at the top of the page, page  
10 79, indicates as much. You don't dispute that?---No.

That it was on your workstation, Mr Soliman?---I thought it was on the USB that went back and forth but, okay.

Well, a USB found at your workstation.---Okay.

And how do you say that USB was at your workstation? Was it something that you used to save AZH documents onto?---Yeah, I think that was the one that went back and forth.  
20

THE COMMISSIONER: Sorry, what do you mean it went back and forth? Between whom?---Me and Ali.

Why?---He wanted to, to make a, to make a, a copy of it, obviously.

Sorry, say that again.---And it was - - -

If he wanted to make a copy?---If he wanted to make a copy, yeah.

I still don't understand.---So obviously when I drafted the scope of works, that's his, the, the basis that he knows he has to do the work and the invoices which are drafted for him, because he didn't have the PO number, he would just basically copy that over.  
30

Why not just provide him with the PO number in the email?---Yeah, just - - -

"Here, Ali, here's the PO number."---Yeah, I know. Yeah.

You didn't have to draft the invoice, did you?---It turned into a, a habit after the first time because I gave him the template.  
40

You didn't have to draft the invoice, did you?---No, I didn't, but he asked me to and so I did. It became habit.

Why not just use your private email address and email document with documents attached to and forth? Why did we need this USB that's being passed back and forth?---I think I did send him emails at the beginning but

yeah, just progressed to whenever we met obviously, if he needed it, it's there on the USB.

MS WRIGHT: So you say a USB went between you and Mr Hamidi, do you?---I think it was that one, yeah.

Was there another one that contained AZH documents, another USB?  
---There was at least one but, and there's one obviously you, you showed me the projects on, but I thought that was much later on.

10

So there's a USB that Mr Hamidi's provided the Commission which he says that he found in his letterbox.---Yes.

Okay. We're not talking about that USB.---Okay.

There is a USB that the Commission found at your workstation at RMS.  
---Yes.

20

Right. And those documents are in volume 14A - - -?---Yes.

- - - as well as volume 13 of the brief before the Commission.---Yes.

Now, the evidence you've given about exchanging a USB between you and Mr Hamidi, are you referring to the USB that was found at your workstation at RMS?---I think that's the one because, and there was at least one other one that he sent all the projects on, but I think it was the one that was found at my desk, I assume, I can't see obviously, but I think that's, that's the one.

30

Haven't you been saving a lot of AZH documents onto your workstation at RMS, invoices, quotes and the like?---I thought it was the USB.

Well, hadn't you been creating AZH documents somewhere other than a USB, Mr Soliman, such as your workstation?---I don't think so, I thought it was the USB.

Had you been creating AZH documents on a laptop?---Potentially the laptop that I had at work, yeah.

40

And you had compiled quite a large number of AZH files on the laptop. Is that the case?---I don't think so. I thought it was just the USB.

Didn't you at some point move the documents off your laptop or your workstation and put them onto the USB?---It's possible, yeah, if I started, I mean, if there was a file on the workstation I might have moved it over.

And did you move it over in order to remove any evidence of your involvement in the creation of AZH documents from RMS property?  
---I think so. I mean, he probably just wanted a, wanted a copy of it on the, on the USB.

Well, you say you wanted a copy on the USB, but I'm asking you, did you move documents onto the USB in order to remove the copy from your RMS work computer, whether it be your permanent workstation or your laptop?  
---Don't even know if I did move it, but I mean I don't know.

10

And in order to remove evidence of it?---Don't recall even doing it, so it's hard for me to say what the reason would have been.

Well, can I take you to volume 4 – the document I wish to take him to, I think it's at volume 4, page 134, but if it's not, sorry, Commissioner, I have to take him to another place in the brief.

THE COMMISSIONER: All right.

20 MS WRIGHT: So volume 4, page 134.

THE COMMISSIONER: Mine ends at 133.

MS WRIGHT: Well, it may well be an extraction report folder document, I think it was moved at some point.

THE COMMISSIONER: Okay.

30 MS WRIGHT: Mr Soliman, this is an extraction report containing data extracted from your Samsung Galaxy mobile phone and I'll take you to page 135 and do you see here a calendar at the bottom of the page?---Yes.

And a table?---Yes.

And there is an entry on the 18<sup>th</sup> of the 5<sup>th</sup>, 2018, do you see?---Yes.

And the subject in the entry is to, "Clear browser cache and move AZH files to USB and password lock personal files." Do you see that?---Yes.

40 So you had created that calendar entry on your phone yourself, hadn't you?  
---I must have, yeah.

And you had, in doing that, sought to remind yourself to move AZH files onto a USB and password lock the files, correct?---I think the personal files refer to the email that Outlook, when you open it, it asks for password. There's a few different things happening here, though.

Well, let's just deal with the, "Move AZH files to USB." You were reminding yourself to move the AZH files, which you had created, from your workplace onto a USB, weren't you?---Yep. Seems like that, yep.

And that was in order to remove evidence of all of the AZH files that you had been working on and created yourself?---I don't know about that. I mean, the USB just went in my drawer when it was with, with me, so - - -

10 And if they were on a USB, they would not be on your work computer or computers, would they?---No but they were at my desk, yeah.

And there would be less likelihood that anyone at your employer would discover your involvement, your very intimate involvement in creating AZH documentation?---I don't think that was the point. It seems, seems silly now that, I mean, I just left it at my desk.

Well, you left it at your desk and it was discovered, so you'd call that silly but I call it evidence, Mr Soliman.---Okay.

20 That's what you were doing, weren't you?---I don't think so. I mean, if I was trying to hide it, I wouldn't have left, left it at my desk.

Well, you also wanted to clear your browser cache and reminding yourself to do that. Do you agree with that?---Again, I think there's a few different things happening.

You were reminding yourself to clear your browser cache, were you not, you agree with that?---Yes.

30 And the browser cache would reveal that you'd been using the internet to obtain information inserted into AZH reports, wouldn't it?---I don't know.

Tell us why you wanted to clear your browser cache at the same time as move AZH files onto a USB.---Well, like I said there's a few different things happening in that.

40 THE COMMISSIONER: Well, Mr Soliman, you've been asked, it's been put to you that this is part of removing evidence of work that you had been doing for AZH and in the reports. So you have indicated in the entry that you're going to clear your browser cache. What other reason? Don't just answer there's many things happening on that day. If your evidence is that there is another reason as to why you were doing that, what is the reason? ---I don't know.

MS WRIGHT: And at the same time as clearing the browser cache and moving the files onto a USB, you were also reminding yourself to password-lock your personal files. Do you agree with that?---Mmm, yes.

And the reason you wanted to password-lock your personal files was in order to ensure that no-one would get access to files relating to your scam with AZH.---Don't agree with that.

Well, I suggest it's obvious from this calendar entry that that is precisely what you were doing, Mr Soliman. You don't agree?---Don't agree.

10 You see, you had been preparing the AZH Consulting quotes and invoices and reports in order to execute this fraud on RMS, weren't you?---No. That's not what I was doing.

And if I could take you to volume 14A, at page 36, this is one of the documents found on the USB at your workstation, which is an invoice on AZH letterhead to RMS for the portable weigh scale field trial study, which is incomplete. That is, that the invoice is incomplete. Do you see that? ---Yes.

20 And so this is one of the documents which you had created pending the finalisation of the purchase order, hadn't you?---I don't know if this is one of the ones I made, but again, I mean, I done some of them.

It's on your USB, Mr Soliman. It's not Mr Hamidi's USB. It's your USB, at your workstation, and it's an incomplete invoice by AZH.---I understand. I'm just saying that I don't recall if this is one of the ones that I done for him.

It must be, mustn't it, given that it's on your USB, and it's incomplete, it's a draft invoice.---Not necessarily.

30 And this is the type of document which you were reminding yourself by that calendar note in your phone to move from your computer onto the USB in order to remove evidence of it from your work computer or computers, isn't it?---Could you repeat the question?

This is a document which you were reminding yourself by that calendar entry I took you to that you inserted on your phone to remind yourself to move documents from your work computers onto a USB in order to remove evidence from it from your work computers.---Looks like it was - - -

40 This is one of the documents.---Probably was, I don't know exactly.

And that's exactly what you did, because it was found on the USB.---Yep.

And so do you accept, by answering the question I've just asked you, that you were seeking to remove evidence of AZH files from your workstation? ---No, because it seems silly to do that.

This use of the word 'silly', Mr Soliman, what do you mean by 'silly'?  
---Well, you are suggesting that I'm trying to hide it, but the USB was in my desks, desk, so, doesn't seem like a logical thing to do.

You're saying that because you were caught, it makes it unlikely that that's what you were intending to do at the time, is that what you're saying?---No.

Well, in saying, "Well, it was at my desk," what do you mean by that?  
---Well, obviously the USB was found at my desk somewhere, so, it doesn't  
10 seem like I'm trying to hide it.

Now, I suggest, well, just taking that up, Mr Soliman, you were not expecting a search warrant to be executed on your home on 18 October, 2018, were you?---No.

No. So you were taken fully by surprise by that, weren't you?---Yeah.

And you did not know that the Commission would be in a position to find a USB at your workstation when you left the USB there, did you?---No.  
20

Now, I suggest that the last of the scoping study projects awarded to AZH was the heavy vehicle avoidance solution trial. Are you familiar with the name of that project?---I think it's something to do with Safe-T-Cam.

THE COMMISSIONER: Can I just pause for a sec. The extraction report -  
- -

MS WRIGHT: Yes, if I could tender the extraction report, Commissioner, and also volumes 14A and 13 of the brief.  
30

THE COMMISSIONER: Now, volumes 13 and 14A, should they become part of - - -

MS WRIGHT: Exhibit 34, yes.

THE COMMISSIONER: And the extraction report - - -

MS WRIGHT: That's a two-page - - -

40 THE COMMISSIONER: And can I be - thank you.

MS WRIGHT: Which could be its own exhibit.

THE COMMISSIONER: Yes. Created on 27 March, '19. And that was from Mr Soliman's Samsung.

MS WRIGHT: Yes.

THE COMMISSIONER: All right. The extraction report from Mr Soliman's Samsung phone, dated 27 March, 2019, will be Exhibit 58.

**#EXH-058 – EXTRACTION REPORT CREATED ON 27/03/2019  
FROM MR SOLIMAN'S SAMSUNG**

10 THE COMMISSIONER: And Exhibit 34 will now include volumes 14A and volume 13.

MS WRIGHT: Mr Soliman, the heavy vehicle avoidance solution trial, what are you able to tell the Commission about whether that trial took place and where it took place and any other details about its outcome?---I think I saw even a draft for that from him, so, but I did recall the locations that I recommended to do it and again the users and stuff like that. I recall that was around the time that, that some of the Safe-T-Cam cameras were failing again, and the team was looking for different locations, if we should rebuild on the same location or not. That's all I recall of it.

20

Could I take you to volume 4, page 118B. 118B. Do you see here a quote response form from AZH Consulting for a fixed-price offer of \$177,900 excluding GST?---Yes.

And this is for a heavy vehicle avoidance solution and field trial and scoping study, as indicated the fourth row from the top.---Yes.

And Mr Hamidi also provided a quote which is at page 118C, and going over to 118D is the detail of the project.---Yes.

30

Now, did you provide him with the details of that scope of works set out on page 118D?---It looks like it, yes.

And the detail, for example, under item 1, "Information gathering, A) select one targeted highest risk location to propose to respective camera installations, both directions of the road. AZH has performed research into STC avoidance routes and has nominated one site to perform this trial at." Do you see that?---Oh, yes, yes, okay.

40

You were aware that AZH had not performed any research into STC avoidance routes, weren't you?---I don't know but by this point, this is where I've stopped helping him already.

Where you stopped doing what?---Stopped basically helping him for the project planning and that, I think this was the last quote that he asked me to kind of help him in.

You are not suggesting that Mr Hamidi came up with the idea of holding this trial, are you?---No, that's not what I suggested.

And you've agreed that you drafted this scope of works, haven't you?---I don't know if I drafted the whole thing but I'm reading it and it seems like this is something I would have helped him with but I didn't help him with the project planning or anything for, for this one.

10 And where is says that AZH has performed research, you knew that AZH had not performed any research, didn't you?---I don't know. I don't even know if I drafted that part of it.

Well, putting aside whether you drafted it or not, you know that AZH had not performed any research into stand-alone vehicle detection and image capturing solutions or avoidance routes, didn't you?---I don't know if he said anything about that to me back then.

20 Well, you didn't receive any research from AZH, did you?---Well, I never even saw a, I don't think I saw a finished or draft even for this project so it's hard to say.

And yet AZH was said \$195,000 for this project, correct?---I think so, yes.

And that was at your approval?---I think so, yes.

And yet you didn't see any report in relation to this project?---Not in the short time that I was still employed there, no.

30 You knew full well that Mr Hamidi did not have any experience, any relevant experience to be undertaking this type of project, didn't you?  
---Again, no, I mean, it's not a very complex thing to do.

Those are not serious answers, Mr Soliman. These are serious pieces of work being undertaken by the Heavy Vehicle Programs Unit at RMS, aren't they?---It's serious but I wouldn't particularly class it as rocket science or something that he couldn't do.

40 So your serious answer, is it, to the Commission is this is not rocket science and therefore it's perfectly appropriate for my friend to be doing a scoping study and trial into stand-alone vehicle detection and image capturing solutions for heavy vehicle avoidance?---From what I saw there was nothing stopping him doing it.

So anyone off the street could do it, could they?---No, that's not what my evidence was.

Well, what particular skills did you think Mr Hamidi could bring to bear on this type of project?---Again, he was a business analyst and he was very good at data, data analysis also.

And yet you knew nothing about any research into Safe-T-Cam avoidance routes which AZH had purportedly conducted?---I didn't see any report for this one, no.

10 Well, this is a quote, Mr Soliman. This is before the production of any report. In his quote AZH has said that they had performed research into Safe-T-Cam avoidance routes.---I don't know if he done that or not.

And you didn't bother to satisfy yourself at all about that, did you?---Well, I mean - - -

20 You didn't do that because it was not even relevant in your mind because this documentation was created as a front in order to justify payments to your friend which you would also benefit from, wasn't it?---I don't agree with that.

And do you see at the bottom of the quote, the very bottom of page 118D, it refers to "Review sessions with RMS," saying "The contractor is expected to set up and manage review sessions with RMS."---Yes.

"Generally five or more review sessions would be required." None of those review sessions took place, did they?---Don't know. I was only there for I think a few weeks after that.

30 Now, I suggest that following its appointment to the Professional Services Contractor Panel, AZH contracts were awarded in the value of about \$850,000. You would not disagree with that?---That's fine, yes.

And the total paid to AZH for the 14 trials and scoping studies was in excess of \$1.3 million.---Okay.

40 And so the allocation of work following its appointment to the Professional Services Contract Panel was a significant proportion of the overall monetary value of the contracts awarded. You agree with that, representing \$850,000 of the \$1.3 million?---Yeah, sure.

The Professional Standards – sorry, I withdraw that, I don't know why I keep saying Professional Standards, Professional Services Contracts Panel was an important panel in terms of the value of contracts to be awarded to successful panel members, wasn't it?---Don't understand the question.

Being a member of that panel would justify more valuable contracts being awarded to you if you were a company who successfully tendered to be included on the panel, wouldn't it?---Sorry, how so?

THE COMMISSIONER: Ms Wright, were you moving to a new topic now or - - -

MS WRIGHT: Yes.

THE COMMISSIONER: I was just wondering, we have been going for a little while.

10 MS WRIGHT: Yes.

THE COMMISSIONER: We might take a morning tea adjournment.

MS WRIGHT: Yes, yes. The only reason I was forging ahead, and perhaps I should have raised this, Commissioner, I had understood that Mr O'Brien - - -

20 THE COMMISSIONER: We were very keen to get Mr Brien on, sorry, Mr O'Brien on today. My understanding of the topics that you have to deal with, I don't think you're going to be finished in time for Mr O'Brien to complete his questions and then get to his other commitment, so the way I'm thinking at the moment is if you can continue. Mr O'Brien, I have assumed that you still have your commitment?

MR O'BRIEN: Yes. I'm afraid I can't shift that.

30 THE COMMISSIONER: What I'm minded to do is take a break, then Ms Wright will continue. When she finishes, if you have left you'll have to do your examination on the 26<sup>th</sup>.

MR O'BRIEN: Yes. I've made myself available for that day.

THE COMMISSIONER: Good. Thank you. Everybody else bar Mr Lawrence will then ask their questions and then on the 26<sup>th</sup> we'll have Mr O'Brien and then Mr Lawrence, you're here on the 26<sup>th</sup>?

MR LAWRENCE: At this stage I'm planning to be, Your Honour. Mr Green [sic] is unavailable as far as I know.

40 THE COMMISSIONER: All right.

MR O'BRIEN: If and when I leave, Ms Tolley will replace me.

THE COMMISSIONER: Oh, good.

MR O'BRIEN: I'd prefer to do this cross-examination myself.

THE COMMISSIONER: Yes. No, that's fine, Mr O'Brien.

MR O'BRIEN: Thanks very much.

THE COMMISSIONER: Yes.

MS HOGAN-DORAN: Commissioner, just one housekeeping matter. Recently tendered was volumes 13 and 14A, those volumes, and we've just checked just now, have not been on the restricted site so we've not seen them.

10

THE COMMISSIONER: Oh.

MS HOGAN-DORAN: So perhaps if I could inquire through, in the break and we'll see if that affects us.

THE COMMISSIONER: We'll work out what's happened with those. Thank you.

MS HOGAN-DORAN: Thank you.

20

THE COMMISSIONER: All right. We're adjourned until about 5 to 12.00.

#### **SHORT ADJOURNMENT**

**[11.35am]**

THE COMMISSIONER: Mr Soliman. Right. Thank you.

30 MS WRIGHT: Thank you. Mr Soliman, I'm now going to ask you about the PSC Panel itself. You were involved in the appointment of the Professional Services Contractors Panel?---Yeah.

And you appointed Mr Chehoud to assist RMS with setting the tender documentation up and the specifications?---Yes.

And you set the tender specifications for the PSC Panel contract, did you not?---Some of it would have definitely been me.

40 And did you manipulate those specifications to influence the outcome of AZH's application to that panel?---I don't agree I did that.

All right. Now, you were involved in preparing AZH's tender submission to RMS. Do you agree with that?---Sorry, I was, could you repeat?

You were involved in preparing AZH's tender submission for RMS?---I think I helped him with one of his parts and maybe even sent him just a blank template also, but I definitely didn't do all of it, I don't recall doing that.

Which part do you say you assisted him with?---Don't know which part, but when I was looking at previously I remember one of the parts stuck out to me, but can't be sure which part.

When you say you when you looked at it previously, when are you referring to?---Would have been just through the previous, previous evidence.

Is that Mr Hamidi's evidence?---Don't know.

10

Whose evidence are you referring to?---Maybe Mr Singh's or Mr Hamidi but I think just one part stuck out to me but again I don't know if that was the part that I helped him with or it's just because it's been spoken about so much in the, in the hearing.

Which is the part that stuck out to you?---I don't recall which, which part now, I'd probably have to see it again.

20 All right. Well, you on your work USB, that's the USB I've been asking you about this morning, had a draft of the AZH tender submission.---Yep.

And that's because you were working on the document, weren't you?  
---Don't recall doing, doing the whole, whole thing for him but I do recall helping him I think with just one of the parts.

And that involved you having the document and saving it onto your USB, didn't it?---I don't know if that was the first, I think I just sent him a blank.

30 I'm not asking if the first, you assisting with preparation of the tender document involved you saving the document onto your USB, didn't it?  
---I don't know, but I know that I did help him with at least one of the, one of the parts.

And had you had that tender submission on your work computer?---I thought it was just the USB.

And then did you save it onto the USB from your work computer in about May 2018?---I don't know.

40 But you say you possibly only ever had it on a USB. Is that what you say?  
---That's, I thought everything was on the USB, yeah.

Well, I've suggested to you before the break that you saved some AZH documentation from you work space onto a USB in about May 2018.  
---Okay.

And what I'm asking you is whether a draft AZH tender submission to the PSC Panel is one of the documents that you moved onto that USB as at May 2018.---I don't recall.

Now, you also had on that USB the AZH version of the report by SICK, the company SICK, and you know the report I'm referring to, it's the one that I've - - -?---Yes.

- - - taken you to - - -?---Yes.

10

- - - in your evidence on previous days in relation to the dimension screening technology.---Yes.

You recall the report. And that report was used as part of AZH's tender submission to the PSC Panel, wasn't it?---I didn't realise that. Sorry, what, submission for, what, what do you mean, sorry?

The AZH report that was based on the SICK report in relation to the dimension scanner.---Yes.

20

You're familiar with that one?---Yes.

That report I suggest formed part of AZH's submission to RMS for the PSC Panel.---If you say so, okay.

And on the USB found at your workstation was a draft of AZH's tender submission together with the AZH SICK scoping study report. Do you understand?---I do, yes.

30

And I suggest that you prepared the AZH tender submission for the PSC Panel, including the proposal that Mr Hamidi include the SICK report as part of AZH's tender.---That's not what I recall I helped him with.

Can I take you to volume 13, page 1. Do you see here a document headed Schedule B5, Non-price Valuation Criteria?---Yes.

And the reference number at the top indicates that this is from your work USB. Do you understand?---Yes.

40

This document is in draft form. Do you agree with that?---I don't know why the names are highlighted but I don't know how the final - - -

And you're familiar with this document being a draft form of the tender submission for the PSC Panel by AZH, aren't you?---Don't know how the final version looked so - - -

Mr Soliman, you know full well that this is related to the PSC Panel, don't you?---Yes.

And the document has some words in yellow indicated on the first page with colons and then blank text next to it.---Yes.

It's a draft, isn't it?---It would seem that way.

And did you highlight the words Ali Hamidi and Zoe Hamidi in yellow to indicate that those parts needed to be completed?---Don't recall doing that.

10 Well, it's on your USB. This is not Mr Hamidi's USB. It's your USB at your workstation, so it's likely that it was you, isn't it?---I don't think so because he could have just told me what it is if I was the one doing it. I could have typed it in.

You read this document, didn't you? Mr Soliman?---I'm thinking if I've read it or not. I think I've just seen it, the whole thing, through the previous evidence.

20 Well, I suggest you did more than read it. You actually wrote it.---I don't recall writing the whole thing.

And you would have seen that it says that "Ali Hamidi draws on a 10-year career in the ITS industry," wouldn't you? Do you see that?---I can see it, yeah.

And one doesn't have to read the document to see that there are multiple references to ITS industry. Do you agree with that?---Yes.

30 The word ITS or the acronym ITS appears a number of times on that first page. You agree with that?---Yes. Yes.

And so it doesn't take much to see that this document is purporting to represent AZH as being experienced in the ITS industry, does it?---It sounds like he's, like, selling himself, basically.

And you knew that Mr Hamidi didn't have any career in the ITS industry, did he?---Not that he told me of.

40 And so this document is false and misleading in its content, isn't it, about AZH's experience and capabilities.---The ITS part, as far as I know, yeah.

And it also refers to Zoe Hamidi "drawing on an extensive career", do you see that?---Yes.

In a number of areas.---Yes.

"Communications, data analysis; reporting; vendor contract management; end-to-end business management, including finance/accounting."---Yeah.

Did you consider that that content was true?---No way to know that. I mean, only I guess Zoe and Ali would know that.

So are you saying that you did not draft that part dealing with Zoe Hamidi's experience?---I don't recall typing that part.

What about the part dealing with Mr Hamidi?---Don't recall doing that either.

10

Then if we turn to page 2, it sets out a whole lot of information about what AZH has done and what it's capable of doing. "Has developed into an ITS industry leader." You know that to be false, don't you?

THE COMMISSIONER: You know that to be false. That's what you're being asked.---Just reading it, sorry. Depends. I mean, I guess at the time of this they would have gone to several trials but - - -

20

MS WRIGHT: They were not an industry leader by any stretch of the imagination, were they?---Well, it's a very niche, niche industry. I think the panel only had, like, three or four vendors on it.

Regardless of being niche, Mr Soliman, they were not an industry leader, were they?---I don't know. I don't know how to answer that because I don't know how much Ali worked on these things now.

Well, you were the person who engaged AZH to do work for RMS.---Yes.

30

Only a year before this tender submission is being made, isn't it?---Yes.

And you knew full well that before that he had no experience in the ITS industry, didn't you?---Nothing that he told me, no.

And so you know that as at October/November 2017 the statement that "AZH has developed into an ITS industry leader" is false.---From what you're telling me now, yeah, it is, it is false.

40

But you knew that at the time, Mr Soliman.---Not necessarily. I mean he had been working on, on these things and he had been going to the trials.

THE COMMISSIONER: Isn't he the one that your evidence is the money you're getting from him is because you're training him?---Yes, but by the point of this, the PSC I mean, he would have learnt a lot.

Through your training?---And through going to the trials, yeah.

MS WRIGHT: And that's made him an ITS industry leader, has it, your training?---Well, I mean - - -

THE COMMISSIONER: It's clearly false and misleading what's being included here, Mr Soliman.---It's probably the wrong wording, I don't know about false, it's probably misleading, yes.

MS WRIGHT: They're lies. Lies, Mr Soliman. You don't accept that they're lies?---No. I don't know how much he, he, he learnt. I don't know how to answer that properly.

10 I've taken you through all of the projects of the scoping study type that were awarded to AZH, and you are not able to give the Commission any specifics about the reports submitted or when the trials took place or the outcome of the trials.---Yes.

And your evidence was that you speculated about what Mr Hamidi may and may not have done - - -?---Yes.

- - - when he was contracted to do the work.---Okay.

20 And so your evidence is that you knew nothing about his experience in actually conducting the trials. That's the effect of your evidence, I suggest. ---Not really, that wasn't my evidence as - - -

And you said that you skimmed, he skimmed through some draft reports in front of you.---Yes.

And you say that you were receiving payments from him in order to train him to do the work.---Yes.

30 Is that your evidence?---Training him in the ITS and basically any other kind of like templates and check-ups he needed.

Yet you never knew whether that training had been effective in teaching him anything, on your evidence.---Well, as far as I knew or could see it was, but now obviously I don't know what the truth is.

And around this time of the PSC Panel you were receiving cash payments from Mr Hamidi, weren't you?---Ah, yes, I think so.

40 And in fact you received \$20,000 on 11 December, 2017. Do you agree with that?---No. No way.

Was that a yes?---It was a no. No way.

And how much did you receive in December 2017 from him?---I don't know, but I'm pretty sure from memory the largest payment was six, 6,000, so I don't recall getting a large payment.

All right. Well, let's just take 6,000. As at December 2017, assuming you received up to \$6,000 from him, you say that's for training him in the ITS industry, is it?---As a general heading, yes.

And by that stage he had been appointed or his company had been appointed to the PSC Panel, hadn't he?---I think so, yes.

And you endorsed that appointment?---I must have in some fashion, yes.

10 And his appointment meant that he was eligible and appropriate to be doing the work for RMS of a type which panel members could be awarded.  
---If he was put on that panel by the committee, then yes, yeah, that's what that meant.

No qualifications. He's eligible to do the work by virtue of that appointment. Correct?---Yes.

20 And yet you continued to receive cash payments from him which you say are for training purposes.---Again as a general heading or banner of what the services were, yes.

You can't have it both ways I suggest, Mr Soliman. You say that he should have been eligible for the work by virtue of his appointment to the panel, and yet you continue to receive cash from him which you say is for training, because he's not eligible to do the work and you need to tell him how to do it. It doesn't make sense, Mr Soliman.---Well, it makes sense to me.

You understand the contradiction in your position, don't you?---No.

30 Appointment to the PSC Panel, you accepted, means he's eligible to do the work.---Yes, if the committee puts him on there, yes, obviously.

And you were very happy for him to be on that panel because in fact you had assisted him with his tender submission.---I didn't have a problem with it, no.

And yet you tell the Commission that whenever you got cash from him it was to train him how to do the work - - -?---Not how to do the work.

40 - - - which at the same time you say he was eligible to do following and by virtue of his appointment to the PSC Panel.---I didn't say that. I didn't say how to do the work. It was training in the type of hardware and sites and, you know, project planning. That's not doing the work. That's not how to do the work. The work was basically a job for a data, a data analyst and that's what he was.

THE COMMISSIONER: Mr Soliman, my view of that evidence is that it is a completely spurious distinction, that you have been caught out in the way

that you have characterised the money you were getting from Mr Hamidi with the fact that you have given evidence about 15 minutes ago that you endorsed his appointment to the panel. Do you maintain the evidence you have given, that there was no contradiction between those two?---I don't, I don't personally see the contradiction, I mean.

10 MS WRIGHT: The training answers you've given – that is, that you were receiving money to train him – I suggest your answers in that regard are completely and utterly false. The only reason you were receiving money from Mr Hamidi was to enrich yourself. It had absolutely nothing to do with training, Mr Soliman.---Don't, I don't agree with that.

Now, on the USB found at your workplace was also another form of this tender submission, I suggest, which is at page 45 of volume 13. I suggest this document is an earlier version of an earlier draft of the tender submission. Do you see schedule B1?---Yes. Yes.

20 And text in red and schedule B2. For example, "Brief company history, XXX."---Yes.

You see that? And then over the page a number of shorter answers to each of the tender criteria.---Yes.

And there is some tracking at the bottom of page 46.---Ah hmm.

And then if we go over to page 47, schedule B5 is incomplete in the same way as the document at page 1 of volume 13 in that the names are in yellow. Do you see that?---Yes.

30 So this is another version of the tender submission in preparation, which you had worked on I suggest.---Not sure what this is. This is the first time I'm seeing this.

And didn't you sit with Mr Hamidi in a chicken shop to complete the tender submission with him?---Don't recall doing that.

Did you sit with him anywhere to complete the AZH tender submission?  
---It's possible when I saw him at his house or something like that or a café.

40 And you were not a member of the Tender Evaluation Committee per se, were you?---No.

But you were present during the evaluation process, that is, the meeting at which the tenders were evaluated?---I think, I think I was there for first half an hour or something.

And you would have seen the AZH submission during that time?---I don't know if theirs came up during that first half an hour.

If we could have Exhibit 38, please. And if we could turn to page 3. Did you draft the covering letter submitted by AZH?---First time I've seen this, so I don't think so.

But it's possible?---I don't think so. I think this is, this is reading like just a standard RMS template sort of thing, I think.

10 This is on AZH letterhead, Mr Soliman. It is not an RMS template. You can see that.---It's the first time I've seen this.

You said you don't recall drafting it, but do you deny drafting it or do you accept that it's possible that you did so?---Well, I deny it because I don't recall any of this at all.

And if we could turn to page 5. Do you see the content, "AZH had approached this tender submission on the core foundation of transparency," et cetera?---Yes.

20 I suggest that is the same as the draft document at page 45 of volume 13, which I took you to earlier, being the draft on the USB at your workstation. ---Okay.

And the rest of the content there under B, in fact the entire page. "AZH believes that RMS must consider the following factors," et cetera, with the bullet points.---Yes.

Do you see that?---Okay.

30 That is the same as the content of the draft found on the USB which the Commission seized from your RMS workstation. You understand that? ---Yes.

And you understand why the Commissioner may form the view that in fact you drafted this tender submission? You understand?---I do understand but that's, I don't recall doing that at all.

40 And you cannot give any evidence or correct me if I'm wrong as to who actually drafted this?---I'm guessing it would have been Ali or Zoe. There's stuff there that I wouldn't have known.

Because it's lies.---Which part? I don't, I don't understand how.

Which part do you say you wouldn't have known?---The part about Zoe's qualifications.

You asked Mr Hamidi to complete Zoe's qualifications when you were sitting in the chicken shop – or you say café – with him, didn't you?  
---Mmm, I don't see why I would do that if he's got his laptop. I don't understand. It's confusing me now because if we did it at the café, at the chicken shop, but then you're suggesting I did it on my own, it kind of doesn't make sense.

10 I'm not suggesting anything. I'm asking you. Did you, when you met with him, ask him about Zoe's qualifications?---Don't think so. I mean, he could have just done that. I don't recall asking him about qualifications. He could have just done that.

Wasn't it you who had control of this document and you liaised with him in order to complete it? Is that how it worked?---That's not what I recall. I just recall helping him with one, one of the parts. It could have been at the chicken shop or a café or his house, I don't know.

20 Which is the part? Could we have the tender submission onscreen again, please, at page 5. Is there any part on this page that you say you assisted with?---Don't know. I don't, don't think so.

If we turn to page 6. Do you see the overview of products and services provided by the company?---Yes.

And you knew this content to be false, didn't you?---At the time, no.

What legislative consultation and recommendations had AZH provided?  
---Don't know.

30 And what end-to-end ITS technology field trial management had AZH provided?---Well, that was part of their projects that they were doing.

And do you see under B it says that the company has been operating in Australia for two financial years?---Yes.

“Following several years of international consultation with government agencies?”---Yes.

40 Do you see that?---Yes.

That's a lie, isn't it?---Seems like it, yeah.

It doesn't seem like it, Mr Soliman, you know that to be a lie.---As far as I know he never done that. I guess it's not a question for me though.

You knew that AZH had not done international consultation with any government agency.---That's right. That's what I know. I'm not saying it

didn't happen, I'm saying I don't know. I don't think it happened. He didn't say anything about it.

This was your friend on whom you were with WhatsApp organising lunches and dinners and you'd been friends with and who had been friends with you for a number of years.---Yes.

THE COMMISSIONER: Who was working at Optus, until he'd been made redundant.---Okay.

10

Correct?

MS WRIGHT: You worked in a call centre - - -

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

MS WRIGHT: Sorry, Commissioner, I interrupted you.

THE COMMISSIONER: No, no, no.

20

MS WRIGHT: You worked in a call centre together at Optus, didn't you? ---Yeah. We hardly spoke back then but.

Mr Soliman - - -

THE COMMISSIONER: Mr Soliman, it's just not credible that you can sit there and say, and not agree that the assertion in this document of, "Following several years of international consultation with government agencies," is not true.---I think I agree with that.

30

You worked with him at Optus. You knew him. He was a friend. You supposedly, sorry, you were receiving payments, you assert, for training him. In those circumstances not to agree that the assertion in this document of international consultation for several years is a lie, just, it doesn't do your credit as a witness any benefit.---I thought I've actually agreed with it. I'm just saying from what I know it seems false but I don't know what he did or didn't do that he didn't tell me.

MS WRIGHT: You knew, because you were familiar with his background, that this was a lie. You're not seriously saying Mr Hamidi had some secret background in international consultation with government agencies of which you weren't aware?---All I can answer you is based on what I know and what I, what I don't know. What I know is that he didn't do that, that kind of work. I'm saying I don't know if he did or didn't.

40

You would lie about any aspect of this investigation at all if you can.

THE COMMISSIONER: Do you agree with that?---No.

MS WRIGHT: You are, Mr Soliman, a liar, consistently.

THE COMMISSIONER: Do you agree with that?---No.

MS WRIGHT: Now, see page 7. "AZH Consulting is 100 per cent owned and operated by Zoe Hamidi." See that?---Yes.

10 Did you think that was a true statement?---I guess so. She was the owner of the company.

It doesn't just say owner, it says, "Owned and operated." Was that a true statement in your mind?---Well, it doesn't mention Ali in that so it's a bit weird.

Is that a no, it was not a true statement?---I think it's accurate because the question's asking ownership and control of the company and it was owned and I guess controlled by her.

20 And what do you base that on?---(No Audible Reply)

THE COMMISSIONER: How do you know she owned it?---The evidence that just come out and Ali also told me that she was the business owner.

MS WRIGHT: And "Operator, control and operation of the company by Zoe Hamidi." On what basis do you say it is a true statement that Zoe Hamidi controlled and operated AZH?---She was the business owner. I think that's - - -

30 Mr Soliman, you are not without intelligence. You understand the difference between "owned and operated" and "owned and controlled", don't you? That is, owned means one thing and operated or controlled means something different, doesn't it?---Yes, I would say that Ali should be in that sentence, definitely.

And in terms of Zoe Hamidi, to the extent the statement deals with her, on what basis do you say it's true to say that she controlled and operated AZH?---I mean, to me it's like semantics a bit. Owned and operate could mean a similar thing. You operate the company, own the company.

40 Semantics for a submission to RMS to be included on a panel which results in over \$850,000 being paid to the company.---Ah hmm.

You really say it's just semantics?---To me it's not much of a difference. You own and operate a company.

You know there's a difference, Mr Soliman, between owned and operated. Are you agreeing or are you reluctant to agree that this was a lie, are you?  
---No, because, I mean, I'm reading it. I just don't see what the difference would have, would have made if you take the word "operate" or whatever.

When you say you don't know what difference it would have made, that's because AZH was getting on this panel regardless of what was in here.---I don't think so. I mean, they would have to, the committee put them on there.

10

And so what is the position? Did you understand Zoe Hamidi to be operating AZH Consulting?---Depends what you mean by the word operate, but I knew she was just the business owner and I knew that Ali was doing all of the work, basically. Don't know exactly what they had, what their plan was.

So you knew this not to be true because you said Mr Hamidi was the person operating the company.---That's not my evidence.

20

Could you be clear, please, about this statement that I'm taking you to? "AZH Consulting is 100 per cent owned and operated by Zoe Hamidi, who is the current director of the company."---Yep. To me it sounds, it's accurate.

And on what basis - - ?---She owns, she owns and operated the company, I mean, and Ali worked for the company, I mean - - -

On what basis is it accurate to say that she was operating the company?  
---Don't know. I don't know.

30

Then how can you say it's accurate?---Depends what you mean by the word operate again.

Well, what do you understand the word operating to mean?---When you put the phrase owned, owned and operate, it sounds like just the person who, you know, owns the company.

40

That is not a serious answer, Mr Soliman. It's plain English language. Owned and operated, owned and control. You were an experienced manager at an important New South Wales Government agency, managing a team of people and dealing with companies on a daily basis, weren't you?  
---Yes.

You understand the difference between owned and controlled and owned and operated.---Again, to me it's semantics. I mean, she's the owner of the company. Ali's listed up there. I don't see what difference. That wouldn't have stood out to anyone who was reading this document.

No one was paying attention at all, were they?---(No Audible Reply)

Were they?---Who do you mean?

Because you were the person who was ensuring that AZH would be selected.---No.

10 Now, I don't propose to take you chapter and verse through this tender submission, but I suggest that it's full of lies about AZH's experience and capabilities. Do you agree that it contains lies?---From what you've showed me so far there are misleading statements based on what I've learnt through the past couple of months.

And you seek to draw a distinction between a lie and a misleading statement.

THE COMMISSIONER: What's the difference?---Good question. I'm not sure. I guess it's the same, same thing.

20 Well, you've made the distinction. Yes, it is the same thing.---Yeah.

And you knew it at the time as well, not based on what you've learnt over the period of this public inquiry, you knew it at the time.---I don't think so. I mean at the time of the panel he had learnt a lot and I regard him now as someone who is actually very good at doing this work also from what I saw.

30 MS WRIGHT: And part of his submission, if we could go to page 12, was to produce two scoping study reports, being the reports listed there, being the FLIR thermal trial report produced by IMC, and the SICK high-speed dimension scanner report, being a report prepared by SICK, but both were on AZH letterhead a part of this tender submission. If we could go to page 13. Do you see that, "We have provided, as requested attached are two examples of a scoping study produced." The top of page 13?---Yes.

You agree that they were provided in support of the submission?---I can see that here, yes.

40 And you had by this time seen both of those reports which were sent to you by IMC and by SICK.---Yes.

And you would have seen that the reports provided by AZH were identical to the reports prepared by those legitimate companies, IMC and SICK. ---I've already given evidence about what I knew about that.

Yes, but at the time of this tender submission you would have seen that AZH's reports were identical to the SICK and IMC reports, wouldn't you? ---I think I saw the reports around the middle of the year. I don't know when this exactly, but probably, yes, probably, yes.

Yes. Well, it's not probably, this is later in the year, this PSC Panel, and you saw and knew that AZH was purporting to have prepared two reports which you knew to have been prepared and submitted to RMS by other companies, not AZH.---Again I've already given evidence about this but if you want me to go over it again I will.

You have not given evidence about the PSC Panel, Mr Soliman.---But you're asking about the studies, but okay.

10

I'm asking you about the fact that these were submitted for the PSC Panel and you knew these reports were not AZH's reports. Do you agree with that or not?---No, that's not what I knew.

And you misled and allowed the other committee members to be misled in relation to AZH's application, didn't you?---No. I was only there for maximum half an hour I think.

20

And you did not tell them that you had been involved in and had seen this tender submission prior to its submission by AZH.---I don't even think I saw the whole thing, I'm reading this now, it's the first time I'm reading this, this part of it.

And you did not tell the Tender Evaluation Committee members that you knew that these two scoping study reports had been first produced by IMC and SICK respectively.---Again, I've already spoken about this, but if you want me to go over it again, I will.

30

And you knew that Mr Singh had been aware of those reports, didn't you, from IMC and SICK?---Yeah, well, he went to the trials, so - - -

And to your knowledge, was Mr Singh aware of the falsity of the information in AZH's tender submission?---Don't see why he would have. Otherwise, if he picked it up, why would he progress it?

These were mutual friends of yours, Mr Singh and Mr Hamidi.---They were friends, yes.

40

So you knew that Mr Singh knew that Mr Hamidi did not have 10 years' experience in the ITS industry, didn't you?---I guess so, yes.

And that Mr Singh would have known that Mr Hamidi did not have international consultation with government agencies.---Yes.

Did you discuss with Mr Singh that this tender submission contained false and misleading information?---I didn't see it that way at the time.

Did you have an understanding that Mr Singh would favour AZH in his decision whether to recommend AZH's inclusion on the committee?

---Never saw him favouring them, but I mean, I think he, Mr Singh also trusted Ali and he went to trials and he saw Ali, Ali there, so I think it was just a combination of I guess getting the green light from a few different people and everything seemed okay.

You see, there'd be no reason to trust Ali, as you say, when you know that the information in the tender application is false in certain critical respects.

10 --- (not transcribable) didn't see it that way at the, at the, at the time. I mean, when I'm reading it now and we're going to it letter by letter, a lot of it seems false and, yeah.

It's not something that you've worked out in hindsight, Mr Soliman. You knew this at the time, that this was false, and that it didn't matter because AZH would be selected.---Don't agree with that.

Now, you signed the deed of appointment by which AZH was appointed following its successful application.---Okay.

20

I'll show you volume 8, page 160. Just while that's coming up, your presence in the room during the tender evaluation, Mr Soliman, you knew that to be completely inappropriate and unauthorised.---Not at the time, no.

And you were making sure in being there that nothing would go wrong which would cause AZH not to be selected, weren't you?---I don't recall saying anything, actually, during that meeting.

30 THE COMMISSIONER: So you're not on the panel. A friend of yours, or his company, is applying to go on the panel, and this is also a friend that you have been receiving funds from for the supposed training that he's receiving for work that he would perform if he got on the panel, and you didn't see at the time there was a problem with being physically present in the room with the other panel members when they began considering the tenders and their deliberation on it? You're telling me that at the time you did not see anything wrong with that?---At the time I didn't see anything wrong with it, but I wasn't there when they were making their choices and everything like that.

40 I'm not asking you that. You just didn't see anything wrong, you're seriously telling me that, at the time?---At the time I didn't see a problem with it.

MS WRIGHT: You were there to make sure that nothing went awry which would cause AZH not to be selected.---Again, I don't even think I spoke in that when I was there.

I'm not suggesting you spoke. You were there to make sure you didn't have to speak, to ensure it went through in other words, that AZH - - -?---Don't think so.

- - - would be successful.---I don't think so.

Well, why were you there?---Maybe I was curious. I've never seen, been on a panel or seen what a panel is or seen submissions previously. Maybe I was just curious about what it is.

10

You say maybe but you don't know.---Yeah, I don't recall exactly what my reasoning would have been. Maybe I was bored. I, I don't know.

By this time the category B Heavy Vehicle Maintenance Panel had been selected, hadn't it?---I think, yeah, I think so.

And so your curiosity wasn't satisfied by your involvement in that panel? ---Wasn't involved at all.

20

Now, Commissioner, I propose to go on to another topic at this point.

THE COMMISSIONER: We might have a break for lunch.

MS HOGAN-DORAN: Commissioner, while they're conferring - - -

THE COMMISSIONER: Yes.

30

MS HOGAN-DORAN: - - - I understand that the two volumes have now just gone into the restricted site, so we'll seek some instructions as best we can over the luncheon adjournment.

THE COMMISSIONER: All right, good, thank you. All right, we'll adjourn and we'll resume at 2.00pm.

**LUNCHEON ADJOURNMENT**

**[12.57pm]**