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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 26 JUNE, 2019

AT 1.50PM

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THE COMMISSIONER: All right. Mr Soliman. Mr O'Brien.

MR O'BRIEN: Thanks, Commissioner. Mr Soliman, in these proceedings I represent the interests of Mr Jai Singh.---Okay.

10 I wanted to first to ask you some questions about the under-vehicle cameras. You recall being asked questions about that particular procurement from Novation by Counsel Assisting?---Yes.

Now, during your evidence to the Commissioner in answer to questions from Counsel Assisting, you suggested that it was you or Jai, Mr Singh, who asked Novation to provide a quote for these under-vehicle cameras. Is that the case?---It would have been one of us, yep.

20 You suggested that it was either you or Mr Singh who told Mr Thammiah from Novation where to source the cameras from. Do you remember giving that evidence?---I can't recall but I accept it if you, if it, if it's there, yeah.

See, I want to suggest to you that you did both of those things. It was you who asked Mr Thammiah for a quote from Novation in relation to the under-vehicle cameras and it was you who told him where to source them. Do you understand that?---I do but I don't agree with it.

30 You see, I want to suggest to you that Mr Singh had nothing to do with the engagement of Novation in relation to that procurement. What do you say to that?---I don't recall what part he had with the Novation but I'm pretty sure he sourced the first camera. I think it was from Russia.

I want to suggest that he did in fact, on your direction, source under-vehicle cameras from Canada. Do you agree with that?---I don't know it was from Canada but he did source one or two, I think.

And what I am asking you specifically about is the engagement of Novation. Do you understand?---Yes.

40 And I'm suggesting that he had nothing to do with the engagement of Novation, that that was your decision, your directive and you did that. What do you say to that?---I don't recall who asked Novation for the quote but it would have been one of us.

Well, I'm suggesting it was you, you just don't remember, is that what you're saying?---That's right.

I want to try and have you recall that the role of Mr Singh in relation to this particular procurement was to raise the purchase orders on your direction, full stop. What do you say to that?---I don't agree with that.

You put together the purchase order, you put together the quote and you provided them to Mr Singh to simply sign and raise the purchase order. What do you say about that?---I don't agree because I'm pretty sure he went to site also.

10 You've also said in your evidence that Mr Singh told you that there was a major issue with import and customs in relation to the expense of procuring these particular cameras. Do you recall saying that?---Yes, I think so.

I want to suggest that that is utter rubbish. What do you say to that?
---I think that's false.

It was you who suggested that the cameras should be procured through Novation and you did that so that you could mark up the price of those cameras and benefit from it personally. What do you say to that?

20

THE COMMISSIONER: Sorry, Mr O'Brien, could you just break that into two propositions?

MR O'BRIEN: Certainly. Mr Soliman, it was you who suggested that the procurement of the under-vehicle cameras should be done through Novation, wasn't it?---As I said, I don't recall if it was me or Jai.

You don't recall. And it was you who in fact wrote up the invoice in relation to those cameras, wasn't it?---The invoice, the Novation invoice?

30

Yes.---I don't think so. I don't recall that.

You don't recall writing up the Novation invoice. Is that your evidence?
---Yeah, I don't recall writing the invoice for him.

Righto. You see you suggested in these proceedings that Mr Singh had told you that there was an issue with the import and customs. Do you remember that?---Yes.

40 And I want to suggest to you that in fact it was you who suggested to him that there was a problem in procuring it through the, from Canada directly, wasn't it?---No, I didn't manage that part, Mr Singh did.

And it was you who told him the best way to go about this procurement was through Novation.---No.

And you suggested that because you had a vested interest in it, didn't you?
---No, I didn't say that, I don't recall - - -

Do you deny that you had a vested interest in that procurement?---Hmm, don't deny or agree with anything, I mean - - -

You don't deny or agree with anything. Is that what you're going to seriously answer to that proposition?---You've already asked me previously and I said I don't recall if it was me or Mr Singh.

10 THE COMMISSIONER: No, but Mr O'Brien's just put something else to you about you having a vested interest in Novation getting the contract to purchase these under-vehicle cameras.---I would say no, I don't think I even started getting money from Mr Thammiah at that point, from what I can recall.

MR O'BRIEN: Mr Soliman, that just simply isn't true, is it?---From what I recall it was a bit after that first project.

20 Do you remember during these proceeding some days ago Counsel Assisting showed you an invoice for the 22 cameras from Canada that was found on your home computer?---Yes.

Now, I'm suggesting to you again, you had a vested interest in ensuring that this procurement was made through Novation, because of your financial dealings with Mr Thammiah. That's the case, isn't it?---At that point I don't see it that way.

30 And you're simply trying to blame Mr Singh for suggesting that there were some problems with import and customs duties.---I didn't blame him, I didn't say what he done was wrong, just - - -

And it's utter, utter nonsense, isn't it?---I didn't say what he done was wrong. He told me it was a big problem and headache for him to manage the, the customs. That's all I know from what he told me. I didn't think there was anything wrong with that.

He told you no such thing. In fact it was you who suggested there was such a problem. What do you say about that?---I disagree. I wouldn't have known if there was a problem because he managed it.

40 You knew about it because it was sitting right there, sir, on your home computer, how much it cost, what the custom tariffs were, you knew about it because it was in your possession, didn't you?---I thought the Novation invoice was on my PC. Isn't that what you said?

Can the witness be shown volume 1, page 112. Now you see, you can recall being shown this document, can't you?---Yes.

You do recall that?---Yes.

Thank you. And you can see that this is an invoice to Mr Thammiah, isn't it?---Yes.

And it's from Medit in Canada, you see that?---Yes.

And it sets out the total costs of the 22 under-vehicle cameras, correct?

---Yes. I recall this now, yeah.

10 And you remember that that was found on your home PC, you recall that?
---I accept that. yep.

And I'm suggesting it candidly, Mr Soliman, that the reason that was on your home computer is because you were involved at this stage in a scheme with Novation, Mr Thammiah, to gain a financial advantage through the procurement of the cameras through Novation. What do you say to that?---I don't agree with that.

20 And that's why you said to Mr Singh, you said to Mr Singh, "There's a problem in importing them the way you had done previously"?---That's false.

You suggested during your examination with the learned Counsel Assisting that it was Mr Singh's role to check the costs of the invoices as compared to the prices that he'd paid earlier for these cameras. Do you recall saying something to that effect?---I don't recall saying that.

30 Well, it's at 1346, if you want to have a look at it for the benefit of your counsel perhaps. And you suggested that he ought to have, he ought to have known about the mark-up. You remember that?---I don't, but I accept it.

Now what I want to suggest to you is that there is no way that you didn't know about the mark-up, is there?---I'm pretty sure that was the first time I seen the invoice from that company.

Despite the fact that it was on your home PC in your possession at your house?---That's correct. Like I said, Mr Thammiah was there a lot.

40 And you wrote mark-up because you wrote the invoice from Novation and you benefitted from it, didn't you?---No, that's not what I recall happening.

And your suggestion that Mr Singh was responsible for checking the mark-up and determining that the cameras couldn't be sourced from overseas through the RMS is utter rubbish, isn't it?---I don't agree with that.

It's an attempt to minimise your involvement and perhaps put some type of blame, albeit subtly, upon Mr Singh, isn't it?---No.

I want to turn to the ANPR cameras. You know what I'm talking about?
---Which one?

The ANPR, the automated number plate recognition cameras.---Oh, yes,
yes.

Now, there was a trial involving these cameras, wasn't there?---Yes.

10 And at page 1351, Mr Soliman, you suggested that Mr Singh managed that
trial, is that your evidence?---I'm pretty sure he worked with Novation, done
the purchase order and done the invoice and everything from what I can
recall.

You suggested that he was the manager of the project. Are you now
suggesting that is not the case?---That's not what I said. I mean, if
someone's dealing with the vendor and managing the finances, to me that's
managing a piece of work.

20 Well, it might be that but it might be just organising the logistics, mightn't
it?---Well, there was nothing else to it. That is, that is the work that had to
be managed.

Well, you see, Mr Singh said in his evidence that he was not the project
manager in relation to this particular trial. Do you recall hearing that?---No.

And indeed he said you were the manager of that particular project.
---Wouldn't agree with that.

30 You wouldn't agree with it.---That's right, I didn't do the logistics or the
managing. I don't see how I would be deemed as the manager.

So when that was said, that would have been something that you would
have heartily disagreed with. Is that the case?---That he was - - -

When Mr Singh said that you were the manager of that particular project,
you would have disagreed with it, wouldn't you?---I guess so.

40 And I expect that you may have suggested to your lawyer that he cross-
examine Mr Singh about it too.

MR LAWRENCE: I object to that, Your Honour. I mean that's, that's not
with the realms of this witness to comment on what he's discussed with his
lawyer and if he wants the proposition put to him in a different manner I
don't object to it, but I do object to the manner in which it's put.

THE COMMISSIONER: What, so you wouldn't object to Mr O'Brien
putting to the witness that his instructions didn't include that or he didn't
raise it with his counsel?

MR LAWRENCE: Well, that's right, Your Honour, he can put it that way, but a matter of objection is ultimately to the counsel to determine whether he would object to that or not at that time.

THE COMMISSIONER: Mr O'Brien, could you rephrase?

10 MR O'BRIEN: Certainly, Commissioner. You see your lawyer never cross-examined Mr Singh about that fact, he never said to Mr Singh that he wasn't the manager, as you've just described it, did he?---I don't know.

And I suggest that Mr Singh was never challenged about that because that was something that you made up once you got in the witness box, wasn't it? ---That's not true.

And once again it's an attempt, a sorry attempt, Mr Soliman, to try and deflect blame from you and place it onto Mr Singh's shoulders, isn't it. ---I don't blame Mr Singh for anything. I haven't said he done anything wrong.

20

Because you know everything he did in relation to these trials and these procurements that are subject to inquiry here at this Commission was done on your direction, wasn't it?---Not everything, no.

You see I want to suggest to you that the only role Mr Singh had, and this was the effect of his evidence before Madam Commissioner, was that he raised the purchase order for this particular trial on your direction. Do you understand that?---I understand it.

30 What do you say about it?---I don't agree, because again he worked with Novation, I'm pretty sure he went to site too.

Now, I want to suggest that he wasn't at the trial. He was not at the trial. ---Okay.

And again, your lawyer, very experienced, extremely competent lawyer, failed to cross-examine him about that, failed to put what you would say in these proceedings adverse to my client, Mr Singh. Do you understand that?

40 MS WRIGHT: I object to that. I think that's not a fair question, Commissioner.

MR O'BRIEN: I withdraw it.

MS WRIGHT: To ask him to comment on - - -

MR O'BRIEN: I withdraw it. I want to suggest to you that your lawyer never challenged Mr Singh as to those factors, never suggested that he went to that trial. What do you say about that?

MR LONERGAN: Commissioner, I raise an objection to this line of questioning. It's not incumbent on any practitioner in the Tribunal to propose or put to a witness in line with *Browne v Dunn* and to draw inferences or to seek to draw inferences from the non-questioning on a particular topic area in my submission is without probity.

10

THE COMMISSIONER: All right. Ms Wright, did you - - -

MS WRIGHT: Commissioner, it's the same objection as I just raised, I embrace, it's not fruitful and it's not for the witness to comment on what his counsel did or did not ask.

THE COMMISSIONER: Mr O'Brien?

MR O'BRIEN: Well, the evidence is so at odds with that of Mr Singh in relation to the involvement in this particular trial that it's only fair that it had been put.

20

THE COMMISSIONER: I think that's a different, I think that the issues, there are a number of issues raised by Mr Lonergan and also Ms Wright's objections. Even though the rules of evidence don't apply, to some degree, if it's a particularly important issue, and from your submissions to me from Mr Singh's perspective this is very important, I think it is appropriate to, in a sense, satisfy *Browne v Dunn* on particularly important questions, not on everything, but on a particular topic. Where I am a little bit concerned is that the way the counsel conducts the case in the hearing room, I have to say Mr Soliman doesn't have ultimate control over those forensic decisions, but as I said before, a proposition or a suggestion which you have made with some of your other questions along the lines of, you made it up, you didn't ever tell that to your counsel, I would allow. But I think trying to cross-examine the accused on what may have been forensic decisions made by a counsel who isn't here at the moment, I don't know whether that's going to really help me.

30

MR O'BRIEN: I'm assisted by that, thank you, Commissioner. Now, it was suggested by Counsel Assisting to you, Mr Soliman, that you prepared the report in relation to the ANPR camera trial. Do you remember that? ---Yes.

40

And you agreed to the extent that you had a great deal of knowledge in relation to this technology. Is that right?---No. That's the first time that I would have used it. I knew nothing of it.

At page 1356 at about line 35, the question was, "Well, you sent it to Mr Thammiah and told him to update so it looks like you prepared the report. Do you agree with that?" This is in reference to the ANPR report. Do you see that?---I can see the transcript, is that what you're talking about?

Yep, you see down there at around line 35?---Yes.

10 And you see I've read Counsel Assisting's question, "So you look like you have prepared the report. Do you agree with that?" And you say, "No." Do you see that?---That's right.

And you see the next question, "Normally it would be the other way around, wouldn't it, that the person who prepared the report would send it to you?" And you answer, "I know that I, that I did add a blurb about the camera because I knew a lot about it." Do you see that?---Yes.

20 So you're suggesting an answer, aren't you, that you knew a lot about this particular ANPR camera, correct?---Only in theory that I've read of it. We had never tested it or seen it in person before this.

You knew a lot about the camera, is that your evidence or is it not?---I had read about it, I knew a lot about the theory about how it worked. I didn't know if it worked. I'd never touched it or seen it in person before this trial.

And you knew a lot about the camera in theory or otherwise and that's why it was a trial that you instigated, correct?---I believe it was me, yes.

30 And that you managed?---I didn't manage this one. All the work that was done for the planning and the finances was Mr Singh. I don't see any other way - - -

The only involvement by Mr Singh, I repeat, I suggest to you, was that he raised the purchase order on your direction. What do you say?---I don't agree with that.

I want to turn now to the thermal camera trials and in particular you'll recall that you were asked questions about a Strategic Innovations report. You remember that?---Yes.

40 And this was a report that was sent to your personal email account from Mr Singh. Do you remember that?---Vaguely, yes.

Thank you. And you then sent it on from your personal account to Novation. Do you recall giving that evidence?---Vaguely, yes, again, yeah.

The transcript reference, for those interested, is 1367. Now, you said in your evidence in relation to that that, at 1369, that Mr Singh would have been the manager. You said, "He raised the contract, raised the purchase

order, and planned the piece of work to attend the site.” Remember that?
---Yes, that’s fine.

And I want to suggest to you again that you have not told the Commissioner the truth in relation to the management of this particular project, have you?

---In which way? I believe I have.

You managed that project, Mr Soliman, didn’t you?---I didn’t manage it. I don’t see how you could see it that way.

10

Mr Singh’s involvement in this particular project was to raise the purchase order on your direction, full stop. What do you say to that?---Could have been under my direction, but he went to site. I don’t even think I went to site for this one at all. He managed the finances, he managed the contract, the logistics.

He never received a report from Novation at all. What do you say to that evidence?---I thought we did, but I’m not sure now.

20

You know that this Commission has gone about a very detailed and thorough search of emails - - -?---Yes.

- - - of correspondence - - -?---Yes.

- - - of computers? Yes?---Yes.

Of USB drives.---Yes.

30

You understand? Effectively no stone has been left unturned in relation to this investigation. You understand that?---I do.

The evidence tends to suggest that Mr Singh was provided with the Strategic Innovations report but never with the Novation report. You’ve nothing to contradict that evidence, do you?---I haven’t seen anything in this hearing about the Novation report. I just thought that they did do one.

Because if Mr Singh had received both of them within a contemporaneous time – that is, close time to each other – it would have demonstrated that the two reports were identical, wouldn’t it?---I don’t know.

40

Well, they were identical, weren’t they, Mr Soliman.---Again, I don’t know.

Are you suggesting you don’t know that the report from Strategic Innovations was basically copied and given a Novation title and passed off as Novation’s? Is that seriously your evidence?---If that’s what’s been shown previously, then I accept it. But again I - - -

THE COMMISSIONER: Mr Soliman, my recollection is that Counsel Assisting painstakingly went through a comparison of the two documents. ---The Strategic Projects one or - - -

MR O'BRIEN: Yes, in relation to this very set of documents, Mr Soliman. Are you suggesting you don't know that they are the same document in essence?---Didn't think that Counsel Assisting was talking about the Strategic Projects one.

10 MS WRIGHT: I rise to my feet - - -

THE COMMISSIONER: Have we got confused?

MS WRIGHT: - - - because I'm not sure it is. I think it is, there is confusion. It's the - and I'm just looking for my note. It's the Novation thermal camera with the, I think it's the SICK report.

THE COMMISSIONER: And the SICK thermal camera.

20 MS WRIGHT: Yes, rather than the Strategic Innovations matter, but I'll look for the note, but perhaps if my friend could take him to the two documents. I don't think it is the Strategic Innovations one.

THE COMMISSIONER: Mr O'Brien, and I think I have contributed to the confusion, I remember the thermal camera comparison, but we may not have - sorry, Counsel Assisting, it doesn't look, has done the comparison with this report.

30 MR O'BRIEN: Can I take the witness, then, please, Commissioner, to page 1373 of the transcript. Do you see down the bottom towards the bottom of the page, do you see the question asked of you by Counsel Assisting, "Didn't you send Mr Thammiah the Strategic Innovations report?" Do you see that?---Yep.

And you've answered, "Yes." Or, "Yep."---Yep.

See that?---Yes.

40 And you asked him to include the stats from his report in his report. Do you see that?---(No Audible Reply)

Do you see that question?---I do see it, yeah.

And your answer, "Did I? Okay." Do you see that?---Yes.

Now, you see, I'm suggesting to you, Mr Soliman, that what you have done in this instance is made sure that if Mr Singh had the Strategic Innovations

report, that he did not receive the Novation report. What do you say about that?---I don't agree to that.

Because it contained similar information, didn't it?---I don't think so. I don't know.

MR LONERGAN: Commissioner, Commissioner, I object to that question.

THE COMMISSIONER: I'm sorry Mr - - -

10

MR LONERGAN: If Mr O'Brien is wishing to draw attention and parallel between the two reports, then can he identify specifically what in the reports are the same? You know, he's making a very broad-brushed proposition in relation to the two reports being the same and then he's stepped back from that and is now going to the transcript which is equivocal at best, so if he wishes to make a positive proposition in relation to the content and some scheme or the like, then he needs in my submission to identify specifically what was being sought to be hidden from Mr Singh.

20 THE COMMISSIONER: Mr O'Brien?

MR O'BRIEN: Well, I fail to see at all how this line of questioning has any, would trouble Mr Lonergan's client at all. I'm suggesting that documents were hidden from Mr Singh. I'm not suggesting that had anything to do with Mr Thammiah. The answer is that this, the evidence is that this witness asked Mr Thammiah to add certain things to his document, to a report. I'm suggesting that the Novation report was not provided, as the evidence seems to suggest, to Mr Singh, and that that would suggest that this client, this witness has kept my client in the dark.

30

THE COMMISSIONER: All right.

MR O'BRIEN: That's the point of the question. It has no, it doesn't traverse on the interests of Mr Lonergan's client at all.

THE COMMISSIONER: All right. So what you're putting to Mr Soliman is that he was the one who, after receiving Strategic Innovations' report, he forwarded that to Mr Thammiah with either an instruction or a suggestion to include the stats, and your point being all of that was done without your client's knowledge?

40

MR O'BRIEN: Yes, of course. There's nothing to suggest otherwise. But the broader proposition that I'm making to this witness is that the Novation report wasn't provided to Mr Singh and the reason for that is that there would have been similarities between the reports that would have alerted Mr Singh to what was happening here.

THE COMMISSIONER: All right. Look, we've got at least on the transcript that stats were forwarded, which were then included in the Novation report. Maybe on that basis you can pursue your questions about whether Mr Singh either saw reports or his knowledge of that similarity.

MR O'BRIEN: Well, I think I've established that already.

THE COMMISSIONER: All right.

10 MR O'BRIEN: I'm comfortable with what I've established in relation to what Mr Singh didn't receive. Let me make this general proposition rather than offend Mr Lonergan further.

THE COMMISSIONER: All right.

MR O'BRIEN: You see, Mr Soliman, what you did in situations where you had a vendor's report that was similar or identical in any way to a report from a, let's call them independent evaluator, is that you kept one or the other report from Mr Singh, didn't you?---No.

20

And you did that so that Mr Singh wouldn't, in a timely fashion, come to realise that the two reports were identical or similar, didn't you?---I never told anyone not to send anything to Mr Singh.

And in this case - - -

THE COMMISSIONER: Sorry, hold on, hold on. What was - you mumbled your answer, Mr Soliman. Could you speak up?---I'm trying to answer. I, I never told anyone not to send anything to Mr Singh.

30

MR O'BRIEN: Well, I want to suggest that you actively did do that, that the effect of the evidence before this Commission is that Mr Singh received one or the other in many instances. What do you say to that?---I can't answer for what Mr Singh got or didn't get.

And that the reason that you kept those reports is that if he saw the similarities or the identical nature of those reports, your game would have been up. What do you say to that?---I don't agree with you.

40 Now, Mr Soliman, I want to ask you now about the vehicle dimension scanner. This was a Novation trial. You recall being asked about these particular pieces of technology?---Yes.

And this involved a trial where it's been suggested by Mr Singh that Mr Thammiah did a no-show. Do you remember what I'm talking about? ---From my memory, I thought Mr Singh said he didn't go for one day.

Well let's go through it. You said first of all that this was another project managed by Mr Singh.---Yes.

I want to suggest to you that it would be far more correct to suggest that he was your administrative assistant in relation to this particular trial. What do you say to that?---What do you mean my administrative – what do you mean?

10 I want to suggest that he organised the logistics and he worked under your direction as to this trial and how it took place. You managed it. What do you say to that?---It didn't even go to site from what I can recall again. He done every other piece of work. I don't see any other way you can see. If he does all the work that's needed to do, the admin or whatever you want to call it, that's the manager of the project in inverted commas.

All done on your direction because he was your glorified administrative assistant, Mr Soliman, wasn't he?---No, he was not.

20 That's the way you treated him in relation to these trials, didn't you?---No, I did not.

He did your bidding, he did your organising, he's conferred with vendors and the report writers at your direction and at your request. Is that right or not?---No.

Mr Singh told you that Mr Thammiah had not attended at the measurement trial, didn't he?---I don't recall him telling me that. I just heard that in this, in this hearing.

30 And he asked you how to cancel a purchase order?---He definitely did not say about that because I could not cancel it, only he could cancel it.

And you replied to him, "Leave it to me. I will handle it," didn't you?---I did not and that does not make sense to even say that. Only he could cancel it.

40 And he never said to you that Mr Thammiah had taken measurements, did he?---I don't see how else I would know because he was the only one there, so - - -

He never said to you that Mr Thammiah had taken measurements, did he? ---I think he would have because he was the only one there that could have told me that.

"I think he would have." Is that the best you can do?---Yes because I wasn't at a site from what I can recall.

You can't recall him saying that, can you?---Sorry?

You cannot recall Mr Singh telling you that Mr Thammiah had taken measurements, can you?---He must have because he was the only one there with Mr, Mr Thammiah. No one else could have told me.

“He must have.” It indicates you can’t recall it, right? You can’t recall those words or words to that effect being used to you, can you?---That’s correct, yes.

10 Now, the evidence in this extensive investigation before this Commission reveals, first of all, that the SICK report was sent to Mr Singh. Do you remember that evidence being put to you?---Yes.

And the suggestion has been made that that report, the SICK report, was copied and sent as a Novation report. Do you recall that?---I recall it, yes.

And it was suggested that you had some complicity in that process. Remember that?---What does that mean, sorry?

20 That you were involved in the copying of that report and the transferral of the content of it onto a Novation letterhead. Remember that?---Vaguely, yes.

Now, Mr Soliman, Mr Singh gave evidence, and it appears to be in conformity with the vast amount of evidence before this Commission, that the Novation report was never provided to him. Do you understand that? ---I understand what you’re saying, yes.

30 And that the invoice was sent to you, not to Mr Singh. Do you understand that?---The invoice or - - -

The invoice from Novation for the preparation of their report, which was a direct copy of the SICK report, was sent to you.---Okay.

You understand that?---I understand it. I don’t think it came to me, though, from what I can remember. It would have to go to the person who created the order, which was Mr, Mr Singh.

40 And I suggest it was never sent to Mr Singh, Mr Soliman. What do you say about that?---It would have had to been, otherwise he wouldn’t have been able to progress it.

I want to suggest it was sent to you, Mr Soliman. Do you deny that?---If it was sent to me and Mr Singh never got it, that means Novation wouldn’t have got paid.

The reason that it was never sent to Mr Singh is because he had believed that Novation hadn't prepared the report because he didn't think they attended the trial. Isn't that right?---No. That's completely false.

You kept him in the dark in relation to this - - -?---No, that's false.

- - - Mr Soliman, didn't you?---That's false. He went to site.

10 You did – go ahead.---He went to site. I don't see how I could have kept him in the dark when he was the one that went to site and managed the project. What, what was there - - -

You know what he went to site and he saw?---And he managed the finances and everything. What is there to keep in the dark?

You know what he saw when he went to site, or rather what he didn't see, was Mr Thammiah measuring vehicles.---Sorry, I'm, I'm confused now. Like, I - - -

20 You know that he asked you to cancel the purchase order because Mr Thammiah wasn't at the site doing what he's meant to be doing, i.e. measuring vehicles, correct?---Once again, he did not say that and it's not in my power to cancel it.

And that's why it came to pass, as the evidence demonstrates in this Commission, that the invoice never went to him, that he never received it. ---Then how did he approve the, the, the payment.

30 You did.---I can't. That's not in my power.

You approved the payment, Mr Soliman.---I did not. That's not the way the system works.

In fact, Mr Singh never had any authority to approve any payments, did he? ---That's completely false.

All he could do was progress them on your approval. That's the case, isn't it?---Progress means approve.

40 Progress means move them forward with the approval of the appropriate person, correct?---In terms of the purchase order, yes. Not the invoice.

And you were the appropriate person to approve the invoice being paid, weren't you?---That's false. That's false.

You heard Mr Singh give evidence about that, didn't you?---I think so, yeah.

You see, this is another instance, Mr Soliman, where you have hidden the Novation report from Mr Singh because it's identical to a vendor's report, isn't it?---That's false.

MR LONERGAN: Commissioner, I raise objection again on the same basis as my objection before. It's not established on the evidence that the SICK report was identical to the Novation report.

10 THE COMMISSIONER: Mr Lonergan, if that is the case, then the value of the question ultimately and me making findings and recommendations disappears. If Mr O'Brien wants to pursue it on that basis, I'm going to allow him, but he's heard your objection. If it turns out it hasn't been established that it's identical, the answer, the submission that he wants to ultimately make, relying or not relying on Mr Soliman's answers, probably won't help me.

MR LONERGAN: Please the Commission.

20 THE COMMISSIONER: You've been warned, Mr O'Brien.

MR O'BRIEN: Can I take – look, I'll refer Mr Lonergan to page 1382 of the transcript where it was put squarely to Mr Soliman that the SICK report looks like the Novation report. That's at line 12.

THE COMMISSIONER: And that series of questions.

30 MR O'BRIEN: And that series of questions, that there are vast similarities between the SICK report and the Novation report. Now, Mr Soliman, you knew of those similarities between the Novation report and the SICK report, didn't you?---I assume I would have. I didn't have any issue with it, I knew they were both there.

You knew of them because again you were involved with Mr Thammiah in the production of the Novation report, weren't you?---I don't recall that far back.

40 And the reason why Mr Singh did not receive a copy of the Novation report is that he would have been alerted to the similarities, wouldn't he?---That's, no.

And you kept him in the dark, didn't you?---I didn't keep him in the dark.

And it suggests – I withdraw that. I want to suggest to you that it is in conformity with Mr Singh's evidence that he not receive the invoice and not receive the Novation report, as he says he did, because he told you that Mr Thammiah had not attended to the measurements at the trial, didn't he? ---That's not correct.

125 portable weigh scales were procured by the heavy vehicle section of RMS. Do you recall that?---Yep.

Now, you suggested that Mr Singh had the authority to determine that the procurement of those 125 scales could be done through the category B panel, didn't you?---Oh, he was managing that tender. I was on, I wasn't in the, in the country so there was no one else that could make that choice basically.

- 10 Mr Soliman, if you could attend to the question. You suggested that Mr Singh had authority to determine that the procurement of the 125 portable weigh scales could be done through the category B panel. Do you agree that you gave that evidence or not?---I don't recall giving it.

You don't recall giving it because it's not the case, is it, Mr Singh never had the authority to determine that the procurement of those scales could be done through any panel, did he?---Who else is going to determine it when he's managing the tender?

- 20 What I'm suggesting to you is the question as to Mr Singh's authority, that he did not have authority to determine where the procurement came from or which panel was involved in it, did he?---Then who, who does?

THE COMMISSIONER: Don't answer the question with a question, Mr Soliman, please.---Okay.

It's been put to you that Mr Singh had no authority to determine who would be on the panel. That was the question?

- 30 MR O'BRIEN: No, no, that he didn't have the authority to determine the procurement went through the panel.

THE COMMISSIONER: That the procurement went through the panel. Do you agree with that or not?---No, I don't agree with that.

MR O'BRIEN: You see, Mr Singh had no authority to raise a work order from a panel, did he?---I think he did, yes.

- 40 That could only be done, I'd suggest to you, by Mr Dubois, Mr Steyn or yourself. What do you say to that?---I don't think so. I think the people who were on the panel committee are the ones that can raise the work order, which would have been Mr Dubois, Mr Steyn and Mr Singh.

And in fact I suggest to you that the reason this particular procurement was done through the category B panel was that you told Mr Singh to do it that way as Mr Roger Weeks had told you to take the quickest path. What do you say about that?---I don't recall saying that to Jai, but Roger wanted it done very quickly.

And you directed Mr Singh that the panel was to be used for the procurement.---I wasn't in the country, so no.

Now, Mr Singh was on the panel to procure the 125 portable weigh scales in February and March of 2018, wasn't he?---I believe so, yes.

He wasn't on the following panel for the procurement of over 400 further portable weigh scales, was he?---I think – oh, no, no. No, he wasn't.

10

He was not?---No.

You agree?---Yes.

And I suggest to you that you'd taken him off that subsequent procurement because his procurement report for the 125 scales had suggested an open tender and it suggested a broader market evaluation. What do you say to that?---I didn't take him off it. I was asked to put the other, other guys on to work that needed to be done.

20

Well, I'm suggesting that you did take him off it and you took him off it for those reasons, that he made those suggestions. What do you say about that?---It's false.

And those suggestions were in line with Mr David Jones's concerns, weren't they?---What concerns?

Mr Jones had a concern that the matter be an open tender, not a limited tender process, correct?---Yes, and I recommended that too.

30

And Mr Jones suggested that there be a broader market evaluation in relation to this procurement, didn't he?---I believe so, yep.

And those two suggestions came to be in the tender evaluation report for the 125 portable weigh scales, didn't they?---I assume so.

Well, you can accept that that is so, right?---I, yeah, I do.

40

And they were written into that report by Mr Singh. Do you recall that?---I accept it.

And, you see, I want to suggest to you that the reason why Mr Jones and Mr Singh were taken off that particular subsequent procurement was because those views were contrary to your own vested interests with Novation. What do you say about that?---I've previously stated they weren't taken off. I was told to give the other, other guys work that needed to be done. They were about to lose their jobs. That's what I done.

Is there any email correspondence to that effect, Mr Soliman?---There is from my manager, Mr Arnold Jansen. I remember - - -

So we can expect to see them in the brief of evidence - - -?---Yes.

- - - that's been thoroughly compiled in the material in this - - -?---I don't know.

10 - - - in this investigation, is that so?---I don't know if it's in the brief, but I recall Arnold telling me quite, quite late on, actually.

In a written form?

THE COMMISSIONER: Sorry.

MR O'BRIEN: Sorry, Commissioner.

THE COMMISSIONER: In an email - - -?---Yeah.

20 - - - Mr Jansen told you - - -?---To give these guys more work because he was working on a restructure and those guys' roles were basically up to be cut.

MR O'BRIEN: And he said to take Mr Singh and Mr Jones off the procurement - - -?---No. No, he - - -

- - - for the 400-plus scales? Is that your evidence, is it?---No, that's not what, that's not what I said at all.

30 Because there's no written document to that effect, is there, Mr Soliman? ---Of what?

That Mr Jones and Mr Singh are to be taken off the Procurement Panel for the 400-plus portable weigh scales.---They weren't taken off anything.

They were taken off by you because your vested interests were contrary to that sort of suggestion.---Nope.

40 They were sidelined by you because they represented an obstacle to your plan to award Novation millions of dollars that benefited you, Mr Soliman, weren't they?---No.

There was a thermal camera trial at Picton Road involving IMC thermal cameras, remember that?---Which one?

You remember being asked about that?---Yeah.

Again, in relation to that particular trial you said, page 1461, that Mr Singh managed the project, managed the payments and managed the trials. You remember giving evidence to that effect?---Which thermal camera? There were a couple.

This is the one at Picton Road, and it was to be reported upon by AZH. Do you recall?---I think there were a couple there.

10 This is at 1461 of the transcript and you were asked about this in the context of an IMC report that was found on a USB stick. Do you recall the trial that I'm talking about now?---Yes, yes.

Now, again you said that Mr Singh managed the project, managed the payments and managed the trial. Do you recall giving that evidence?---Yes.

20 And what I want to suggest to you, Mr Soliman, if you can accept it or not, was that in fact Mr Singh organised the logistics but you managed the trial and in particular you managed the payment. What do you say to that?---No. Everything he managed was all there was to manage. There was nothing else.

I want to suggest that the evidence before the Commission is highly suggestive that in fact you wrote the quote by AZH. What do you say to that?---From memory, I, I done some of the scope of works for him. I'm not sure exactly about this one but that's got nothing to do with Mr Singh's management of it.

30 And I want to suggest to you that in fact you copied the IMC report and placed an AZH logo upon it.---Like I said previously, that's not what I recall doing. I recall, I think just sending him the first empty template or something like that and doing some formatting at the end of it for him.

There's no doubt, though, that you approved the payment to AZH, did you? ---No, I did not.

And are you suggesting that Mr Singh managed the payments in relation to this particular work? It's absolute codswallop, isn't it?---I've never heard that word before but if you mean false then false.

40 It's absolute rubbish, Mr Soliman, isn't it?---Nope. There's records of him approving in the system.

It's total garbage, Mr Soliman, isn't it?---There's records in the system, it is not garbage.

It's an attempt by you to deflect any sort of responsibility in a miserable fashion towards Mr Singh, isn't it?---I'm not blaming Mr Singh for anything.

No, because Mr Singh did nothing wrong, did he, in relation to these payments, did he?---I don't know what you mean by wrong but if you're asking me who signed off in the system for the invoices, it was Mr Singh.

You see, Mr Soliman, you're a coward, you can't even take responsibility where it's due to you.

10 MR LAWRENCE: I object to that line of questioning. That's going - - -

MR O'BRIEN: I withdraw it, I withdraw it. I think it's fair if these submissions are going to be made but I withdraw it. Mr Soliman, you can't even take responsibility for the frauds that you've perpetrated. At every opportunity you deflect the blame to someone else, don't you?---I don't agree. I just said I don't think Mr Singh has done any particularly wrong that I can see, except breaching the code of conduct, but he also was the one that was managing the finances and the invoices went to him. There will be records in the system.

20 And I want to suggest that the records in the system as produced in these proceedings suggests that Mr Singh did not see the AZH report at the time he progressed the payment. What do you say about that?---I don't know what he saw or didn't see.

And I want to suggest to you that he asked you, as he did in every instance in relation to AZH and Novation, whether he could progress the payment and pay the invoice. What do you say to that?---The only time he would ask me if anything was wrong it was always in writing. That's the type of guy Jai was.

30 Well, Mr Soliman, that is a lie, isn't it?---There's records there of him asking me things when he was concerned.

When you weren't around, correct?---No. That's not, not correct.

You and he shared a desk adjacent to each other in an open office environment, didn't you?---Yes.

40 And he, on more than one occasion, I suggest, and perhaps even as a matter of practice, simply asked you, "Is this invoice okay to pay?" something to that effect. Do you reject that?---I do reject it.

Well, Mr Singh, Mr Soliman, Mr Singh gave evidence about that type of correspondence between he and you, didn't he?---I assume so, yes.

Well, you heard it, Mr Soliman, didn't you?---I think I did.

And he wasn't challenged in relation to that, was he?---I don't recall if he was.

Because you're just making that up now, aren't you?---I'm not.

Well, the first we ever hear of it was when I get up and ask you questions about how this approval came to work and you say, oh, everything was in writing.---I didn't say everything. That's not what I said.

10 Well, it's ultra-convenient, isn't it, Mr Soliman - - -?---No, it's not convenient.

- - - to have that sort of response at this late hour of the day?---No, I've already given evidence previously about that.

Mr Soliman you see where there's no records you claim there should be records and where there are records you claim there are further records in everything. In every instance you're trying to exonerate yourself, aren't you?---No.

20

Mr Soliman, again in this particular case, the IMC thermal camera trial, Mr Singh, it would appear on the evidence, and his own evidence demonstrates it, he received the IMC vendor's report but not the AZH report. Do you understand that?---I understand it.

And the reason that that occurred was a deliberate tactic by you to keep him in the dark.---No.

30 MS WRIGHT: Well, yes, and given that there is evidence of course of the PSC Panel and the report being provided.

THE COMMISSIONER: And Novation as part of - - -

MS WRIGHT: This is the AZH.

40 MR O'BRIEN: I understand the objection. I'll rephrase that question. There is evidence before the Commission that at the time the AZH invoice had come in and the matter was progressed for the payment of the AZH invoice, Mr Singh had received the IMC report but not the AZH report. Do you understand that?---I understand that.

And the reason for that is so that AZH could be paid on your say-so without Mr Singh seeing the quality of those two reports. Correct?---False.

You kept him in the dark because the two reports were the same.---That's false.

Indeed I want to suggest to you that this Commission – I withdraw that. I want to suggest to you that this idea of independent reports for scoping studies and trials was orchestrated by you to allow you to work, to award work for Mr Hamidi and Mr Thammiah. What do you say to that?---It's false.

10 That you developed the concept of independent reports from those other than the vendor to benefit yourself and to benefit those men. What do you say about that?---Senior management told us that's what needed to be done.

And you sought to validate those reports so that you could profit yourself. ---What do you mean, validate the reports?

You sought to use this process of independent report generation to profit yourself.---That's not, that's not what I was thinking at the beginning, but obviously I did get money from it.

20 And you used Mr Singh unwittingly to benefit yourself in that respect. What do you say?---I didn't use him at all, no.

You also orchestrated this particular section that you managed such that there was no transparency as to the outcomes of these trials and scoping studies by AZH and Novation, didn't you?---No.

You intentionally and deliberately obfuscated the results from these trials, didn't you?---No.

30 You provided a set of circumstances where the outcomes were unknown to anyone effectively but yourself because you kept one or the other of the reports hidden, the vendor's report or the independent report. What do you say to that?---Didn't purposely hide anything.

What did you say?---I didn't purposely hide the document.

I want to suggest to you, Mr Soliman, that you basically treated Mr Singh as an administrative assistant right throughout the course of his employment at RMS.---That's false.

40 What do you say to that?---That's false.

That he at no stage had authority himself to approve an invoice to be paid. What do you say to that proposition?---That's completely false.

You say that he had authority to himself approve an invoice to be paid. Is that your evidence?---I've given that evidence many times. Whoever raised the purchase order is the only one who can approve the invoices.

On their own? By themselves?---Yes.

Without any other say-so?---Yes, that's correct.

That seems like a very wanton type of system, doesn't it?

10 MR LAWRENCE: I object to that, Your Honour. This witness has given evidence of how purchase orders and invoices are done, and there's been plenty of evidence as to what the process was, and we're traversing the same ground. And if there is a system, internal system, process with it, that's not up to this witness in terms of whether the purchase order approver should be the one that is approving the invoice. That's not a matter up this witness alone.

THE COMMISSIONER: Mr O'Brien?

20 MR O'BRIEN: It's a particularly wanton type of system – I'll just rephrase. I'll keep moving on. It's a particularly wanton type of system, Mr Soliman, you might agree, if the person who's receiving the report is not the same person approving the invoice, correct?---No, I don't agree with that. That's the system that was - - -

Well, doesn't it just stand to reason that if the person approving the invoice hasn't received the report, they could not know whether the work has been done? Isn't that just a matter of pure logic?---No, it's not logical at all. It depends on the terms of the payment first of all.

Oh, because, that's right, it does because you were getting prepayment before the report had been generated.

30 THE COMMISSIONER: Yes.

MR O'BRIEN: That's right, isn't it?---That's the terms of the payment, I think.

Yes.---AZH ones.

A system orchestrated by you.---No, I didn't orchestrate the thing like you're making it out like I did.

40 I'm suggesting you orchestrated it because it benefited you.---No.

And Mr Singh in fact challenged you in relation to this prepayment of invoices prior to work being generated, didn't he?---No.

And he asked you about why this should happen on occasion, didn't he? ---No.

You heard him give evidence about that, though, didn't you, Mr Soliman?
You heard Mr Singh give evidence about that?---Don't recall that part, no.

You see, Mr Singh's practice, encouraged by you, was to seek your approval before each purchase order was approved and before progressing it to payment. What do you say about that?---I was the one approving the purchase orders. The question doesn't make sense.

10 You approved the purchase orders, you raised the purchase orders, and you approved the invoices. You did all of those things, Mr Soliman, didn't you?---No, I don't think you understand the way the financial system works, with respect.

Mr Singh never was involved in the drafting of the scope of works of particular projects, was he?---I think just for a couple of them maybe.

20 I want to suggest to you that he was never involved in the scope of works for projects, that you drafted the scope of works for projects. What do you say to that?---For most of them it would have been me, but I vaguely recall sitting down with him for a couple of these. I'm not sure which ones.

Mr Soliman, in relation to your evidence as to Mr Singh's role through this Commission you have attempted to elevate his role and authority and deflect your own criminality, haven't you?---Not at all. I've told you what he done and what he didn't do and again my evidence is that I don't think Mr Singh done anything wrong except that maybe he was lazy and that he breached the code of conduct.

30 Mr Soliman, you deliberately and intentionally kept Mr Singh into the dark as to the fact that AZH was not doing the work that they were being paid to do, didn't you?---No.

You deliberately and intentionally kept Mr Singh in the dark as to the collusion going on between you and Mr Thammiah and your support for Novation, didn't you?---Mr Singh knew that I was friends with Mr Thammiah.

40 Mr Singh was kept in the dark in relation to the collusion between you and Mr Thammiah related to the payments and relayed to the work that you were jointly doing with him, wasn't he?---Not necessarily. I mean, I don't know if I told him specifically that I helped Mr Thammiah with the review or whatever but I don't think I told him anything specific that I can remember.

He was kept in the dark by you as a necessity so that you wouldn't get sprung?---No, that's - no.

You took advantage of Mr Sign I'm his trust of you, didn't you?---No.

You took advantage of his naivety, didn't you?---He wasn't naive at all. He was a very smart guy.

But he trusted you, that was his downfall, wasn't it?---I also trusted him.

10 He trusted you and that is the reason why he's in the frame on these Commission proceedings, isn't it?---No. He had a brain, he can make his own choices. I'm not, I'm not his mother.

There reason why – I withdraw that. You, Mr Soliman, took advantage of Mr Singh's trust in your guidance and supervision, didn't you?---No.

You betrayed his trust and you betrayed his honesty. What do you say to that?---No.

20 And whilst you were acting unlawfully in these various schemes that have been brought to the Commission's attention, you deliberately caused him to be unwittingly involved in the frauds that you were perpetrating. That's the case, isn't it?---That's completely false.

You were prepared to enrich yourself corruptly and you used Mr Singh to assist in your greedy endeavours without him knowing it. That's what happened, isn't it?---I did not use Mr Singh.

Nothing further.

30 THE COMMISSIONER: Thank you, Mr O'Brien. Mr Mahon, it's still your position, no questions?

MR MAHON: That's still the position, thank you.

THE COMMISSIONER: Thank you, Mr Lonergan.

MR LONERGAN: Now, Mr Soliman, I represent the interests of Novation and Stephen Thammiah. Mr Soliman, your bucks party, evidence was given before that about 10 people attended that?---Yes.

40 Do you remember who they were?

THE COMMISSIONER: Is this the one where they travelled?

MR LONERGAN: They stayed in a hotel.

THE COMMISSIONER: Okay.

THE WITNESS: It was mainly the mutual friends of Ali.

THE COMMISSIONER: Of sorry, whom?---The mutual friends that I guess me and Ali had.

MR LONERGAN: And were any employees of RMS, other than Mr Singh, at that party?---No. I don't think so.

Did they attend, any employees of RMS attend your wedding, your first wedding?

10

THE COMMISSIONER: Sorry, the first wedding.

MR LONERGAN: Sorry, was it the first or second?---Second.

Second, second wedding, sorry.

THE COMMISSIONER: Now I'm confused. Mr Soliman, you've been married twice, have you?---Yeah. So he's talking about the second one. I know Mr Thammiah there, was there for a short time. He had shingles.

20

Well, he wasn't an employee of RMS.---Oh, sorry.

You were asked about employees of RMS at your second wedding. Mr Singh was there?---I'm pretty sure Mr Singh would have been there, yeah.

And who else from RMS?---I think that's all.

MR LONERGAN: Now, you have known Mr Thammiah for a long time. You went to school together at John Paul II in Marayong?---Yes.

30

And you spent some time overlapping at university?---Ah, not much at uni, but afterwards, yeah.

Now, you also gave evidence that you helped Mr Thammiah through a particularly tough time in his life. Do you recall giving that evidence? ---Yes, I do.

40

Now, I don't want to go into the content of what that was, but you accept, Mr Soliman, that Mr Thammiah had a high level of dependence on you and saw you as someone that he trusted implicitly?---I would, yeah, I guess so.

THE COMMISSIONER: Is this a particular period of time or is it throughout their relationship?

MR LONERGAN: The period of time is - - -

THE COMMISSIONER: Was this the tough time?

MR LONERGAN: Yes. And this was preceding Mr Thammiah starting working for RMS. Is that correct, Mr Singh, sorry, Mr Soliman?---Ah - - -

THE COMMISSIONER: Is that your understanding of the tough time?
---Yeah.

The period when Mr Thammiah was going through a tough time, when do you say that was?---It was over a several-year period but again, I don't want to go through his problems, but - - -

10

No, we're not asking you for the details.---I know.

We're just trying to work out when.---Several-year period, maybe, it was after - - -

MR LONERGAN: And early 2016 was the pinnacle of that toughness, right?---There was - - -

20

There was an event in his life?---There was a couple of different things, but what you're talking about, yeah, there was a major, he was separating from his wife, that's what you're talking about I think.

THE COMMISSIONER: Sorry, so, and that, what year was that?
---2016/17.

Okay. And when Mr Lonergan said to you about the tough time, that's what you've associated?---Yeah, sorry, I thought he was talking about a previous - - -

30

No, no, no. You've been asked about the tough time that Mr Thammiah was going through and that you were helping him. When you answered that question, yes, I did, in your mind was the period that you've just said Mr Thammiah was going through something and it was around 2016 to 2017. ---That's not what I answered based on. I can explain if you want but - - -

40

No, I don't want you to explain. I want to get some evidence from you. Mr Lonergan said to you, you helped Mr Thammiah at a tough time in his life. You agreed. I'm trying to work out, you then suggested a particular incident that meant that Mr Thammiah was going through a tough time, so obviously in your mind when you answered Mr Lonergan's question that's what you had in your mind, and that particular event in Mr Thammiah's life occurred from 2016 to 2017?---No, that's what I was answering on. The answer that I was thinking about was after school he went through [REDACTED] in his life. Mr Lonergan was speaking about a different major issue in his, in his life, later on.

MR LONERGAN: Commissioner, there's a number of sensitive topics here and I'm just conscious that we're on a live stream.---Okay.

THE COMMISSIONER: I just want to – I just find this incredible. Mr Lonergan, I don't want to disadvantage your client, but to explore this further do you need to go into particular topics that deal with, if I quote your question, "tough times" being experienced by Mr Thammiah?

MR LONERGAN: Yes. There are multiple - - -

10 THE COMMISSIONER: All right. Ms Wright, in those circumstances, if this is going to be for a short period I have no objection to turning off the live streaming. Can that easily be done?

MS WRIGHT: I'm told it's off.

20 THE COMMISSIONER: All right. And now can I just confirm we're still being recorded and you're fine? Mr Lonergan, it's not being live streamed. How about you ask your questions? When you get to the end of the questions dealing with this topic, can you indicate? We'll go back to live streaming. And also I will entertain subsequently whether you wish to make any suppression order about any of the details.

MR LONERGAN: Yes.

THE COMMISSIONER: Now, is that a satisfactory way of proceeding?

MR LONERGAN: Yes, Commissioner.

THE COMMISSIONER: Terrific.

30 MR LONERGAN: So, Mr Soliman, you are aware that whilst at school Mr Thammiah [REDACTED] ?---Afterwards, yeah.

And you were also aware that in early 2016 Mr Thammiah split up with his wife, is that correct?---Yeah, sometime in '16. Not sure when.

And during and after that period, you were the person that he turned to as his support person to help him get through those periods of time?---I was a very close friend so, yeah.

40 Yes. You were the friend that he turned to, is that correct?---The main, main friend that I know of anyway, yeah.

Sorry, Mr Soliman, can you just come a little bit closer to the mic?---The, the main friend that I know of, yeah, but he did have other friends also (not transcribable)

And later on then, after breaking up with his wife, early 2018, Mr Soliman had another – sorry, Mr Thammiah [REDACTED] is that right?---I wasn't aware of that.

And again during that period of time you were there as his rock, his person that he turned to as moral support?

MS WRIGHT: Well, I object to that. He said he wasn't aware.

10 THE COMMISSIONER: Yes, he said he wasn't aware.

MR LONERGAN: He wasn't aware of the latter part of the question.

THE COMMISSIONER: I think your question might have linked it all up.

MR LONERGAN: Sorry. But during the period [REDACTED] in 2018 - - -

20 THE COMMISSIONER: Hold on. Did you know he was going through a serious, [REDACTED] in 2018?---He didn't say so but, I mean, I could I guess see signs and symptoms but he didn't say anything about it.

So he didn't say to you, "I'm [REDACTED]"?---That's correct, yeah.

But you noticed some indications.---Yeah, I mean, now that he's mentioning it, I can see the signs and symptoms, yeah.

All right.

30 MR LONERGAN: And so through this period, now I'm talking the period 2016 through to 2018, Mr Thammiah was at your house on a frequent basis, wasn't he?---Yeah, a lot.

It was almost as if he was living there, is that the case?---Basically, yeah.

And he was doing so because your house and you in particular was the person that he was looking to and depending on as his mate.---I would agree with that, yes.

40 So, Mr Soliman, the relationship here really was one of dependence, wasn't it? He was dependent on you.

THE COMMISSIONER: Was that the impression?---No, that's not the way I saw it. We were just close, close friends.

MR LONERGAN: Close friends that you were the person that he turned to when he had no one else and needed his mate.---Yeah, it was a two-way

street, I guess. I never saw it as he was a child or anything like that. He was just a close friend.

He's not a child, Mr Soliman. No one's saying he's a child. But he's a close friend in need who needed his mate.---Okay.

You agree with that?---Sometimes, yeah. I was always there for him if he needed anything.

10 And so when these opportunities came up for Mr Thammiah to start working with the RMS, you were happy to help him out, weren't you?---I didn't really have a problem with it.

But you didn't see anything wrong with assisting Mr Thammiah in becoming a contractor with the RMS?---At the time, no.

And throughout the period which he, they were doing, sorry, Novation were doing scoping studies for the RMS – so this is pre Novation becoming a distributor for IRD – Mr Thammiah was at your house frequently as a
20 friend, wasn't he?---Yes.

And Mr Thammiah used to take his work with him.

THE COMMISSIONER: I'm going to stop you, Mr Lonergan.

MR LONERGAN: Oh, sorry, yes.

THE COMMISSIONER: Can we go back onto live streaming?

30 MR LONERGAN: Yes, we can, Commissioner. And as you foreshadowed
- - -

THE COMMISSIONER: How about we revisit that? What I'm thinking, if we can finish your cross-examination, Mr Lawrence wants about five or 10 minutes, I'll take a break there, you can formulate what suppression order you want in respect of the evidence given, and then I'll revisit it before the end of the day.

40 MR LONERGAN: Please the Commission.

THE COMMISSIONER: Before we do resume the live streaming, there was a suggestion that there was a split in the friendship or a cooling of the friendship at one stage.---Wasn't so much a split. It was in late 2017 for a while, into 2018, where he was single and he was meeting people, so he wasn't coming over quite as much for that period and we weren't quite as close for that period, so - - -

So it was purely that he was out - - -?---Out, yeah, out and about.

- - - as a single person?---Yeah. Basically, yeah.

All right. Thank you. How about we reconnect the live streaming, thank you.

MR LONERGAN: So Mr Thammiah during this period was a frequent visitor to your house as a friend coming over.---Yes.

10 And he used to bring his work with him, didn't he?---Yes.

And he would use your laptop to do his work on occasion?---I don't think I had a laptop back then. Just my PC.

Sorry, your PC. My apologies.---Yeah. You're right.

And he would do that because he was at your house and was doing his work?---Yeah.

20 Now, he wasn't depending on you for input into the work product that he was doing while he was at your house?---Not that I can recall, no.

But occasionally he'd ask you questions and you would provide answers in relation to the questions that he asked in relation to the work?---Yeah.

You were helping a mate out who was bouncing ideas and questions off you, is that right?---Yeah. I didn't really see an issue with it back then.

30 Now, when Novation were onboarded with the RMS, do you recall that?
---Yes.

And that onboarding process, did it involve any provision of documentation to the contractor such as Novation about dealing with RMS, such as conflicts of interest?

THE COMMISSIONER: Sorry, when you use the term onboarding, does that just mean becoming a contractor to RMS?

40 MR LONERGAN: Yes, Commissioner. I think the term onboarding was perhaps mine, but I did think that it was a term that was used in the transcript.

THE COMMISSIONER: But that's what it means?

MR LONERGAN: Yes, so going through the process of being an approved contractor for RMS.

THE COMMISSIONER: Were they provided with any information about conflicts of interest, to your knowledge?---At that stage I don't think so, actually, at the onboarding stage. Not too sure, though.

MR LONERGAN: So Novation were onboarded and to your understanding were not provided during that process of any training or documentation about dealing with the RMS in conflicts of interest?---Not that I can recall.

10 Now, can you ever recall Novation being provided with documents or training by RMS in relation to this, on conflicts of interest?---No.

Did you ever raise with Mr Thammiah RMS conflict of interest policy?---I don't think so, no.

Did you ever raise with Mr Thammiah that there was potential conflicts of interest in the situation with you and him or with you and Novation?---Not that I can recall.

20 So just coming back to the scoping studies, Mr Soliman. So just summarising, your evidence is that you never actively constructed documents that were to be provided to the RMS by Novation. Is that correct?---I don't recall I guess actively creating it, like you said, but I recall at least for one of them that I done something or added some paragraph or gave him a template. That's what I recall, yeah.

And you remember providing documents to Mr Thammiah though, don't you?---Yeah, templates and things, yeah.

30 Like the Strategic Innovations report for example?---Oh, yes, yeah.

And when you were providing these reports such as the Strategic Innovations report to Mr Thammiah, you never disclosed to him that this was potentially a breach of RMS protocols or potential conflict of interest?---No, I didn't realise it was at the time.

40 So is it your evidence – I withdraw that. So you gave evidence regarding the receipt of money from Mr Thammiah. Now, is it your position or is it your evidence, Mr Soliman, that you understood the money that you were receiving from Mr Thammiah as being a loan?---That's correct.

And do you recall when you started receiving loan moneys from Mr Thammiah?---Could have been early '16, not quite sure.

And through the period that you were receiving moneys from Mr Thammiah did you ever raise with him the possibility that this could be a conflict of interest with your position at RMS?---I don't recall saying anything like that to him.

And you understood at all times that Mr Thammiah believed this to be a loan?---Yes.

THE COMMISSIONER: Well - - -

MR LONERGAN: It's to his understanding, Commissioner.

THE COMMISSIONER: Okay.

10 THE WITNESS: That's the only thing we ever spoke about so there was no other agreement.

THE COMMISSIONER: Just not documented, never repaid, no interest to be paid on the outstanding amounts.---It was an interest-free loan.

MR LONERGAN: And it was to be repaid when, Mr Soliman?---We basically spoke about that when the house was finished we would then lock in some firm plans, but obviously that never happened.

20 THE COMMISSIONER: Why, is the house finished?---It finished after October '18 so - - -

So why haven't you put in the firm repayment plans?---I haven't spoken to him.

You haven't spoken to Mr Thammiah?---That's correct.

MR LONERGAN: So that was the loose agreement, was that he would lend
30 you money – sorry, I withdraw the term loose – that was the agreement, that he would lend you money, you were investing that money in the building of your house?---Yes.

And that at a subsequent time when the property was sold you would repay the money?---Yeah, not, not specifically when it was sold but that's when we were locking in plans for when and how the, the payments would start.

So when construction was completed, then you would lock in plans for repaying them, is that - - -?---Correct, yes.

40 But you didn't have an intention of selling the house, is that what you're saying?---It was a possibility but there was no firm plans.

THE COMMISSIONER: So you owe Mr Thammiah a lot of money?
---Yes.

Has he brought any legal proceedings to get you to repay it?---Not that I know of.

MR LONERGAN: And the amount, you were keeping a record of the amounts that you were borrowing from Mr Thammiah?---Yes.

And you were asked earlier, you were keeping those records, was it in a Wiki or was it in - - -?---A Wickr, yeah.

A Wickr. And the purpose of you keeping those records, Mr Soliman, was for what?---So I know how much I need to pay him back basically, and the dates that I got money.

10

THE COMMISSIONER: But you don't have the Wickr record anymore? ---No.

So there is no record that you've kept of the actual money that you say that you borrowed from Mr Thammiah?---No.

MR LONERGAN: No present record but you did have one at the time? ---Yes.

20

And why no interest, Mr Soliman?---Because we were best, best friends so that's what we agreed.

Did Mr Thammiah pay rent when he stayed at your house frequently?---No.

Charged him board?---No.

Charge him for food?

30

THE COMMISSIONER: Did he live with you?---Not so much living but, you know, he was there a lot. I was feeding him, whatever, you know, but he wasn't sleeping there, no.

MR LONERGAN: Now there was a report that was produced by Mr Thammiah in relation, a scoping study and it was volume 18, page 73, if we could bring that up. I'm hoping that's the right reference, Commissioner, because it was from the transcript we don't have access to the - - -

40

THE COMMISSIONER: Portable weigh scales scoping study, there's an email?

MR LONERGAN: That's the one and there should be a report that attaches to it.

THE COMMISSIONER: So you want the portable weigh scale scoping study?

MR LONERGAN: Ah hmm. If we could go down – so you see that email there, Mr Soliman?---Yes.

And that's 11 May, 2016, and it's a portable weigh scale scoping study. If you can just go down to the next and see if that, if we can just keep flicking down. No, that's not the one.

THE COMMISSIONER: Yes.

10 MR LONERGAN: I am after volume 1. Page 230 provides a copy of the report that was attached. And if we just keep going down just so I can make sure we've got the right one. So if we go to the conclusion on page 13 of that document. So this is the report, if you need to go back through it, Mr Soliman, we can, but this is the report that was provided by Novation to RMS that was attached, if you can just accept that for a moment, to the email that Novation sent to you. You'll see there that the conclusion from this report is that the HAENNI scales were the preferred and recommended portable weigh scale based on the RMS requirements.---Yes.

20 And so this is, again this is dated in May 2016. You've seen this report before, have you, Mr Soliman?---Yes, I have.

Now, this report, was it provided within the RMS, to your understanding?
---Within the RMS? What do you mean?

Well, it was sent to you, it was sent by Novation to you as an RMS employee - - -?---Yeah.

- - - based on a scoping study commissioned by the RMS.---Yeah.

30 Was it utilised or seen by persons within the RMS?---It's probably just the people in my team.

And here Novation is recommending the HAENNI scales.---Yeah.

Was there any discussion within the RMS regarding this report?---Maybe just within my team again. I don't know if it got further than that at this time.

40 THE COMMISSIONER: And when you say the team, you're talking about the unit?---Yeah, yeah.

MR LONERGAN: And in relation to the tender for the, sorry, for the Heavy Vehicle Maintenance Program - - -?---Panel.

- - - do you understand or were you informed why HAENNI didn't submit for that panel?---No. All I know is that Mr, Mr Dubois said he had contacted all the relevant parties. Don't know why they chose not to apply.

Did you have any discussions yourself with HAENNI or anyone else within RMS in relation to seeking HAENNI to submit?---No, I wasn't managing that panel.

Just while I'm on the, before I go any further, if we go to – so that report, you agree that that report was provided to RMS, the one that's recommended the HAENNI scales?---Yes. Yes.

10 MS WRIGHT: I just wonder what is meant by “provided to RMS”. Perhaps that could be – there's just some ambiguity in that.

THE COMMISSIONER: When you say provided to RMS, you mean, what emailed to - - -

MR LONERGAN: Well, yes, emailed by Novation to - - -

THE COMMISSIONER: Mr Soliman.

20 MR LONERGAN: - - - Soliman as an RMS employee.

THE COMMISSIONER: Okay.

THE WITNESS: Yes.

MR LONERGAN: Now if we can just go to Exhibit 55, page 13. This is the SICK report that you were shown or drawn attention to by Mr O'Brien. You see that?---Yes.

30 And if we just go back to page 1, page 6. Sorry, let's go to page 1 if I may.

THE COMMISSIONER: Of the actual report?

MR LONERGAN: No, of Exhibit 55.

THE COMMISSIONER: Of the exhibit.

MR LONERGAN: You'll see there, Mr Soliman, that that was sent by Mr Down of SICK to yourself and to Mr Singh?---Yes.

40 And if we go to volume 2, page 67, please. And you'll see there that this is you sending the scoping study report conducted by Novation to Mr Singh? ---Yes.

It's dated eight months later.---Yes.

Now, I can take you through both reports if you wish, Mr Soliman, but do you agree that the report that was provided by Novation included some of the data from the SICK report?---I believe so, yeah.

Sorry, answer the question?

THE COMMISSIONER: He agrees some of the data.

MR LONERGAN: Yes, some of the data.---I believe so, yeah.

But the report itself provided by Novation had significant additional information in the report?---That's what I recall, yes.

10

And if we go to the Novation report on volume 1, page 175. This is again a project or study that Mr O'Brien asked you questions about, but if we just go over the page and just if we can go through that quickly. Do you recall this report, Mr Soliman?---Yes, vaguely.

Now, there was a Strategic Innovations report and that was at volume 18, page 62. Now, if we just go down through that document again, is that refreshing your memory of this report?---Yes.

20

Now, you were asked or propositions were put to you regarding the similarity or co-content of these two reports. Mr Soliman, is your understanding that these are separate reports or are you saying that they are the same type of reports or same reports?---Sorry, I don't understand the question, same - - -

Well, Mr O'Brien put to you a proposition that these were in effect the same reports or very similar.---Yeah.

30

I'm asking you what your evidence is, having a look at the two reports, and if you need to have a better look at them, whether these reports were to your understanding the same or similar?---They look different to me.

Now, just turning to, you were asked questions by Counsel Assisting the Commission in relation to spare parts that were ordered for WeighPack and AccuWeigh - - -?---Yes, yes.

- - - via Novation who ordered them from IRD. You recall that?---Yes.

40

Now, and you heard I presume that Mr Singh gave evidence that he didn't do a reconciliation or to that effect in relation to spare parts that were provided up until I believe it was December when the - - -

THE COMMISSIONER: His evidence was when he was given responsibility for the maintenance contract with AccuWeigh, the second time it was granted to AccuWeigh, he then implemented a system of checking.

MR LONERGAN: Yes. And that was about, I think December.

THE COMMISSIONER: I think so, yes.

MR LONERGAN: Now, prior to that, so between January and December, Mr Singh gave evidence that you were responsible in relation to the raising of the purchase orders and the general running of that. Do you recall that evidence?---Vaguely, yes.

10 Now, Mr Soliman, did you do any checking as to the parts that were ordered versus the parts that were delivered during that period?---No. That wouldn't have been my job, no.

Whose job would it have been?---Whoever was managing that program at the time. It moved from Mr Dubois to Mr Singh, probably around '16/'17, yeah.

So you didn't do anything personally in relation to the checking these deliveries versus orders?---No.

20 And you're saying it's not your responsibility, it's someone else's within RMS to do that?---Yeah. Whoever's managing the program within the team.

Did anyone within your team raise issue with delivery of parts?---I just recall one time Jai brought up the issue that some parts were lost when they went from Novation to WeighPack. That's the only thing I recall.

30 And WeighPack or AccuWeigh during the relevant times that they were doing the maintaining, did they ever raise issue with you or anyone in your team to your understanding?---Of parts or - - -

Yeah, of parts not being delivered or needing more parts?

THE COMMISSIONER: They're two quite different propositions.

MR LONERGAN: Yes. I should break it down. Yes. Of parts not being delivered?---I don't recall them telling me any parts that weren't delivered.

40 Did they raise any issue with needing more parts?---Yes. I thought it was AccuWeigh but I'm not sure if it was from the first maintenance contract or second.

And did they raise issue with having too many parts?---No, not that I can recall.

Just excuse me for a second. No further questions, Commissioner.

THE COMMISSIONER: Thank you, Mr Lonergan. Ms Bolster, is it?

MS FRYER: Ms Fryer.

THE COMMISSIONER: Oh, I'm terribly sorry. I'm having a bad day. Ms Fryer, have you got any questions?

MS FRYER: No questions, Commissioner.

10 THE COMMISSIONER: All right. Now, we're up to I think now Mr Lawrence. You need 10 minutes?

MR LAWRENCE: I do, Your Honour, yes.

THE COMMISSIONER: All right. We'll come back at 4 o'clock. We're adjourned until then.

MR LAWRENCE: Thank you.

20 **SHORT ADJOURNMENT**

[3.49pm]

THE COMMISSIONER: Right, Mr Soliman. Mr Lawrence. Oh, sorry, Mr Lonergan. Mr Lawrence, sorry, just before you commence your questions.

MR LAWRENCE: Yes, certainly.

30 MR LONERGAN: Do you want to deal with the suppression order now or at the end?

THE COMMISSIONER: Look, what we might do is finish the questioning and then we'll deal with the suppression order. Is that all right?

MR LONERGAN: That's fine, Commissioner.

THE COMMISSIONER: And have you raised it with Counsel Assisting, what you - - -

40 MR LONERGAN: Well, no, I haven't, but it's hardly - - -

THE COMMISSIONER: Okay. Mr Lawrence.

MR LAWRENCE: Thank you, Your Honour, thank you for the time. Sorry, Commissioner, thank you for the time, and I do ask that we suspend the live screening just for a short time, I've only got two areas of questioning, because there will be names of three persons and three conditions that's going to be mentioned in relation to the questions that I ask.

THE COMMISSIONER: Have you raised this with Counsel Assisting?

MR LAWRENCE: I have, only very briefly, I have said that there will be some personal matters coming up in relation to the three questions.

THE COMMISSIONER: You mentioned you want to ask some questions about two topics?

10 MR LAWRENCE: Yes.

THE COMMISSIONER: The personal details, are they going to be raised in respect of both topics or - - -

MR LAWRENCE: No, only in relation to the first, and the second is basically a follow-up question that will only - - -

THE COMMISSIONER: Right. Ms Wright, have you got any - - -

20 MS WRIGHT: I don't have an issue with it, Commissioner.

THE COMMISSIONER: All right.

MS WRIGHT: I only know in very general terms, it's about a family member.

30 THE COMMISSIONER: All right. On that basis it's going to raise a personal detail or a detail about a family member who's not subject to this inquiry, we'll stop the live streaming and then if there's any other subsequent applications I can deal with that. So we'll stop the live streaming now. Okay.

40 MR LAWRENCE: Mr Soliman, during the earlier days of the examination when you were asked questions you did say, I'll take you to the example at page 1207 for the convenience of others, that, "I don't remember the time at that period, we were taking, we were talking about my mum's cancer," and I jump over, "so there was several things happening." Would you like to outline to the Commission what you mean by "several other things happening?"---There were several things going on in my life since probably early 2017.



10

20

MR LAWRENCE: So how do you say those things has affected your memory?---It's not just memory.

MS WRIGHT: I have to object to that.

THE COMMISSIONER: I don't - - -

MR LAWRENCE: I won't pursue that.

30 THE COMMISSIONER: I don't think there's - - -

MR LAWRENCE: Well, he says that, just as an example at 1207, "I don't remember the time," and, and then he follows through on the period, and that's, that's been a consistent response from him at several pages, at 1209, 1209, at - - -

40

THE COMMISSIONER: Well, the 1207 was – my recollection is Mr Soliman was being taken through the WhatsApp communications. And there was a particular one and he said, no, look, at that stage it was – I remember at that time, at that period, we were talking about mum's cancer and then in that context. So there were several things happening, so I don't exactly, what the hurdle meant. That's nothing to do with affecting his memory in any way. I think it's just taking him through various messages. Something was stated and his recollection is that it may have been referring to his mum's cancer or there were several other things but I don't ultimately know what hurdle meant.

MR LAWRENCE: Well, Your Honour, Commissioner, in context he says, yeah, there were several things happening and that was in reference to his personal life, and also at 1209 that was also in relation to what was happening 12 months ago, the question at point 5 on the top of page 1209, not even a year ago, not even 12 months ago. And again he refers to in his answer, "As I said, I don't recall even sending the messages due to what I've gone through in the past 12 to 18 months." So that theme's been repeated for a number of days until he was basically asked to not provide an explanation but provide an answer to the questions put to him when his memory was being tested. I can take you, Commissioner, through to a number of (not transcribable)

THE COMMISSIONER: Sorry, so what's the question you want to ask?

MR LAWRENCE: I just want to ask him in relation to his memory how this has, if any, had any impact on his memory and he can give his version of the events.

THE COMMISSIONER: All right.

MR LAWRENCE: Mr Soliman, how do you say this has impacted your memory?

THE COMMISSIONER: Has it affected your memory?---It's not just memory.

Sorry?---It's not just memory. Obviously memory is one of the things I think - - -

Well, you've been asked. Your counsel has raised - - -?---I'm asking - - -

- - - and I've butted in. You've spoken about these things. Has this affected your memory?---Yes.

All right. How has it affected your memory?---I think the main reason I haven't been getting sleep, so starting to see a therapist now also, but it's just, I guess my mind is very muddled.

MR LAWRENCE: Yes, Commissioner, that's the period that I ask the streaming to be stopped.

THE COMMISSIONER: All right.

MR LAWRENCE: So that can go online.

THE COMMISSIONER: We can start it again. Thanks, Mr Lawrence.

MR LAWRENCE: Mr Soliman, is there any other thing that you wish to raise to the Commission?---Not particularly. I mean, I think I've already said it before but obviously I know now that some of my actions were wrong. It's not what I guess planned or (not transcribable) the beginning. That's not the way I saw it at the beginning but obviously, you know, a lot of my actions were wrong and I know that now.

That's the examination of this witness.

10 THE COMMISSIONER: Thanks, Mr Lawrence. Before Counsel Assisting does any re-examination, can I just ask you, Mr Soliman, with the spare parts, during that period when WeighPack was the maintainer, the system was WeighPack would determine what spare parts it needed, that's correct? ---Not sure.

It has to be. It's the maintainer. It's got to work out - - -?---Not necessarily. I just, I just remember when the large orders for parts were. That's - - -

20 When the large what - - -?---Orders for parts. When that, when that happened, that was a - - -

What large orders for parts?---There was a couple of purchase orders for parts.

Right. There were purchase orders. I'm not asking you about that. I'm asking you first, I'm just trying to get straight in my mind the procedure. Now, the procedure was WeighPack at that point was the maintainer, correct?---Yes.

30 And as the maintainer, they would determine what spare parts they needed, either presently or in the future, correct?---That wasn't the only method that we used.

What was the other method.---I was trying to explain. There was a - - -

40 Mr Soliman, I don't want any more gratuitous little comments. Now, you said there was another method of determining spare parts. What was it? ---The large, the, I think there was two purchase orders, I'm not sure how many. That was meant to be a proactive measure so there was part there so when the parts were needed they were there rather than the scales being out of service for weeks to months.

And in determining this proactive spare parts, you would be guided by the entity that was maintaining the scales, correct?---That was a separate process.

No. So, are you saying that to work out the proactive spare parts, you just worked out what you thought you might need, you didn't refer to the

maintainer?---I think it was a bit of both. I think from memory Jai was asking, I don't know if it was AccuWeigh or WeighPack, what they think they need.

Yes. And you got that information?---Yeah. And then we basically looked at what we would need for the future.

10 Sorry, when you say we looked at what we needed for the future, who is we?---Could have only been me, Mr Singh and Mr Dubois.

Right. And on that basis, you raised large purchase orders, is that correct?
---Basically, yes.

And then the actual ordering of the spare parts which would be paid via the mechanism of those purchase orders, that was done according to what WeighPack needed, correct?---Sorry, I don't understand the question.

20 You raise a large purchase order of say \$120,000, my understanding that means that there is now the potential to pay up to \$120,000 for spare parts, correct?---Yes.

And the ordering of the spare parts that could go up to the maximum of \$120,000, that came from WeighPack saying we need X, we need Y?---Not, just that. The two processes that I just explained.

All right. So where is the – and sorry, so the second process that you're talking about which was yourself, Mr Singh and Mr Dubois, were parts ordered pursuant to that second process?---Yes. It was a combination.

30 No, no, no. I'm asking you about the second process. Were parts ordered?
---Well - - -

Were they or weren't they?---Again, it was merged process. There were two things which were happening, yes.

And those parts would be delivered to the maintainer?---I believe so, yes.

40 And those parts would have come from IRD?---Again, I assume so, yes. I wasn't close to the, to the workings.

And the role of Novation in all of this is that Novation as the exclusive supplier of IRD scales and spare parts, the order would have to be made through them in substance?---Yes.

And they would contact IRD and then IRD would deliver the spare parts ordered through both mechanisms to WeighPack?---I don't know if it went

straight to, I don't know if it went from IRD to Novation or then to the maintainer.

But ultimately it would have to go to the maintainer, wouldn't it?---Yes.

It wouldn't make sense otherwise.---Ultimately, yeah, of course it would have to go to them.

All right. Ms Wright.

10

MS WRIGHT: Mr Soliman, you were asked some questions by Counsel for RMS about whether you had contact with Mr Hamidi at all during this public inquiry. Do you recall those questions?---Yes.

And she asked you, "Have you asked anybody to contact Mr Hamidi at all during this public inquiry?" And your answer was, "I believe I asked my lawyer to contact him because he was trying to contact me." Do you recall giving that answer?---Yes.

20

Now, to your knowledge did your lawyer contact Mr Hamidi during this public hearing?---Not during this period of the, of the public hearing, but before.

When you refer to this period you're referring to the six days you've been in the witness stand?---No, from the beginning of the public hearing, I think it was 20 May.

To your knowledge did your lawyer contact Mr Hamidi during any time during this public inquiry?---No, he did not.

30

So what were you referring to when you said, "I believe I asked my lawyer to contact him because he was trying to contact me?"---It was previously I think in November because my lawyer said that he was trying to contact me.

You were asked clearly by counsel for RMS whether you had asked anyone to contact Mr Hamidi at all during this public inquiry. The question was clear, wasn't it, Mr Soliman?---I must have misunderstood the question.

40

So is it your evidence that you have not been aware of any attempt by Mr Hamidi to contact you during the public hearing?---There's been no contact at all.

Either directly between you and Mr Hamidi or through a lawyer?---Yes, that's correct.

Now, one of your answers to a question put I think by counsel for Mr Thammiah was that the term requiring 100 per cent prepayment of projects

by RMS only applied to AZH contracts. Is that your position?---For any vendor or - - -

One of your answers to a question put by counsel, you suggested or appeared to suggest that the term requiring 100 per cent prepayment by RMS only applied to contracts awarded to AZH. Do you understand what I'm saying?---The quotation, is that what you're asking, what the terms were?

- 10 Is it your position that the 100 per cent prepayment condition on quotes only applied to the AZH contracts or did it also apply to the Novation contracts? ---I know it did for AZH, I'm not sure exactly what the Novation terms are right now.

I see. Well, if I suggest that it did apply to some of the Novation contracts, including the under-vehicle camera project and the in-vehicle mounted tablets project, you would accept that?---Yes.

- 20 Now, you gave an answer to a question put by Mr Lonergan that, in relation to your wedding in 2018, Mr Thammiah was there. You said, "He was there for a short time. He had shingles."---Yes.

Do you recall that? Now, I asked you about Mr Thammiah's attendance at your wedding in 2018 on 5 June, on the first day you gave evidence.---Yes.

And I asked you a series of questions starting with, "You invited him to your wedding?" And you said your wife had did all the planning and "he would or should have been there."---Yes.

- 30 And then I asked you, "And Mr Hamidi and Mr Thammiah were also at the wedding?" And you said, "They probably were, that day's a bit of a blur to me."---Yes.

- 40 And then I asked you who you'd invited to your wedding, and you said, I said, "I'm asking you did you invite Mr Thammiah and Mr Hamidi to your wedding." Answer, "I probably would have, yes." And then I questioned you, "Well, is it probably? Why probably, this is your wedding?" And you said, "I was very nervous and that day's a bit of a blur." And I asked, "You invited the guests before the wedding day, didn't you?" And your answer was, "I think I just gave a list to my wife and she sent out the cards." Question, "And Stephen Thammiah and Ali Hamidi were on the list that you gave to your wife," and your answer was, "More, more than likely, yes." And then I said, "Well, no, not more than likely. You invited them to your wedding, Mr Soliman. Do you agree or disagree?" And your answer was, "I'm just telling you if I'm sure of something I'll say yes. If I'm not a hundred per cent sure that they were there, I don't see how I can say yes. More than likely they would have been there." All right. Now, in that series of answers you were suggesting that the day was a bit of a blur and

you weren't a hundred per cent sure about whether Mr Thammiah was even at the wedding, weren't you?---That's right. That's right.

And in a, I suggest, gratuitous answer to a question put to you today, you've said, "Mr Thammiah was there for a short time. He had shingles." I suggest those answers are not consistent, Mr Soliman.---That's not true. I've, I've, I've had time, obviously, to ask my wife about these things and she's confirmed.

10 So you've consulted with your wife about your evidence in the Commission, have you?---Yes.

And have you also spoken to Mr Thammiah about your evidence in the Commission since you started giving evidence in the public inquiry?---I have not, no. Haven't seen him or spoken to him at all.

You've had no contact at all with Mr Thammiah - - -?---Zero.

20 - - - since this public inquiry began, is that the case?---Zero contact for months.

And your answer that Mr Thammiah was there for a short time and he had shingles, that's based on something that your wife informed you of, is it?---I knew that he had shingles or chickenpox, whichever one it was, but my wife told me, yes, he, he was there for a short time. She confirmed.

And so it's not based on your own recollection, which was a blur before that point?---That's correct.

30 Now, you gave an answer again to a question from Mr Lonergan where you stated that you haven't spoken to Mr Thammiah since October 2018. ---That's correct.

Is that the truth?---It is.

You haven't spoken to Mr Thammiah at all since October 2018?---That's correct.

40 Well, before I ask you a question, Commissioner, I have to seek a variation in respect of some evidence, and it's a transcript dated 4 December, 2018, at page 50, lines 4 to 34.

THE WITNESS: If I can, if I can add, sorry, I don't know if it was October but it was around that time.

THE COMMISSIONER: All right. The non-publication order made on 4 December, 2018 in respect of the evidence of Stephen Thammiah is varied

to exclude the evidence recorded at page 50 of the transcript, commencing at line 4 and ending at line 34.

VARIATION OF SUPPRESSION ORDER: THE NON-PUBLICATION ORDER MADE ON 4 DECEMBER, 2018 IN RESPECT OF THE EVIDENCE OF STEPHEN THAMMIAH IS VARIED TO EXCLUDE THE EVIDENCE RECORDED AT PAGE 50 OF THE TRANSCRIPT, COMMENCING AT LINE 4 AND ENDING AT LINE 34.

MS WRIGHT: You see, you saw Mr Thammiah in both November and December of last year, didn't you?---It was around that period, yes. It was before the private - - -

Well, you now say it was around that period, Mr Soliman.---That's correct.

20 But your evidence was that you hadn't seen him since October 2018 by reference to the Commission, your awareness that the Commission was investigating this matter, wasn't it?---No. I was trying to recall when exactly. I know it was after 18 October, but it was before the private hearing.

What private hearing?---Sorry?

What private hearing?---Private hearing? I don't understand the question.

30 What private hearing are you referring to?---I don't know if I'm allowed to speak about it. I'm not sure.

Are you referring to your own private hearing?---Yeah and I don't know if I'm allowed to speak about it or - - -

THE COMMISSIONER: I have varied the non-publication order in respect of a compulsory examination of you conducted on 6 December, 2018. That non-publication order applied in respect of some of your evidence and also the fact that you were examined on that day.

40 MS WRIGHT: I'm not asking you about the content of your private hearing, Mr Soliman, I'm asking you whether, when you're referring to a time period between October and the private hearing, you're referring to your own private hearing?---Yes.

Now, you saw Mr Thammiah on Sunday, 2 December, I suggest.---I don't know the date at all.

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

And you spoke to him that day?---Very briefly.

And two weeks before that he came to your house to see you on a Friday, didn't he?---I don't know. I don't think so.

And you had a conversation with him then, I suggest, in which he wanted to know if you should pursue some help.---Sorry, help?

10 Yes.---What does that, what does that mean?

He wanted to know if you should pursue some help.---I don't know what you're talking about.

Do you deny that you saw Mr Thammiah twice within a two week period? ---I thought it was once, that's what I recall.

And when I asked you whether your evidence was true, that you hadn't seen him since October 2018, your evidence was not true, was it?---Sorry, no,
20 how, how is that so?

Because you saw him in November and December 2018 and spoke to him. ---Well, like I said it was around that period and what I recall it was once.

Well, it's not around that period, I suggest.

THE COMMISSIONER: You gave evidence, "I have not spoken with Mr Thammiah since October 2018," and now it would appear that you spoke to him in November and December 2018.---I thought my evidence after that
30 was, it was around that period. I'm trying to recall exactly when it was.

MS WRIGHT: And you've given that evidence after it's become clear to you that I, as Counsel Assisting, had some evidence which I would put to you, which would contradict your previous answer.---No, that's not true. I'm trying to think exactly when it was.

And now you seem to be suggesting that, well, my evidence was consistent with that when it clearly wasn't.---Once again, I'm trying to recall exactly when it was. It's not easy to do that right, right now.
40

Now, this is just another example of you making up answers as you go, I suggest, Mr Soliman.---No, no.

Now, in relation to the issue of spare parts, you gave an answer to Mr Lonergan about whether there was a system for checking parts ordered against parts delivered and you said that whoever was managing the program would have done the reconciliation. You recall that line of questioning?

---That's why, what I recall happening, yes.

And you said that there was a change from Mr Dubois to Mr Singh in 2016 or 2017 in relation to that matter?---Yes.

And if it was not Mr Singh doing that checking in 2017 until he took on the role at the end of the year, who would have been doing it?---It was before 2017.

10 What was before 2017?---When he started managing the scales and the parts. It was basically from the first order of parts, I think.

And what do you base that on?---That he was – base what on, sorry?

What do you base your answer that you just gave that Mr Singh was doing the checking or reconciliation of parts ordered against parts delivered from before 2017?---Well, I know that he was doing it definitely in 2017 and I assume he was doing also before that.

20 So you've made an assumption, which is no better than speculation, is that the case?---It's an educated, I mean, I don't know what you'd call it exactly but that's what I saw happening.

THE COMMISSIONER: How did you see it happening?---That's what he was doing. He had I think a spreadsheet somewhere that, that I saw at least once, I just don't remember exactly when it was.

Well, his evidence was he started that when AccuWeigh was re-awarded the contract after the Federal Court proceedings, which was about December
30 2017. Is that correct, Ms Wright?

MS WRIGHT: Yes, Commissioner.

THE WITNESS: Okay.

THE COMMISSIONER: So is that when you saw the spreadsheet?---I don't know when I saw it but he was the one also ordering the parts and I thought he was checking with Novation because he was talking to them.

40 But why would he check with Novation? I assume the way this is – sorry, I withdraw that. WeighPack says we need X number of parts. That order is then put through to Novation. It goes to IRD and then the parts are delivered back to WeighPack. It would be a matter of comparing what WeighPack received compared with what RMS is paying. That's what you're looking at, isn't it?---I assume so, but again I wasn't close to the workings of the parts, the parts processes.

MS WRIGHT: Well, I suggest you introduced that arrangement to ensure you first had visibility of what profit Novation was making, and secondly to ensure that Novation could maximise its orders and its price.---I don't agree.

THE COMMISSIONER: Can you - - -

MS WRIGHT: Because the - - -

THE COMMISSIONER: Sorry, go on, Ms Wright.

10

MS WRIGHT: Or the alternative system is that the maintainer orders the parts itself and is reimbursed by RMS. Correct?---I think there was - - -

That would be a possible system?---I thought there was one tender that I think Jai tried to do that and then AccuWeigh said they don't want to order it from memory or something like that.

20

But that was a possible system, but it was not the system in respect of Novation's ordering of parts, was it?---That's the way it turned out after AccuWeigh said they didn't want to or couldn't or something like that.

And if that had been the system, if the maintainer ordered certain parts, say two baseboards, he would then invoice RMS for two baseboards and that's what RMS would pay for. Correct?---Not necessarily. Again we needed to have parts in stock, which never happened previously, and the consequence was the scales were out of service for weeks to months sometimes.

Well, you haven't answered my question.

30

THE COMMISSIONER: Those parts in stock would be with WeighPack? ---Whoever the maintainer was, yeah.

MS WRIGHT: Could you just answer my question. If the system was that the maintainer orders the parts and is reimbursed by RMS, if the maintainer ordered the parts he would then invoice RMS for them and that is what RMS would pay for.---Yes, but the process wasn't working.

40

And the system you introduced meant that if the maintainer said they need whatever parts, say two baseboards, you would tell Novation, Novation could then order two but invoice RMS for 10, you would authorise the payment and you and Mr Thammiah would share that secret.---Don't agree with what you, what you said. We needed the parts.

Because no-one else at RMS had visibility of what was being approved by way of invoices from Novation. Correct?---That's not true. Mr Singh knew, Mr Dubois knew.

That was a deliberate scheme by you and with the agreement of Mr Thammiah to maximise profit to Novation and financial advantage to yourself.---That's not what it was about.

10 THE COMMISSIONER: And you had sufficient involvement with the spare parts to email Novation on 29 March, 2017, identifying three purchase orders, amounts remaining to be spent and informing action on Steve, "Create three invoices to charge random parts to each of these POs to use up the remaining funds." That was an example of your integral involvement in the ordering and invoicing and payment for spare parts.---That's not correct. I believe I was being asked about the end of financial year. If any purchase orders are left open generally we're asked about them and from memory that's what, what it would have been.

Nowhere near the end of financial year, 29 March. That's the first thing I put to you.---I know, and my answer is the same, generally at the end of March and April. That's when we, we start getting asked.

20 And the second thing is, on the basis of the evidence you've given, if you have funds in surplus that need to be spent, you would go to the maintainer, the entity which knows what parts it needs or would need in the future to order. You wouldn't go to Novation that's just an administrative entity and inform Steve to create three invoices to charge random parts.---Well, that's not the way I was looking at it.

30 Not even obtain, this email doesn't even talk about ordering spare parts. It's purely creating three invoices to charge random parts to each of these purchase orders to use up the remaining funds. My reading of this is it's a clear fraud by you and Novation on RMS.---That's not what it was, Commissioner. They were parts that were needed.

But you don't bother asking WeighPack.---I don't know if they were asked at that specific time but, again, we would have known what parts were generally needed or generally used up. That's what I can guess that means.

MS WRIGHT: Just finally, Mr Soliman, you were asked about some personal matters and how they have affected your memory. You recall those questions by your counsel?---Yes.

40 And I suggest you've used the answer throughout this public hearing to the effect, "I don't recall," primarily when you have not been willing to confirm or deny matters that are against your interest.---Don't agree with that.

Thank you, Commissioner.

THE COMMISSIONER: Thank you, Ms Wright. Just before I let you go, sorry, just before we finish, the first thing I want to raise – and if you can

stay here, Mr Soliman – Mr Lonerger, you wish to make an application for some of the evidence to be suppressed?

MR LONERGAN: Yes, Commissioner.

THE COMMISSIONER: Now, can somebody assist me? What's the best way of either identifying this? I assume it's the, if I can describe it as the personal/health issues that were raised?

10 MR LONERGAN: Yes, personal relationships and health.

THE COMMISSIONER: I might just see if I can get some assistance from there. I'll deal with your application in a sec, Mr Lawrence.

MS WRIGHT: Commissioner, I wondered if the application could be put in writing, and it may benefit from everyone having access to the transcript from the proceedings. At the moment it's not immediately obvious to me that a suppression order would be in order, but I'd wish to make some submissions if that can be accommodated.

20

THE COMMISSIONER: Can we facilitate it this way? Can the transcript just be made available to the parties? Are we able to do that so it won't go up on the website?

MS WRIGHT: I'm told yes.

THE COMMISSIONER: All right. Mr Lonerger, and I assume the same – listen to this, Mr Lawrence. It might concern your application as well. Can we deal with it in stages, the transcript should be available tomorrow
30 morning. If you could have a look at it, and if you can identify, for example, page 2001, lines 4 to 6, on the basis of, you know, personal health issues, blah, blah, blah, et cetera. Sorry, no, I don't mean to in any way denigrate the application, but if you can precisely identify it, if you can send that through to the solicitor at the Commission and then I can deal with it on that basis. But it won't be released publicly until I see it and I can assess the application. Is that all right?

MR LONERGAN: Please the Commission.

40 THE COMMISSIONER: And, Mr Lawrence, could you do the same?

MR LAWRENCE: I can, Your Honour. I just – sorry, Commissioner. I always think that I'm in a different forum.

THE COMMISSIONER: That's all right. It's got a nice ring to it, but anyway.

MR LAWRENCE: The only part that I ask is where the part wasn't live streamed, and that was just basically one question or confined to the three and four personnel.

THE COMMISSIONER: The policy of the Commission is for it to go up on the public website. So I would be assisted by some precision in identifying the particular questions and answers. So could you facilitate that maybe tomorrow morning?

10 MR LAWRENCE: Yes. I can do that.

THE COMMISSIONER: And we'll deal with it straight away.

MR LAWRENCE: Certainly, Commissioner, yes.

MS WRIGHT: If it could be dealt with tomorrow - - -

20 THE COMMISSIONER: Yes. That would be good. Mr Soliman, I'm not going to excuse you at the moment from the summons. The next time that we're here, Mr Thammiah is going to give evidence. It may be something arises that, as a matter of fairness, I need for the evidence to be put to you to hear your response. Now, I'm hoping that's not going to occur but I don't want to be in a position where you're going to prejudiced or disadvantaged in any way. So I'm not going to excuse you at the moment. If after we finish Mr Thammiah's evidence there is nothing to put to you, what I will do is in chambers I will excuse you and your legal representatives will be notified straight away. All right, then. So, Mr Thammiah will commence his evidence on the next occasion on 1 August?

30 MS WRIGHT: Yes, Commissioner.

THE COMMISSIONER: At 9.30.

MS WRIGHT: If we're sitting from 9.30, yes.

THE COMMISSIONER: Yes. Because we've got four days and we've got to finish Mr Thammiah's evidence in those four days.

40 MS WRIGHT: Yes. I understand.

THE COMMISSIONER: So we're adjourned until 1 August.

THE WITNESS STOOD DOWN [4.41pm]

AT 4.41PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.41pm]