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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 22 MAY, 2019

AT 10.40AM

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

THE COMMISSIONER: Right. Any administrative matters?

MS WRIGHT: Not from my perspective, Commissioner.

THE COMMISSIONER: Oh, there is one down towards the back.

MS FRYER: Yes, Commissioner. I seek authorisation to appear on behalf of IRD in the place of Mr Boatswain. My name is Fryer, F-r-y-e-r.

10 THE COMMISSIONER: Thank you, Ms Fryer. Right, Mr Hamidi, and we'll administer the oath again.

THE COMMISSIONER: Thank you. Mr Young.

MR YOUNG: Thank you, Commissioner. Mr Hamidi, I want to ask you about some evidence you gave yesterday in relation to the period after appointment to the PSC Panel. Do you recall giving evidence on that subject yesterday?---Yes.

10

Now, at page 162 of the transcription, I asked you in relation to the start of the quotes, start of quoting for work after appointment, and I asked you when you saw the amount of the first quote, what did you do, did you say anything to him – meaning Mr Soliman – and you said, “I didn’t say anything to him.” Is that evidence correct?---Yes.

So even though you saw a quote for over \$240,000, you didn’t do anything about it, didn’t say anything?---No.

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

Well, at page 89 of the transcript, Ms Wright asked you a question about it and she said, “Did you ever raise with Mr Soliman that this was a much larger quote than any previous quote?” And you said, “I did ask him are these bigger and he said because they’re bigger projects but it’s fine, he’ll finish them.”---Yeah, so he said they were bigger, I didn’t specify why is it \$240,000.

30 But you did have a conversation with him about?---I just asked if they were bigger, that’s it.

But do you say that there was a conversation where he said he’ll finish them?---That he said, he, he always said to me that he will finish them. So there was always a conversation about him finishing the work.

40 Well, after this first quote, your evidence is that this quote came as a very large surprise to you, don’t you, because you had no idea when you made application for the tender how large the size of the quotes and the work would be?---Well, I also said that I never really questioned him about anything either, other than, “Have you completed the work?”

But what you say is you had no idea how big it would be?---I didn’t have any idea of how big it would be.

So when you got this first quote and it’s for over \$240,000, do you have a conversation with Mr Soliman about that?---I, I may have.

You may have. I mean, you'd been doing work in the area of \$30,000, all of a sudden it's \$240,000, you don't say, "How on earth am I going to do this?"---Because I was never to do the work. He was to do the work.

Well, in relation to that, you were shown in your evidence-in-chief, page 179 of volume 4, this was an email from Mr Soliman to you of 26 April, 2017.

10 THE COMMISSIONER: Hold on, we'll just get that up. Sorry, which page again?

MR YOUNG: Page 179, Commissioner.

THE COMMISSIONER: Of volume 4?

MR YOUNG: Of volume 4, yes.

MS WRIGHT: There is no 179 of volume 4.

20 THE COMMISSIONER: Mine goes up to page 133.

MR YOUNG: Well, perhaps I have a different – it's an email dated 26 April, 2017.

MS WRIGHT: It's volume 3.

THE COMMISSIONER: Volume 3.

30 MR YOUNG: It's volume 3. I'm sorry, someone has just written volume 4 on mine. At least the page number will be right, I hope.

MS WRIGHT: Volume 3, page 179.

MR YOUNG: Page 179. Now, do you recall receiving this email from Mr Soliman?---Yes.

Well, that is to give you information in relation to work that you were doing.---What information?

40 Well - - -?---To complete the, you believe that to complete the work that was sufficient assistance? That's what you're trying to claim?

I haven't claimed anything. You received - - -?---I received the email. It made no sense to me and I said that earlier. I said I don't know why he sent it.

The purpose of it is to give you information for the purpose of doing the work of the camera trials and the thermal scanner integration, is it not?
---Yes. It's a bit of information.

Well, there's information to assist you to do that?---That is not sufficient information to assist me to do anything.

Well, did you write back and say can you give me a bit more information?
---No.

10

Why not?---Because he just told me I'm sending you an email. You don't have to do anything on WhatsApp.

Sorry, he what?---He WhatsApp messaged me. That's how we communicated.

20

I see. All right. Well, let's just deal with this question of WhatsApp and the emails. In October of 2018 you've given evidence yesterday that Mr Soliman's brother came to you and told you in effect that Mr Samer Soliman had been raided by ICAC. Correct?---Yes.

And did you understand that a raid by ICAC would probably involve taking his computer, his phone, his personal documents?---I at the time did not know. I didn't even know who ICAC was.

Well, that's just nonsense, isn't it?---It's not.

30

You knew that a raid by any kind of law enforcement or investigative body was likely to result in taking emails, WhatsApp, phones, things of that kind?---Yes, and as I said yesterday, I asked to speak to him. His brother called his mum's phone. I spoke to Mr Soliman. He told me to delete everything as they have taken his phone.

He told you no such thing, did he?---He did tell me such thing.

Now, in circumstances where his own information was already in the hands of ICAC, I suggest to you that it's ludicrous to suggest that he would tell you to delete your material.---No, that's what he told me.

40

And do you say that his brother told you the same thing?---His brother just relayed a message to me, he just said, "Samer told me to come and tell you this."

To tell you what?---To tell me that he was raided and then to delete everything. And I said, "I don't know what, what I'm meant to do," and I said, "Can you put him on the phone?" He called his mother's phone, Samer spoke on the phone and I had that discussion with him.

It was your decision to delete your emails and your WhatsApp. Isn't that right?---No. He instructed me and I did so.

Well, why would you take instructions from him in circumstances where you knew that he had been raided by ICAC, which you didn't even know what it was?---Yes, because I didn't know and I'd been trusting him the whole time, so I continued to trust him. That was my fault.

10 Whatever ICAC is, it sounds like it's something to do with the law and enforcement - - -?---So I understand that.

- - - and possible breaches of the law.---I'm just telling you what happened and my beliefs at the time. So I believed him and I did so.

You believed what?---That Mr, what Mr Soliman told me to delete the WhatsApp, the emails.

20 Well, did you say why should I do that?---He just said, "You need to delete them." He didn't say why. I said, "Why?" He said, "I fucked up. You need to delete everything, it's bad."

Well, when he said, "I fucked up," what did you take that to mean?---That's why I said, "What do you mean? He goes, "It's bad, you need to delete everything."

Well, did you take that to mean that he hadn't done the work that he was supposed to do?---I didn't know what it meant. I just listened to him.

30 Well, if somebody says, "I fucked up," and it potentially affects you and they're saying, "You should delete your emails, your WhatsApp," don't you say, what do you mean, what have you done?---Yes, and he didn't go into it. That's why I asked him what happened and he goes, "It's bad, you need to delete everything and don't contact me."

But you did keep trying to contact him, didn't you?---I was contacted by his lawyer first, and then through his lawyer I contacted him to speak to him again on 16 November.

40 THE COMMISSIONER: And is that after Mr Walker contacted you?
---That was after Mr Walker.

MR YOUNG: Now, in relation to the deletion of the emails, you said yesterday at page 119 that, you said this, "I deleted, I deleted everything."
---Yes.

"I deleted the email account but then I restored it."---Yes.

Now, after you restored it did you delete it again?---No, I did not delete it again.

So the email account was still there?---Yes.

So the emails you deleted one-by-one?---The, the, the ones he sent me directly, I deleted them.

10 And when did you do this?---On 18 October.

And you also deleted everything on WhatsApp?---I deleted WhatsApp and then the, the app itself.

Now, can you recover information on WhatsApp?---No, you cannot.

Why, because the app has been removed?---It's, it's enter and encryption on the app so you can't recover it if it's been deleted.

20 THE COMMISSIONER: It's what, sorry?---It's enter and encryption so you can only see, the sender and the receiver can see the messages.

Oh, okay.

MR YOUNG: Now, with emails, deleted emails, they can for a period be recovered, can't they?---Yes.

30 And what is your understanding of what that period is?---I tried to contact Gmail to try and recover the emails and they told me it was outside the date and they require a subpoena to, they may - - -

What did they say the date was, how long?---They said 25 days.

25 days. So that is from about into about the middle of November.---Yes.

Now, isn't what you did to lay low during that period so that you could be sure that nobody would be able to recover those emails?---No. I didn't know what the period was until I tried to recover the email addresses, that email, emails.

40 Now, you gave evidence yesterday about the 15th and 16 November.---Yes.

Do you recall giving that evidence?---Yes.

Now, I want to take you through the sequence of this. What do you say happened on the 15th?---I received a voicemail message from Paul Walker who said he was following up the in-ground thermal camera project.

And you didn't respond to that?---I did not respond to that.

Why not?---Because I didn't know what to do.

Well, what did you do?---I tried to contact Mr Soliman's lawyer, he was not in that day, I left a message, they told me he wasn't in, and then that's when I was able to contact them on the 16th, as I gave evidence, I went and saw him, I told him I need to speak to Mr Soliman, he arranged for it, I went home, I came back and Mr Soliman was there on the same day.

10 Now, you go – before lunch, you did not say anything, did you, about having had a conference with New South Lawyers on 16 November?---I, I said it yesterday.

You said it after lunch when I asked you about it.---Yes.

What time was that conference?---It was, like, 5 o'clock that day, oh, earlier than that. Before I met with Soliman again at The Coffee Company in Castle Hill.

20 If I was to suggest to you that you went to Mr Soliman's lawyers a few minutes before 3.00 and you went to New South Lawyers at 3.00pm, would that accord with your recollection?---It would be somewhere around there, yeah.

All right. So what do you say is the sequence of events on that day?---So I, I went and saw Mr Soliman's lawyer, he told me that he will arrange a meeting, I went home, he called me, he said, "Mr Soliman will be here at this time." I came back into Parramatta, I spoke to Mr Soliman, his lawyer referred me to New South Lawyers, he made the call to the, the director or partner, he told me to go down there, I walked down there, I met with them and then I went and met with Mr Soliman.

30

See, what you said in your evidence yesterday about 16 November was - - -

THE COMMISSIONER: Have you got a transcript page?

MR YOUNG: Yes. Page 120 at about line 28, Commissioner.

THE COMMISSIONER: Thank you.

40

MR YOUNG: "You contacted Mr Soliman's lawyer?" "Yes." "And what did you say to the lawyer?" "I said I need to speak to Mr Soliman."---Yes.

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

Parramatta and I met with Mr Soliman at the lawyer's office." "Yes. Was the lawyer present during this?" "He was in the office, yes." Then over on to page 121, towards the bottom of the page, you say that "He, he, the lawyer, arranged for me to speak to Mr Soliman," and you met with him in the lawyer's office and Mr Soliman told you that it was all fraudulent, that it was all classified as fraud because he hadn't completed the work. Now, nowhere in there do you mention anything about seeing New South Lawyers.---I wasn't asked about it.

10 Well, what time did these things happen?---It was in the afternoon, it would have been 2/3 o'clock.

THE COMMISSIONER: Sorry, what things?

MR YOUNG: This conversation.

THE COMMISSIONER: So this is the conversation in Mr Soliman's solicitor's office with Mr Soliman and the solicitor?

20 MR YOUNG: You say, don't you, that you had two conversations with Mr Soliman's solicitor on the 16th?---I saw him twice on the 16th, yes.

What time do you say they were?---One was in the morning and then I went home, I can't recall the exact time, and then when he rung me to come back, that was in the afternoon.

See, what I suggest to you is this, that on the 15th you rang, you spoke to a female solicitor who told you that the solicitor you wanted to speak to was not there.---That's correct.

30 You rang again on the 16th before 10 o'clock?---Yes.

And the solicitor told you that he could not represent you or speak to you and that you couldn't speak to Mr Soliman but that he could speak to another solicitor to arrange for a conference for you if you wanted.---That's false.

Well, there was a conference arranged for you, wasn't there?---Yes, there was, in his office.

40 At 3.00pm.---At his office where he gave me the number and he made the phone call to that solicitor to tell them that I was coming down.

The conference happened at 3.00pm.---With?

The conference with New South Solicitors was arranged for 3.00pm.---I can't recall the exact time.

And you turned up at Mr Soliman's solicitor's a few minutes before 3.00pm.---I can't, I can't recall exactly what time I turned up but it was, we had a conversation for more than three minutes.

And there was no, you already knew that there was a conference organised at New South Lawyers.---Yes, when I left his office, when I left Mr Soliman's lawyer's office he arranged that conference.

10 Well, had you seen Mr Soliman at that point?---Yes, I had spoken to him at the end of that conversation his lawyer arranged me to go see New South Lawyers.

See, that is just utter nonsense, isn't it?---It's not.

No such thing happened.---It did.

20 Why did you want to speak to Mr Soliman?---I've established this. I received a call from Mr Walker, I did not know what to do, I needed to speak to him because he was the one doing the work. I did not know how to reply to Mr Walker.

So you want to speak to somebody who you say you found out a month before was under investigation by ICAC.---Yes.

Well, you must have known by then what ICAC was?---Yes.

30 So you get a call and you must have been expecting to get contacted by either RMS or ICAC after you received the news that Mr Soliman had been raided?---Yes.

So why, after you get a call from RMS, would you try to speak to Mr Soliman?---Because I did not know how to handle the situation. I did not know if the work was completed, I didn't know how to reply. I've already established this. You're just asking me the same questions over and over.

What you're doing is attempting to bring in people and make suggestions about discussion of fraud involving solicitors which you know are completely false.---I'm being honest and telling you what happened.

40 And you're just throwing everybody under a bus, aren't you, including accountants who acted for you.---I'm not throwing anyone under the bus.

Well, you're saying that in terms of accounting practices where people were falsely put on the books, that that was on the advice of an accountant? ---Yes.

And that's just nonsense, isn't it?---It's not.

And you're saying that there was this meeting in a solicitor's office where Mr Soliman told you that the work was all fraudulent in front of the solicitor?---Yes.

And yet that, wasn't it, isn't it, what you say was basically you say the conversation you had on the phone with him in October when he said he fucked up?---He said he fucked up. He never said it was fraudulent.

10 And you never asked what fucked up meant?---I tried to, I said that before, I tried to, he just said, "Delete everything, don't contact me."

Now, after you found out how much money you were going to be earning from RMS, this was a staggering amount of money, wasn't it?---Yes.

So did you make any changes to your lifestyle or financial arrangements as a result of that?---No, I - - -

20 Did you obtain a refinance on your home?---I, no, I built, I built a house. I bought land in September 2016 okay and - - -

At Kellyville?---In Kellyville.

Yes.---And then when I went to get my construction loan the value of my land was enough to get me my, my construction loan. It had increased, and to get my land, my, my in-laws went as guarantor for me so I never gained anything from these financial things. I wouldn't have my wife working if, if I expected all this financial gain.

30 THE COMMISSIONER: And sorry, the land and the construction loan, that was subject to a mortgage was it?---Yes. So - - -

And when was the house finished?---The house was finished April 2018.

MR YOUNG: And did you obtain a refinance on the mortgager after that? ---Yes.

And for the purpose of obtaining that refinance, what did you put as your own income?---I used AZH.

40 Well, you weren't employed by AZH on your evidence.---Yes, but my wife was employed.

So did she make, you own this house together?---Yes.

So she was involved in the making of the application to the bank?---So I just dealt with, with a - - -

Sorry, can you just answer my question. She was involved in the application to the bank?---She was not involved in the application process.

Well, she's an owner of the house.---Yes. But the process I dealt with, like I dealt with everything else in my, in my household.

And according to your evidence she's the only one who is earning an income.---At that time it was, yeah, she was.

10 THE COMMISSIONER: When was it refinanced?---September 2018.

2018?---Yeah.

MR YOUNG: So you have told the bank that you're earning money from AZH?---Yeah, I think so. I don't recall exactly but I used AZH to get my refinance, yes.

Well, just explain what you mean by "I used AZH to get my refinance." What does that mean?---We used the business tax return for it.

20

And who did you tell – and which bank was this, your same bank, Westpac?---No. It was with NAB.

And was there a particular reason why you went to NAB for this loan? ---No. It was just a better rate.

So they want to know how much you're earning?---Yes. So it was just submitting the, the business tax returns.

30 And what did you tell them was your interest in the company?---I cannot recall. It will all be there in the paperwork if you want to delve deeper into it.

Do you agree that you obtained this loan through defrauding the bank by telling them that you were working for AZH when you weren't?---I don't think it was fraud but, yes, we did tell them that that was the income.

And you told them that the two of you had access to the money that was AZH's?---Yes.

40

Even though at the time you believed that 75 per cent of that money was Mr Soliman's?---Yes.

Did you tell the bank that?---No.

THE COMMISSIONER: Hold on. You said you just gave the tax returns? ---Yeah, we just said, when they said your income we just said we're like a

sole trader, like a business and you just submit, instead of payslips you submit the, the company tax return.

And the company tax return would have revealed the income you - - -?
---That the business was making. How the - - -

The business was making from RMS?---Yeah.

10 Including the money that was still in the AZH bank account?---Yes, that's correct.

MR YOUNG: So you didn't tell the bank that 75 per cent of the money that was in the AZH's account according to the arrangement you had you say belonged to Mr Soliman?---No, I did not tell the bank.

Do you think that was dishonest?---Yes.

Now, you started employment shortly, around that time, didn't you?---Yes.

20 And that only lasted about three weeks?---That's correct.

Now, with the payments to Mr Soliman in Exhibit 37, when was the last of those payments?---It was August, August.

August 2018?---Yes.

Why was that?---That was the last time I paid him.

30 But why?---I'm not sure why. It was just, we, we met up and the money I had withdrawn and, and is sitting in my personal account to give to him during those periods, so we just never met up.

But what you say, isn't it, is that in 2018 the arrangement was changed so that you would pay him \$8,000 every month?---Yes.

And yet there's no payment after 10 August, 2018, and that's not \$8,000.
---No.

40 THE COMMISSIONER: Why didn't you pay in September?---I can't remember but if you see the bank statements, I've transferred the money over to give to him and just we never met up in that period.

So when you say you transferred the money across, was that - - -?---Like, that, the salaries that I was doing, so - - -

To Zoe's account, your wife's account?---Yeah. So that's why there's that big, big month or there's, like, 20,000 sitting in there for those months.

MR YOUNG: Now, you said yesterday there was no falling out or estrangement between the two of you in 2018, but isn't that indicative of the fact that there was such a falling out or estrangement?---No. His brother wouldn't come to my house and tell me what happened if we'd fallen out.

Wasn't he being very critical of you and your work and you said words to the effect you did not need him anymore?

10 THE COMMISSIONER: You did not what? Sorry, couldn't hear you.

MR YOUNG: Oh, I'm sorry. You did not need him anymore?---No.

And you just didn't want to pay him anymore?---No, that's not true.

Yes, those are my questions.

THE COMMISSIONER: Thank you, Mr Young. Mr O'Brien, anything?

20 MR O'BRIEN: Nothing, thank you, Commissioner.

THE COMMISSIONER: Now, is it Mr Lonergan?

MR LONERGAN: Yes, Commissioner. I have a few questions.

THE COMMISSIONER: And sorry, I should have asked if people haven't done this, if you can identify who you're representing before you start asking questions.

30 MR LONERGAN: Yes. Mr Hamidi, I represent the interests of Mr Stephen Thammiah. You gave evidence on the first day that there were two weddings that you attended in relation to Mr Soliman, do you remember that?---Yes.

And you believe that you saw Stephen Thammiah at the second wedding, is that right?---Yes, that's correct.

Now, was there a bucks party for that preparation for that wedding?---Yes, there was.

40

And your evidence was that you organised the hotel room and everyone gave you cash to pay for the hotel that you put on your credit card or something like that. Is that right?---Yes.

And that was about \$2,000, was it?---Yeah. It was just over that, yep.

How many people were at the bucks party?---It was about 10 people.

Right. And they were Stephen – sorry, they were Samer Soliman’s closest friends, were they?---Yes.

And you organised that bucks party?---His brother organised it.

All right. Now, Stephen Thammiah was not at that party, was he?---He was not at that - - -

10 He wasn’t invited, was he?---No.

THE COMMISSIONER: Sorry, not at the party?---He was not at the buck’s party.

And was also not invited?---To the bucks, as far as I know, no, he was not.

But his closest friends were, at that time?---Yes. And his family.

MR LONERGAN: Now, the only other time that you had met Stephen
20 Thammiah was, I think your evidence was briefly at Optus?---Yeah, I met him once at Optus years, years ago.

But that was just a passing introduction?---Yeah, it was just, hey, how are you going, this is Stephen. He works as a project manager, that was kind of it.

And also there was, I believe on your evidence, you were both at a child’s birthday party. Is that right?---Yes, that’s correct.

30 And same thing, not really any discussion between you and him?---Yeah, we weren’t friends, we didn’t socialise, we didn’t, just kind of acquaintance, just, yeah.

And Samer didn’t mention Stephen Thammiah to you other than at these, well, introductions?---No.

He was not a topic of discussion between you and Samer at all, was he? ---No, we didn’t talk about him.

40 THE COMMISSIONER: Can I just check, he wasn’t part of the football-playing group?---Who, Samer?

No, no, Mr Thammiah.---No, no. I didn’t, I don’t really know Mr Thammiah.

MR LONERGAN: And the same goes with Mr Singh, right, you were friends with Jai Singh?---I was friends with Jai Singh.

And Jai Singh never mentioned Stephen Thammiah to you?---No, not really, not that I recall. Me and Jai's conversations always revolved around football and other stuff, so we never really spoke about work.

And were you, you know, to question the subjectivity, but were you closer friends with Jai Singh than you were with Samer Soliman?---It was different kind of relationships. Jai was just kind of my football buddy, we'd just hang around, we'd play, mostly we'd play football together and, yeah, but with Sam, we'd watch UFC fights and I'd go to his house, so it was, yeah.

10

So you were closer friends with Samer than you were with Jai. Is that what you're saying?---Probably, yes.

Excuse me. Now, I just want to, you've given evidence in relation to the creation of invoices for RMS.---Yes.

Now, just understanding, I believe your evidence was that you adopted effectively the same practice on every occasion that you created an invoice for RMS, except occasionally where you screwed up and had to redo it. Is that right?---Yeah, so I would get sent the invoice, I would just convert it, or the quote, I'd just convert it to PDF and then send it.

20

Right. So just going back before that, the creation of the AZH logo was - - - ?---Yes.

- - - you creating it on some online website?---Yes.

30

And then if I understand your evidence you then delivered the logo in its virtual form to Samer Soliman and he had storage of that logo. Is that right? ---Yes.

And then if I understand your evidence, he would create an invoice in Microsoft Word - - -?---Yes.

- - - using or appending the logo to that invoice. Is that right?---Yes.

And then he would send that invoice in Microsoft Word to you?---Yes.

40

So you never created an invoice in Microsoft Word. Is that right?---No, I never created any invoice other than conversation.

Right. So the only thing you ever did in all this time of your engagement with Samer Soliman was to receive an invoice and to then create it into a PDF and then send that PDF invoice to RMS. Is that right?---That's correct, for both quotes and invoice.

And you never created a template invoice or anything like that, did you? ---Never.

So if I just take you to volume 4, page 49 I believe is the metadata, but we might need to start at page 43 to show the invoice.

THE COMMISSIONER: Mr Lonergan, what's the interest of Mr Thammiah in this?

MR LONERGAN: The interest - - -

10 THE COMMISSIONER: Because there's no – it would appear that Mr Hamidi really doesn't know that much about Mr Thammiah, and there doesn't seem to have been any evidence of Mr Thammiah, the alleged fraud that he was involved in in any way being involved in this alleged fraud. I just don't quite understand where the interest of Mr Thammiah - - -

MR LONERGAN: The interest is, and this is anticipatory in our regard, but there is metadata of the invoices prepared by both Mr Hamidi and my client to the RMS and it is, certainly given the existence of that in evidence, the inference that could be drawn as to what that metadata represents in relation
20 to the input of work of the relevant persons into the creation of documents.

THE COMMISSIONER: But that would be a matter that Mr Thammiah can give evidence on based on the documents and whatever metadata is for his documents. I just can't really understand how whatever Mr Hamidi did affects Mr Thammiah?

MR LONERGAN: Well, it affects in that the proposition that I will seek to make depending on evidence, is that the content of the metadata is
30 inconsistent, both in the case of Mr Hamidi and in the case of Mr Thammiah in relation to what is being put.

THE COMMISSIONER: Well, I can understand why you'd ultimately want to put that for Mr Thammiah, but I just, I'm sorry, I'm still confused as to, given that they're no – my understanding is that there's been no allegation that Mr Thammiah and Mr Hamidi were working together in any way. I can understand if you want to pursue something with Mr Thammiah dealing with any documents that were created either by him or Mr Soliman or whoever it was, I can understand this, but I just can't understand where
40 this is going with Mr Hamidi.

MR LONERGAN: Commissioner, I can only put it that the metadata that exists in relation to what Mr Hamidi has said is his work practice, sorry, the documents created by Mr Hamidi and arguably Mr Soliman is inconsistent with the metadata and Mr Hamidi has brought in in his evidence the process and the representations of what the metadata showed, and I seek to show that that metadata is inconsistent with what he is saying occurred. That then has the flow-on to the metadata in relation to Mr Thammiah. And if it

assists the Commission I only intend to spend another, you know, three or four minutes on this point before I move on.

THE COMMISSIONER: Ms Wright, do you have a view on this?

MS WRIGHT: Commissioner, I suppose the question is the meaning or significance of the metadata and if questions are going to be asked of the witness in an area of technical expertise that he is not able to answer. I have some concern about that.

10

THE COMMISSIONER: I hadn't even, I was looking at relevance but I suppose that's another issue.

MS WRIGHT: Well, I embrace what you have said, Commissioner, about relevance but I am also concerned about the next step in that the questions may have no weight or indeed - - -

THE COMMISSIONER: What does metadata mean and does Mr Hamidi have the expertise?

20

MS WRIGHT: Yes.

THE COMMISSIONER: Mr Hamidi, can you understand metadata or - - - ?---I'm not - - -

Do you have any computer qualifications or - - -?---I don't have computer qualifications. I don't deal with metadata. I know, like, with a photo, if you take it, it will, like, the geographic location of a photo but not really.

30 All right. Look, Mr Lonergan, you've said you've only got a couple of questions?

MR LONERGAN: Yes, Commissioner.

THE COMMISSIONER: All right. I'll hear the questions but I have a concern about the probative value of this but anyway, you ask your questions. Which volume are we on?

40 MR LONERGAN: We were on volume 3, page 43 but the metadata is on page 49. Sorry, volume 4. My apologies, Commissioner.

THE COMMISSIONER: And I'm sorry, so that's the particular document at page 43?

MR LONERGAN: Yes. So just while we're on page 43, Mr Hamidi, you see that document?---Yes.

Now, that is one of the documents that you say was created by Mr Soliman as the original author of that document?---Yes.

It was sent to you via email?---Yes.

And then you created that into a PDF?---Yeah.

And then you sent that back to RMS as a PDF?---That's correct.

10 So if we go to page 49. You will see there the last author is Samer Soliman. See that next to the arrow?---Yes.

Do you understand what last author is in terms of metadata?---Yes. It's the last person to create the file or modify it I suppose.

If we can go back to page 48. Sorry, back to page 47 and you will see there the author, it's about two-thirds of the way down there, being Samer Soliman?---Yes.

20 Do you understand what the author is in the metadata documents?---It's the creator. I'm not sure.

THE COMMISSIONER: What's your understanding based on?---That that's when I would, that's why I would have to save it to PDF to remove that.

All right.---And that's when I would make the mistakes.

30 MR LONERGAN: Commission, just for the record, he did give that evidence yesterday and the transcript reference, transcript page 94 through to 95. Right. So your understanding is this document, being a Word document, was originally created by Samer Soliman?---Yes.

And he was the last person to edit that document. Is that right?---Yeah. To edit it, yes.

Just taking you to one other document. Volume 3, page 176. So perhaps if we can go back up just so Mr Hamidi can see the actual invoice.

40 THE COMMISSIONER: So it's on page 175, is it?

MR LONERGAN: Yes. So you see there again, Mr Hamidi, there's an invoice to RMS. Do you see that?---Yes.

Is this another document that was to your understanding created by Samer Soliman and sent to you as a Word document?---Yes.

And then you converted it to a PDF and sent it back to RMS as an invoice?
---Yeah.

And the purpose of that process was to remove - - -?---The author.

- - - Samer Soliman as the author of that document?---That's correct.

10 If we just go down to the next page. You see there, about two-thirds of the way down again, the author is Zoe Hamidi?---Yeah.

Now, this is a Word document, so do you understand how Zoe Hamidi is the original, or the author of this document?---You, you can change the author when you save a file.

Well, if we go down further, Mr Hamidi, to the next page, to 177, you will see down the bottom there that the last author is Samer Soliman.---Yes.

20 So again, based on your understanding and what you just gave evidence in relation to the previous document, the last author is the person who last saved the document to your understanding. Is that right?---I'm not sure. Like, like I just said before I don't know too much about metadata and how it works.

So just going back to the author, being Zoe Hamidi, do you have any idea how Zoe Hamidi is on this file as the author?---When you change, like I said, when you have a Word document when you go to save it, it saves author and you can change it.

30 What, you can change the metadata?---You can change the author, you can see it in a document, that's why I would do that and then turn it to PDF and send it.

THE COMMISSIONER: So you could put in Donald Duck, Mickey Mouse, whoever?--- I could put Donald Trump, yes, anyone.

40 MR LONERGAN: And sorry, Mr Hamidi, is your evidence that you were actively changing who the author of these documents were?---Yes. So that's what I, when he would send it in Word, I would make sure his name wasn't on it and then save it to PDF and then send it, and on occasions I didn't do it properly and I would have to resubmit it.

Right but his name is on this document. He's the last author.---Yes. I don't know how to change the last author because the document, other than being saved, it wasn't modified.

Moving onto another topic. I'll take you to volume 4, the start of page 62 of volume 4. Sorry, if we can go back one page, no, keep going. Yes. So you'll see this document starting on page 60 is an RFQ, or request for

quotation. Now this is a document, I believe you've given evidence, that you're aware of but did not create, is that right?---Yes. I never created RFQs.

THE COMMISSIONER: Sorry, the request for quotation?

MR LONERGAN: Yes.

THE COMMISSIONER: It's created by RMS, isn't it?

10

MR LONERGAN: Oh, sorry, you're quite right, Commissioner. Sorry, you received but you did not turn any attention to, is that right?---Yes. That is correct.

Now, if we go down to page 63 you'll see there at point 3B, so down towards the bottom, effectively the last paragraph there, the review session with RMS, and it says there that "The contractor", now understand you were the contractor in this RFQ?---Yes.

20

"Is expected to set up and manage review sessions with RMS. Generally five or more review sessions would be required to enable knowledge to be transferred to RMS." All right. So did you read that at the time? ---No.

All right. Now, accepting that you didn't respond to this document and you weren't – well, you did respond but you weren't the author of the content, is that your evidence?---Yes.

30

All right. Now, were you ever asked by anyone to perform what is set out there in paragraph 3B, i.e. transfer or have review sessions with RMS? ---No.

So no one from RMS or any related party of RMS ever asked you to come in and provide any debrief or briefing session on anything that was the subject of the tender that this RFQ was based on?---No.

Excuse me for a second, Commissioner. I have no further questions, Commissioner.

40

THE COMMISSIONER: Thank you, Mr Lonergan. Now, Ms Fryer, are you next?

MS FRYER: No questions, Commissioner.

THE COMMISSIONER: All right. Look, I apologise, there's nobody else, we've got Mr Glover back there, nobody else in the back row? All right. Ms Dabliz, any questions?

MS DABLIZ: No, Commissioner. Nothing arising.

THE COMMISSIONER: All right. Look, what I'm going to do, I'm just going to take a short break for about 10 minutes and then we'll just finish off your evidence and then, Ms Wright, I assume we're moving to - - -

MS WRIGHT: Yes, Mr Singh.

10 THE COMMISSIONER: Mr Singh. All right. Look, we'll adjourn for 10 minutes.

SHORT ADJOURNMENT

[11.44am]

THE COMMISSIONER: Mr Hamidi. Ms Wright.

MS WRIGHT: Commissioner, I just have one question. Mr Hamidi, you
20 gave some evidence that you refinanced your loan in September 2018.
---Yes.

The Commission's information suggests that it was 23 November, 2018. Does that accord with your memory?---I cannot remember. I remember starting the process in September.

And you started the process, how long did the process take?---It was weeks, yes, it was weeks.

30 So would you accept that it was more like November than September?
---Potentially, yes, yes.

THE COMMISSIONER: What, when the decision was actually made?
---Yeah, yeah.

Sorry, the bank actually approved the refinancing?---Yes.

All right.

40 MS WRIGHT: Thank you, that's all.

THE COMMISSIONER: And, Ms Wright, can Mr Hamidi be excused?

MS WRIGHT: Yes, Commissioner.

THE COMMISSIONER: Thank you for coming to give evidence. You're now excused.

THE WITNESS: Thank you, Commissioner.

THE WITNESS EXCUSED

[11.59am]

THE COMMISSIONER: Now, next witness is Mr Singh.

10 MS WRIGHT: I call Jainesh Singh.

THE COMMISSIONER: Now, before Mr Singh actually comes forward, we'll have some change of seating. Mr O'Brien, if you'd like to come forward.

MR O'BRIEN: Thank you, Commissioner.

20 THE COMMISSIONER: And we've got Mr Singh. Come forward, Mr Singh. Sorry, I didn't see you back there. Now, do you take an oath or an affirmation?

MR SINGH: Affirmation.

THE COMMISSIONER: Now, Mr O'Brien, have you had an opportunity to discuss section 38 with Mr Singh?

MR O'BRIEN: Yes, thank you, Commissioner. We'll seek a declaration pursuant to that section, thank you.

10 THE COMMISSIONER: All right. Now, Mr Singh, Mr O'Brien has explained to you about section 38 and if I make an order under that section the protection it gives you. With every witness who gives evidence I emphasise the following. It does not give an immunity or protection if you give false or misleading evidence during your examination here. If you give false or misleading evidence you have possibly committed an offence under the ICAC Act.---Yeah.

20 It's a very serious offence, brings with it a term of imprisonment, so it's very important that you do not give false or misleading evidence during the public inquiry.---Yeah. Sure.

So pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

30 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS DURING THE COURSE OF THE WITNESS'S EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR**
40 **THING PRODUCED.**

THE COMMISSIONER: Ms Wright.

MS WRIGHT: Thank you, Commissioner. Sir, could you please state your full name?---Jainesh Singh.

Did you commence employment at Roads and Maritime Service in 2014?
---Yes.

Were you working within the Heavy Vehicle Programs Unit?---Yes.

What was your job title?---Business systems analyst.

Were you reporting to Mr Samer Soliman in that role?---Yes.

10 Now, did you remain a business system analyst throughout your
employment at RMS?---That was my title throughout my employment, yes.

Have you recently been terminated from your employment at RMS?
---That's correct.

As of last week?---Yes, yeah.

20 What responsibilities did you have in your role as business systems
analyst?---So it started off working on the IT systems-related projects,
acting as an SME - - -

THE COMMISSIONER: Sorry, what's an SME?---Subject matter expert
for those systems, but it progressed to managing projects, working on
procurements and, yeah, delivering projects.

30 MS WRIGHT: What sort of projects?---So camera, camera-related projects,
so installation of cameras at sites, so the most recent one, for example, was I
was working on upgrading cameras that had reached end of life. So yeah,
so I was supporting the program manager in, yeah, delivering those projects
and, yeah.

Any other projects apart from cameras?---So when I was, so there was also,
kind of related to the camera project was the interface specification was
upgraded as well.

40 THE COMMISSIONER: Sorry, interface specifications?---So, so the
cameras, when they, when they connect to our back-end systems they all
have their own interfaces, so what we decided to do was have a standard, so
the, I guess - - -

You can see the kind of puzzlement on my face?---Yeah, yeah, sure. They
had, let's just say they all had their own different ways of connecting to our
back-end office, so it made it complicated.

And the back-end office, is that where all the data comes in?---Yeah. So it
made it complicated, so what we decided to do was have a standard
interface that they all had to abide by, so just standardised the, the data we
were receiving to the back-end office, yeah.

MS WRIGHT: Before commencing with RMS did you work at Optus?
---Yes.

And what was your role at Optus?---Systems analyst and support.

How long did you work at Optus?---Seven years I think, or maybe a bit less.

From 2006 or '07?---I think I, I thought it was '07.

10

And did you know Mr Soliman from your time at Optus?---Yes, I met him when I first started. We were both in the same team in the mobile technical support area. So, yeah, so we worked together for, it was less than a year because he moved on to I think it was a network engineer role and, yeah, I stayed there for a year and then I moved on to a systems analyst role.

So did he supervise you at all at Optus?---No.

20 But you worked in the same team?---Yeah, for mobile, in the Mobile Technical Support team.

2007?---Yes, 2007. May have rolled into 2008. I'm not sure.

Did you become friends?---Yes.

And did you remain friends even though he moved elsewhere?---Yes.

And did you see each other outside of work?---Yes.

30 In what context?---Social. Just gatherings at a mutual friend's house or, yeah, things like that.

And mutual friends included Ali Hamidi?---Yes. To begin with I didn't know Ali too well so, Ali worked in a different team in the Mobile Technical Support Division if you want to call it, but I met him through Samer.

40 When did you first meet Ali Hamidi?---I'd probably say the same. I'd say 2007.

And was he also working at Optus at that time?---Yes.

And you worked, you met him in that context?---Yes.

And what sort of work did you understand Mr Hamidi to be doing at Optus?---Oh well, to begin with we were Mobile Technical Support representatives, so that was just providing technical support for customers who had issues with their phone. Then he moved on into training I believe

and then from there he moved into wholesale. I think he was managing a team in wholesale. And then from there on I know he was still in wholesale and he was doing, I think it was reporting, something reporting-related, and he ended up working in the NBN team.

And you became friends and saw each other socially?---Yes, we did. At first it was just Samer I saw socially and then it eventually progressed to seeing Ali as well.

10 So there were social occasions with both Samer and Mr Hamidi?---Yeah.

And what kinds of things did you all do together?---It was just mainly just catching up, like usually Samer if he had a birthday party we would meet there or it might be dinner or maybe meeting up for drinks, things like that. Ali and I we have a, both have a passion for football so that's something we had in common so we played football together for a couple of years. The last two years I haven't really been playing because I hurt my knee, so I've been out so I haven't seen Ali too much. Possibly, probably in the last year I didn't see him too much because I wasn't playing football at all.

20

In the last year?---Probably the last, let's say 2018. I didn't play football in 2018. 2017 near the, at the end of 2017 I was playing casually, like once in a while so I did see him there but, yeah, 2018 I just haven't played at all.

But at the time Mr Hamidi's company started doing work for Roads and Maritime Service in 2016 you were still good friends with Mr Hamidi?
---Yes.

30 And you knew him to be a good friend of Mr Soliman?---Yes.

And when did you leave Optus?---I got made redundant I think it was end of 2013 I think it was.

And then started at RMS in 2014?---2014, yes.

Did you interview for the role at RMS?---Did I interview?

Did you have an interview?---Yeah, yeah, I had an interview, yes.

40 And before you applied for the job did Mr Soliman tell you that it was advertised?---Yeah. So when I first got made redundant I reached out to a lot of people and Samer did tell me there was an opportunity coming up in his area.

Did he tell you when it was advertised?---No, he didn't tell me it was going to be advertised or anything. This was when I, this was when I got first made, got redundant, so it was a while before it actually did get advertised. So he did tell me there was an opportunity coming up but I didn't rely on it,

I still applied elsewhere. I had, I remember having, having an interview at Foxtel, wasn't lucky enough to score the role, had a few phone interviews. Then I reached out to him again sometime in 2014 and he told me that the role he was referring to was about to be advertised shortly.

So he told you that it was being advertised?---Yep.

And did he assist you at all with the application?---Yeah. He assisted with my – so there's selection criteria, he assisted with that.

10

And did he give you some advice about how to fill out or answer the selection criteria for the role being advertised?---Yeah. He did and he also reviewed it and I think he, I recall he did make some changes to it as well.

And so you gave him your application before you submitted it?---Yes.

And he made changes to it?---He actually, I remember he actually came over to my house and reviewed it.

20 And did he interview you for the role?---Yes.

THE COMMISSIONER: Can I just ask, do you have any tertiary qualifications?---Yeah, I've got a degree in technology and IT support, I think that's the full name of it, yeah, all right UWS, but I think tell you call themselves Western Sydney University, yeah.

MS WRIGHT: Do you know Stephen Thammiah, Mr Singh?---He also worked at Optus. I met him a couple of times at Optus and I know he's good friends with Samer.

30

You've met him a couple of times at Optus. Did you meet him at any stage after being at Optus?---I know Samer had a birthday party and that's, I met him there. I think that's when I first met him. I didn't realise he actually worked at Optus but I did first meet him at a birthday party at Samer's.

What year was that approximately?

THE COMMISSIONER: And was that Mr Soliman's birthday?---Yeah, yes. It would have to be 2007/2008.

40

MS WRIGHT: Any other occasion when you saw Mr Thammiah outside a work environment?---So I remember seeing him at Samer's wedding last February or March or whenever it was. I, I was at Samer's first, first wedding but - - -

You were not, did you say?---I was, I was, I was. But I'm guessing he would have been there but I don't, I don't recall seeing him, sorry.

THE COMMISSIONER: When was the first wedding?---Sorry, maybe, I'm taking, I'm going to take a wild guess.

No, don't worry.---Yeah, yeah.

MS WRIGHT: Mr Singh, between seeing him in 2007 and 2008 and the wedding last year, did you see Mr Thammiyah at all?---I don't – you mean outside or at all, just at all?

10 At all.---At Optus, I did see him a couple of times because I worked, I was there until 2013 and he was still there.

Did you ever have lunch together?---No. I don't believe so, no. I can't recall.

So when you saw him at Optus, it was more in the nature of running into each other?---Yeah, just running into him, yeah. Just, yeah.

20 What about any social occasion outside the work environment?---All I can remember was the birthday party. I can't – and the wedding. I can't recall any other time.

And did you know him to be Mr Soliman's good friend?---Yeah. When I met him at the birthday I just assumed he was good friends with Samer because, you know, he's at the birthday party, so - - -

30 Did Samer talk about him?---Not too often, not until, when he actually told me that, you know, he was going to engage with his, he started, like, Stephen started a consulting company, he was going to engage with him to do some work. Before that I don't, I don't recall, yeah, talking about Stephen at all or too much. Actually, I saw Stephen also when Samer's first child was born. So that was - - -

What year was that?---Oh, it would be a wild guess again. I think she's 9 or 10.

Was that after you started at, I see the child's 9 or 10?---I think she's 9 or 10.

40 So about 2009 or '10.---Possibly, yeah.

And what did you understand Mr Thammiyah's occupation to be, apart from knowing him at Optus?---I don't, I probably, I probably did ask him what he was doing at Optus but I've forgotten what he told me.

So you didn't know what his role at Optus was at all?---I'm sure I asked him but I've forgotten what he, what he had told me.

What qualifications or experience did you understand him to have?---I don't know his, I don't know his qualifications or experiences.

Now, could Mr Singh please be shown volume 3, page 9. This is an email chain between you and Mr Soliman and the email at the bottom of the page is an email from you to Mr Hamidi dated 28 November, 2016, asking for some company details. Do you recognise that email?---Yes.

10 And when you sent that email you'd already known Mr Hamidi for a number of years?---Yes.

You didn't use his name in the email, you knew that you were writing to Ali Hamidi?---Yes, I did.

You knew he was behind AZH?---Yeah.

20 And what prompted you to send this email?---I was requested to do so by Samer. I think there was more to this email, I think he, is there, should be ---

Sorry, going over to page 10 - - -?---Because I thought he had forwarded me, because I wouldn't know who to send that email to, because Samer forwarded me the email address for AZH.

At page 7 might be the email you're referring to.---Yeah. Yes, this is the one.

30 And did Mr Soliman have a conversation with you when he sent you that email, either before or at the time of?---Yeah, yeah, he would have had a verbal conversation saying, hey, can you add this vendor to, I think it's Equip, would have been Equip.

THE COMMISSIONER: To what, sorry, Equip?---Our system's called Equip. It's in the subject, yeah, Equip and CM21.

40 MS WRIGHT: Yes. What else did he say?---Or he did tell me this was Ali's, Ali's company, so this is the first time I ever saw the name, AZH Consulting. I didn't know what the, yeah, what his consultancy company was called or anything like that before that, so - - -

THE COMMISSIONER: So Mr Soliman told you that AZH was Ali's consulting - - -?---Yeah, he goes, "This is Ali's consulting company," and yeah, add to Equip and CM21.

And by adding it to Equip, that what, allows contracts to be entered into with that entity?---So yeah, when you request to raise a purchase order the Finance team, what they do is they have to select the vendor from Equip, so the vendor's got to be registered in Equip for them to be able to select and,

yeah, use them as the vendor, so they've got to be registered on Equip and CM21's for the contracts.

MS WRIGHT: And when he sent you this email at page 7 with the email address, you said he told you it was Ali Hamidi's company.---Yeah.

10 And did you say anything in reply to that, did you raise any queries about that?---No, I don't think so. I mean when he first told me that Ali was starting a consultancy company and he was going to engage with him to use him for some work, I did raise a concern because I know Ali's background and I know he's not, he's not, he doesn't have much expertise in the transportation industry.

20 Or any expertise?---Well, had the expertise of being a data analyst and reporting so when I raised the concern with Samer I asked him, "Is he capable of doing this work?" And he told me, yeah, he's got that reporting and data analysis background and that's what his reports are going to be mainly about, so it's using that expertise, so yeah, so he was confident that Ali could do the work and I guess I trusted his judgement and, yeah.

When did you have that conversation?---So when did, when was this email? So it would have been 2016, November, I would say November 2016.

Prior to him sending you the AZH address?---Yep, yep.

He, Mr Soliman told you that he was going to give AZH some work?
---Yeah, he was going to use Ali for some work.

30 And you raised a concern at that time?---About, yeah, his expertise and for the ITS side of things, yes.

THE COMMISSIONER: So your concern at that stage was whether Mr Hamidi had the expertise to do the work that - - -?---To understand our technologies we were using. So I know he has a background in being a data analyst and reporting, so I, I, I had confidence he could do that part of the work but it was just, yeah, understanding, yeah, the ITS world, yep.

40 MS WRIGHT: Did you have any other concerns, Mr Singh?---I mean, it was a concern that, you know, he was a friend and this was just all of a sudden news to me that, you know, that he was going to engage with him to do some work but - - -

What would be the problem with him being a friend?---It was just the, I guess it just, you know, whether there would be just any preferential treatment given to him.

And so did you raise that concern with Mr Soliman?---I didn't, I didn't raise that concern and I probably should have but, yeah.

And Mr Soliman, did he say anything to you about there being any preferential treatment or any concern about preferential treatment?---No, he didn't discuss that with me, no.

Your email, page 9, that we just saw to Mr Hamidi, "Hello, your details need to be added into our system for us to engage with you so I need supporting documents which clearly show," et cetera. You agree it sounds quite business-like?---It's professional.

10

Were you trying to avoid giving the impression in a work email that you knew this person as a friend?---No. I was just trying to be professional, really.

Did you ever discuss with Mr Hamidi around this time why he had the company AZH?---No, I didn't discuss it with him, no.

20

Did you discuss the prospect of him doing work for RMS with him?---No. I didn't discuss about any prospects of work, yeah, anything work, anything about work prospects or anything like that with him, no.

THE COMMISSIONER: When you were playing soccer, is that year-round or is it - - -?---Oh, it's during winter.

Usually winter?---Usually in winter. Oh, when we play futsal, there would be summer as well but I stopped playing futsal, it was bad for my ankles but, yeah.

30

When did you - - -?---I'd say 2016 may have been my last year of playing futsal, I think.

And Mr Hamidi played futsal as well?---Yeah, yeah, he played futsal.

MS WRIGHT: So, Mr Singh, you had a concern about possible preferential treatment to a friend's company at this time, you agree?---Yes.

40

And you knew, didn't you, that this was an inappropriate business relationship that Mr Soliman was asking you to work on?---I didn't, I didn't know it was inappropriate, it was just a concern I had, I guess. Yeah, I wouldn't say, I wouldn't use the word inappropriate but, yeah, it was a concern from my side.

You've heard of a conflict of interest?---Yes, I have.

And I understand what a conflict of interest is?---I do now, a lot better, that's for sure. Yeah.

You understood at the time what a conflict of interest is, didn't you?
---Yeah, at the time, yeah.

Yes. And when you were hired, you were provided with the RMS Code of Conduct and Ethics?---Yeah. I believe so.

And you signed an acceptance acknowledging receipt and agreeing to comply with that code of conduct?---Yes.

10 And that code of conduct set out clearly what a conflict of interest is?---I guess. I probably, well, I probably didn't read it properly but yeah.

Well, you're saying you received the document but you didn't read it?
---Yeah, I probably didn't read it properly. That's the bottom line, yes.

Well, if it could be shown at volume 16A at page 138. Page 140, Commissioner. You recognise that document?---Is this the latest version? Because the ones, I think I've seen one before but it was less colourful.

20 But don't worry about the colour.---Okay.

Have you seen a document that looks like that?---Yeah, code of conduct, yeah.

And then page 139, you've signed an acceptance on 8 October, 2014 that you've been provided with it and have read it and agreed to comply with it.
---Yeah.

30 At page 149 it sets out clearly about conflicts of interest. "An actual, potential or perceived conflict of interest exists when you could be influenced by personal interest, a conflict or potential conflict could arise through a range of personal interests or connections, including family, friends or associates." The bottom of that column, "You must," second bullet point, "Disclose the conflict."

THE COMMISSIONER: Did you know that at the time there was a conflicts of interest register?---No, not at the time, no.

40 MS WRIGHT: Page 157, please. Talks about corrupt conduct, corrupt behaviour that involves, see in the first paragraph, "Serious and substantial waste of public money," and at page 164 you're required to read and understand to the best of your ability the code of conduct, agency policies and procedures. And, Mr Singh, you undertook training in relation to the code of conduct?---Yeah, I think there was training every couple of years.

Yes. And you did training in 2015 in relation to the code of conduct? Page 168, please. Do you recall that training?---I think it's one of those e-Learning, electronic learning training.

Online?---Online, yeah. So with those usually, well, what I did anyway, I'm just going to speak for myself, I actually just used to just, 'cause it's like a PowerPoint presentation sort of setup so you just keep hitting next until the end, just to complete it.

You didn't read it, you didn't do the training?---No.

10 Was that responsible conduct to your employer?---Probably not, but due to the workload it's just, I just, yeah, it's difficult to find the time to actually sit down and read through it all and, yeah.

THE COMMISSIONER: So you'd be at your desk at work?---Yeah.

20 And, what, doing your other work with that on the screen and just pressing next?---No, no, because you'll be told you have to do it, so your manager will come and say you have to do it before the, there's usually a due date for it, and yeah, so yeah, so what you do is just log in, start up that, that training and you can just, kind of just keep hitting next slide until the end of it and that completes the, the training, yeah.

But really not reading or taking in what's coming up on the screen?---You might skim it, skim through it and, yeah, you're not really absorbing what you're reading, yeah. Again, I'm only going to speak for myself. That's what I did.

30 MS WRIGHT: But you knew what a conflict of interest was, involving a perceived or actual favouritism if you like, preferred treatment to use your words to a friend?---Yes. I, I did the, oh, if you look at that, that spreadsheet you just had, the probity and ethics training. I'm not sure if it's, it should be there somewhere.

Second row?---Yeah, the second row. So I did that in 2018. So that was when I really learnt about the perceived conflict of interest.

Well, you did code of conduct training in 2015 and 2017.---Yeah.

Third and fourth rows of the document at page 168.---Yeah.

40 You were given the code at the time you were employed and you signed that you had read it and you would comply with it.---Yeah.

You're not suggesting, are you, that in referring to workload that there was some fault on the part of your employer that you didn't understand what a conflict of interest was?---Yeah, that's my fault. That is my fault.

And you did I'm also suggesting know what a conflict of interest was?---In terms of perceived conflict of interest?

In 2016, yes.---I guess so but I didn't understand that that's defined as perceived until I did that probity and ethics training.

Well, you've raised it at the time with Mr Soliman prior to November 2016. You raised a concern with him.---About the expertise.

You told us a moment ago that you raised with him that is it a problem he's a friend.---No.

10

THE COMMISSIONER: No.---No.

I think my note was - - -?---The expertise.

- - - you had a concern that he was a friend and then that you didn't raise it with him - - -?---No.

- - - but you should have?---I should have, yes.

20 MS WRIGHT: So you had a concern because you understood precisely what a conflict of interest is?---I guess so, yeah, but again, I didn't understand that that was a perceived conflict of interest but, yes.

They were your words, Mr Singh.---Yeah, yeah.

Preferred treatment.

30 MR O'BRIEN: Commissioner, I don't mean to get in the way of this examination, it's obviously useful and helpful, but there is obviously a difference between an actual and perceived conflict of interest, and the witness is endeavouring to make that clear that he understood an actual conflict of interest but not a perceived one. Now, I'm hoping that the cross-examiner can now allow that to be explored rather than continue to examine the witness on the basis that there's one, they are one and the same.

THE COMMISSIONER: Ms Wright, I thought you were distinguishing between the two of them but maybe if you ask another question and we'll see how it goes.

40 MS WRIGHT: I'm suggesting that you understood fully, Mr Singh, that there would be an actual conflict of interest at the time that Mr Samer got you involved in AZH's work.---Okay. Yes. Yeah. I guess so, yes.

And if you had turned your mind to it, it would have been apparent, would it not, that if others knew that this was a good friend of both you and Mr Soliman that there would be a perception of a conflict of interest?---I guess so, yeah. Again, yeah, I guess I, yeah.

And if Mr Singh could please be shown volume 8, page 116. This is an email chain between you and Mr Soliman and you will see that at the bottom of the page you've written an email to Mr Chehoud on 16 October, 2017. Just take a moment to read that. And did you draft a paragraph relating to conflicts of interest for inclusion in a request for tender document at that time which you sent to Mr Chehoud?---I don't know where I got that from. You mean the conflict of interest paragraph?

10 Yes. So you've written an email, "Hi, Nathan."---Yeah, yeah.

And you've suggested an amendment - - -?---"To be changed around," yes.

- - - to address the conflict of interest risks, which includes a paragraph, "You must notify us of any potential or actual conflict of interest or duty." ---Yeah. So I must have copied that from somewhere.

Well, I'm not asking you about the source of it, but you've included that because you fully understood what a conflict of interest was - - -?---For this purpose - - -

20 - - - whether it be perceived or potential.---For this email the whole purpose of the conflict of interest was when we advertised a tender we had ITS providers contacting, one of the ITS providers contacting me who actually provide a camera and they were interested in applying for this tender, and that was going to be the conflict of interest because that means these guys would then be analysing other ITS products from other companies, so that was what the purpose of this addendum letter was for, to say that if you're an ITS manufacturer you can't apply for this panel tender, or this panel, sorry.

30 Same principle, isn't it, Mr Singh?---Um - - -

MR O'BRIEN: The same as what? Sorry, Commissioner, I was just asking what, what it's the same to.

MS WRIGHT: You're not confining your understanding of a conflict of interest to the particular circumstances of a tender involving vendors. ---I don't understand.

40 Well, you've suggested in October 2017 some wording around actual or potential conflicts of interest, so you understand the difference between an actual and a potential conflict of interest.---Okay, yeah.

And you understood that as at October 2017, didn't you?---Yes.

And I'm suggesting that you understood that in 2015 and 2016.---I guess so, but yeah, yes, yeah, I feel like I didn't understand it too well, but yeah.

And do you agree that you played a part in the awarding of contracts to AZH?---No. So when it came to work, Samer would just instruct me to raise purchase orders.

THE COMMISSIONER: Just before we move to that area, can I just ask you, when you, when you were asked about the content at page 116 you said that if you were already an ITS provider of equipment, you gave the example of a camera, you then couldn't apply to be on the PSC Panel. Is that correct?---Yes, yeah, that's correct.

10

An ITS provider of equipment, did that also include the scales, the portable scales?---That would be a manufacturer, yes.

So if you provided the portable scales you couldn't be on the PSC Panel?
---No, no.

Thank you.

MS WRIGHT: Now, I'll deal with AZH later, but you're aware of the company, Novation Engineering?---Yes.

20

And do you agree you were involved in raising purchase orders in relation to that company?---Under the instructions of Samer Soliman, yes.

Do you recall a project related to the purchase of 21 under-vehicle cameras?
---I do, yes.

And what was that project about?---So initially it started off as, so one of the inspectors, I think he sent Samer an email with a recommendation of using an under-vehicle camera to inspect the underside of the, under the heavy vehicles instead of having inspectors go down there because I think there was, there was some WHS risks related to that. So, so what Samer had me do, he had me procure two of these under-vehicle cameras initially to - - -

30

Was that in early 2015?---I think so. Yeah. I don't know the dates to be exact.

THE COMMISSIONER: Do you recall the inspector who sent the request to - - -?---Yeah. I think we, actually, no you guys didn't ask me. It was, I think his name was Phillip Nash, yeah. I don't know if he's still at RMS or anything like that but yeah.

40

So you procured two of them?---Initially I procured two of them.

MS WRIGHT: Where did you procure them?---It was, I think it was either US or a Canadian company. I've forgotten the name, it was something Surveillance. Yeah, I've forgotten the name.

And how did you go about that task?---So I, I got in touch with this company and requested a quote as Sam directed me to. I received the quote and then I got asked to raise a purchase order for, for those two cameras. I remember there was an issue because they were an American or a Canadian company, there was an issue raising the purchase order, I think there's a different process.

10 THE COMMISSIONER: What, when it's an overseas vendor?---Yeah, when it's an overseas vendor. I think there was a different process. I don't know the details but I remember, I think I had to fill in a different form for that.

MS WRIGHT: And you purchased them online, did you?---So I got the quote – no, no, no, I didn't purchase them online. So I got the quote after getting in touch with the company and then it was a purchase order, like, an overseas purchase order sort of, it wasn't like, I didn't go online and click, you know, two cameras, add to cart, it wasn't like that. It was actually, like, a purchase order raised to the, that, I forgot the name of the company but yeah.

20 THE COMMISSIONER: And you were dealing with somebody from the Canadian, if we say Canadian or US, company?---Yeah, yep. I was dealing with them.

MS WRIGHT: Were they the manufacturer?---I think so. Yes, yes, I believe so. Yep.

And were the cameras sent to you?---They, yes, they were. They were sent to, I think it was, we were still at Argyle Street then.

30 If Mr Singh could be shown volume 18, page 1. This is a long email chain, if you could turn to page 4, please. At the bottom of the page, there's an email from you dated 4 March, 2015, where you say, "Hi Sergey/Konstantin. My name is Jai and I work for a State Government agency in New South Wales." And over the page it'll show your e-signature. You recall that email?---Yes. I do.

And the response suggests that the company you are dealing with is in Canada.---Okay, yep.

40 And your email says that you were, "Working in compliance for heavy vehicles and are interested in procuring the under-vehicle inspection cameras for our inspectors to trial." And you ask for a quote for two under-vehicle inspection cameras.---Yep.

So is that enquiry related to the purchase that you subsequently made?
---Yes.

And what was the nature of the trial?---So I don't know, I can't recall, I don't remember why we needed two but I know we sent one to Phillip, Phillip Nash at Mount White and then he modified it because I think there was the, the, so there was an issue with the length of the bottom half of the, the under-vehicle camera. It was too short so you couldn't really get under the heavy vehicle or capture everything under the heavy vehicle, so he had it modified so it was longer. So we, yeah, so one was sent to him to play around with and from what I remember the feedback was positive and - - -

10 THE COMMISSIONER: It was, sorry, positive?---It was positive, yes.

MS WRIGHT: And do you recall what you paid for those two cameras?
---Oh, it was, I think it was 1,100. I think I provided you the quote for that.

You haven't provided me, but - - -?---Oh, sorry.

1,100 for one or two?---Two. I think it was 389 for one and then you've also got to add the shipping and I think it ended up being 1,100 Australian, yeah.

20

And so the 389 would have been US - - - ?---US dollars, yes.

Or Canadian.---Or Canadian, yes. I think it's US.

US.---Yeah.

Okay. And was a decision – I'm sorry, before we go on, Commissioner, if that document could be marked for identification ,volume 18, pages 1 to 4. It's not part of tendered material at this stage.

30

THE COMMISSIONER: All right. Sorry, volume 18, pages 1 to 4 will be MFI 2.

#MFI-002 – VOLUME 18, PAGE 1-4

MS WRIGHT: Mr Singh, was a decision made later in 2015 to expand that trial?---Yeah, I think Samer wanted to expand the trial to include all the, all the sectors.

40

That was Samer's decision?---Yeah, that's his decision, yeah.

Okay. If Mr Singh could be shown volume 1, page 94. Thank you. This is an email from you, Mr Singh, to Mr Soliman of 9 November, 2015.---Yeah.

And at page, it contains an attachment of a memo and at page 95 is the attachment. Do you see the memo is from the Manager of the Heavy Vehicle Programs?---Yeah.

Did you draft this memo?---I did. So Samer had me draft a lot of memos on his behalf, yeah, and this was one of them.

Under the heading Issue, it refers to the, “Heavy Vehicle Programs Unit continuous innovation and improvements.”---Yeah.

10

And see above the word Comment, it says, “As part of the continuous improvement initiative the Heavy Vehicle Programs Unit has been trialling under-vehicle inspection camera to improve efficiency in inspections and reduce WHS risks.” What was the continuous improvement initiative? ---So it’s something Samer coined up with continuous innovation and improvement is just reviewing continuously everything we’re doing and seeing if there’s ways to improve it.

When did Mr Soliman coin that up?---Maybe before I started perhaps, yeah.

20

THE COMMISSIONER: So when you started work there he would refer to - - -?---Yeah, he would already, because yeah, I remember from the get-go he was already engaging different vendors to trial different types of technologies, like Bluetooth scanners and thermal cameras, so yeah.

Sorry, so it’s not an official initiative?---No, no, no, it’s just continuous improvement, it’s just, yeah.

It’s kind of buzzwords that he’d thought up?---I think so, yeah.

30

MS WRIGHT: And it involved trialling equipment, did it?---Yeah, it was mainly just equipment, yeah, I can’t think of anything else we were trialling. Yeah, it was always equipment, yeah.

At the bottom of page 95 you say, “The next phase is to extend the trial to a couple of vehicles.”---Yeah.

What did you understand the extension of the trial to entail?---My understanding was to probably procure a few more of these under-vehicle cameras and send them out to the different sectors.

40

Did you know how that was going to be done?---So - - -

The procurement that is.---So I think Samer did tell me he was just going to get someone because, because of the problems we went through to, for the whole payment to the US he was going to get someone external to procure it. Yeah, to, apparently that would make things easier so - - -

Easier in what sense - - -?---I guess paperwork-wise because I had to fill in, I had to go through a process to get this purchase order raised so I think in his mind it would have been easier just to engage with someone external.

THE COMMISSIONER: But you managed to buy the two?---I did. I did.

But there was just some paperwork to fill in?---There was paperwork to fill out. I could, I personally believe I could have procured it but, yeah, he's
- - -

10

You personally could have - - -?---I think I could have just gone through that process again and got the - - -

Because you did it once?---Yeah, I did it once already. You know, I already had the forms and everything so could have done it again but it was his direction to engage with someone externally.

20

MS WRIGHT: And did he tell you why? Did he give you a reason why you would use an external person?---Well, he, he told me, just told me the, the whole paperwork thing.

RMS paperwork?---Yeah. So the, raising the purchase order for paying an overseas company. For some reason he wanted to avoid that, yeah.

Did you not still need a purchase order even if you were using an external company?---You still need a purchase order but, yeah, I'm not sure his reasonings for it. It was just, it was, I had to raise a different purchase order and I think maybe it takes longer. I don't recall how long it took but, yeah.

30

Well, to your knowledge is there any different process followed in raising a purchase order for an overseas purchase as opposed to a local purchase?
---From my understanding, I think from what I recall it was just a different form.

THE COMMISSIONER: And I take it you fill out the form and then it goes to your - - -?---You send it, back then, back then there was a Finance team you send it to - - -

40

To them.--- - - - and they've got to do something. Maybe there was issues with them that Samer was made aware of. I don't know.

All right.---Yeah.

You don't know of that, you just - - -?---I'm just guessing, yeah.

MS WRIGHT: Page 97 of that memo is headed "Recommendation. It's recommended that the General Manager of the Finance Operations Branch note the benefits of using the under-vehicle camera for heavy vehicle

inspection.” Now, I appreciate it’s not your document although you’ve drafted it. Did you consider at this time that there was a business need for these cameras?---So the only person I really spoke to about it was Phillip Nash and he was, you know, he was praising it so, so that’s one inspector so that was the only feedback I really got so, yeah.

And when you – sorry, Commissioner.

10 THE COMMISSIONER: You bought two cameras. What happened to the second one?---I don’t remember now. I know we, maybe we sent both to Mount White. I don’t recall.

MS WRIGHT: When you drafted this memo did you consider that Novation would be given a role in the expansion of this trial?---I didn’t consider that but then Samer did put a purchase order together for Novation.

20 When did you first hear of the company Novation?---It was before we started engaging with them. Samer did tell me that his friend Stephen had started up a consultancy company and was going to engage with him to do some work. Yeah.

And did he tell you anything about what Novation would be doing?---Well, initially he told it was just to report on a few trials, so basically what he told me was there was direction given from senior management that if we want to make any submissions to bid for funding for any new technologies we would need an independent, independent report alongside that submission because it adds more weight to the submission. So that was, yeah, the purpose initially.

30 THE COMMISSIONER: Hold on. Can you just say that again?---The – which part? Sorry.

Ultimately if you want to, what, purchase lots of them - - -?---Oh, if you want to make a, if you need funding for equipment, yeah, for a specific type of equipment, we’d need an independent report that outlined the performance and accuracy of that piece of equipment, basically, yeah, ‘cause it would add more weight to that funding bid. Yeah.

40 MS WRIGHT: Independent of whom?---Of RMS and the, the manufacturer.

THE COMMISSIONER: This memo, the recommendation is that – and this is on page 97 – is that it’s recommended that the General Manager Compliance Operations Branch, and that appears to be, is it Mr Endycott at that stage?---Paul Endycott, yes.

Notes the benefits of using the under-vehicle camera for heavy vehicle inspection. Not approve further purchases or anything like that, just - - -?
---Just note the benefits, yeah.

Yes. What's the point of it? Is this something you regularly did? Is it part of a procedure?---So sometimes in memos and recommendations it is just to note something, like an FYI to the GM.

10 So just keeping him informed?---Yeah, just keeping him in the loop. But I can see there's "approved" and "not approved" next to Paul Hayes and Paul Endycott, so it should have been, I think it's a different wording when, it's just an FYI thing. You're not supposed to use "approved" and "not approved". It's supposed to be like "endorsed" or something like that, so - - -

So your recollection is you drafted the content of this - - -?---Yeah. Yes.

- - - to provide information up the chain - - -?---Yeah.

20 - - - about what this proposed next phase of the undercover vehicle trial?
---Yes.

MS WRIGHT: And do you know whether the memo was signed and submitted to the General Manager of the Compliance Operations Branch?
---No idea. No idea.

30 THE COMMISSIONER: And is that a usual procedure, that, I take it Mr Soliman, as Manager Heavy Vehicles Programs, had the ability to extend the trial? Like he had jurisdiction or authority to do that?---I always thought he would have got in touch with his direct manager and just, maybe as an FYI, I'm going to do an extension of this trial, I'm going to procure X amount more under-vehicle cameras and, yeah, that was my understanding, so - - -

Your understanding was that there was a procedure to at least keep higher management in the loop.---In the loop, yes, yes. You'd be, if there was a signed memo, it should be on Objective, which is our document storage system. Painful to use but it should be there.

40 MS WRIGHT: I'm going to a new document but I note the time, Commissioner. Should I continue?

THE COMMISSIONER: No, we might have the lunch break and we'll resume at 2 o'clock.

LUNCHEON ADJOURNMENT

[12.58pm]