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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION EMBER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 23 MAY, 2019

AT 10.00AM

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

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

THE COMMISSIONER: Now, Mr Singh, please have a seat, but before we have you affirmed again, can I just make two administrative announcements. Tomorrow we will be commencing the hearing at 9.30 but finishing at 1 o'clock tomorrow. Next week we are sitting for four days. We will be commencing at 9.30 in the morning and going through to 4.30 in afternoon for the four days next week. Right. Any other administrative issues?

THE COMMISSIONER: Thank you, Mr Singh. Ms Wright.

MS WRIGHT: Thank you, Commissioner. Mr Singh, you gave evidence yesterday about a trial involving a vehicle dimension scanner which you attended at the request of Mr Soliman as a replacement for Mr Thammiah. ---Yes.

10

Do you recall that? And you said that you were told that Mr Thammiah had an injury?---Yes.

Your evidence yesterday was that before Mr Soliman asked you to attend that trial, you had signed a purchase order request for payment to Novation. Do you remember that?---To, to raise a purchase order.

To raise a purchase order.---Yes.

20

And the purchase order was dated 9 May, 2016. You recall it was in around May 2016?---I don't recall when it was, sorry.

Could Mr Singh be shown volume 1, page 255. Did you sign that purchase order?---Yes.

And you can see the date, May 2016?---Yes.

Now, I took you to an email of 13 March, 2017 - - -?---Yes.

30

- - - in which Mr Soliman sent you a scoping study report for a vehicle dimension scanner trial.---Yes.

Do you recall that?---Yes.

And you said yesterday, it's at page 246 of the transcript, that that should have rung alarm bells. Do you recall?---Yeah, it should have, yes.

And the reason it should have rung alarm bells, Mr Singh, is because you knew that Novation had not attended that trial. Do you agree with that?

40

---I agree with that. Yeah, like I said, I didn't recall seeing that report sent to me, but yeah, I agree with what you're saying.

You had been present throughout that trial?---Yes.

And yet here was a report in which it was asserted that Novation had in fact conducted that trial?---Yes.

And you knew that no one had attended.---Besides me and the vendor, SICK.

And you gave evidence that you even raised that issue with Mr Soliman after the trial when you were next in the office?---Yes.

And you asked him how to go about cancelling the purchase order?---Yes.

10 So when Mr Soliman sent you this report in March 2017, you would have looked at it, wouldn't you?---I honestly don't recall seeing that report. He did send, I can see he sent it to me but, yeah, I don't recall seeing that report.

You don't recall now, but you wouldn't have ignored an email from your manager, would you?---Well, there was no subject or no description so there must have been some discussion about it, but like I said, I just don't recall seeing the report, yeah.

20 Do you ever have, do you have a recollection of ever having a doubt in your mind about whether Novation was being honest with RMS about its work? ---No, I didn't, I had no doubts like that.

Why were you receiving this email, I can show you again if you wish? ---Yeah, yeah.

Volume 2, page 67.---Oh, the quote, yeah.

30 Why were you receiving this email at this time, Mr Singh?---I honestly can't remember why I got sent this report. We must have had some sort of discussion about the VPS system at Marulan, but I don't, honestly I don't recall why this report was sent to me, but yeah, I do agree that if I did see the report it should have rang alarm bells because Novation wasn't present.

THE COMMISSIONER: But you must have seen the report.---I know.

It's been sent to you by your manager.---I know, but I honestly don't recall seeing it. I get, I get a lot of emails from Samer, yeah, honestly, I mean, yeah.

40 How was this section operating? You're paying out taxpayers' money to get supposed studies, studies aren't coming back or when they do come back it's in circumstances where you knew that Novation didn't attend the trial.---Yeah.

And nothing's happening?---Yeah, it's worrying that now I saw this email because I honestly don't recall seeing this report.

It's not worrying. It's more than worrying.---Yeah.

When you said to Mr Soliman and you said they didn't turn up, that the purchase order should be cancelled - - -?---Should be cancelled, yeah.

- - - how do I do that?---Yeah.

Your evidence yesterday was Mr Soliman said something like, "Leave it to me."---Yeah, leave it to him.

10 Right. Did you ever – because you were the requester, weren't you?---So back then, when we received invoices, both the requester and the delegate would receive the invoice and I would always leave it for the delegate to approve. I never got an invoice for this one and I would be checking my emails and I never received an invoice for this piece of work.

20 Sorry, when you said you were checking your - - -?---Oh, when I was, like, this is after the whole investigation commenced because I remembered, I recalled this, this, this piece of work and I was just checking to see if I received an invoice for it and I didn't in my email anyway. Because normally, like, yeah, when you, back then in the old process both the requester and the delegate would receive the invoice in an email form. The email would be sent to myself and the delegate and asking for approval for this invoice, and I don't have a copy of that email.

Who would generate that email, which section?---The Finance team.

And the procedure at that time was that the Finance team would send a copy of the invoice - - -?---Yeah.

30 - - - to the requester and to the delegate who approved it?---The delegate, yes, yes.

Putting to one side this particular study and invoice, did you get copies of the invoices for all the other studies?---Yes, I did.

And did you approve it?---No. I always left it to Samer because I don't have the delegation to approve it.

40 So you'd just get it and then ignore it?---That was, yeah, pretty much it.

Ms Wright.

MS WRIGHT: Mr Singh, you also gave some evidence yesterday about the under-vehicle camera project. That was the first contract awarded to Novation, do you recall that?---Yes.

And all Novation did was to procure some cameras, 21 cameras, from overseas?---Yes.

And your evidence was that you didn't see the quote at the time that Mr Soliman asked you to sign the purchase order.---That's, yeah, to my recollection I don't recall seeing a quote.

10 Are you sure about that?---Because I remember, from, because it looks like I didn't create that purchase order itself. It looked like Samer created that purchase order and just came up to me and just had me sign it, similar to that other email you showed me where he was saying he left the purchase order on my desk to sign. I'm expecting it was a similar practice where he just presented the purchase order for me to sign and, yeah.

THE COMMISSIONER: With no supporting documentation?---Yeah, I wouldn't, I wouldn't, I don't think I would have asked for supporting documentation myself.

I'm sorry? You - - -?---I wouldn't have asked, I don't think.

20 Why not? Isn't it part of - - -?---I, trust, it's trust in, because I don't know if I actually sent, raised that purchase order to the Finance team or not, and if I didn't, that means I wouldn't have received a quote because I need the quote and the purchase order to attach in an email to send to - to attach to Objective, sorry, to send to the Finance team. So to my - - -

So, what, you just signed the purchase order?---Yeah.

And did what with it?---If I had to raise it?

30 Well, now I'm totally confused. You're saying that you were shown the request to raise the purchase order and you said you signed it.---Yeah.

But your recollection is that you weren't - - -?---I didn't process it any further.

But what did you do with it?---Normally - - -

40 You signed it?---Yeah, I just signed it and I gave it back to Samer I believe, to my recollection. If he asked me to process it, then I would have needed a quote.

All right. So - - -?---Because I needed the quote to attach to Objective and then send it to - - -

So you signed a purchase order - - -?---Yeah.

- - - with no supporting documentation?---No.

And you just handed it back to Mr Soliman?---That's to my recollection for these vehicle cameras, yes. But now I'm not sure if he asked me to process it or not, but, yeah, there would be an email. If I, if I processed it, I would have sent an email to the Finance team with a link to Objective. But again it was so long ago, I'm, yeah, this is all to the best of my recollection, so - - -

10 MS WRIGHT: Commissioner, could I seek a variation of an order made under section 112 of the Act in respect of evidence given? And it's in respect of evidence given at page 272, lines 19-28, and also at page 273 at lines 40-45.

THE COMMISSIONER: I'll just have a look at that. The order under section 112 of the Independent Commission Against Corruption Act made on 24 January, 2019 is varied to exclude the evidence given by Mr Singh as recorded in the transcript page 272, line 19 to line 28 and also the evidence recorded in the transcript commencing at page 273, line 40 to 45.

20 **SECTION 112 VARIATION – LIFT SUPPRESSION ORDER OVER EVIDENCE GIVEN BY JAINESH SINGH AT CE HELD ON 24 JANUARY 2019 COMMENCING PAGE 272 LINE 19-28 AND CONCLUDING AT PAGE 273 LINES 40-45**

MS WRIGHT: Mr Singh, you told the Commission on a previous occasion, you gave this evidence. Question, "When you raised this purchase order did you know anything about Novation Engineering's capacity to supply, to supply RMS with 21 cameras?" Answer, "No." Question, "But you nevertheless raised this purchase order?" "Yeah, he, based on Samer's request." Question, "Do you know whether he got quotes from more than one company?" Answer, "I don't know. He, he just sent me the quote, that quote from Novation." And then at page 273 you were asked, "Can I just ask you to go to the quote that Novation has sent in. That's at the back of the purchase order request." Answer, "Yeah." Question, "You would have seen the quote for 21 cameras when you were asked to raise a purchase order, obviously?" Answer, "Yeah." So you told the Commission then that you did see the quote relating to the purchase by Novation of 21 under-vehicle cameras.---Yeah, I'm not sure now. I don't recall giving that answer to the Commission but I'm not sure now. I'm sorry. He may have shown me the quote, yeah.

Well, you were quite emphatic in your answer yesterday and this morning that you did not see the quote.---I don't think I saw the quote but now I'm not sure, yeah. I mean, it was a while ago so, yeah, I'm not sure, sorry.

THE COMMISSIONER: Why are you now uncertain?---Because, because if he had me, if he had presented me the quote to sign then he may have not shown it to me, the quote itself. Not, I'm sorry, the purchase order to sign.

He may have not shown the quote to me. He may have just explained what the purchase order was about, yeah.

MS WRIGHT: You told the Commission, "Yeah, he sent me that quote from Novation."---He wouldn't have sent me the quote. Is there, did he send it via email? I'm not sure. He wouldn't, I don't think he would, I don't know. I'm - - -

10 Was it the usual practice that you would be asked to raise a purchase order which you would sign and then you would submit it with the supporting documentation - - -?---With the supporting documents, yeah.

- - - including a quote - - -?---Yes, to Objective.

- - - to Finance?---Yeah, yeah.

20 And there's no reason to think that practice wasn't followed in this case, is there?---Unless he progressed it himself. So he got my signature and then he got the quote and put it onto Objective and sent it to Finance himself.

You have no particular reason to think that that's what occurred in this case in respect of the under-vehicle camera project, do you?---I don't - - -

MR O'BRIEN: Sorry, Commissioner, can I raise an objection. I obviously have read the examination that's been referred to. I haven't - - -

THE COMMISSIONER: And can I say because I specifically made a variation of the non-publication order to allow that.

30 MR O'BRIEN: Quite so, thank you.

THE COMMISSIONER: Because Mr Singh was unrepresented at - - -

MR O'BRIEN: At that time, yes. However, I have notes of it and I can't see in my notes whether the actual quote from Novation was shown to the witness during that particular examination. The concern that I have is, a quote can mean, at least in my lay mind, two different things. A number - - -

40 THE COMMISSIONER: All right. Can I just stop you.

MR O'BRIEN: - - - or a document.

THE COMMISSIONER: Is it appropriate if you're putting this particular objection for Mr Singh to be present?

MR O'BRIEN: I'm happy for him to be, to be outside whilst I take - - -

THE COMMISSIONER: Mr Singh, could you leave, please.

MR O'BRIEN: The difficulty is that it's broadcast just outside the room.

THE COMMISSIONER: No, we can stop that.

MR O'BRIEN: Okay.

10 THE COMMISSIONER: I'll just confirm you can hear? Good. Cut out outside? Good. Sorry, Mr O'Brien.

MR O'BRIEN: That's quite all right. If it were the case that the quote from Novation, the actual quote, the written quote from Novation was shown to the witness and he said, yes, I've received that, well, then I think this examination is fair. But if it were the case that he wasn't shown the actual quote but rather simply the purchase order or there was a question as to general practice, then there is a possibility that the question can be misleading and somewhat unfair to us.

20 THE COMMISSIONER: All right.

MS WRIGHT: But in my submission, whether the quote was shown to him is neither here nor there, he gave evidence that he saw a quote. He was asked and his answers were clear in my submission.

MR O'BRIEN: The – sorry.

30 MS WRIGHT: It's a submission my friend can make, but it doesn't make the questioning unfair in my submission, Commissioner.

MR O'BRIEN: The difficulty is that he was in fact shown yesterday the quote from Novation and he said he hadn't seen it before, or that was the effect of the evidence. A purchase order has a number, the number is in fact the quoted figure from the quote, the possibility of confusion or it being misleading either then or now is open, and obviously that wouldn't be of assistance to the Commission. So I'm raising it as a matter of fairness to the witness.

40 THE COMMISSIONER: Right.

MR O'BRIEN: But also so that the Commissioner's usefully assisted.

THE COMMISSIONER: Thank you. Was there anything else, Ms Wright, or - - -

MS WRIGHT: No, Commissioner, but I mean I submit that the question can be put. The witness appears to have changed his position having been reminded of evidence he gave quite recently to the Commission and it's in

the interests that he be tested as to whether he was or was not shown the quote, and he has changed his position.

THE COMMISSIONER: Mr O'Brien, what I'm concerned about is that in the examination there was really no uncertainty by Mr Singh, it was, yeah, I saw the quote. I take your point it doesn't appear he was shown the quote in the examination, but there is no uncertainty. The uncertainty arose yesterday. I am curious as to how the uncertainty has arisen. If it is a matter of – there are several possible explanations and I am interested in that, so I'm going to allow the question, but I note your point that it appears he didn't see the quote in the compulsory examination, and ultimately in submissions if that becomes relevant for a particular finding or anything, I'm sure you'll raise that in your submissions and I will take it into account.

MR O'BRIEN: As it please the Commission.

THE COMMISSIONER: Could we bring Mr Singh back, please. Thank you, Mr Singh.

20 MS WRIGHT: Mr Singh, you told the Commission in January of this year that you had seen that quote and you've changed your evidence, have you not? You said yesterday that you definitely hadn't seen the quote.---I'm, I'm, I'm not sure now.

So you think it's possible that you did see the quote?---It's possible I did see the quote.

And if you'd seen the quote, you would have seen there was a significant mark-up by Novation on the cameras compared to the two cameras you purchased earlier in the year, which you said were \$389.---Yeah, but I, I probably didn't take notice of the, the mark-up, yeah. If I did see that quote, I probably just looked at it quickly and then just as per Samer's instructions just signed the purchase order.

Did you read documents that you were given to sign?---As a request, so my, with my delegation I can't accept quotes or anything like that, so I didn't really pay attention to quotes. If someone else asked me to raise it, I would just look at the price and copy it and insert it into the purchase order. I trust whoever's asking me to raise that purchase order has, you know, reviewed the quote and accepted it as they would have the delegation to accept it. Yeah.

THE COMMISSIONER: So your evidence is you were purely acting as an administrator/secretary?---Yes. That's what I was doing, yeah.

So what was the point of having, what were you, a business system analyst performing work that probably – and not being derogatory about an entry-level clerk – an entry-level clerk could do within the organisation.---Yeah,

so I guess I, I was the new guy on the team, so I used to get those requests come my way, but I was working on projects and providing support for systems and all of the other tasks as well. But, yeah.

But my point is – and it was something that was raised with you yesterday – is that there’s obviously some reason or rationale for RMS having this process, that you have a requester and then you have the delegate, because as you said subsequently, a copy of the invoice comes to the requester/delegator.---Yeah, to the requester. Yeah.

10

So there’s obviously an expectation within that system that you have got at least two people verifying that public funds are going to be paid responsibly and appropriately, and here it appears, you know, the point with the mark-up is a good one. That’s a massive mark-up for something where all that’s happening is a market mechanism. Somebody is going out into the market and purchasing cameras.---Yeah, and I didn’t realise that mark-up until that compulsory examination, when I was sitting in the witness room and I decided to look in my laptop and find the original quote, and then I realised, yeah, there was a massive mark-up then. Yeah.

20

And, sorry, when did you look in your laptop?---The compulsory examination. I think it was lunch, the lunch break.

Over the lunch break?---Over the lunch break I was in the witness room and I pulled out my laptop and found the quote I received from that American company, and I realised, yeah, there was a massive mark-up there.

30

I still don’t understand, and you might not be able to help me with this, why it was necessary to involve an outside third party in just purchasing equipment.---I wouldn’t be able to answer that, sorry, yeah.

MS WRIGHT: And you never said to Mr Soliman, why can’t I just order these like I did before?---No, I didn’t say, I just, you know, trust, I just went by his direction and, yeah, signed. He’s my manager so I’m just following the manager’s direction.

You knew that Novation wasn’t offering any additional service, didn’t you? ---Additional service as in?

40

Additional to purchasing the cameras?---Just purchasing the cameras, yeah, that’s my, that was my understanding.

And did it occur to you, what is Novation doing here, what value are they adding to this?---At the time, no, that didn’t cross my mind.

It didn’t cross your mind at all?---No, not at the time, sorry.

Now, yesterday I took you to five quotes submitted by AZH between 17 and 31 January, 2017. The first quote related to a trial that you actually attended with Ali Hamidi, that was at Picton - - -?---Picton Road.

The Picton Road inspection site.---Yes.

And you raised the purchase order request for that trial?---Yes.

Could we have volume 3, page 98 on screen.

10

THE COMMISSIONER: Sorry, can I just check, we've resumed the streaming?

MS WRIGHT: Yes, Commissioner.

THE COMMISSIONER: We're fine. Good.

MS WRIGHT: This is an email from you, Mr Singh, to Transport Shared Services asking for the purchase order to be created.---Yes.

20

And the purchase order itself is at page 101, and you signed at page 102. ---Yes.

Why did you raise this purchase order request?---As per direction by my manager, Samer.

He asked you to raise the purchase order for this trial?---Yes.

And you signed the document?---Yes.

30

And the quote is at page 97 of volume 3. The quote is addressed to you. ---Yes.

How did your name come to be on this and other AZH quotes, do you know?---I have no idea. I don't know why my name was on those.

From the outset, you don't know why from the outset of AZH projects your name is on quotes?---Yeah, I'm not sure why my name was on the attention.

40

Did you - - -?---Because I never engaged AZH for these quotes to begin with so yeah, I'm not sure why my name's - - -

You would have noticed - - -

THE COMMISSIONER: Ms Wright – do you have an objection?

MR LONERGAN: Commissioner, just an issue that the screens here are not functioning and it's quite difficult for us to - - -

THE COMMISSIONER: Thank you for that.

MR LONERGAN: If they can't, if they can't fix them then we'll have to move, but - - -

THE COMMISSIONER: Could I, sorry, the document that you can see up there you're not seeing on your screen?

10 MR LONERGAN: No.

THE COMMISSIONER: So that's - - -

MR LONERGAN: You can see them on these ones and whatnot.

THE COMMISSIONER: That's Mr James and Mr Lonergan. Anybody else got difficulty? That row, is it? Thank you.

20 When you were playing soccer did you ever say to Mr Hamidi, why are you sending all the invoices addressed to me?---Not sure if we were playing soccer at that time, 18 Jan, 2017, I didn't play.

But what about all, you've agreed with Ms Wright that all the quotes from AZH were addressed to you.---Addressed to me, yeah.

So some of them would have coincided with the soccer season.---Well, apparently they were all in one week, from my understanding.

30 MS WRIGHT: Well, that's the first five.---The first five.

Were within a two-week period.

THE COMMISSIONER: Sorry, can I just stop. Are you (not transcribable) online?

MALE SPEAKER: Yes, Commissioner.

THE COMMISSIONER: Terrific. Sorry, Ms Wright.

40 MS WRIGHT: Mr Singh, you see the scope of works set out in that quote? ---Yeah.

To your knowledge, who drafted the scope of works?---My knowledge it was AZH.

Well, AZH had to be told what RMS did, didn't they?---Oh, the, you mean who provided the requirements to AZH?

Yes.---My understanding, it was Samer Soliman.

And how were they determined, do you know?---No, I don't know.

The quote says that the trial will run for a three-month period.---Yeah.

How long was that trial?---Oh, it was three days for the trial I was present at.

10 Two or three?---Actually may have been two, sorry.

And the quote refers to engineering, design and fabrication.---Yeah.

Was there any engineering or fabrication done by AZH?---No.

And the quote requires a report on the trial results. Do you see that?---Yes.

20 To do a report, wouldn't AZH have to know something about RMS's business?---Yeah, so when AZH attended a site, Samer was discussing, was in discussions with Ali at the trial, and my understanding was he was explaining the whole operations and the processes and what we're looking at achieving with these thermal cameras, so - - -

THE COMMISSIONER: Were you party to those discussions?---No. I was the one liaising with the vendor and then the inspectors, because the truck would drive over the thermal cameras and then the vendor would analyse what they're seeing on the screen.

30 So you're dealing with the vendor. How do you know that Mr Soliman was discussing with Ali those things?---Because I know Ali had his tablet out and he was writing notes on the tablet. So I'm just assuming that's what the discussion – okay.

Yes, it really helps not to assume.---Yeah, sorry.

When you give evidence, what we're primarily interested in - - -?---Yeah, is the facts.

40 - - - is what you heard, what you saw.---Yeah, okay. Okay.

If we then can go into, for example, what was the usual practice within RMS, you know, for example, I had to get a quote to get the request for a purchase order onto Equip, that's fine. But if you can tell us, look, I saw Mr Soliman talking to Mr Hamidi, and Mr Hamidi was putting something in his laptop, that helps us.---Okay. That's, that's, that's what I saw. Okay.

MS WRIGHT: You saw Mr Hamidi put something in his laptop, typing in his laptop?---It was a tablet. It was a tablet.

In a tablet.---Yeah.

And did you see him operate any of the technology?---No.

Did you see him do anything else other than operate his tablet?---Besides being, having discussions with Samer, I think he may have had some discussions with the inspectors as well, but other than that I, yeah, that's what I saw.

10

And the terms and conditions of the quote include that he'd be paid prior to the delivery of the service and goods?---Yes.

And did you see that at the time?---No, not at the time. I remember, I recall from yesterday I did mention that the first invoice I received I did get in touch with Ali and asked him, you know, you've sent me an invoice but I, I don't think a report's been delivered, so I can't approve this invoice. Then he asked me to talk to Samer, so I had a discussion with Samer, told Samer I've received this invoice, we haven't received a report, and Samer's like, and Samer told me that as per the terms of the payment, the payment terms, the invoice needs to be approved prior to, yeah, delivery.

20

And had you ever seen such a term, that the invoice would be paid prior to delivery of the services?---Only with Novation, I recall, and the reason for that is I got told that Novation needs to pay for the parts, to pay, pay to IRD, make a payment to IRD, which is why we need to pay Novation.

You saw that term on invoices Novation issued to RMS for the supply of spare parts, did you?---Supply of spare parts and, yeah, so it was supply of spare parts. I didn't notice it in the actual quote. It's the, a similar thing happened with Novation as well when I received the first invoice.

30

THE COMMISSIONER: When they were doing either a scoping study or - - -?---No, this is when they were supplying, they were the IRD's authorised distributor. So I received an invoice from Novation and I sent Stephen an email asking him whether the parts have been delivered to WeighPack and Electrical, who were the ones maintaining our scales at the time. And I also sent an email to WeighPack and Electrical asking the same question, have you received any parts from Novation? I recall Mark Mitchell from WeighPack did respond and he said, no, he hasn't received anything and so I had a discussion with Samer and Samer advised, and Stephen may have responded to that email as well that they need payment upfront to order the parts. So Samer instructed me to approve that invoice as well.

40

And sorry, where were the parts going again?---So WeighPack and Electrical. I believe they're located in Newcastle. At the time they were the

ones servicing our portable weigh scales. So the spare parts would have to be delivered to them.

They'd go to them?---Yeah.

And sorry, so this was the, you said this was the first invoice - - -?---The first invoice for spare parts.

- - - dealing with spare parts?---Yeah.

10

MS WRIGHT: And just dealing with scoping studies and trials for the moment, you had experience of your team using vendors in trials previously?---Yeah, there were the vendors who supplied the ITS.

And providing reports?---Yeah.

And normally would, in your experience would RMS pay those vendors when they got delivery of the report?---It would have been upon delivery. After, after they delivered the reports then we'd, yeah, approve the invoice.

20

That is my understanding of the RMS process in general.

And more than your understanding, it was your experience, was it - - -?
---Yeah, it was my experience.

- - - in yourself approving invoice payment upon delivery of - - -?---Yes, that's right.

- - - the goods and services which have been contracted to be supplied?
---Yeah.

30

And didn't it strike you as unusual that these two companies who were friends of Mr Soliman were getting a favourable condition of this nature?
---It did strike me as unusual and, but I trusted, you know, Samer's direction. He was my manager. I trusted, you know, he was doing the right thing so, yeah.

Now, this particular trial, the first AZH project, you were sent a report by the vendor, were you, IMC?---IMC did send a report. I think IMC replied. So there was a calendar invite and they replied to everyone on the calendar invite with the report.

40

Could Mr Singh be shown volume 3 at page 104, please. You've referred to a calendar invite and so you've seen this document before which sets the date for the trial down the bottom?---Yes.

2 February, and then on 23 February, second email from the top in the chain is from IMC delivering their report summarising results from the thermal camera trial?---Yes.

And what was IMC's role at the trial?---So IMC their, so their, they kind of develop solutions. I think, I don't know if it was just specific with thermal cameras or cameras in general but they deliver, they develop camera solutions. So they, so we found out about these guys I think through another colleague in our area - - -

I'm just asking you what was their role, what did they do?---Oh, at the actual trial?

10

Did they provide the equipment?---They provided the equipment, yes, they developed a housing for the camera and they had their laptops connected to the, the camera system and so they were, they had a video feed on their laptop.

And they sent you their report because you were the contact point from within RMS for that trial, weren't you?---Yes, I was on, you know, there onsite for the two days and liaising with the, with IMC with the, yeah, inspectors and AZH with the - - -

20

But you say you didn't get a report from AZH coming out of this trial? ---I didn't receive a report from AZH.

Why would you be getting a report from IMC but not AZH?---That's a good question. I'm not sure. I'm looking at this, so Samer received the report, and that was my understanding for the future trials, that Samer was receiving the reports from AZH, but I'm not sure why he wasn't sending it to me, yeah.

30

Well, IMC is sending them to you because you're the contact point.---Yeah.

Why would you not be the contact point for AZH's reports?---I'm not sure. It didn't occur to me at the time.

THE COMMISSIONER: Given that you've got IMC there who seem to be reputable and know how cameras work and producing lots of data, why did you need AZH there?---The whole, it comes back to the whole we need an independent report on the trials we do for the whole submission for funding. That was - - -

40

So in these circumstance IMC wasn't perceived to be - - -?---Independent.

- - - independent enough.---No, because they're the one that developed the solution.

MS WRIGHT: What was it about AZH's role that brought independence to the trial?---It was just someone outside of both RMS, and in this case IMC

putting their, an independent report together, I guess someone who doesn't have a vested interest in the success of this thermal camera solution.

I understand the concept of independence.---Yeah.

I'm asking what is it that AZH did. Wasn't Mr Hamidi just given data which he entered into a tablet?---Yeah.

10 And if he was given the data, what's independent about that?---Yeah, so I in hindsight discovered flaws in probably all three trials I was present at. Really AZH should have had a, should have connected to the camera systems themselves and collected data directly from the camera system. Same thing for the vehicle dimension sensors. We relied on the vendor to provide us the data when really we should have had a different, a separate connection to the camera, to the dimension sensors that allowed us to at least collect the log files with the raw data in them. So yeah, so I did identify flaws afterwards that I didn't consider at the time.

20 THE COMMISSIONER: Sorry, when did you identify these flaws?
---After the whole investigation kicked off and I remember in the compulsory examination that question was asked as well and I realised yeah, because it looks like, we just had, our team I think has a dependency on just getting data from vendors and I guess we were just following that same process with these trials, yeah.

All you've done is put in a third party and paid them lots of money, who also received the data from the vendor.---Yeah.

30 As you said, like something as straightforward as just a separate connection wasn't even implemented.---Yeah.

And as you said, that dawned on you once last year when an investigation commenced?---It was actually once we had that compulsory examination this year, earlier this year, that question was asked because I remember - - -

40 And you started - - -?--- - - - I think it was, I think it was related to the LTI sensor at Marulan because I had to ask the vendor for the data from the LTI system and instead of connecting to the LTI system directly and getting the log files, so there's that risk when you're asking the vendor for the data that could be cleansed, obviously. So I didn't realise that until that was raised in the compulsory examination and I've realised, you know, this is how we've been running our trials which, yeah, it's, yeah.

It seems, to quote Basil Fawlty, the kind of bleeding obvious, that you would – if you're paying money, if the whole concern is an independent body comes in to make sure that nobody's cooking the measurements - - -?
---Yeah, yeah.

- - - it just seems so obvious.---Yeah. Unfortunately at the time I guess, yeah. That's an error on my part, which I've, yeah, realised now.

MS WRIGHT: Well, really Mr Hamidi wasn't doing anything very valuable at any of the three trials you attended, was he?---I mean, yeah, I mean I explained how everything worked, the processes, and then I mean he did assist in capturing the measurements. But other than that he didn't - - -

10 THE COMMISSIONER: What the physical measurements?---The physical measurements, and then at the LTI trial he was filling in the spreadsheet with the measurements because I was controlling the SICK system at Marulan. So he was capturing the measurements that were being presented by the SICK system and then also the manual measurements from the inspectors.

MS WRIGHT: By you telling him what the measurements were. ---According to the SICK system.

20 And by the inspectors telling him what the measurements were.---Yeah, yeah.

That's all he did at that particular trial?---Yeah, just collecting data, yes.

And you said yesterday the only so-called independent entities who did trials for your team were Novation, AZH, and you also mentioned a company called SGC.---SGS.

Sorry, SGS. That's a testing house.---Yeah.

30 And you said, "I know our area used SGS as well." How do you know that your team used SGS?---Not my team. Our area, Compliance. So this is a different, the, David Pasilow who works in a different team, he, he used SGS for a couple of trials.

How do you know that?---He told me. And I think there was previous employees of RMS that used to engage with SGS also for type approvals for cameras, enforcement cameras. So that's how I heard of SGS, and - - -

40 THE COMMISSIONER: And, sorry, when did you hear about SGS?---Oh, 2017 maybe.

And could you give me the name of the person in a different team who told you about SGS?---Oh, David Pasilow.

Pasilow.---Yeah.

MS WRIGHT: And so not used by the Heavy Vehicle Programs Unit? ---Not that I'm aware of. So Heavy Vehicles Program, from my

understanding, used to be a different, it was a new, it wasn't, our team hasn't existed for a long time, so it was a different team before, so I'm not sure if that team ever used SGS. But from my time in the Heavy Vehicle Programs, I don't recall us using SGS.

You heard people talking about trials done even outside your team.---Like, type approval, for type approval purposes, yes.

10 And so it was customary, was it, for colleagues to talk about trials that were taking place?---It's, it's nothing like someone would approach and talk about, hey, we're doing this trial. It just would have popped up in conversation when we're probably talking about cameras and type approvals. It probably popped up in conversations like that, but, yeah.

Now, we'll move on to the second trial, and if Mr Singh could be shown volume 3 at page 143. That's the purchase order request, is it, in favour of Novation.---AZH.

20 Sorry, in favour of AZH. At page 144. It's for a SICK FPS scoping study. ---Yeah. This would have been at Twelve Mile Creek.

And you've signed that.---Yeah.

And you would have seen the quote at page 141.---Yes.

And you see the quote states that it's prepared by Zoe Hamidi?---Yes.

And you were a friend of Zoe Hamidi?---I only know Zoe through Ali.

30 Yes.---I wouldn't, yeah.

You've met her - - -?---I've met her.

- - - through Ali - - -?---Ali Hamidi, yes.

- - - many years before?---Yes.

40 And you had socialised with her with Mr Hamidi?---Yeah. If she was with Mr Hamidi, yeah, I would have socialised with her.

And did you understand that she had prepared the quote?---That was my understanding because, you know, it said prepared by Zoe Hamidi, yeah.

And did you speak to her about any of these scoping studies?---No. I didn't see her too often.

I'm not asking if you saw her too often.---Yeah.

Did you speak to her - - -?---No, I didn't speak, no, I didn't speak to her.

- - - about any of the scoping studies?---No, no.

And that quote also includes within the scope of works a scoping study and engineering design and fabrication and a report?---Yes.

10 I take it AZH didn't do any engineering or fabrication of mounting brackets?---No. So the, the mounting brackets and the devices were provided by SICK and the installation was done by CIC, it's either Engineering or Electrical. I forgot. It's one or the other.

You didn't see any scoping study report come out of this trial?---Not that I can recall, no. Like, nothing sent to me.

And Ms Hamidi at page 145 emailed to Transport Shared Services copied to you the invoice for that trial?---Yes.

20 And TSS would have needed your approval to pay that invoice?---Yeah. So what would happen here is the invoice would have come into my workflow and it would have appeared in my workflow and, yeah, would have required my approval to process, progress it.

You gave that approval?---I had to check with Samer. I told him that this invoice is in my workflow and asked whether it was good to approve or not.

30 By that stage what did you understand about this trial? Had it taken place or not?---I'm not, I don't recall when the trials, trial dates were. If I can see the trial dates then I guess I could give you an accurate answer.

You attended this trial at Twelve Mile Creek?---I did attend the trial, yes.

And so when you approved the invoice had the trial taken place?---I don't know the dates of when the trial were. I don't want to give you an incorrect answer.

40 Surely you remember if you were approving an invoice for work undertaken?---Well, if it was, again, if it was as per those payment terms and it probably did come to me before but, yeah, again, I would have to, I would, obviously once the invoice came in I would check with Samer whether it was good to approve or not.

Now, that email was dated 27 April, 2017 and if Mr Singh could be shown an email at page 179 of volume 3. Now, this is not an email to you, Mr Singh, but you see here an email headed Trials from Mr Soliman to Mr Hamidi and it says, "Trial 2 SICK high-speed dimension scanner. Trial not started yet."---Okay. Yeah.

Now, SICK high-speed dimension scanner, that was the trial at Twelve Mile Creek, was it not?---Yes.

And as at 26 April Mr Soliman appears to be telling Mr Hamidi that there's been no trial. And then going back to the invoice at page 145 you received the invoice the next day.---Okay.

So the trial had, it appears, not taken place yet.---Yeah.

10 And if Mr Singh could be shown an email, sorry, a document at 151, this purports to be a scoping study report for the SICK free flow vehicle profiling system file.---Yeah.

And it's dated 1 May, 2017.---Yeah.

Did the trial take place, does that jog your memory at all between 26 April and 1 May?---I don't know the exact dates of the trial, sorry. I mean the trial did take place but I don't recall the dates.

20 And did you ever get the report after the trial?---I'm not sure. I don't recall getting the report.

Well, if we could show Mr Singh page 153. Do you recognise the photos at all?---Yes, I took those photos, yeah.

And what did you do with them?---When I originally took those photos I sent it out to the team I believe.

30 Who was the team?---Oh, the Heavy Vehicles Programs team. I'm not sure who exactly I sent it to in the team, I would have sent it to Samer, but yeah.

THE COMMISSIONER: Why did you do that?---Just to show the installation of the, the, the device.

MS WRIGHT: And to Mr Hamidi?---I'm not sure. He may have asked for the pictures but I don't recall if I sent it to him or not.

40 And then turning to page 154 you see a table with various data on it. Have you seen that before?---This may have been what was collected. This looks like what was collected at Twelve Mile Creek, this table, yeah.

But you don't recall this report?---I don't recall receiving the report. I'm not sure now. I don't recall reading this report. Yeah, I'm not sure.

Page 164 has the conclusion.---Okay, yeah.

What is your evidence, Mr Singh? Did you get the report after the trial or it's possible or you don't know?---It's possible but I don't know. I can't recall.

THE COMMISSIONER: What was your procedure if you did attend a trial or had some involvement and then a report was sent to you? What would you do with it?---If I got asked to review it then I would actually open it up and review it.

10 What, asked by your manager?---Yeah, yeah, to review it and give feedback. Other, other times I may just open it up and just quickly look through it and, just to see what the outcomes were, but usually if I'm present at the, at the trial I can kind of understand, already understand what the outcomes may be, so yeah.

But what else would you do with it, was it lodged anywhere, filed anywhere?---Well, that's the thing, I think it should have been lodged on Objective but I don't think that was happening.

20 Well, was it your practice to lodge it on - - -?---No, no. Like, I was never advised to, directed to lodge it on Objective and, yeah.

MS WRIGHT: So no central database at all existed where scoping study reports were held?---Not at the time, no, but before I left I did upload all the reports I had in - - -

Which reports?---So, like, the bluetooth scanning trial we did, the toll tag trials. That, that report you showed me yesterday, strategic innovations report, so - - -

30 Any by AZH?---I don't think I had any reports by AZH. I couldn't find any.

Any by Novation?---Not that I found. So when you showed me that email yesterday, yeah, that kind of, yeah, concerned me. Yeah.

THE COMMISSIONER: And why before you left did you decide to lodge them on - - -?---Because I had a feeling that, that's what the process was going to be.

40 What process?---That we should start lodging our reports onto Objective.

So you used your own initiative to do that?---Yeah, I used my own initiative just to, yeah.

MS WRIGHT: Now I'm going to move forward to another AZH scoping study trial. Do you recall a Houston Radar field trial and scoping study? ---Yes.

What did you have to do with that trial?---I was just asked to raise the purchase order.

And did you do that?---I did do that, yes.

Did you do anything else in relation to that trial and scoping study?---No. Just raised the purchase order.

10 Did you ever meet with Mr Hamidi about that project?---Regarding the Houston Radar, no, no. But I did, Samer did tell me the outcomes and he said that the device didn't perform, performed poorly.

Could I show you volume 3, page 249. This is an email from Mr Soliman copied to you of 26 April, 2017, which includes, "Thanks for meeting last week to discuss the requirements."---Yeah.

20 Was there a meeting the previous week?---Not that I was present. I was not present at any meeting regarding this.

You never saw Mr Hamidi attend RMS premises?---No.

You don't have any knowledge about a discussion about the requirements for the trial?---No.

When you got this did you think that Mr Soliman had met with Mr Hamidi to discuss the requirements of the trial?---That was my understanding, yes.

30 At page 253, Mr Soliman emails you to ask you to raise a purchase order on 27 April.---Yes.

And you see in the second email in the chain, Mr Hamidi has copied you to an email - - -?---Yeah.

40 - - - which includes, "Hi, Samer. After our discussion and reviewing your requirements for the Houston Radar vehicle scanning technology hardware trial and scoping study," and he attaches a quote. Why were you copied to that email?---I'm not sure. Yeah, I'm guessing – again, it will be, it will be a guess if I have to, I don't think you guys want me to make an assumption, so, but - - -

That email seems to be from Zoe Hamidi.---Yes.

Did you believe that Zoe Hamidi was engaged in discussions with Mr Soliman about this trial?---I would have thought it was just Ali.

Did that strike you as unusual that the email was from Zoe?---Not at the time, no, it didn't. Yeah, at the time it didn't.

Well, you knew Zoe Hamidi personally.---Yeah, I, yeah, yes.

And you knew she was Mr Hamidi's wife?---Yes.

And she's sending an email saying she's had discussion with Mr Soliman and after reviewing your requirements for a trial, and she provides a quote. ---Yes.

10 You didn't think she had any relevant expertise to conduct an RMS Houston Radar vehicle scanning technology hardware trial, did you?---Yeah, I don't, I don't think she had the expertise but I guess at the time I thought maybe she was sending that email on behalf of Ali, yeah.

The quotes said that they were prepared by her.---Yeah.

And she's also sending emails.---Yes.

20 And the quote is at 252 and it refers to a scoping study based on RMS requirements to accurately detect lane speed and other matters and provide a report. Didn't you think that this was possibly a scam between Mr Soliman and his friends - - -?---No.

- - - Mr Hamidi and Zoe Hamidi?---Not at the time, no, because you know, they were friends and I never expected them to do anything like that so, yeah, I trusted this was all legitimate, yeah.

30 But you'd been to trials, Mr Singh, by this stage where Mr Hamidi really didn't do much at all.---Yeah, he didn't do much but I did explain to him how, you know, how everything worked, but yeah, he, you're right, all he did was, yeah, collect data for analysis, but yeah.

And he had no expertise at all in radar systems or any type of technology to do with heavy vehicles, and you knew that.---Well, in this case I wasn't involved in the trial itself so if I had to make an assumption it would be that Samer would have explained how the Houston Radar worked to Ali, but yeah.

40 And at page 258 you duly raised the purchase order request by signing it. ---Yeah.

And in doing that you were seeking authorisation for payment of the quote, weren't you?---I was just, I was just the requester so I was just doing as I was directed by Samer to raise a purchase order.

THE COMMISSIONER: Mr Soliman nominated a particular WBS. My recollection is your evidence yesterday is that's identifying the particular bucket.---The funding bucket, yeah, yeah.

Was there anything unusual about this funding bucket?---I don't know, I don't have any WBSs assigned to me so I have to ask Samer for the WBS number.

You wouldn't have a clue where it was coming from.---Yeah, I didn't have a clue where it was coming from.

10 Was it unusual for him to nominate the bucket?---No, because I would always ask him, I go, which bucket do you want to charge this - - -

You had to get that from him?---Yeah, yeah, so, yeah, to either tell me verbally or he would send it to an email, so he might have emails with just a WBS number on it, yeah.

MS WRIGHT: Did you ever speak to Mr Hamidi, apart from these emails from Mr Hamidi and his wife, did you ever speak to him at all about RMS work?---I think I spoke to him like once or twice, just to ask him how it's all
20 going, because I know we've raised a couple of work to him, so I was just asking how he's going, how is he finding it. His response was always that, you know, it's, it's, it's keeping him busy, it's very interesting, it's very interesting what we do and it's all going well, so - - -

And also at the three trials that you attended with him you obviously spoke to him?---Yeah, well, yeah, I spoke to him there, obviously explaining, yeah, the work we do and, yeah.

At page 296 of the same volume 3. This relates to, I suggest, the 10th
30 scoping study given to AZH, and at the bottom of the page you've written an email, "Hi, AZH. Attached is a request for quote for end-to-end management of the PAT dynamic scales field trial."---Yeah. Yeah.

Why use that expression, "Hi, AZH"?---I noticed Samer was referring to them as AZH so I guess I just followed the same practice, yeah.

THE COMMISSIONER: What Mr Soliman had used in emails?---AZH, yeah, yeah. He used it, "Hi, AZH," so, yeah.

40 MS WRIGHT: Who did you think you were dealing with at AZH?---My guess would be it's either Ali or Zoe.

And you got the quote and - - -

THE COMMISSIONER: Can I just ask, the terminology "end-to-end", what does that indicate?---Just the end-to-end, so the trialling of that particular portable weigh scale. So going onsite, liaising with the inspectors and, yeah, collecting data and pretty much what I was doing, you know, coordinating with all the different parties, yeah.

MS WRIGHT: Did you think AZH was actually doing that end-to-end management of a trial by this stage?---My understanding, Samer was at this trial, this, for this one, the PAT dynamic scales, and from what I heard there was issues with this, the scales. It wasn't, wasn't communicating with the software properly, so, yeah.

THE COMMISSIONER: How did you know Mr Soliman was - - -?---He told me.

10

So he said something along the lines of, "I've attended this trial"?---Yeah, he said the outcomes was, yeah, the scales wasn't working, there was an issue with the software and, yeah.

MS WRIGHT: Did he tell you whether Mr Hamidi was at the trial?---He didn't tell me that, no.

You would have expected Mr Hamidi to be there, wouldn't you?---Yeah, because that's what this work was for.

20

And you didn't ask?---I don't recall asking, no, sorry.

The invoice for the trial was addressed to you, Mr Singh. Did you approve the invoice?---I would have always checked with my manager, Samer, first before approving an invoice, so if I did approve the invoice, it would have been after getting approval from Samer.

And surely you would have sought some assurance that AZH had attended the trial before doing that.---Yeah, well, my assurance was my manager.

30

At page 302, volume 3, there's an email from Zoe Hamidi to you and Mr Soliman saying, "Hi, team. Site for field trial secured and commencing immediately."---I don't have it in front of me.

THE COMMISSIONER: 302.---Yeah. Yeah.

MS WRIGHT: Do you recall that email?---I mean, I recall seeing it after this whole investigation, when I was looking through my AZH emails, so, yes.

40

What site was secured?---I don't know, but it would have had to have been one of the inspection bays on the side of the road, but I don't exactly know which site it was.

How would you have expected her to have secured a site?---I guess in, in coordination with Samer. Yeah.

Well, she's telling you and Samer, isn't she, that she or AZH has secured a site for the field trials and they're to commence immediately.---Yeah. Yeah.

Does that make sense to you that - - -?---Now it doesn't.

- - - the contractor would secure the site?---Yeah, the contractor wouldn't secure the site without liaising with someone from RMS.

10 So another unusual thing in your experience?---It is unusual when I look at it now, but - - -

Didn't you think - - -?---At the time I would just assume that AZH would have liaised with Samer in securing a site. Yeah.

You didn't question much at all, did you, Mr Singh?---Well, because, you know, I was busy doing, working on other pieces of work so I would have just probably looked at that email and just moved on, yeah.

20 THE COMMISSIONER: What other pieces of work were you working on?---Projects. So I was working on a lot of system-related projects and also data, doing my own data analysis. Supporting the team in other works. So there's other guys in my team. I usually help them with their documents if they need documentation, yeah.

MS WRIGHT: Did you hear Mr Hamidi's evidence this week?---Yes, I did.

And you may have heard his evidence that he didn't do a trial of PAT dynamic scales?---Yeah.

30 And his evidence is to the effect that he and Soliman had an agreement that AZH would be paid even though AZH didn't do the work.---Yeah.

And Mr Hamidi is sending you emails which are on his evidence false, that there's a site's been secured.---Yes, I heard that.

But you say you weren't involved at all in - - -?---In securing that site.

40 - - - the fraud being perpetrated on the RMS?---Oh, in the fraud? No, I wasn't - - -

Yes.---No, no, I wasn't involved in that.

Now, you were a member of a Tender Evaluation Committee for a Professional Services Contractors Panel.---Yes.

In fact you were the convenor on the committee.---Yes.

And you recommended the appointment of AZH to the PSC Panel.---They were one of the four.

Yes, and you recommended that they be appointed to the panel.---That was the panel's recommendation

And you were the convenor of the committee that recommended that they be appointed.---Yes.

10 And so you recommended the appointment - - -?---Yes.

- - - along with the other committee members. Do you agree?---Yes.

How did you come to be on the committee?---So initially it was supposed to be myself, Barry Everson, Theepan Thevasathan and also Nathan Chehoud. So my understanding was Nathan would be leading the tender evaluation.

How did you come to be on the committee?---Samer nominated me.

20 Did he tell you you will be on this committee?---Yes, he did.

Now, what did you understand the purpose of the PSC Panel contract to be?---Putting a panel together of contractors who could provide independent reports on field trials and scoping, and also provide scoping studies.

And that work was already being awarded to Novation and AZH by this time?---By this time that's correct.

30 So what was the purpose to your understanding of the panel being created?
---I think it was advice given by the, a different, the Finance team. I think it was Chris Evans gave that advice to Samer.

THE COMMISSIONER: Sorry, Chris Evans?---Yeah, Chris Evans had given advice to Samer that, yeah, it's beneficial if you have panels. Because we have two panels. We have the Heavy Vehicle Maintenance Panel as well and so - - -

40 MS WRIGHT: You were on both committees for both panels around the same time?---Yes.

THE COMMISSIONER: And sorry, what was identified as the advantage of having panels in place?---I think because then it means you've got like a panel pre, of contractors who have been screened already to have the capability of providing the service of that panel. Yeah, so, yeah, that was just my understanding of why the panels were required.

MS WRIGHT: What did you understand the benefit to those who would be selected to be on the panels to be?---So my understanding was if there was

any work you would issue an RFQ to everyone on the panel and, yeah, you'd do an evaluation and you award it to, yeah, whoever is deemed to be
- - -

THE COMMISSIONER: Cheapest?---Cheapest. Oh, I think RMS likes to use a different word.

Sorry.---Best value for money I think it the term.

10 MS WRIGHT: What about the value of the contracts once on a panel?
---I've heard it can go up, from what I got told, I've heard it could go up to \$2 million, yeah.

Now, if – sorry.

THE COMMISSIONER: What was the starting point?---Starting point?
Oh - - -

20 Because you've been awarded – well, sorry, not you.---Yeah.

Novation and AZH have been doing scoping studies before they were – I'm sorry, I withdraw that. They had been submitting invoices supposedly for scoping studies and they hadn't been on a panel.---Yeah.

How did they get that work without being on a panel?---It would have been direct engagement or otherwise a quote would have been sent to a couple of suppliers and, again, best value for money, they would have been awarded, but, yeah.

30 But there was no, there's been no evidence that any other - - -?---A quote was sent to anyone else.

Yes.---Yeah, I don't think that was happening, yeah.

Was there some monetary amount that you could award a contract without going either to the market or to a competitor?---My understanding, it was up to 50,000 and then once it's over that you need to get multiple quotes.
Yeah.

40 MS WRIGHT: I propose to take Mr Singh to some documentation, Commissioner, relating to the PSC Panel, but I note the time. Would it be -
- -

THE COMMISSIONER: All right. We'll have the morning tea adjournment and we'll resume at about 5 to 12.00.

SHORT ADJOURNMENT

[11.31am]

THE COMMISSIONER: Thank you.

MS WRIGHT: Thank you, Commissioner. An objection was raised this morning in relation to a question I asked of the witness about a quote and so I have a further variation application in respect of the evidence given by the witness, and that relates to page 274, line 9 to 20.

10 THE COMMISSIONER: Let me just have a read.

MS WRIGHT: And, Commissioner, I also seek a variation in respect of pages 4 to 5 of the actual exhibit.

THE COMMISSIONER: That's referred to?

MS WRIGHT: Yes.

20 THE COMMISSIONER: Right. The non-publication order under section 112 of the ICAC Act made on 24 January, 2019, will be varied to exclude first the evidence of the witness, Mr Singh, as recorded in the transcript at page 274 commencing at line 9 and ending at line 20, and also at pages 4 to 5 of Exhibit 8.

SECTION 112 VARIATION - LIFT SUPPRESSION ORDER OVER EVIDENCE GIVEN BY JAINESH SINGH AT CE HELD ON 24 JANUARY 2019, PAGE 274 LINES 9-20, AND PAGE 4-5 OF EXH-8

30

MS WRIGHT: Thank you, Commissioner. Mr Singh, going back to the under-vehicle camera project that Novation was awarded, you on a previous occasion were asked to have a look at the purchase order that you filled out on 19 November, 2015 and the quote, and if I could just remind you of that evidence. "Just having a look at the purchase order request that you did fill out and sign on 19 November, 2015." Answer, "Yeah." Question, "And the quote which we've just looked at from Novation which Soliman has approved on 20 November, 2015?" Answer, "Mmm, okay, yeah." Question, "Can you explain how you could have completed and signed off on that purchase order before the quote was approved?" Answer, "No, I can't explain that 'cause I was just directed to raise that request, yeah, I can't explain that." And then you were shown a document, if that could be brought up on the screen, and as I put to you this morning, you were asked on that occasion to go to the quote, and you were asked, "You would have seen the quote?" And you said, "Yes." So do you accept that you were shown the quote in January of this year in your evidence before the Commission?---In January this - - -

40

MR O'BRIEN: Sorry, Commissioner. I understand the forensic value of this line of examination but it appears to me that, and bearing in mind I don't have a copy of this transcript nor any idea as to the pagination of it, but if it was the case that at page 274 the witness was shown the quote, the references to him being asked the questions earlier on were at 272 and 273. Therefore it would seem he was asked whether he'd seen the quote prior to being shown it. If that is a logical conclusion to be drawn I don't know, but it seems to me to be putting the cart before the horse.

10 MS WRIGHT: Commissioner, the page before, page 273, was to the effect can I just ask you to go to the quote, and it was at that point that Mr Singh was shown the quote and, Commissioner, you've just made a variation in respect of a further part of the transcript where he was asked to have a look at it again. So he was shown the quote then he was taken back to the quote, and the document which has been shown is the quote which was shown to him.

20 THE COMMISSIONER: Mr O'Brien, I realise you have had access to the transcript but you haven't got it before you. As part of the variation just sought was also a comment by counsel appearing, "Commissioner, that bundle of documents is already in evidence as Exhibit 8. It doesn't need to be tendered." And when one looks at it, and in particular with the question and answer on page 273 in respect of which I varied the non-publication order earlier this morning, my reading of it is that it is clear that there was a bundle of documents before Mr Singh and at page 273 the lawyer asks Mr Singh to actually go to the quotation. "So all right, can I ask you to go to the quote that Novation has sent in that's at the back of the purchase order request?" "Yeah." "You would have seen that, the quote for 21 cameras when you were asked to raise the purchase order obviously?" "Yeah." And
30 then there were other follow-on questions so my reading of it is that during the examination this bundle of documents that had already been admitted and marked as Exhibit 8 were before Mr Singh. He's shown that quote and he's asked those questions.

MR O'BRIEN: I'm helpfully assisted. I withdraw my objection. Thank you.

THE COMMISSIONER: Thank you, Mr O'Brien.

40 MS WRIGHT: Mr Singh, before the morning tea adjournment I was asking you about the PSC Panel. If Mr Singh could be shown volume 8 at page 76. Do you recognise that as the cover page for the request for tender for the Professional Services Contract Panel?---Yes.

And at page 78 you were named as the RFT manager?---Yes.

If we could skip to page 99. This forms part of the tender document – I'm sorry, it hasn't come up on the screen. Did this form part of the tender

documentation?---This would have been included in the tender, the request for tender bundle.

Yes. And does this section headed Schedule B5 set out non-price evaluation criteria?---Yes.

And the criteria included the qualifications and competence of proposed key personnel?---Yes.

10 And to your understanding, AZH had just Mr Hamidi as staff. Did you understand that Zoe Hamidi was also on the staff of AZH?---That was my understanding, yes.

And did you understand AZH to have any other staff?---Not that, no.

And then one of the criteria is “Level of technical support, experience and responsibly level of other expert support the project team may draw on.”
---Yes.

20 And what did you understand about any expertise that AZH might draw on?---By the time this tender was advertised, there was a few pieces of work raised to AZH, so my understanding was that Ali would have some sort of, some level of competency in regards to the work that this PSC Panel tender was about.

But this is a question about expert support the project team may draw on. Did you understand that AZH could draw on any other expert support?
---Don't understand that question.

30 Well, did you understand what this criterion meant?---Well, the way I understood it was just the level of technical experience, really. Yeah. That's how I interpreted that.

It does use the word “support”.---Yeah.

But you didn't think that meant any additional support that the - - -?---That AZH - - -

- - - tenderer could draw upon?---No, I didn't see it in that manner, no.
40

Then over the page at 100, another criterion is “Past performance, demonstrated experience with heavy vehicle ITS regulatory technology trials.” Your evidence so far is that you had not seen any reports which AZH had produced, although this morning you seemed to be unsure whether you had seen one of them.---Because I may have seen one of them, because it was sitting on Samer's desk so I may have quickly looked through one of them, but there was reports supplied in this tender submission. I don't recall

what the reports were about, though, but there were reports supplied in the tender submission, yeah.

Well, we'll come to that.---Yeah.

Who put together these requirements for the tender?---Samer did alongside Nathan Chehoud from WSP, who put the whole tender documents together.

10 Did you also have some input?---I was there for the initial meeting, where Samer just outlined to Nathan what he was after, but then after that I wasn't involved in any further discussions.

THE COMMISSIONER: Sorry, Nathan works for another company?
---WSP.

Why is he involved?---So he was involved in the Heavy Vehicle Maintenance Services Panel, so he was engaged for the same reason, to put the tender documents together, but he was also on the tender panel as well.

20 Why was he engaged to put the tender together?---I don't, that, I'm not sure why he was chosen. I can't, I don't know the answer to that.

I would assume if it's an RMS tender, the people best placed to develop the tender documents would be - - -?---Internal.

30 Yes.---Yeah. So I know for the Heavy Vehicle Maintenance Panel, I think Alex Dubois was heavily involved in providing Nathan the requirements for that spec, and Samer was involved in the, for the PSC Panel Samer was involved in providing Nathan the specs, yeah.

But I still don't understand why you have, you bring a - - -?---I guess, yeah.

And I take it he's being paid for it?---Yeah, yeah, I would assume so. I'm guessing the capacity, our level, our work capacity just didn't allow for someone to put the docs together internally. I don't know, I don't know the reason why, yeah.

40 Sorry, is that – not being critical of you, but are you speculating about that?
---I am, I am speculating. I don't know why there was engagement made with WSP to put the tender documents together, yeah.

MS WRIGHT: You said you were present at an initial meeting - - -?
---Yeah.

- - - between Mr Soliman and Mr Chehoud?---Yeah, I think there may have, I think Theepan may have been in there, I'm not too sure, yeah.

But it was a meeting at which the requirements for the tender were discussed?---Not the requirements, just to explain to Nathan what we were looking for, so explaining what the trials were. He gave an example of a trial we conducted and yeah, it was just explaining, like what we were actually after. There was no, I don't recall any discussion about the actual requirements.

10 I asked you who put together the requirements for the tender and your answer was Mr Soliman, and then you referred to an initial meeting, but the meeting had nothing to do with setting the requirements for the tender?
---Not, not at that point, no.

So why do you say that Mr Soliman put together the requirements, did he tell you what the requirements are?---He, he did tell me that he was working with Nathan putting together the requirements, yeah.

20 Could Mr Singh please be shown page 7 of volume 8. Now, this is a long email chain, Mr Singh. You see on the first page there are emails between Mr Chehoud and Mr Soliman?---Yeah.

And you're copied to those emails?---Okay, yeah.

And then if we go to page 8 there's an email of 26 September, 2017, in which Mr Chehoud sends to Mr Soliman some draft procurement documents for the PSC Panel.---Okay, yeah.

30 And then going back to page 7, at the bottom of the page Mr Soliman responds, "Hi, Nathan, this is great overall. We have completed the review of the three docs, all are attached with changes marked up in each doc with some comments for your reference in the docs also. Main changes," -- I'll give you a moment to read that, but he refers to adding requirements and removing requirements.---Yeah. I don't recall reviewing the documents at this point. I did review them at some later point and I actually raised concerns about the demonstrated experience in point 2.

And what was your concern?---If you go back to, if you can go back to that
- - -

40 Page 100?---The actual tender document. So past performance, so provide a list of heavy vehicle trials during the past two years and attach at least two detailed reports for these trials. So my concern was the detailed reports because if, if it's a vendor who's never worked with RMS there's going to be difficulty in them providing detailed reports because it's obviously they've done a report with another company or agency and, you know, they may not have the approval to supply detailed reports to RMS.

You thought there'd be a confidentiality issue with the provision of reports?---Yeah, confidentiality, that, that summarises it best.

And you raised that concern with Mr Soliman?---Yeah, I raised that concern with Mr Soliman.

10 Did it lead to a change in the requirements?---No. This was when the requirements, so this is the document I would have been reviewing, and I raised that concern and Samer, Samer's response was if they can't provide the reports, then there's no way of them showing, demonstrating past experiences. And I remember saying that, you know, the only two suppliers I knew of at that point was SGS and AZH that have done this type of work, so I did mention that that could mean we only have two people on this panel, and he said if that's the case, then that's the case, and I didn't agree -
--

THE COMMISSIONER: But you also had Novation, didn't you?---Well, at that time Novation was the authorised supplier for IRD.

20 So it had moved outside of the work of scoping studies.---So, we, yeah, so moved outside. So, yeah, so I didn't want only two people on the panel, so actually afterwards when he did mention that I started trying to explore the RMS intranet to see if I could find anything about panel contracts to see if there was a minimum number of suppliers required. Couldn't find anything. But, yeah.

MS WRIGHT: Did you draft up this document, this Schedule B5, Non-price Evening Criteria?---No, I didn't draft up that. That would have been Nathan.

30 THE COMMISSIONER: Can I just ask, you were taken to the email on page 7 from Mr Soliman to Mr Chehoud, you were copied into it, where he says, "Reviewed the documents. Made changes." And you've been taken to point 2, "Added requirements." Is it your recollection that as part of those added requirements referred to in the email was included attaching at least two detailed reports?---Yes.

So the source of that was Mr Soliman?---Yes, that's right.

40 MS WRIGHT: Now, you said Novation by this time had an agreement – what was the term you used?---They're the authorised supplier for IRD.

Why did that mean it wouldn't be interested in this panel?---Well, it'd be, that email you showed me yesterday about the conflict of interest, so they're an authorised, they're an ITS, they're a supplier of an ITS product so there'll be a conflict if they start doing, if they start doing a trial of a, another piece of equipment, an ITS equipment, because that means that they're going to get hands-on, I guess, just trying to figure out the best word, they'll get, they'll get information about the other, other equipment.

THE COMMISSIONER: Competitor.---Yeah, competitor, of a competitor, so, so that's why there was an addendum attached to the eTenders website saying that ITS suppliers can't apply for this tender.

So once they became IRD supplier, they could still do a scoping study if it was less than 50,000, but they couldn't get on to this panel?---So, sorry, sorry to interrupt, so once they became IRD's authorised supplier, I don't believe any - - -

10 They couldn't do any scoping studies?---I don't believe anything was raised to them regarding scoping - - -

No, no, no. But did they have the potential or was that conflict of potentially looking at a competitor's - - -?---I would consider that a conflict. Yeah.

So they've moved from doing any scoping studies now to - - -?---Being the authorised - - -

20 Supplier.---Supplier, yes.

MS WRIGHT: At page 111, as part of the tender documentation, you provided a description of the services to be provided by members of the panel. Do you recognise that document?---Yes.

And it sets out, at page 112, the types of programs that your team were responsible for administering.---Yes.

30 And at page 113 the expected workflow for work allocated pursuant to this panel. And then at page 114 it included the categories of work and that would include that the PSC shall manage the entire technology trial without additional resources being required and that's headed End-to-End Management. So was it intended that panel members conduct end-to-end management of trials?---That's how Samer wanted it, yes.

And you weren't aware of any trial in which AZH had managed the trial from end to end at this stage?---There was that PAT one you showed me earlier which was, the RFQ was for end-to-end but Samer was present at that trial so - - -

40 Was that trial before or after the appointment of this panel?---It would have been before, my understanding.

And what was Samer's attendance at that trial? What would that have to do with assessing AZH's eligibility to be appointed to this panel?---I'm not sure what his purpose. I'm not sure if that was the purpose. My understanding was that he just went to, he went to the trial to, yeah, to, I guess just to oversee, see how it's all going, yeah.

I asked you whether, or I suggested that you didn't have any knowledge of AZH's, that AZH had been managing any trial from end-to-end and your answer was well, Soliman had been at - - -?---He had been at that one.

- - - that one, but Soliman was not on the PSC Tender Evaluation Committee, was he?---He wasn't on the committee but he was present in the meeting.

10 What does that, in what meeting?---The evaluation meeting.

Notwithstanding he wasn't a committee member he was present at the time you evaluated the tenders?---Yes.

Well, we'll come to that.---Okay.

But I'm just asking you about your knowledge of AZH and at this point you're not aware of any trial that AZH has conducted and managed end-to-end?---So there was a HAENNI trial as well. So basically from the
20 beginning, so I went to, I got sent to Ballina to meet with the Ballina Shire Council because they were using this HAENNI dynamic weigh scales to, for their mass enforcement operations. So Samer was in touch with Ballina Shire Council about this so he sent me up there to check the equipment out. So I went up there. I met with Ballina Shire Council. I saw, saw the HAENNI dynamic scales and, yeah, so it all looked, performed, looked, performed well so I think it was Stephen, the guy at Ballina Shire Council, who I was talking to and I, I discussed the next step. So I told him that I would probably be coming back, however there'll also be, like, an
30 independent consultant there as well to collect the data. So I went back to the office and I told Samer my, I gave Samer my feedback regarding the HAENNI dynamic scales and he engaged with AZH to do the work and I asked, later on I did ask him what dates was AZH going so I can align the dates for myself to attend because I thought I'd be the RMS contact. He told me I didn't need to go because AZH will be managing that trial.

THE COMMISSIONER: So that, that indicates that Mr Soliman anticipated that AZH for that trial would be providing end-to-end management?---Yeah, so he said he will be, they will be managing the whole thing, so I'm just following my manager's directions. So, but it was later on, I don't know the exact timings, but I was actually talking to HAENNI, the manufacture, I was
40 on a, had a phone conversation with them and the guy from Ballina Shire Council had just paid him a visit recently to have that scales calibrated, and he, the guy from Ballina Shire Council, I think it was Stephen his name is, he mentioned my visit to, to the trial, not to the trial but to their operations and I did, and we were discussing that and I also, I mentioned to him, oh, there should have also been another consultant there later on that would have been collecting data and managing the trial for this equipment. And the guy from HAENNI, I don't know who it was from HAENNI, it's

HAENNI Australia, they're located in Queensland, he mentioned that Stephen never said anything to him about that, about any other consultants being present. So at first I thought, okay, maybe Stephen from Ballina Shire Council just forgot to mention it to him or something along those lines, but the guy from HAENNI was confident that if someone else was present he, he would have, Stephen would have told him about it. So I went, okay, I'll follow up on that. So next time I saw Samer in the office I asked him, "What's going on with that HAENNI trial up in Ballina?" And he, he told me that AZH was going to go up there next week, again I don't know the timings of all these conversations, but yeah, so unfortunately I didn't follow up on that afterwards, totally forgot to, but yeah. But my understanding was that AZH was going to manage that trial.

MS WRIGHT? Was going to?---Yeah.

But did you understand that they had managed that trial from end to end?
---Well - - -

THE COMMISSIONER: Well, I don't think so.

MS WRIGHT: No.---No.

THE COMMISSIONER: I think your evidence is you were willing to coordinate it and to go up there.---Yeah, so that was my understanding.

And Mr Soliman said no - - -?---No, yeah.

- - - AZH are going to manage it end-to-end.---Yeah.

30 And it seems the initial evidence, relying on what Steve from Ballina - - -?
---Shire Council, yeah.

- - - told - - -?---HAENNI.

- - - HAENNI, was that AZH never had gone there.---Yeah.

Mr Singh asked Mr Soliman who said AZH are going up the next week.
And then that's - - -?---Yeah, that's it.

40 - - - the end of your knowledge of - - -?---Yeah, that's the end of my
knowledge.

- - - whether it actually happened.---Yeah.

With the concept of end-to-end management, if you were providing end-to-end management does that mean you identify the site for the trial - - -?
---Yeah.

- - - when it will occur - - -?---Scheduling.

Scheduling. And nobody, unless it's at an RMS site where one would assume there might already be an inspector there or other personnel - - -? ---Present, yeah.

- - - nobody from your team would bother going?---Would have to go.

Would have to.---Yeah.

10

I'm sorry, not bother going, would have to go.---Yeah.

All right. So it's all outsourced.---Yeah.

And then a report would come in.---Yeah.

MS WRIGHT: The HAENNI trial that you referred to, was that for a dynamic portable weigh scale?---Yes.

20 And you signed a purchase order for that?---Yes.

And that was after the PSC Panel appointment process had completed? ---I thought it was before. I thought it was before.

If Mr Singh could be shown volume 4 at page 9. See that's dated 16 November, 2017?---Yeah, yeah.

And the deed for the Professional Services Panel signed by AZH which you also signed was on 9 November, 2017.---Okay.

30

THE COMMISSIONER: Can I just ask – oh, sorry, are you still - - -

MS WRIGHT: No.

THE COMMISSIONER: With the end-to-end management, if it is actually in operation, your team has no involvement in it other than engaging the particular - - -?---Vendor.

- - - third party or vendor - - -?---Yeah, yeah.

40

- - - to undertake the project. And then, what, anticipating that they would receive a report and then organising payment?---Yes.

Is that basically the team's involvement in those - - -?---Yes, and I'm sure there would be also meetings from time to time just to get an update on what's going on. Yeah.

All right. So in those circumstances, to work out if, sorry, to determine whether the work actually occurred, you'd need a copy of a report.---You would need a copy of the report, that's right. Yes.

MS WRIGHT: And coming back to volume 8, page 114, the work associated with the panel would involve end-to-end management of trials, you at this stage had no knowledge of AZH ever managing a trial end-to-end, do you agree?---Without the presence of RMS, I'm guessing. Because there was that PAT one we just saw, which is supposed to be end-to-end but obviously Samer was there. But without the presence of RMS, I'm not –
10 yeah.

Well, what's Samer being there got to do with it? Are you saying you relied on what Samer told you?---Well, well, of course I relied on what Samer was telling me. He's my manager, right?

Well, you were an independent member of the committee, weren't you?
---Oh, are we talking about the committee or are we talking about - - -

20 You're on a Tender Evaluation Committee for the PSC Panel and you're there in your own right, aren't you, Mr Singh?---Sorry, I'm, I thought we were talking about the actual end-to-end trials still.

Well, one of the purposes of the PSC Panel is for panel members to conduct end-to-end management of trials.---Yeah. Yeah.

And what I'm trying to ascertain is whether at the time you were on the Tender Evaluation Committee you had any knowledge of AZH's experience in end-to-end trials.---And that's when I'll refer to the PAT, the PAT trial,
30 which was supposed to be end-to-end.

THE COMMISSIONER: And the paperwork said it was going to be end-to-end.---Yes, that's right.

But Mr Soliman actually tendered.---Was present, yes.

Which seems to defeat the whole purpose of it being an end-to-end.---It, I, yeah, it depends what Samer actually did at the, at the trial itself, but, yeah.

40 I just asked you previously what was the anticipation with end-to-end management and you said it was a complete outsourcing.---Scheduling, yeah, complete outsourcing. In terms of that, no, I wasn't aware of AZH.

So when you refer to that, you're relying on the fact that the paperwork designated it to be end-to-end.---End-to-end, yeah.

But your knowledge of how it actually operated was that there was involvement or presence of Mr Soliman.---Of RMS. Yeah, well, of RMS

because you need to schedule, he would have had to have scheduled dates with the inspectors to be present at the site, so - - -

So the best you could say about that one is that it was theoretically end-to-end management by AZH.---AZH, that's right.

But did not appear in practice to be end-to-end.---Yeah, to my knowledge, yeah.

- 10 MS WRIGHT: And you approved the invoice at Mr Soliman's direction for payment to AZH for that trial, didn't you?---Yes, but that again, I may have received the invoice prior to the trial commencing because of the, the payment terms, but I would have checked with Samer to see if it was okay to approve and he would have given me directions to approve it.

Now, we might move on from that. At page 116, this is an email you were shown yesterday, you and Mr Soliman have sent to Mr Chehoud some suggested wording for addressing conflict of interest risks.---Yeah.

- 20 What was the particular concern about conflicts of interest with this panel? ---It was again the ITS suppliers couldn't apply to this, for this tender because of the whole conflict of them having access to another piece of, to another vendor's ITS equipment.

THE COMMISSIONER: So this was the Novation problem?---Novation problem, but it was a camera vendor that gave me a call. They were interested in applying and that would possibly mean that they would be analysing another camera from another vendor, so that's where, yeah, this, this whole issue got raised.

- 30 MS WRIGHT: Wouldn't suppliers of technology be able to provide professional services to RMS? Why exclude them completely from the panel?---Because this was, this was doing field trials of ITS equipment, so you don't want to have, I don't think it's right to have let's say vendor ABC who's a camera vendor doing a field trial of another camera vendor CDE, because that's going to possibly give them inside knowledge of how that camera, you know, performs and works and all - - -

- 40 THE COMMISSIONER: Was that a standard throughout RMS, that if being placed on a panel may mean that the tenderer has access to a competitor's confidential information - - -?---IP.

- - - or IP they should be excluded from that panel?---Yes. So this was mainly have independent test, test vendors.

But was it a standard principle - - -?---At RMS?

Yes.---I'm not sure. Sorry, I can't answer that one.

MS WRIGHT: Mr Singh, at page 118, volume 8, just take a moment to view this page.---Yes.

Do you recognise that as being part of AZH's tender submission in relation to the evaluation criteria?---It looks like it.

And it refers to Ali Hamidi and Zoe Hamidi.---Yes.

10 And it sets out Ms Hamidi's extensive career, refers to her extensive career in communications, data analysis, reporting and vendor contract management, end-to-end business management including finance accounting?---Sorry, for qualifications is there a reason why there's nothing next to their names? Because from what I recall in the submission there were qualifications.

Okay. So that's a difference. And then when you move to level of technical support, experience and responsibility, level of other expert support the project team may draw on, I'm reading from that section which is filled out.
20 Do you recognise the content from being from the tender submission?
---I mean if this was the tender submission then this would be it, but it's just concerning how there's nothing next to the qualifications, so I'm not sure if this has been modified before it was submitted, that's just my concern.

I'm just asking if you recognise the content.---I don't recall. I mean it was a while ago, this tender, so yeah.

And it refers to Ali Hamidi drawing on a 10-year career in the ITS industry.
---Yeah, that's not, yeah, that's, that's not right.

30 It's false?---Yeah. I mean I don't have 10 years in the ITS industry, I don't think Samer has 10 years either, so yeah.

And do you remember that being included in the tender submission?---I, I don't recall seeing that in the tender submission. I thought it was a year when I read it.

Right. Okay.---But yeah.

40 And then if we turn over the page, 119, do you recall a section on methodology, understanding of project and client needs?---So this was one of the requirements. I mean I don't recall the content because it was a while ago, but yeah.

And then do you recall at page 122 whether Mr Hamidi or AZH provided a list of field trials and scoping study reports that they had performed in the past two years?---I believe they did have a, yeah, they did list that in the submission.

So you recall this part where he lists seven trials?---I see the seven trials. Again, I don't, again, I don't recall the content but it's just from what I remember they did have a list of, yeah, trials they performed.

And below that table they have set out "As requested attached are two examples of a scoping study produced following end-to-end field trial management of ITS technology," and attached the scoping study for the FLIR thermal camera scoping study and the SICK FPS scoping study.

10 ---Yes.

And you gave evidence I believe yesterday that at the time of the PSC Panel you did see two scoping study reports by AZH.---Yeah.

So do you recognise this part of the tender submission?---Again, I don't recall the content but I do recall they did submit two reports. I don't know if it was worded exactly how it's worded as I've seen it but, yeah.

20 And do you recall whether they were the two reports which are the first two projects which AZH was awarded?---Again, I don't recall the reports that were submitted but there was definitely two reports and if these, if the ones listed here are the reports then they would have to be it.

Did you read the reports?---I had a look through it. I didn't read it in detail and, yeah.

30 Why didn't you read it in detail?---Because I've forgotten how many submissions there were, but I mean, it was just, just I gave it a quick look. I mean, there was a submission by, I've forgot who it was, and their report was like, 100 pages so again, it was just give it a quick look through and just, yeah.

You selected AZH to be a member of the panel. Correct?---That, yeah, that was the recommendation for, yeah.

But all you did was a quick flick through. Is that what you're saying?---It was, yeah, it was just a read, a quick read through, yeah.

40 And if Mr Singh could be shown volume 3, page 118. At page 119, sorry, is the report and you recall this is the trial at Picton Road which you attended?---Yeah.

And just taking an example. Page 134 AZH has set out a whole lot of information in this report including what's in section 8, "In high speed testing, images from the A655sc were better than those from the A65." And then some data relating to a camera and at 8.2, "It's a misconception that image frequency frame rate is the most significant specification impacting high speed thermal image capture." You knew that Mr Hamidi wasn't

capable of coming up with a report like this on his own based on what he did at that trial, didn't you?---I imagine, like I said, I saw him and Samer having discussions. He did have some discussions with IMC as well, so, like, all I saw was discussions, so perhaps these were some of the discussion items. I mean, he could have gone online and done some research as well. Yeah.

10 Mr Singh, you didn't think Mr Hamidi could produce a report like this based on his experience with technology and his participation in this trial at Picton Road.---I mean, I just, I would have, this is assumption that he would have done further research as well.

And expressed an opinion about a misconception that an image frequency is the most significant specification impacting high-speed thermal image captures?---Again, it's just, you know, I'm assuming that it would have been from the discussions he had with, you know - - -

20 To that level of detail at the trial, when you saw him standing, holding a tablet?

THE COMMISSIONER: Talking to somebody.

30 MR O'BRIEN: I object to that. I object to that. One can gain so much from the trial at Picton Road, but it is the witness's evidence that he has assumed – whether it's correct or incorrect – that there'd be further research and other work done by the author of the report. If this information is not available through that type of research, well, that can be put, but it's simply not fair to put to this witness “You couldn't assume that from what was done at Picton Road” because that might be so but if the witness is saying I took - - -

40 THE COMMISSIONER: Well, I think it's being asked in stages. One stage is what you observed at Picton Road was a conversation. You weren't party to that conversation. You don't know what information was handed over. Now, he's also said, “I assumed he did further research.” That can be pursued, but I think Ms Wright at the moment is just exploring what was observed, what was heard, et cetera, at Picton Road. But he's made the point he's assumed further research was done. If Ms Wright wants to explore that, she can. But I take your point, he's put to bases. We've explored one basis as to what he actually saw and he's also assumed further research post the site.

MR O'BRIEN: I think it appeared to me at least that there was an attempt to impeach the witness based on what he'd seen on a second occasion as compared to what was in the report, and I didn't think that that impeachment was correct based on the evidence that had been given so far.

THE COMMISSIONER: All right. Ms Wright.

MS WRIGHT: You've given evidence, Mr Singh, about what you saw at that trial. You saw Mr Hamidi have conversations with someone.---So with Samer.

THE COMMISSIONER: So a conversation with Mr Soliman.---And I saw him have conversations with the inspectors as well and then also with IMC, and IMC were also, not only were they testing the thermal camera solution for the heavy vehicles but they also had cameras set up capturing vehicles as they travelled past the inspection site, and they were testing the capture rate for those cameras, and I, I believe Ali was present for those as well.

Present, what, standing there?---Standing there watching, yes.

MS WRIGHT: And you made an assumption, did you, that the level of detail contained in this scoping study report which he provided in support of his submission to the PSC Panel was because he had discussed those matters at the trial and then gone and done his own research?---Further research.

20 But you didn't check that in any way?---I didn't check that, no.

No. So you made an assumption about Mr Hamidi's experience. And this is your mate, isn't it, that you've been friends with for many years.---Yeah, and I've trusted.

And you didn't question him at all about, well, where have you come up with all this stuff, this information?---No, I didn't, unfortunately. Like I said, I trusted him. I considered him a person of good character and, yeah.

30 It's pretty technical information, isn't it?---It is pretty technical but I thought Ali was a technical guy.

THE COMMISSIONER: Why?---I mean he was talking about end-to-end encryption regarding WhatsApp the other, like two days ago. It's just, yeah, I assume he was technical.

Because he's described end-to-end encryption?---Well, that was two days ago but prior to that I assumed he was, you know, had had some technical
- - -

40 Why?---I mean he worked in mobile technical support providing - - -

When he worked at Optus?---Yeah, so providing technical support for (not transcribable) phones, he also, because of his ability he went into premium technical support.

What, at Optus?---At Optus, yeah, he moved to premium, so yeah, so yeah.

How did you know that?---Oh, because we all worked - - -

So when you were working there - - -?---Yeah.

- - - he moved into premium technical support?---Yeah.

MS WRIGHT: And you were also provided with a report in relation to the SICK FPS scoping study as part of AZH's tender?---Yes.

10 And that's at page 151. And if we could turn through the pages of that report, did you also only flick through this one at the time of the PSC tender evaluation?---Yeah, would have just been a quick, quick look through.

And that's also a technical report with technical data?---Yes.

And you had been at that trial?---Yes.

And you had not received that report from AZH before the time of the PSC Panel?---I don't recall receiving this before, no.

20

And so you were seeing this for the first time?---Yes.

And did it cast any doubt in your mind about whether AZH could have produced a report in this detail based on what Mr Hamidi had done at that trial?---So a lot of it's data, there was a lot of statistical stuff and I just assumed his background in data analytics and reporting would cover that, and then again the technical information, I provided him some information, SICK was there so he may have had, I didn't see him have, he may have had discussions with SICK about the, about the device and then also again, doing further research.

30

But you didn't satisfy yourself at all as to what Mr Hamidi had done in preparing this report?---Not at the time I guess, no.

No, not at all.---Yeah.

You made assumptions and you didn't satisfy yourself at all about how he'd produced such a report based on what you had seen at the trial which you attended.---Yeah. Again it was just, you know, collecting data, again I explained to him a bit of the processes, I explained to him how the screening lane worked, how the, you know, what we expect, what the expectations was from the FPS system, but yeah.

40

You knew that at neither of those trials did AZH conduct end-to-end management of the trials.---At those trials, no, they, AZH did not conduct end-to-end management.

But it provided those two reports in support of its application to the PSC Panel?---The requirement, I'm not sure what the requirement was for the actual tender, was it a requirement to demonstrate end-to-end management or was it a requirement for just detailed reports?

I'm not asking about the requirement.---Yeah.

10 I'm suggesting to you that you read, you saw that it provided those two reports in support of its application, but you knew that it had not managed those trials end-to-end.---Yeah, that's correct. For those two reports, yeah, you're right.

And the document I took you to previously included that the purpose of the panel was for panel members to conduct end-to-end trials for RMS.---Yeah, but when you're, when we're reviewing it, it was based on the requirements of the, the criterias of the, the tender. So - - -

I can take you back.---Yeah. Yes, please.

20 114 of volume 8. In fact, start at 113 of volume 8. Section 1.4. "The work associated with this commission involves the end-to-end management of the selected technology requiring research and development. This includes the following categories of work." Page 114, "End-to-end management. The PSC shall manage the entire technology trial without additional RMS resources being required." Point 2B, "The PSC shall design the technology trial at the site selected by RMS in accordance with the Roads and Maritime's WHS requirements. Upon completion of the trial, the PSC shall prepare a report." And it goes on.---I was, sorry, I was after B5, I think it was.

30 You're after the AZH tender submission?---No, no, the actual tender document. I think it was schedule B5 you were referring to before, which had the criteria.

So are you suggesting that there was no requirement that panel members be capable of end-to-end management of a technology trial?---Well, that's what I want to see, I want to actually read the B5 again.

40 At page 99.---It's next page, sorry. So, yeah, if you look at the, the past performance, demonstrated experiences, I don't see anything saying end-to-end. And, again, when you're reviewing submissions, you've got to review it as per the requirements, those requirements in schedule B5.

Didn't AZH say in their tender submission that they had done end-to-end management of trials?---Again, I don't recall the contents of that submission.

I note the time, Commissioner.

THE COMMISSIONER: All right. We'll have the lunch break and resume at 2 o'clock.

LUNCHEON ADJOURNMENT

[1.04pm]