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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 27 MAY, 2019

AT 9.30AM

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THE COMMISSIONER: Any administrative issues?

MS WRIGHT: Not from me, Commissioner.

THE COMMISSIONER: All right. Mr Singh.

THE COMMISSIONER: Right. Mr Lonergan.

MR LONERGAN: Now, Mr Singh, we were on Friday going through evidence in relation to the under-vehicle cameras and you recall you gave some evidence that you thought that there was a separate contract that had a purchase order for Novation to go out to the sites. Do you recall that?

10 ---Yes.

Now, after reading the actual purchase order you accept that that was actually part of the same purchase order?

THE COMMISSIONER: I don't think he agreed with that at all.

MR LONERGAN: It's a question, Commissioner. Sorry, my apologies.

THE COMMISSIONER: I'm sorry, I thought you put it that he had agreed.

20

MR LONERGAN: I'll make it clearer.

THE COMMISSIONER: Yes.

MR LONERGAN: Sorry, do you agree, that now having seen the purchase order, that the component of going out to the sites was part of the purchase order?---Not really, because it wasn't specified, it just said support, providing technical support, nothing about trials or anything like that.

30 I'm not talking about trials, but I am talking about going out to the sites and being engaged with the relevant personnel on the sites.---Is it possible I can have a look at the - - -

THE COMMISSIONER: Of course, Mr Singh.

MR LONERGAN: Yes.

THE COMMISSIONER: Can you bring that up again?

40 MR LONERGAN: Is it Exhibit 40 or 41? It's Exhibit 40.

THE COMMISSIONER: I think we might need a volume and a page number. Sorry, you're talking about - - -

MR LONERGAN: Volume 1, page 100 is the purchase order, but I do want Mr Singh to have a copy of the emails which were Exhibit 40, if that's possible.

THE COMMISSIONER: All right. If we start with the purchase order.

MS WRIGHT: It's volume 1, page 100.

THE COMMISSIONER: Thank you.

MR LONERGAN: And if you scroll down, the relevant bit's a few pages on. No, keep going, I think it's page 104.---No, it was - - -

10 THE COMMISSIONER: Are you talking about the quote?---It was the previous one you just – you went past it.

MR LONERGAN: Sorry, go back.---Yep, that one there.

Yes, so you agree now that it is for the support of those cameras?---That's not how, I still don't interpret it as that.

20 So how do you interpret them, Mr Singh?---User support as in, I'm thinking technical support, if the user has an issue, then they get in contact in this case with Novation and raise that issue with Novation.

Right. And the expectation then would be that Novation do what?---Well, they will provide support. If they have to go out on a site then so be it, but I'm thinking this is a trial so this would be, I don't know, this is my interpretation of course, it would be, it would have to be specified in here as well.

30 THE COMMISSIONER: It says, "Lifetime hardware and user support."
---Yeah.

So my reading of that is it suggests some kind of warranty or after-sale support.---Support, yeah.

And as you said, that if somebody's out in the field using it and suddenly part of the mechanism breaks down, this anticipates that you could ring Novation Engineering and say, it's not working - - -?---Yeah.

40 - - - or the screen's not working, what do I do?---And they give you support over the phone or they could actually have to attend the site and - - -

Fix it?---Fix it, yeah.

MR LONERGAN: So that work being over and above the provision of the equipment.---Sorry, I didn't understand.

That work, i.e. support - - -?---Going to site?

Yes.---Yeah.

Being over and above the initial supply of the equipment?---Well, yes, that's how I read that, yeah, the support will be an additional item in this, in this quote.

Yes. Okay. So - - -

10 THE COMMISSIONER: Is that usually or an unusual provision where the scope of works is providing equipment?---Scope of, sorry, yeah.

So the first part of the scope of works is, sorry, is providing the under-vehicle cameras.---Yes.

20 This second part, lifetime hardware and user support, is that a usual provision included in such a quote?---I'm just trying to think now, because for the past year I've been working on a lot of camera, camera upgrades which is procurement of cameras and the support is part of that agreement, but that's a whole panel contract as well, so the support was one of the requirements of the panel contract, so I can't recall anything other than that, because again, the whole last year I've just been on cameras, so that's all I've been thinking about, but I can't recall, yeah.

And to provide lifetime hardware and user support, does it anticipate some kind of skill in fixing the cameras or knowing how they work?---That is my understanding, yes, yeah.

Mr Lonergan.

30 MR LONERGAN: That can be taken down. If the witness can be shown Exhibit 40.---Thank you.

If you just go to page 2 of that, Mr Singh, and the email on the second half of the page dated 19 May, 2016, from yourself to Mr Soliman and Novation. ---Yeah.

And you'll see there in the second-last paragraph you're talking about a trial and this being a trial for the cameras, the under-vehicle cameras. Do you see that?---Um - - -

40 THE COMMISSIONER: It's the one starting, "Okay, I've got some feedback."

MR LONERGAN: No, "I suggest we keep," sorry, yes, that's the email that we're starting with.---Yeah.

And then the paragraph is, "I suggest we keep the trial for Twelve Mile, 30th of the 5th, and Mount White, 23rd of the 5th as scheduled. However, replace Mount Boyce and Marulan with another site."---Yeah.

So that is to your understanding a trial of the under-vehicle scanners. Is that right?---That's correct, yes.

All right. And then you'll see above that Mr Soliman suggests two sites, and then if we go back over to the first page you'll see there again, probably about halfway down, an email from yourself to Mr Soliman, Novation Engineering setting out the dates. Do you see that?---Yep, yep.

10 Now, this is your understanding of the trial, is it?---Yes. This is my understanding of the trials.

And do you recall that a trial occurred in relation to these cameras?---I recall, I think I gave evidence before, I recall the one with Ray Tabet because Mr Soliman came back to the office and gave me feedback about the under-vehicle cameras, the issue with it in the vehicles, putting in the vehicles.

20 THE COMMISSIONER: So you didn't attend any of the trials?---I didn't attend any of these trials, no.

And what did Mr Soliman say about, what was the issue with the cameras in the vehicle?---So from what I recall, Ray told, told Mr Soliman that the, the, the bags, so not just a camera but the bags itself, it doesn't, there's no room for in the vehicles or something along those lines.

These were the specially commissioned bags?---Yes, yep.

30 So no room in - - -?---Yeah, I don't know the exact words but it was around, it was, yeah - - -

No room in the inspector's vehicle?---Yeah, to put in the inspector's vehicle or, yeah, or a safe place to put it, yeah, or something, yeah.

MR LONERGAN: So the position, if I summarise, is this, that there was the purchase of the 125 cameras?

THE COMMISSIONER: I don't think it's 125.---It was 21, I think.

40 MR LONERGAN: Oh, sorry, my apologies, you're right, yes. So, sorry, there was the initial purchase of two cameras?---Yep.

Then there was a subsequent purchase through Novation of 21 cameras? ---That's correct.

And the scope of the provision was set out in that purchase order that you've been taken to this morning?---Yep.

And then there was testing that occurred in relation to those cameras at respective sites?

THE COMMISSIONER: Well, was it testing or what was it?---Trials. Trialling them, well, trialling, testing is the same. Yep.

MR LONERGAN: And then after the, and you accept that Novation was part of that testing process?---Yes. That's my understanding.

10 And then after that testing process occurred, what was the conclusion?
---Well, the only feedback I had was regarding the, Ray Tabet, I didn't actually, I don't think I received the conclusion until that meeting I gave evidence about with Raymond Jenkins running those, I think it was every few months with all the inspectors for, where they were talking about the, any system issues or anything heavy vehicle related issues, where someone dropped the comment that said that these cameras were useless, yeah.

THE COMMISSIONER: You never saw a report or anything like that?---I didn't see, no, I don't recall seeing a report, no.

20 MR LONERGAN: Now, in relation to the modification of the cameras, your evidence on Friday was that it went to an individual whose name is presently escaping me within - - -?---Craig Steyn?

Craig Steyn, within RMS and then he went out to a fabricator to do the modifications?---Yes.

Do you know what the cost of the modifications were?---I don't recall.

30 Just moving on to another topic now, Mr Singh. Just so, you can hand that Exhibit 40 back. You gave some evidence last week in relation to the maintenance contract and it was the part B of the maintenance contract that involved Novation. Do you recall that?---The category B?

Yes. Sorry, category B, yes.---Yep, yep.

Now, I just want to show you an email. Commissioner, I'm not sure whether this email was part of Exhibit 41 or not.

40 THE COMMISSIONER: Maybe it can be shown to Counsel Assisting, please.

MR LONERGAN: It was provided but I'm not sure whether it was part of the tender because the exhibits are not presently online.

MS WRIGHT: It's not and it's on a topic in respect of which Mr Singh is going to be recalled, I anticipate, towards the end of the week, Commissioner. You recall - - -

THE COMMISSIONER: Yes.

MS WRIGHT: And it was provided last week but it has not been tendered because it's not relevant to the topics that have been dealt with so far.

THE COMMISSIONER: All right. Could I have a look at the document, please.

10 MS WRIGHT: Yes.

THE COMMISSIONER: Mr Lonergan, as Counsel Assisting stated at the end of her examination of Mr Singh, my intention is when the various cross-examinations of Mr Singh is completed, he won't be excused from attending the Commission, that there is another topic that Counsel Assisting outlined in her opening the other day that is dealing with spare parts for the portable weighing machines, and there is some additional material that I understand is going to be put on the restricted website about that. Looking at his email, that seems to go directly to that topic and that it would be more appropriate
20 for you to, if you want to put this to Mr Singh, to put it to him when we get to that topic.

MR LONERGAN: Commissioner, Counsel Assisting set out that this wasn't covered in the examination-in-chief. My reference to transcript page 331-332 does go into the content and hence why I'm seeking to cross-examine. It's starting at 331, 19, and then going through to 332, 20.

THE COMMISSIONER: Yes. You are correct and indeed, my recollection is I might have asked a couple of questions about spare parts as well.
30

MR LONERGAN: Yes, Commissioner.

THE COMMISSIONER: You're probably being polite not referring me to those. Can I ask, how long do you anticipate to be on this particular - - -

MR LONERGAN: Not a lot on the particular email and, but I do want to go into that category B tender and ask questions in and around that. So I don't anticipate to be very long on this, but if Counsel Assisting is going to produce more documents and then seek to re-examine the witness, then in
40 the interest of fairness if issues arise about that, then you know, we put in an application to - - -

THE COMMISSIONER: Oh, no, no, look - - -

MR LONERGAN: - - - re-cross-examine.

THE COMMISSIONER: It's anticipated that on that particular issues, if people want to ask further questions of Mr Singh, there will be no difficulty

with that, subject to the usual requirements of probative value, et cetera. What I'm trying to avoid is duplication and this does seem to be going into that area of spare parts which, as I said, will be dealt with subsequently. Ms Wright, have you got anything further to add? Mr Lonergan is correct, you did touch upon it, and my recollection is I asked a couple of questions as well.

10 MS WRIGHT: I think it arose because of an answer given by the witness, and so it was touched upon briefly, but Mr Lonergan's mentioned the category B maintenance panel and that is a topic that's already been dealt with, so questions around that are perfectly within the limit of what's been done today. So I don't have an issue with that, Commissioner, but if there's going to be a lengthy examination on the spare parts topic of itself, it would be in the interests of efficiency of the hearing for counsel, all parties to wait for that material which will be provided onto the website shortly.

THE COMMISSIONER: Thank you. Mr Lonergan, does this lead in, is this associated with the category B or is it - - -

20 MR LONERGAN: Yes, Commissioner. The category B was about maintenance and the provision of spare parts for the maintenance. So, you know, they're embedded within each other and I'm struggling to understand how one can break them out, given that they're under the same process of tender.

THE COMMISSIONER: Look - - -

30 MS WRIGHT: Yes. The category B panel was appointed in November or October 2017 and so to the extent Mr Lonergan, I accept what he says about that but it applies after that date, whereas the spare parts issue arises earlier in time on the chronology.

THE COMMISSIONER: It does arise earlier. Look, Mr Lonergan, I will ask Counsel Assisting to tender this email. It is on the basis that you have informed me that this will then lead into questions concerning the category B panel which, as Counsel Assisting has indicated, arises from November 2017, but I'm not going to allow you to go into detail about the spare parts issue as we are going to be returning to it.

40 MR LONERGAN: Please the Commission.

MS WRIGHT: Could I have that email?

THE COMMISSIONER: Yes.

MS WRIGHT: I tender an email from Jay Singh to Novation Engineering dated 13 January, 2017, including the email chain.

THE COMMISSIONER: All right. The email from Mr Singh to Novation Engineering dated 13 January, 2017 will be Exhibit 42.

**#EXH-042 – EMAIL FROM J SINGH TO NOVATION
ENGINEERING DATE 13 JANUARY 2018**

10 MR O'BRIEN: Commissioner, might I ask for a copy of that, please?

THE COMMISSIONER: Have you got copies?

MR LONERGAN: We do, but Mr O'Brien does have a copy of it, it was provided to him - - -

MR O'BRIEN: Oh. There's no way of me knowing, you see.

MR LONERGAN: - - - as we discussed on Friday.

20 THE COMMISSIONER: Did you get a pile of - - -

MR O'BRIEN: I got, yes, I did, but there was some confusion as to whether or not this was on it, but - - -

MR LONERGAN: Commissioner, we might have other copies if the Commissioner's minded for other people to have them.

THE COMMISSIONER: Do you have other copies?

30 MR LONERGAN: We can certainly, we can get more, but presently, no.

THE COMMISSIONER: Do we - - -

MR LONERGAN: I can hand up one copy perhaps to - - -

THE COMMISSIONER: All right. Sorry, Mr O'Brien, you're probably, Ms Wright and Mr O'Brien are at the moment the important people, sorry everybody else. Do you have a copy?

40 MR O'BRIEN: Well, having just been shown it I can confirm I do have a copy.

THE COMMISSIONER: All right. Do you have a copy, Ms Wright?

MS WRIGHT: I do not.

THE COMMISSIONER: All right. Well, give that copy to - - -

MS WRIGHT: Thank you.

THE COMMISSIONER: All right. Go ahead, Mr Lonergan, quickly.

MR LONERGAN: So if Mr Singh can be shown that exhibit.---Thank you.

I'll be brief on this, Mr Singh. You'll see the date of this email, 13 January, 2017, to Novation Engineering?---Yes.

10 Right. And you say there in the second paragraph, "Just need to verify these parts have been received before I can approve."---That's correct.

Right. Now, you can hand that back. So that was dated 13 January, 2017, and you accept that the tender process for the category B didn't occur until November 2017?---I'm sorry, I didn't see the date on that.

Sorry, it's 13 January, 2017.---Oh, okay. Yep, yep.

20 THE COMMISSIONER: I confirm it is. It's, "Hi Stephen. Were there parts sent to Mark Mitchell? Just need to verify these parts have been received before I can approve. Regards, Jai." And that was dated Friday, 13 January, 2017 at 4.51pm.---Okay, thanks.

MR LONERGAN: So Mr Singh, is it the case that there was a reconciliation process that you did to ensure that parts that were ordered through Novation were delivered to the relevant persons?---You mean confirming that it was delivered?

30 Yes.---Yes. So I was checking that before I got in touch with Samer and telling him that, "Hey, I've got these invoices." Yep. "WeighPack have received them, is it okay to approve?"

THE COMMISSIONER: And you did that for every invoice?---That was for the first invoice I received and then Samer advised that Novation needs to be paid upfront for these so they can pay IRD for the parts. So, from there on, when I got an invoice, I would just, just directly check with Samer to see if it was okay to approve.

40 All right. And sorry, the subject matter was tax invoice 101-02, portable weigh scale parts?---Yes.

So tax invoice 101-02, what does that indicate?---That would be the invoice number.

So 101-02, so that one, as you said, there was a checking mechanism but subsequent to that, you didn't check it?---I just checked with Samer.

You said, all right.

MR LONERGAN: So you checked with Samer because the procedure changed such that Novation would be paid prior to the delivery of parts, is that right?---That's right.

However, is it the case that post-delivery of the parts, you still did a reconciliation that the parts were delivered?---Post-delivery?

10 Yes.---No, well, I wasn't the lead of that maintenance of the scales at that point, so I thought, you know, that would be something Samer would be doing. Once November 2017 onwards, when I was lead with AccuWeigh, I did do a check with AccuWeigh to make sure that the parts were delivered and it was as per quantity of the ones that were ordered.

THE COMMISSIONER: When you, you've just used the terminology, "I wasn't the lead at this stage," what do you mean by the lead?---Overseeing the maintenance contract, yep.

20 And you only started overseeing it from November when - - -?---2017, when AccuWeigh became the - - -

Became the maintenance provider?---The maintainer of the scales, yep.

MR LONERGAN: So you did the first one. Are you saying this was the first one, the email that I showed you?---That's correct, yep.

And you checked that?---I did send an email to do a check. Yeah, I sent it to Novation and I also sent it to WeighPack and Electrical.

30 And then confirmed delivery of those?---No. WeighPack responded, Mark Mitchell from WeighPack responded and said, "No, I haven't received these parts."

Did you follow up on that?---That's when I spoke to Samer about it and that's when Samer told me that Novation needs payment upfront and, yeah, please approve this invoice.

40 And subsequently you did no reconciliation until November 2017?---Yeah, not from my end because, yes, I wasn't the lead.

Who was the lead?---Samer Soliman.

So why were you doing the first one but not the subsequent ones?---Because I was going to do the check and then when I spoke to Samer, I would have told him that, "Hey, I received this invoice. I've checked with WeighPack and Electrical, the parts have been received. Are you happy to approve this invoice?"

So now going to the November 2017 tender. If we can go to volume 11, page 284. Now, you were taken to this memo last week. Do you recall that?---Yes.

And I just want you to look at the category B and you'll see there brake testing equipment, the last one?---Brake testing equipment, yes.

Now, could all 13 of the tenderers that were accepted provide the brake testing equipment?---No.

10

How many could?---I don't recall off the top of my head. I think - - -

Let me rephrase the question.---Yeah.

Could everyone except for Novation provide brake testing equipment? ---Can Novation provide brake - - -

No, no, can everyone except for Novation provide brake testing equipment?---So you mean the other 12?

20

Yes.---No, no, the other 12, because some of the 12 would have been category A so they could only provide items in category A, so category B, it would have been, I don't know the number off the top of my head.

Well, how many people were accepted for category B?---I think it was five.

Who were the five?---So you had WeighPack and Electrical, you had AccuWeigh, you had Novation Engineering, there was NEPEAN Transport and then I think CIC Engineering, or Electrical. Sorry, I keep getting confused, I don't know, but yeah, it's one, one or the other.

30

So of those five how many could provide brake testing equipment? ---I think it may be one or two, but again, this is just off the top of my head. In this report it actually, I think it specified who could provide which service.

All right. What about weighbridges, could all of them provide weighbridges?---AccuWeigh can and I think WeighPack and Electrical can also.

40

But not all five?---No, not all five.

And the weigh-in-motion systems?---I know CIC can, perhaps, again this is just taking a guess, I know CIC can, I can't answer for the rest of them though, sorry.

MS WRIGHT: Sorry, it might be fairer to take Mr Singh to the rest of the report, the Tender Evaluation Committee report, which does shed some light

on this, which is at volume 7, page 201, because he seems to be trying to answer questions on the basis of his memory, but there is some evidence, Commissioner, that - - -

THE COMMISSIONER: Yes, I was trying to find that and I think you've come to my rescue. So 7.

MS WRIGHT: Page 201 contains the appendices to the report.

10 THE COMMISSIONER: Mr Lonergan, I do consider that to be a fairer way of proceeding. There's a lot of documents and I think it would be fairer to Mr Singh if we could bring this - - -

MR LONERGAN: It's on the screen, Commissioner.

THE COMMISSIONER: Oh, thank you, we've brought it up. Does that assist, Mr - - -?---Very much so.

Oh, good.---Yes, thank you.

20

MR LONERGAN: So, Mr Singh, having a look at volume 7, page 201, does that change any of the evidence that you've given?---Well, you'd probably have to go through those questions again. So the first one was brakes.

Okay. Well, let's start with brake testing equipment.---Brake testing. So you only have NEPEAN Transport.

30

Weighbridges?---Weighbridges you have AccuWeigh and WeighPack and Electrical and NEPEAN.

So three of five.---Yeah.

And for the brake testing equipment it was one of five.---That's correct.

And weigh-in-motion systems?---Weigh-in-motions you've got CIC and NEPEAN.

40

So two of five?---That's correct.

So you were asked about, if we go, I'll take you to the page. Volume 11, page 284. Sorry, Commissioner, that's the wrong page. Volume 11, page 240 but we'll need to go over to page 247 after you look at page 240. So this is the request for tender document. If we go to page 247, and you see the category B there, Mr Singh?---Yes.

You were asked some questions about this and whether all the, whether Novation could perform all of the requirements set out in category B. Do you recall that?---Yeah, I do recall.

And your answer was to the effect that, no, Novation couldn't do maintenance. Do you recall that?---Yes.

Novation could only provide the scales for, the IRD scales, that's right?
---That's right, yep.

10

Yes. And they could provide the parts, presumably, for the IRD scales as well?---That's correct.

Now, you'll see there on the second bullet point under category B is the heading that there's the HAENNI brand portable scales as well?---Yep.

Who could provide the HAENNI brand portable scales?---Who could provide them?

20

Yes. So as part of your five members of the Tender Panel - - -?---Oh, out of the five, who can supply?

Yes. Who could provide the supply of those?---I don't think any of them can because HAENNI has an Australia, there's a HAENNI Australia who are the distributor. My understanding, are the distributor, the only ones that can distribute the HAENNI scales.

30

So how was it anticipated that the - sorry, I withdraw that. HAENNI scales were being, at that time, prior to 2017, used by RMS were they not?---Prior to - - -

Prior to the start of the tender?---The start of this tender?

Yes.---Yeah. There was, I don't know the exact number. It's a small portion but, yes, there were HAENNI scales being used by RMS.

40

And only HAENNI could provide those scales?---So HAENNI, yes, and they were also maintaining the scales. So what our inspectors were doing was, they were sending these scales to HAENNI to maintain.

But this tender was for maintenance, wasn't it, an all-inclusive maintenance of - - -?---Of the HAENNI scales?

Well, the HAENNI scales were included, weren't they?---Yep. I see that, yep.

So, but they weren't really included in this tender, is that what you're saying?---Well, they didn't apply for the tender.

So then how, if post this tender a HAENNI scale broke, how was it going to get fixed?---They were, inspectors were still sent in to, to, directly to HAENNI.

So, again, people were stepping outside of the tender, well, the panel?
---Outside this panel.

10 To have the scales repaired?---Yeah. So, yeah, the inspectors were just sending it directly to HAENNI for, for maintenance.

THE COMMISSIONER: And they're actually present in Australia, are they?---Yeah, they're in Queensland.

MR LONERGAN: So is it your understanding, Mr Singh, that the tender, a tenderer in the tender did not need to meet all of the requirements within category B to be a successful tenderer?---That's how I understood it was, yeah.

20 Did you have those discussions with the other members of the panel?---I don't recall. I don't recall those discussions happening, sorry.

So on what basis are you saying that that was your understanding?---Well, it was brought up that Novation could only do supply and not maintenance but I don't, don't recall any further discussions regarding the other, for example, your Maha, Maha brake test, Maha brake testers as well. So, I don't recall any further discussions on that.

30 But no one on the panel could actually maintain or procure parts for HAENNI?---No one on the panel, I don't believe, no, because HAENNI's got their own - - -

So no one could actually meet that criteria, could they?---I don't believe so, no.

Now, you did give some evidence earlier that post the tender occurring that you were doing the reconciliation process of the parts that were delivered. Do you recall that?---Post the tender, post this tender?

40 After November 2017.---When I - - -

MR O'BRIEN: Can I object to that. I think the word reconciliation was the word used by the examiner as opposed to the witness. My understanding was that the witness simply said that he sent an email as was exhibited and followed it up with the proposed recipient of the parts as opposed to some sort of reconciliation which might have a broader connotation than what was actually answered by the witness.

THE COMMISSIONER: Mr Lonergan, can I just check, we've now moved to post November 2017 with this question?

MR LONERGAN: Yes, Commissioner.

THE COMMISSIONER: I'm just looking at my very rough notes. You did use the word, I think it was a reconciliation process to ensure the parts had been received. My note of the answers was, "I checked." I don't know whether you're using reconciliation in a special meaning or whether you're just really referring to a checking of whether the parts had been received or -
10 - -

MR LONERGAN: Commissioner, the answer to that is I'm using the witness's words as he described it on Friday, transcript page 331, line around 34, and also 332 at the top after a question by the Commission.

THE COMMISSIONER: Is he actually using the - at 331 he was asked, "Did you have any process for reconciling the order made by the maintainer with the items invoiced by the supplier?" And he said, "During, so when WeighPack was performing the maintenance I didn't have any visibility of that." And that refers to the fact that you weren't the lead at that time?
20 ---That's correct, yeah.

And then you said, "Once AccuWeigh took over in November 2017 I was, Samer appointed me as the lead point, he would give requests for me to raise a purchase order for spare parts to Novation when that was all delivered at once and I confirmed with AccuWeigh that they were delivered and they were as per I think, I believe I issued an RF2 for it and I confirmed that it matched the quantities that I requested." The process you've set out there, do you agree that that's reconciliation?---If that's considered
30 reconciliation, because what I did was, I sent the quantities that were ordered, I think in a spreadsheet format, to AccuWeigh and AccuWeigh then compared what they had delivered to the quantities that were ordered and they confirmed that the quantities matched what was delivered.

So if Mr Lonergan asks you a question with reconciling what was ordered and paid for with what was delivered, it's your understanding it's that process that you just described?---Yes, yes, that's how I'm understanding it as.
40

MR LONERGAN: So you didn't go out and physically check that AccuWeigh had the parts?---No, I didn't go out to AccuWeigh and check.

And AccuWeigh sent back to you and confirmed the delivery of the parts that you sent out in the spreadsheet?---The quantity, yes.

And largely that was confirmed, is that right?---That was confirmed by AccuWeigh that, yeah.

So if there was a problem you would follow up and, with Novation to see why parts weren't delivered.---Yeah, so if there was any discrepancy, I would have then followed up with Novation to see what was going on.

Did that occur very often?---I'm guessing you're asking me when I was lead
- - -

10 I'm just asking you the question I asked you, Mr Singh, sorry.

THE COMMISSIONER: Well, no, I think to have some probative value it should be confined to after you became the lead on this maintenance contract with AccuWeigh.---Yeah. No, I don't recall having to follow up with Novation too often. Not that I can recall.

MR LONERGAN: So do you accept, then, that there were little to no problems with the delivery of parts by Novation that were the subject of the purchase orders that were made after November 2017?---During the time I was lead, yes, that's correct.

20 THE COMMISSIONER: When did you finish being lead?---When I got terminated.

So it continued through two thousand and - - -?---Until, yeah, 2019. Yeah, March.

Right, so for most of 2018 you were - - -?---Most, all of 2018 I was lead and then up until I think it was March it would have been when I got suspended, so, yeah.

30 All right.

MR LONERGAN: Sorry, excuse me for a second, Commissioner. Mr Singh, WeighPack Electrical took over from AccuWeigh for a period of time there, didn't they?---Yes. I don't know the exact period but, yes, WeighPack and Electrical were maintaining the scales.

40 And was that before or after November 2017?---It wouldn't have been after November 2017 because that was AccuWeigh.

So it was before.---It was before.

So for the period that this tender had been accepted and was the basis of the ordering and so forth, AccuWeigh were the maintainer of the IRD scales?
---Post, from November 2017 onwards?

Yes.---Yes, they were the maintainer of the IRD scales.

And had nothing to do with the HAENNI scales?---No. So the inspectors were just sending the scales directly to HAENNI. So I discovered that sometime in 2018 I think and there was no, still no process put in place. So, yeah, they were still sending it directly to HAENNI.

THE COMMISSIONER: Do you remember how many of those scales there were?---Maybe 50.

50.---Yeah, but that's a guess.

10

MR LONERGAN: And AccuWeigh themselves are a provider of scales, is that right?---They're the authorised supplier for Intercomp.

Intercomp.---Scales.

And Intercomp are Swedish?---No, they're American I believe.

And Novation, sorry, are the Swiss scales, is that right?---Yeah, IRD scales, the PAT scales, yeah, I believe they're Swiss.

20

Now, so what you had here was AccuWeigh, who were the provider of Intercomp scales, maintaining a competitor product scale, being the IRD scales?---That's correct.

Now, we're going back to the process of the evaluation of the tender for category B. Now, you have given some evidence in relation to conversations with David Jones, and the process of the evaluation by the committee of the scales.---Category B?

30

Sorry, my apologies, that's in relation to the 125 scales.---Yeah.

So we're going on to that topic. My apologies.---Okay.

THE COMMISSIONER: So we're now onto the purchase of the 125 scales?

MR LONERGAN: Yes, Commissioner, yes.

THE COMMISSIONER: Great.

40

MR LONERGAN: So the scales that were provided by AccuWeigh were the Intercomp scales?---Yes, so they, they provided two models, so, I forgot the model numbers.

Does LP788 - - -?---Yeah, so that's their new one. However, it was, at that point in time it wasn't certified, didn't have certification.

Now, is that scale, you left RMS recently. At the point in time that you left RMS has that LP788 scale been certified?---I don't know.

But you have no knowledge of it being certified?---I don't know. Yeah, I don't know if it's been certified.

If it was certified wouldn't you know?---Why would I know?

10 Well, were you in that area of RMS?---Yeah, but I'm not the, I'm not the SME for scales. If they were certified then AccuWeigh would have advised me that, hey, these scales are now certified.

So you would expect that if the LP788 scales were certified that you would have been notified?---Either I would have been notified or if there was any subsequent procurement of scales they would have, in their submission they would have said, hey, these scales are now certified so they would have been, as part of their submission they would also provide a certificate showing that these scales have been certified, yeah.

20 So the process for the purchase of the 125 scales involved consideration of whether the scales would fit into the storage within the vehicles that transported them around to the various sites?---The storage racks.

And your evidence was that you, even before the initiation of this panel to evaluate the 125 scales, had gone out – I believe your evidence was 2015 – and obtained from the various regions the dimensions of their storage - - -? ---Sorry, you said panel again.

30 Sorry?---It's a bit confusing. You said panel again. I just need - - -

Sorry, did I?---Yeah.

MS WRIGHT: There's just another issue. You referred to 2015 but I think Mr Singh confirmed in his evidence it was 2016 when he did that check of the dimensions.

THE COMMISSIONER: So non-panel, 2016.

40 MR LONERGAN: Yes. My apologies, sir.---So still in relation with the 125 scales?

No, no, ignore the 125 for a minute.---Okay.

So before any of that came into existence or consideration you had gone to the regions and asked for dimensions of their storage or containers within the vehicles for the portable scales. Is that right?---Yeah. So Samer instructed me to go out to the regions and get dimensions of their storage racks in the vehicles.

And so you obtained all those and what did you do with them once you got them?---It's, it's in a spreadsheet. Put it all into a spreadsheet and I believe, I think I did send, I sent it to Samer but all of the records are captured in a spreadsheet.

And that was within the RMS. Is that stored in Objective?---No, I don't think I stored it in Objective, no.

10 Sorry, just while I'm on Objective. Can you explain to me, is it a requirement that documents that are created within RMS are stored into Objective?---Are you saying all documents?

Well, you tell me what documents should be stored into Objective.---So from my understanding, like memos. So I did a lot of memos, so memos had to be stored on Objective because then when you need, when you need sign-off from the senior managers you sent them the Objective link and also a copy of the memo. What else were we, so talking about the last year, 2018, I was working on a lot of camera upgrades so those documents, 20 commissioning documents, drawings, plans, site plans, yeah. All those documents related to the delivery of the camera upgrades they're stored on Objective. Yeah.

THE COMMISSIONER: Was there some kind of guideline as to, sorry, that would assist you in determining whether this document should be put on Objective?---Not that I saw. I didn't, I don't think I saw any guidelines like that. It's just basically what I heard or the guidance that was given to me from the people around me.

30 All right.---Yeah.

MR LONERGAN: So a response to tender, a scoping study, all of these documents would be stored into Objective, would they not?---So tender documents was another thing I was also storing on Objective.

THE COMMISSIONER: So, tender documents, yes.---Yeah, yeah, yes. In terms of scoping studies, I was never given any guidance to storing scoping studies or trials or reports onto Objective.

40 MR LONERGAN: And is there not an internal protocol that's set up to do so? Sorry, to direct what documents, et cetera - - -?---I think the Commissioner just asked me that same question and, yeah, I don't recall seeing anything like that.

So just going back to the 125 scales. So you've gone out to the regions, you've got the measurements, you've put it into a spreadsheet and then we go along to the process for the tender for the delivery of the portable weigh

scales, and your evidence is that you then again sought the dimensions of the storage devices in the trucks?---No. I just referred to that spreadsheet.

And not all trucks or vehicles that carry these weigh scales around have the same storage units, do they?---No, they don't.

So there's variations in the dimensions of the storage units?---That's correct.

10 And how variable are these storage unit dimensions?---Sorry, I don't recall off the top of my head.

You don't have that spreadsheet?---Well, I don't work for RMS anymore so no I don't have that spreadsheet on me.

But was that document stored into Objective or not?---No, that document was not stored on Objective.

20 Was it emailed internally within, from yourself to anyone in the organisation?---I believe I did email it to Samer.

And, sorry, your evidence about the variability and dimensions of the storage units within the trucks and vehicles?---I think the height of the storage racks remained the same across all of them. The length varied and the width, I think there was variations in the width as well but I don't know the exact variances off the top of my head.

30 And so there were the IRD scales that were stored into these – so I'm talking about the time where you asked the regions in, I believe it was 2016, was it?---Yep.

And there was IRD scales and what other manufacturer's scales were stored in these units?---The HAENNI scales would also be stored in the units.

So, and the HAENNI scales fitted into all of the units, into all the vehicles that they were required to fit into?---I guess so. I never asked that question to the inspectors directly but I never received any feedback regarding the HAENNI scales not fitting into the storage racks.

40 Again, you'd expect if HAENNI scales weren't fitting into the vehicles that were, to carry them around, that would be - - -

MS WRIGHT: I object.

MR LONERGAN: You would know?

MS WRIGHT: That's very speculative, I object.

THE COMMISSIONER: I think move on, Mr Lonergan.

MR LONERGAN: Please the Commission. So given that there are variable scales sizes, how did you choose what scale dimension, sorry, what storage dimensions to put into the request?---I was asked to use the minimum dimensions.

THE COMMISSIONER: Sorry, somebody coughed.---Yeah, I was asked to use the minimum dimensions so that would ensure that it would fit in all the storage racks in inspectors' vehicles around New South Wales.

10

And who asked you to do that?---Oh, that was Mr Soliman.

And your understanding was that the basis for that was so that whatever scales were chosen would fit into all of the vehicles?---That's correct.

MR LONERGAN: Just excuse me for a second. So if we just bring up volume 10, page 3. You'll see there, Mr Singh, the second email there. "Depth 725, height 53 and width is 525."---Yes.

20 So that was from one of the, one of the users of the scales?---That's correct.

Now, if you go over, sorry, if we go to volume 10, page 45, which is the tender, you'll see there that the dimensions under Scale Requirements, are 670, 520 and 42.---Yeah.

They're different to the ones provided by the RMS employee.---That's correct.

30 But aren't they larger than the dimensions - - -?---Well, that response was just from one, one office, because my original email, that email went out to a whole bunch of, all the offices.

THE COMMISSIONER: So that was from - - -?---Michael Pepper.

- - - a Mr Rust, and Inspector Rust, is it?---I thought it was Michael Pepper. Is it Michael Pepper?

I think it went from Mr Rust to Mr Pepper.---Okay.

40 Then from Mr Pepper to you.---Yeah.

And Mr Rust was an inspector at somewhere out near New England. ---Was it Cankool? I thought it was Cankool.

Yes, it was Cankool.---Okay, yeah.

MR LONERGAN: But the email that you sent out was to a number of different RMS locations.---That's correct.

And was he the only person that responded?---No, they all, all, I'm pretty sure they all responded, yeah.

So they're the minimum dimensions here as you see in the tender that you received from all the people that you went out to, including your prior exercise where you put it into a spreadsheet.---In 2016.

10 But are they one and the same or are these different events? So the email that you've sent out which I just showed you before, we can go back to it if you need - - -?---Just that one just before?

Yes.---Yeah.

Is that separate, is that a separate process to the first time that you were asked to go out and get the dimensions?---No, this was the first time.

That was the first time?---Yeah, yeah.

20 THE COMMISSIONER: And your email right down the bottom of page 3 which seems to be to - - -?---All the officers.

- - - all the officers, was dated 7 November, 2016.---Yeah.

And that's where you attached the photo with the - - -?---Yes, I attached, I remember I attached a photo and I put arrows just so they understand what depth - - -

30 Can we go to page 4?---There you go, yeah.

That's it?---So just the, just, just so they can understand what I meant by depth, height and width.

MR LONERGAN: Right. Okay. So you took the minimum amount, and in volume 10, page 45, the minimum dimensions were used for the tender process.---That's correct.

40 And the HAENNI scales, did they fit into those dimensions?---I thought we answered this question. I have to make the assumption yes. Like I said, no one, these HAENNI scales have been used I think close to the same amount of time as these PAT scales, so this was way before my time, so if they didn't fit, that issue would have been raised, yeah, long ago.

So then going on to the AccuWeigh scales, the Intercomp LP788, how long would it take for them to be certified?---So when I spoke to AccuWeigh about that, they said it was still a few, a couple of months away, so I think something like, I think, this is off the top of my head, I think it's like a six-

month process or something. Yeah, and these were still, these 788s were brand-new scales from what I was told, so it was still undergoing that.

THE COMMISSIONER: And when was that conversation with somebody from AccuWeigh?---This was during that first tender, so – oh, not during, afterwards, because I gave, I got in touch with AccuWeigh because DJ, if you recall his emails, he, he gave positive feedback about the LP788. So afterwards I did get in touch with AccuWeigh and asked them if they could send a set over to, sorry, DJ, David Jones, David Jones, send it to David
10 Jones so he can play around with it and get some, yeah, hands-on experience and provide feedback.

MR LONERGAN: So if we go to volume 10, page 169, this is the email that you're referring to, Mr Singh, in relation to Mr Jones?---Yes.

So Mr Jones in the second paragraph there says, "I fully appreciate there is an urgency to progress an RFQ relating to available funds." What did you understand that to mean. Sorry, if you read on at - - -?---Yeah. So, so we received \$2 million, and from what I was told by Samer we needed to spend
20 that 2 million and have the scales delivered within that financial year.

And there's, to your understanding, any way that the AccuWeigh scales could have been tested and complied with within that period?---You mean certified?

Certified.---Well, once they were certified, I don't believe so. Because when I spoke to AccuWeigh they were still a few months away and, yeah, we couldn't take that risk.

30 So if you go back to, if you go down to the LP788 feedback, Mr Jones references "If and when the scales can be evaluated after attaining certification and behave successful in operation. The overall package is by far the best and most economical available option." But they had not been evaluated by RMS at that point in time?---At that point, no.

Have they ever been tried in operation by RMS?---So David Jones did receive those scales and he did trial it. Provided some feedback. I think the, two of the scales broke. The loading cell broke.

40 Sorry, this is the AccuWeigh scales?---The LP788. Yeah, there was an issue with the loading cell. I don't know what a loading cell is but that's the feedback DJ provided.

Sorry, when did Mr Jones provide that feedback?---I don't recall, sorry.

Was it during this tender evaluation process?---No, no, no. This was afterwards. This was, because it takes some time because these scales are in (not transcribable) Intercomp in America, so they need to send it across and

I think it's like six weeks to send that, send that set of scales across, so this was after the, after the first tender.

So after the first tender, AccuWeigh, the LP788 scales were tested and broke?---Yeah, there was an issue with the loading cell. David Jones would be able to - - -

MS WRIGHT: I don't think the word broke was used.

10 THE COMMISSIONER: No, he said there was an issue with the loading cell. I don't know if it helps, but Mr Jones is coming to give evidence.

MR LONERGAN: Yes, I understand that, Commissioner. And you'll see above there, the LP600 feedback and the LP600, they're also Intercomp scales provided by AccuWeigh?---That's correct.

And they are also not certified?---They were certified, they just couldn't fit in the existing storage racks.

20 Well, it says there that they were untested, heavier.---Untested by Mr Jones.

So why weren't the – sorry, I withdraw that. So the only scales, so if you modified the size, which you suggested you had authority to go out and change the size of the - - -

THE COMMISSIONER: Racks.

MR LONERGAN: - - - storage devices, what scales could have been used under the tender?

30 MS WRIGHT: Well, Your Honour, I object to that. I think that's a very speculative question.

MR LONERGAN: Well, Commissioner, I withdraw the question but we'll go to the email.

THE COMMISSIONER: This is the one on page 169?

40 MR LONERGAN: 166. So you remember that email, Mr Singh?---Yes.

So your evidence was that you actually didn't have the authorisation to remove the scale dimensions from the RFQ but you thought you would get it and therefore sent this email out, is that right?---In anticipation that, yep, I would get a, I'd organise this meeting.

Right, so if that scale dimension was taken out, then the only scales that were certified were the IRD and the HAENNI scales and the LP600s, is that

right?---Well, the HAENNI scales, there was no submission for the HAENNI scales.

No, I understand that.---Yep.

THE COMMISSIONER: So it was only, the only submissions - - -?---The LP600 and the IRD scale.

10 MR LONERGAN: So the panel could only consider, to your understanding, the LP600 and the IRD scales, even if the dimensions of the storage units was taken out of the requirement?---Yeah, so the dimensions were taken out of the requirement, we could only use the LP600 or the IRD scales.

Now, if we go back to volume 10, page 169. Now, you'll see them just referring you again to the LP600 feedback, did you have any conversations with Mr Jones regarding his feedback on the LP600s?---Yeah, I believe so, I would have, in that second meeting, there was discussions, which is why I sent him an email after that second meeting just so I can get it in a documented format. So, yeah, there were discussions.

20

And sorry, what was the effect of the, or the content of those discussions or the – sorry, I withdraw that. What's the conclusion of your discussions regarding the LP600 scales?---So he wasn't, because of the weight and because he mentioned a few other items, he thought that the LP600 may not be fit for purpose, so yeah, so, on conclusion of that meeting, yeah, we were back to the original recommendation which was the IRD scales.

30 So there was a side by side comparison of the LP600 and the IRD scales? ---Yeah, so the original evaluation, all the submissions were laid out and, yeah, comparisons could be made.

And best value for money in the context here incorporates more than just price, does it?---Yeah, it's price and service, service being delivered.

THE COMMISSIONER: And what do you mean by service being delivered?---Quality of the service being delivered. Yeah.

40 What, is this after if you purchase them and they broke?---Purchase (not transcribable) broke, I guess best value for money - - -

So you said price and service.---Price and quality of the service being delivered. Yeah, that's my understanding. I'm sure someone could probably be able to explain it a bit better. But, yeah, it's not just price. Yeah.

MR LONERGAN: Does longevity of the product come into consideration at all?---So there was a requirement that the scales had to, had to be or can

be operational for 10 or more years. I believe there was a requirement like that in the tender requirements.

And the IRD scales have been in operation at this time for almost 20 years, is that right?---Yeah, around that time.

And that was part of the reason why you were looking to replace those scales?---Because, yeah, they've reached end-of-life and, yeah.

10 The IRD scales had reached end-of-life?---The IRD scales had reached end-of-life.

And other than representations by AccuWeigh, was there any evaluation of the quality of the Intercomp scales?---Any evaluation - - -

Of the quality.

MS WRIGHT: When?

20 THE WITNESS: When, yeah.

MR LONERGAN: Sorry, during the tender process.---During the tender process. So when DJ mentioned that he hadn't tested the LP600, I got in touch with AccuWeigh and asked them if they could send us a set of LP600s across, and the time frame was six weeks, so I did ask AccuWeigh just, yeah, go ahead and start that process off. But then during this time this whole dimension discussion came up and, yeah, then that second meeting DJ said that, yeah, he had, he had concerns about the weight of the scales and everything like that. So - - -

30 The weight of the scales being the LP600s?---The LP600s, yeah, the LP600s. And then, yeah, so following that we were back to the original recommendation. I don't believe I told AccuWeigh to stop on that delivery so there'd probably be, the scales were probably received by AccuWeigh, but we didn't go ahead and test them.

40 And did Mr Jones provide any feedback to you on the IRD scales?---Yeah, he's been using those scales so the feedback was positive. He had to make some adjustments, which he provided Samer before the, when the tender, when the requirements were being put together. Samer got in touch with him for those requirements because he had to make some adjustments. He, I, I don't think it was to, I think the original, the handle dimensions of the scales didn't, didn't work for him, so he made some adjustments there, so he provided those requirements to Samer, so, and then he forwarded those requirements to me and asked me to put them into the, the, the document.

THE COMMISSIONER: Which document?---The RFQ document, the requirements.

MR LONERGAN: And the IRD scales that were eventually supplied, were they customised to meet the requirements Mr Jones asked for?---Yes, they were.

So a request went to Novation for Mr Jones's specification of the scales to be incorporated, is that right?---In the tender documents, the requirements for the handle length and everything was included. So that would have gone out to the panel.

10

But they were different to the standard IRD scales that you, that RMS presently had at that time, right?---That's correct.

So Novation or IRD had to, well, modify their standard product to incorporate RMS's requirements?---That's correct.

And they did so and delivered those scales?---That's correct.

20

The TIRTL was a piece of proprietary equipment that RMS purchased. Do you recall that?---Yes.

And your evidence was that you had to go to one vendor because they had the patent on that technology?---Yes.

Now, at this time of the purchase of the IRD scales, RMS had to go to Novation to purchase the scales if they chose the IRD scales. Is that right? ---Sorry, so if - - -

30

If through this tender process the IRD scales were chosen as the preferred product - - -?---Yeah.

- - - the RMS had to purchase those scales through Novation. Is that right? ---Yes, because they're the authorised supplier for the product.

But no dissimilar, well, not dissimilar to the TIRTL?---Yeah, except CEOS, the TIRTL is a CEOS product, they're, they're the manufacturer of the device.

40

But they're also the (not transcribable) exclusive distributor of that product. ---Yeah.

So you didn't have any issue at the time of purchasing the IRD sales through Novation?---Well, they're the authorised distributor so that's the only way we would have been able to procure the IRD scales.

And the price of the IRD scales was around 1.9 million and the price of the Intercomp scales provided by AccuWeigh was significantly, well, it was a fair bit less than that. Do you recall that?---Yes.

But then with the costing of replacing all of the storage devices in the trucks the cost moved to about 1.6 million. Is that right?---I'd probably have to check.

We can take you to – sorry.

THE COMMISSIONER: No. How about we go to page 164.---Yeah.

10 Sorry, volume 10, page 164. Is that where you set it out?---Yeah, that's where the pricing's set out, so near the bottom, if you include the cost for replacing the storage racks those would have been the prices for AccuWeigh's options.

So just over a million, and then just over 1.4 million.---Which is the one we couldn't consider anyway because it was not certified.

Certified.

20 MR LONERGAN: And how long would it have taken to have called in all the trucks and put in new storage units?---We wouldn't have been, or my plan wouldn't have been calling in all the trucks to Sydney, every region has their own fabricator so they could engage with their own fabricator and the fabricator could go to the site and replace the storage racks.

And is that how you came up with the additional costing?---So the cost was, I got one cost from David Jones and the other one was from my acting manager at the time, Craig Steyn, and I think they were both around 1,500, from what I recall, and then I got in touch with the different regions to see
30 how many vehicles they had and just, yeah, did calculations based on that.

So you took David Jones, he gave you an estimate?---He gave me an estimate. He may have sent me the quote as well. I don't recall but I, yeah.

And who was the other person, Craig Steyn, was it?---Craig Steyn, yes.

And did he obtain an estimate?---He obtained an estimate, yes.

And did they provide an estimate of how long that would take?---I don't
40 recall that, sorry.

So you have no knowledge of how long it would take to - - -?---I'm just trying to read this. So I may have, because if you look at the last line, "In regards to spending the money we are confident that we can spend the money by the end of the financial year as long as the purchase order is raised before the end of March." So I may have got the length as well, the length of time to replace the storage racks, but I can't recall, sorry.

Now, you gave evidence that you spoke to Ali at the gym in relation to this quotation that was provided by Novation.---That's correct.

Did you tell Ali the price that Novation had quoted?---I don't think so. I don't recall.

Did you tell him the difference in price to the other scales that had been quoted?---I just, I believe I said significant, significant difference.

10 And why were you talking to Mr Hamidi about the prices of scales under a RMS tender process?---It was just a concern I had.

But you've given evidence before the Commission that any feedback to the respective suppliers in relation to their products was an issue in terms of the process for the tender because it may provide a differential advantage to the respective tenderer. Now, I accept here that – sorry, is the answer to that yes?---No, sorry, I haven't said anything.

20 Well, what is your answer to that?---So, yeah.

MR O'BRIEN: Well, I don't think there was a question to that. It was a suggestion that was his evidence earlier on but I don't think it related to this particular tender at all.

MR LONERGAN: No, it didn't relate to this tender.

MR O'BRIEN: Well, the question should be put in relation to this tender.

30 THE COMMISSIONER: So what was - - -

MR LONERGAN: I withdraw the question. I'll start again.

THE COMMISSIONER: Yes.

MR LONERGAN: You accept the proposition that the RMS process was to not provide any additional information feedback to the tenderers once they had made their submissions?---That's correct.

40 Now, here Mr Hamidi wasn't part of this tender but he wasn't an RMS employee so why were you discussing confidential aspects of RMS business with Mr Hamidi?---It was, again, it was just a concern I had and I thought I'd raise it with a, a friend that I was close and I trusted.

The difference in price was 1.9 million versus 1.435 million.---That's for option two.

For option two.---Which we couldn't consider.

So you couldn't consider it so the only option that you actually had on the table was the IRD scales. Is that right?---Yeah, because we couldn't replace the storage racks so we couldn't consider the LP600, and then also that second meeting we had together David Jones also pointed out that he had some concerns about whether the scales were, the LP600 would suit the purpose so, yeah, at the end we were just stuck with that original recommendation.

10 And Novation or IRD was to provide customised scales in order to satisfy the requirements of RMS. The only potential and actually – sorry, I withdraw that. The only other scale that was potentially considered was the LP600 which had a cost of 1.435 million.---No, no.

So the difference - - -?---No.

THE COMMISSIONER: Mr Lonergan, you've been through this. I just don't really see why we're going over this again.

20 MR LONERGAN: Commissioner, I just want to put one proposition.

THE COMMISSIONER: All right. Well, quickly.

MR LONERGAN: And the proposition is this, that the difference being 500 or 465,000 thereabouts.---You're talking about option two again though.

Yes, option two.---Which we couldn't consider.

30 You couldn't consider, exactly. So you're only left with one option that had a price difference to the option that you couldn't consider of less than \$500,000.---Sorry, there was option one, which we could consider.

Sorry, option one you could consider?---Because that was the LP600. The LP78, 788 - - -

No, sorry, option two being - - -?---The LP788.

Sorry, LP600 plus replacement of the - - -

40 MS WRIGHT: No.

THE COMMISSIONER: No, no, no, no. Look - - -

MS WRIGHT: You're at cross purposes and, with respect, the witness is correct.

MR LONERGAN: Okay.

THE COMMISSIONER: Look, Mr Lonergan, I think the point that I think you're trying to make I think you've made. I really think it's time to move on.

MR LONERGAN: Excuse me for a second. So we're moving on to a different topic, Mr Singh. Your background was Optus before you went to RMS, is that right?---My background?

10 Yes. So you were employed by Optus for a period of time.---Yes.

You worked in the technology area of Optus, is that right?---IT, yes.

IT. And before Optus did you have any experience in heavy vehicle equipment or in the area relevant to your employment with RMS?---No, I did not.

To your knowledge, did Mr Soliman?

20 THE COMMISSIONER: What, before he started at RMS?

MR LONERGAN: Before he started at RMS.---Before he started at RMS did I know if he had any knowledge of heavy vehicles?

Yes. Or relevant industry experience.---Not that I know of. It's not something we discussed.

30 So when you went to RMS, you were employed – so who at RMS interviewed you for your job?---There was Mr Soliman and John Willoughby.

And Mr Willoughby holds what position at that time within RMS?---He had, he held a similar role to Mr Soliman. It was, I forgot what the titles were back then. Like, a senior manager I think it was called or principal manager. I forgot.

And you provided your résumé and explained your history, et cetera, in the interview?---Yeah, that's correct.

40 And what university qualifications do you have, Mr Singh?---I went to University of Western Sydney. Degree in technology/IT support.

THE COMMISSIONER: So that's like a Bachelor of Technology, is it? ---Yeah, Bachelor of Technology, yes.

MR LONERGAN: Specialising in technology support?---IT, yeah.

IT. And your understanding of Mr Thammiah's work experience at Optus was that similar to yours?---What Mr Thammiah was doing?

Yeah, his work, what he was involved working - - -?---He worked in a completely different area to where I was, so I don't know exactly what, yeah, his role was.

But you're confident at the time he was engaging with RMS that he had a background in technology?---That, well, that was my assumption because I don't know of his background, so - - -

10 So what did you understand about Mr Thammiah when he started engaging with RMS about his skill set?---I didn't know his skill set. Like I said, I don't know Mr Thammiah too well so I just know, yeah, background skill set, I don't know.

The evidence you gave last week around the requirement for an independent report, an independent report being needed in order to get funding for the respective projects, do you recall that?---Yes.

20 Now, was that a directive from within RMS?---So Mr Soliman told me that was a directive from senior management that gave him direction that, sorry, that, yeah, any future technology trials we do, we'll need an independent report from it. But, yeah, for those reasons you specified.

And the independent report meant that you couldn't have an RMS employee conducting the testing of the technologies to be implemented?---I don't know about testing. It was more so analysing the output, the data, yeah.

30 So the key aspect of independence, to your understanding, was having an independent person analyse the output of the data from the respective tests? ---That's correct. That's my understanding.

THE COMMISSIONER: And was it also to ensure that the data wasn't - - - ?---Cleansed.

Thank you for that word.---Yes, yep.

So making sure the data wasn't cleansed and then analysing the data? ---Yep. That's correct.

40 MR LONERGAN: And then presumably providing a report, setting out the conclusions from the analysis of the data?---That's correct.

And similarly that independence required that the respective supplier of the products might actually go through the process of the test but can't collect and analyse the data?---Well, they can collect and analyse it themselves but then we would also have data sent to the, to the vendor that's performing the independent analysis.

And it's that independence that you understood to be part of the requirements in order to obtain funding for the projects?---Yep. That was the - - -

THE COMMISSIONER: Well, is that – I'm sorry, go on.---Oh, sorry, so that was the directive given by my manager.

10 And was the idea that if the trial indicated that it was a tremendous product that RMS should consider buying or investing in, then to pursue it through your hierarchy you needed that independent report?---That's correct.

And that's what Mr Soliman told you?---Yep.

MR LONERGAN: And if we go to volume 8, page 114. Perhaps if we just go back over to the previous page first. Can you remember being shown this last week, Mr Singh?---Yes.

20 If we just go over to page 114. You'll see there under point 2B, "The PSC shall design the technology trial at the site, selected by RMS in accordance with Road and Maritime WHS requirements"?---Yep.

So is it correct that the checking of, or the performance of RMS employees jobs on the sites as part of this testing had to be performed by RMS employees?---Sorry - - -

THE COMMISSIONER: Could you say that again?---Yeah.

30 MR LONERGAN: Yes, sorry. I clumsily worded it. RMS employees at the site, if the testing involved performance of part of their work function, they had to do that work?---For example, inspectors?

Yes. So take an example, Mr Singh, of looking under a vehicle with an under-vehicle camera. So the independent person couldn't do that, it would have to be something that was performed operationally by an RMS employee, is that right?---Yes, yes.

40 So anything that was within the work scope requirements of an RMS employee as part of this testing of product was required to be performed by that employee?---By the, yeah, the employee, which most of the time would be the inspector.

So then if we go to the vendor of the product, so if we take the dimension scanner as an example, here the vendor of the product sets up the product at the relevant worksite.---That's correct.

And then if the testing involves an RMS employee doing his job, the RMS employee is required to do that job, not any other person?---That's right.

And then the independent evaluator or the independent person then collects that data and then performs an analysis of the data and then provides a report, a scoping study, to the RMS.---That's correct.

And what you've just given evidence on then is your understanding how these five points that are set out in the document at volume 8, page 113 and 114 are designed to accommodate?---That's correct.

10 Excuse me for a second, Commissioner. Commissioner, that's my examination, subject to obviously what we talked about before.

THE COMMISSIONER: Of course. Thank you, Mr Lonergan. Mr Young?

MR YOUNG: Thank you. Mr Singh, I'd just like to commence with some questions - - -

THE COMMISSIONER: Mr Young represents Mr Soliman.

20

MR YOUNG: Mr Soliman, I'm sorry, yes, Commissioner, yes, I represent Mr Samer Soliman. I'd just like to commence by asking you some questions which have been touched on by Mr Lonergan this morning but also relate to evidence that you gave at the outset. Your job description, job title, was business systems analyst?---That's correct.

And obviously the last word of that is analyst. You were required to analyse material that was given to you?---Yes.

30 And that provided you to form an independent judgement in relation to that, whatever material it was?---Yeah, if I was asked to review something, that's correct.

But it was, your job was, your position was to exercise independent judgement?---Yeah, when I was asked to review something and asked to provide feedback.

40 Now, at the outset of your job or your employment, it was not necessarily expected that you would be on Tender Evaluation Committees?---That's correct.

But you came to be on those Tender Evaluation Committees?---That's correct.

Now, when you did go on one of those Tender Evaluation Committees, that was firstly an important opportunity in terms of career development?---I'd say so, yes.

And you also understood that it involved independent consideration of the particular tender that was involved?---That's correct.

And that was the case whether you were the convener of a particular committee or whether you were simply a member of the committee.
---That's correct.

10 Now, you've given evidence that, in relation to your performance on those Tender Evaluation Committees, I think this would be a fair description of your evidence, that you did in fact form independent judgements and you weren't directed by anybody as to how to come to the conclusions that you did.---In terms of evaluating the submissions themselves?

Yes. Whether they were right or wrong, they were your honestly held views at the time that you expressed those views.---That's correct.

20 Now, in terms of your day-to-day – well, firstly if I can just ask you that, you gave evidence that you had, shortly before you started being, started giving evidence, you had been terminated from your employment at RMS?
---That's correct.

Now, was that a, for you, a quite traumatic event?---For me?

Yes, for you to be terminated from RMS.---Yes, it was.

And is that something that has affected you emotionally quite a considerable, to quite a considerable extent?---It has.

30 Now, do you agree that in terms of recollections where you had been affected by that matter, and where you have not had access to documentation, that your recollection on various matters may not be a hundred per cent - - -

MS WRIGHT: I object to that. That's far too broad, Your Honour.

MR YOUNG: Well - - -

40 THE COMMISSIONER: It doesn't help me, Mr Young. I'm not going to allow that.

MR YOUNG: You had a background in IT, correct?---That's correct.

And you also had a degree in technology from the University of Western Sydney.---That's correct.

Now, prior to you working at Optus, had you worked anywhere else?

THE COMMISSIONER: In technology?

MR YOUNG: Anywhere.

THE COMMISSIONER: Oh, anywhere. Okay.

THE WITNESS: Oh, okay. McDonald's.

10 MR YOUNG: Right.---I did a bit of freelancing for web design and that was it, and then, yeah, so pretty much on my last day at university I got a call from Optus for an interview, so, yeah.

THE COMMISSIONER: That was your last day at uni?---Yeah. Last day at uni I had a call from Optus for an interview and, yeah, I was successful.

MR YOUNG: All right. So went basically straight from university to Optus?---Yeah.

20 Now, you heard, as distinct from IT, you've heard the expression ITS used many times in this case?---That's correct.

Now, when you started, the day you walked in the doors of the RMS, you did not know anything or much about ITS?---That's correct.

Was it something that you were able to learn?---Yeah, I guess, you know, being very interested in technology I'm a very quick learner when it comes to things revolving technology, so, yeah.

30 THE COMMISSIONER: And how were you able to learn about it?---It was just on-the-job training, really.

I take it you were surrounded by it, were you, in a sense?---Yeah, I was surrounded by it and people – I mean, I mean everyone there has worked more than six or seven years by the point I got there, so they're all pretty experienced in what they were doing. It's just, yeah.

And they were members of your team?---Yeah, so I was pretty much a sponge just absorbing everything I was being told.

40 MR YOUNG: And would you say that within a period of days or weeks you'd become reasonably familiar with the basic concepts of ITS as they affected your job?

THE COMMISSIONER: Well, how long did it take you?---I'd say, let's just say, let's just say six months, maybe. I felt like, I mean, it was just the acronyms, really. There's so many acronyms at RMS that it was just getting my head around that. But in terms of the technology and how the systems

worked, it, yeah, it was a couple of months before, yeah, I got my head around, yeah.

MR YOUNG: And you were working in a number of areas, but at the start on camera-related projects?---At the start it was just systems-related projects, so the back-end systems that we use for heavy vehicle compliance. So truck scanning, there's another system called VRMIS which is used for reviewing (not transcribable) from cameras and you can view notices that were issued to heavy vehicle drivers and, yeah, it's just like a, I guess a
10 database with all information captured from there.

THE COMMISSIONER: You gave some evidence about that the other day. That's when data's captured on the road.---Yeah.

And then it's - - -?---Populated into the database.

I was going to say channelled, but populated - - -?---Okay, yeah.

- - - back into databases, which are back at RMS headquarters or office or
20 whatever.---Yeah. Yeah. Yeah, that's correct.

So that was what you initially focused on?---Initially, yeah, it was systems-related.

Mr Young, we've been going for about two hours. I was going to suggest a morning tea break. Is that a convenient time for you?

MR YOUNG: Yes, that certainly is, yes, yes, Commissioner.

30 THE COMMISSIONER: All right. We'll break for morning tea and resume at about 10 to 12.00.

SHORT ADJOURNMENT

[11.31am]

MS WRIGHT: Commissioner, just before we resume with Mr Singh, I have a variation application under section 112 of the ICAC Act in respect of a compulsory examination which took place on 25 January, 2019, of Mr
40 Hayes and also in relation to the exhibits that are relevant to that examination.

THE COMMISSIONER: All right. And the application is for this now to be available to the parties and ultimately you anticipate it will be tendered.

MS WRIGHT: Yes, that is so. Mr Hayes will be called but I propose that his compulsory examination form a large part of his examination-in-chief.

THE COMMISSIONER: All right. And can you remind me - - -

MS WRIGHT: The exhibit numbers or - - -

THE COMMISSIONER: Oh, there were a number. I'm just having a quick look at it. There was Exhibit 29.

MS WRIGHT: 26 to 29 and I understand Exhibit 8 was also shown to him.

10 THE COMMISSIONER: Now, Exhibit 8, I only amended the section 112 order, my recollection was, for about two pages.

MS WRIGHT: Yes. I'd have to check, Commissioner, whether that exhibit in its entirety was shown to Mr Hayes. Perhaps if Exhibits 26 to 29 could be part of the order?

20 THE COMMISSIONER: Yes. And we'll come back to Exhibit 8. All right. I vary the non-publication order made on 25 January, 2019, so that the evidence of Paul Hayes given on that day as recorded in transcript pages 353 to 418 and also Exhibits 26 to 29 are no longer subject to the non-publication order.

VARIATION OF A SUPPRESSION ORDER: VARY THE NON-PUBLICATION ORDER MADE ON 25 JANUARY 2019 SO THAT THE EVIDENCE OF PAUL HAYES GIVEN ON THAT DAY AS RECORDED IN TRANSCRIPT PAGES 353-418 AND EXHIBITS 26-29 ARE NO LONGER SUBJECT TO A NON-PUBLICATION ORDER

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THE COMMISSIONER: Now, I don't have a witness. Oh, sorry.

MS HOGAN-DORAN: Commissioner, could I just clarify some matters arising out of that?

THE COMMISSIONER: Yes.

40 MS HOGAN-DORAN: And I may have misheard Counsel Assisting. Will that material be made available shortly on the restricted website?

THE COMMISSIONER: Yes.

MS HOGAN-DORAN: Thank you. And also the public exhibit list on the unrestricted site is presently only updated to Exhibit 37. So the exhibits from late last week are not yet included and we don't have access to, including I think up to, perhaps it's Exhibit 40.

THE COMMISSIONER: All right. We'll chase that up.

MS HOGAN-DORAN: If that could be updated, thank you.

THE COMMISSIONER: Right. Now, before I send out a search party - - -

MS WRIGHT: Yes. I don't know where Mr Singh is.

10 MS HOGAN-DORAN: It may be that he's in with his counsel team, who I understand were in the room on the other side of the hearing room.

THE COMMISSIONER: You sighted them in a meeting room, did you?

MS HOGAN-DORAN: Yes.

THE COMMISSIONER: Thank you.

MS HOGAN-DORAN: By way of assistance to the search party.

20 THE COMMISSIONER: Thank you. Mr O'Brien, I said 10 to 12.00. I stood outside the door there waiting. I then came on and now it's 5 past 12.00.

MR O'BRIEN: I apologise, we were just in the interview room next door and generally we're being told when, when, when you're about to come on so we come straight through, so I apologise for that because it appears the officer who's been letting us know is not on, not working today so - - -

30 THE COMMISSIONER: Well - - -

MR O'BRIEN: I do apologise, Commissioner, not only to you but all the parties that are represented.

THE COMMISSIONER: Well, I think if I say we're back on at 10 to 12.00 my expectation is all parties will be here at 10 to 12.00. Okay.

MR O'BRIEN: Yes. I apologise.

40 THE COMMISSIONER: Thanks, Mr Singh. Mr Young?

MR YOUNG: Thank you, Commissioner. Mr Singh, I was just asking you before the morning tea break about the initials ITS, and you very quickly became aware of what they meant.---Yes.

And you would expect, for example, that somebody such as Mr Hamidi, attending such trials as he did, would become quickly aware of the meaning of the initials ITS?

THE COMMISSIONER: No, I reject that. How possibly, given Mr Singh's evidence that he's working there full-time, he was like a sponge, relied on all the members of the team giving him, hearing things working with them, can somebody who's the evidence is never set foot on RMS office, how could this witness give that evidence? I reject it, Mr Young.

MR YOUNG: Can I just be heard for one - - -

THE COMMISSIONER: Yes.

10

MR YOUNG: I won't take long. Mr Singh has a long and detailed knowledge of Mr Hamidi, I just put that, that he knew him from before, his background. If it's rejected, it's rejected.

THE COMMISSIONER: It's rejected.

20

MR YOUNG: Please the Commission. You were asked about the company, Novation Engineering, and you said that you raised purchase orders in relation to the company under the instructions of Samer Soliman. Do you recall giving that evidence?---Yes.

Now, that's just a pat answer, isn't it?---No.

By that I mean you just add the words, "Under the instructions of Samer Soliman," even though it was your independent discretion to raise those purchase orders?---It was under the instruction of Samer Soliman, my manager.

30

What, every single one of them?---Yeah, I had no authority to raise a purchase order on my own, it would have to be under the instructions of somebody to raise a purchase order.

Well, do you agree that during significant, that Mr Soliman had, leading to the end of 2016, a considerable period of unused leave?---Sorry?

Coming up to the end of 2016 Mr Soliman had a lot of unused leave?---I don't know his leave balance.

40

Well, he was absent for a significant period in both 2017 and 2018?---Okay.

THE COMMISSIONER: Well, do you - - -

MR YOUNG: At the start of the - - -

THE COMMISSIONER: Well, is that your recollection?---I don't, I know 2018 he was on leave for his wedding.

And that was after the wedding?---The wedding and stuff, yeah, but prior to that I can't recall when he took leave.

MR YOUNG: Well, if I was to suggest to you that from January he was away in both 2017 from a period in January to a period in March and away from the whole of February in both those years would you be in a position where you're able to say whether you have any recollection of that or not?
---I don't have any recollection of that.

10 Who during the periods in 2017 when Mr Soliman was not there was your supervisor?---I don't recall.

Well, who would give you instructions in relation to raising purchase orders for the company Novation?---Um - - -

THE COMMISSIONER: If Mr Soliman wasn't there.---If Mr Soliman wasn't there I can't recall who, who would be.

MR YOUNG: Now, would you describe Mr Soliman as a micromanager?
20 ---No, he wasn't a micromanager.

How did he give you instructions, by what means?---It would just be verbal instructions or by, it'd be instructions by email.

Now, did you raise matters with him by email from time to time?---I mean, I can't recall any specific examples but I may have.

If there was any matter which was particularly of concern to you, you would raise it by email?---Email or verbal. One or the other.
30

If you raised it verbally, would you take any note of it? If it was a matter of concern, if you felt it was a matter affecting your job performance or an ethical issue or something of concern, would you take any note of it?---As in would I write it down somewhere?

Write it down or record it in your computer, spoke to Samer today.---I don't think so, no.

You were not - - -
40

THE COMMISSIONER: Did you have a practice of making file notes?
---Only for memos I can recall. When you upload on Objective you get the file number and you put that file number into the memo.

No, no, no, no. A file note. Do you know what I mean by file note?
---Okay.

It might be lawyer speak.---Yeah. I guess not.

For example, lawyers usually if they speak to a client or speak to an opponent they'll make a note of what was discussed, the date, the time.
---Okay. Like a diary entry sort of?

Yes.---No, no, I didn't do anything like that.

MR YOUNG: You didn't keep any kind of diary at all?---No, I did not.

10 Were you instructed by RMS apart, you've been shown the document which has matters in relation to conflict of interest, but were you ever given instructions in relation to what to do if you had a problem with your immediate manager?---Yeah, would have been, I mean, it's just if you have problems with your immediate manager you go to the next manager, next level manager.

And who during the relevant periods was your manager above Mr Soliman?---So there was two. There was Paul Hayes to begin with and then after that it was Arnold Jansen.

20

And can you just, best you can, what the relevant periods were?---I think Arnold Jansen has probably been there for a bit over a year now in his position.

That's a bit over a year from where we're at now?---Yeah, from where we're at now.

So some time - - -

30 THE COMMISSIONER: So about May 2018?---Maybe a bit earlier.

A bit earlier.---Yeah.

MR YOUNG: So March - - -?---Yeah.

March 2018. So I'm not trying to pin you down to an exact time but best recollection would be about March 2018?---Yeah, somewhere around there.

40 Now, did you ever raise any issue with either of those gentlemen in relation to any issue concerning Mr Soliman?---No, I don't believe so.

And if you had done, how would it have been done?---I probably first would have had a verbal conversation with either Paul Hayes or Arnold Jansen.

THE COMMISSIONER: Now, you were working out of offices at Parramatta?---Yes, in Parramatta.

The team was.---Yeah.

Was Mr Hayes or Mr Jansen working out of the same office?---Yes, it was the same office.

10 MR YOUNG: Now, you've been asked a number of questions including today by Mr Lonergan about this system called Objective, and in answer to a question from Ms Wright at 228 at the top of the page, she asked you, "Was Objective a database for holding documents?" You said, "It's a document sharing platform, I guess, best way to call it." Now, what do you mean by a document sharing platform? Can you just explain how it works? ---So basically it's a platform where you can upload a document and then that document can be accessed by others within RMS if they have the permissions to access that directory on Objective.

All right. Now, the only documents I think you actually said that you recalled being put into Objective were tender documents?---No, I didn't say ---

20 THE COMMISSIONER: I think he said something else.---Memos as well.

MR YOUNG: What sort of memos?---Oh, memos, just any memo really that needs to flow up the, the management hierarchy would need to be uploaded onto Objective and then that link, the Objective link would also then be attached to an email which then gets sent up the hierarchy for their sign-off.

So memos that are going up the hierarchy go into Objective?---That's correct.

30 Memos that are going back down also go into Objective?---Yeah, so when we get the, when we get the sign-offs and we replace the document, the original document with the signed off document.

And so all of the documents that, all of the memos that you had with Mr Soliman should be on Objective?---The ones that were signed off and required senior management approval, yes.

40 Now, is it the case that people were working at different teams, is that right? Were people working in different teams in relation to various matters even though they were working in similar areas? Were there different teams?---I don't understand.

All right. Well you've talked about people from other teams.---Yeah.

Now, was there any interface between people from different teams? In other words, did they have meetings where people from different teams would discuss matters?---You mean collaboration, so we collaborate?

Now, how did that happen, was that a regular thing every so often or how did it happen?---Well, I mean, I'll give you an example. So I was chair for our average speed camera vendor meetings - - -

10 THE COMMISSIONER: Sorry, chair for what?---The chair for the meetings with our vendors who provide the average speed cameras. So that would, their invite would include members from different teams within our Compliance Unit, for example, the tech guys who, and then the, the camera network guys and then the vendor themselves and then I would be chairing and then you would also have the program manager. So - - -

So can I just ask, your team was a member of the Compliance Unit?---Yes. Oh, Compliance Section I think it was, yeah.

20 Section. And under Compliance Section, you had lots of different teams? ---Yeah, so there's an operational team, there's a Certification team, there's a Camera Networks teams, there's our team, the Heavy Vehicle Programs unit and I think that's all of them off the top of my head. Oh, there was a, I forgot their name, sorry, Intelligent Access, oh, IAP, they called themselves IAP. I forgot what the acronym stood for, though.

MR YOUNG: Now, you were asked questions about attending some of the trials for the scoping studies.---Yes.

Now, did you record which trials you attended and where did you record them?---If I recorded the trials?

30 Yes. Did you make a note somewhere of which trials you attended?---No. I didn't.

THE COMMISSIONER: Would it be recorded in your diary or - - -?---My calendar usually - - -

Sorry, the calendar.---Yeah, I usually do put on my calendar my whole, if there's a trial or if there's a camera upgrade, I usually note that period in my calendar, but it doesn't mean that I attended the site during those days, it's just a, for me to know that you know, there's a camera upgrade going on in West Wyalong, for example, during this period.

40 MR YOUNG: So if, I mean the human memory fades a bit, and you said that at various points of time you were pretty busy, if you needed to know whether you'd attended a particular trial on for example 6 June, and say we're now in September, how do you work out whether you did attend the trial on 6 June?---So normally I mean there usually would be a calendar invite, so I'd have to go back and see if there was a calendar invite. If there wasn't a calendar invite then there's no real way of recalling.

THE COMMISSIONER: And if there was a calendar invite that doesn't necessarily mean that you attended.---That I visited, that I attend, but I would be - - -

But it would be a memory prop, would it?---Yeah, that's right, yes.

10 MR YOUNG: Now, you were asked, this is again on page 228 of the transcript, about a report titled The Portable Thermal Heavy Vehicle Inspection Trial at Marulan, and you sent that to Mr Soliman at his personal email address. Now, you were asked why you had done that. Why did you do that?---I can't recall why I did that.

Now, at the time when you were asked that question you said that he would have asked you to, but you had no recollection of that, do you?---No, I don't have recollection of that, but I mean, yeah, I don't have a recollection of that.

20 THE COMMISSIONER: You answered, "He would have asked me to, but again I'm not sure why."---Yeah, that's right.

So your answer to Mr Young is you don't have a recollection of what, actually doing it?---Of what actually happened, but I mean I think, you know, I would have been directed to send it to that personal email, but I don't recall why.

30 MR YOUNG: Now, I want to be fair to you, but isn't this what you've done, that on a number of occasions you have simply assumed that something you have done was on the direction of Mr Soliman?---I don't know any other reason why I would send it to his personal email.

But if you don't have a recollection, you don't have a recollection.---Okay.

Do you understand the distinction I'm making, that if you don't have a recollection, you don't have a recollection?---Yes.

And isn't this a case where you simply have no recollection?---That's correct.

40 And isn't that the case with a number of things that you've given in your evidence where you don't have any recollection and you simply assumed that you did them because Mr Soliman directed you to?

MS WRIGHT: Well, I object. I think the question needs to be put in each case, not as a broad proposition. I think that's unfair and it's not helpful to the investigation.

THE COMMISSIONER: Yes.

MR YOUNG: Well, I'll take the – I'll withdraw the question, but it does mean that I have to take him to a larger number of matters. Now, for example, at page 232, 230 of the transcript you were asked about a trial that occurred from, between 22 June to 24 June, 2015.

THE COMMISSIONER: I think to be fair you have to identify what the trial was about.

10 MR YOUNG: This is the, this is following, do you, do you recall speaking of the demonstration at Marulan?---Of the thermal camera?

Yes.---Yes.

And then following that, after that demonstration there was a trial?---Yes.

And that occurred from 22 to 24 June, 2015.---I'd have to check the dates, I'm - - -

20 Well, you attended what you called the demo but not the trial. Is that right?
---No, I actually did, I just, I was thinking about - - -

Well, sorry, you actually did what?---Actually I was thinking about it over the weekend, I attended the first day of that trial.

THE COMMISSIONER: Hold on, this is from 22 to 24 June?---I'm guessing this is a Strategic Innovations thermal camera. That's the one you're referring to?

30 MR YOUNG: You were asked this at page 230, that "I don't think I attended the actual trial, no. I remember attending the demo."---Yeah.

Now, you have said now that you think that evidence is wrong.---After thinking about it a bit more.

All right. Now - - -

THE COMMISSIONER: So you think you attended on the 22nd?---The first day, yes.

40 MR YOUNG: Now, in relation to evidence which you have given, which you now believe to be wrong, had you been given by anybody a protocol as to how to bring that to the attention of people at this inquiry?---No, I have not.

THE COMMISSIONER: Right. Did you just think over the weekend about that answer?---Yeah.

Were you reading the transcript or what were you doing?---No, I just realised because I was, because when I was talking about being onsite and seeing the vendors from Strategic Innovations, he had his screen up and the cameras were set up on the side of the screening lane. The demo was under where the inspection bay was, and then I realised, oh, hang on, I was there for the first day of the trial because I had to communicate between the vendor and then the inspector a process where if the vendor saw something abnormal travelling through the screening lane, they need to notify the inspector to pull them in.

10

MR YOUNG: Now, you were asked this, “Where did you obtain the report to be able to send it to Mr Soliman?” and you said, “I think Samer would have given it to me.” Now, that is again you saying I think - - -

THE COMMISSIONER: Well, hold on. Give him the whole answer.

MR YOUNG: All right. I’ll give him – “I think Samer would have given it to me. He would have forwarded it to me because he would have received it from Strategic Innovations.” Now, do you stand by that answer.---I mean, that’s what I’m thinking, that’s my recollection.

20

It’s not your recollection, is it? It’s what you assumed.

THE COMMISSIONER: Mr Singh, as you sit there today, what is your recollection?---That Samer would have forwarded me the, the report, but it’s a possibility that Strategic Innovations sent it but I’m thinking, because Samer was, Samer was managing that trial, so my recollection is that the report had gone to Samer and Samer would have forwarded it to me.

MR YOUNG: Well, you didn’t say, in that answer that I’ve just read out, you say nothing about recollection at all, do you? It’s all based on surmise.

30

THE COMMISSIONER: Sorry, I think to be fair, can we get page 230 of the transcript up. 230. 2-3-0. Tayah, do we have a hard copy? Here we are. Now, you’re focusing, Mr Singh, the question relates to line 12, where Ms Wright said, “Where did you retain the report to be able to send it to Mr Soliman?” “I think Samer would have given it to me. He would have forwarded it to me because he would have received it from Strategic Innovations.”---Yeah.

40

And Mr Young’s putting to you when you answered that, was that your recollection or is it an assumption or - - -?---That’s my, that’s my recollection, yeah.

MR YOUNG: Well, can I put it to you that it is not your recollection. In your answer, “I think Samer would have given it to me, he would have forwarded it to me because he would have received it from Strategic Innovations.” There are three assumptions in that answer.

THE COMMISSIONER: Do you agree? Sorry - - -?---The way I'm reading it, yeah, it looks like it's assumption, but that's my recollection, yeah.

MR YOUNG: And then the next question, "Why did he send it to you?" "Just to, I guess as an FYI on the outcomes of the trial." Now, that again is just guesswork. Correct?

10 MR O'BRIEN: Well, I object to that. That question was probably a bit of a luxury on the examiner in the first instance, I mean to inquire as to why someone might do something involves an inquiry of someone else's mind. One can only guess as to those inquiries.

MR YOUNG: I accept my learned friend's point. Further down you were asked this question, "Why would Mr Soliman be FYI-ing you, Mr Singh, on a report from the trial?" And you answered, "Like maybe I asked him questions about it and he just wanted to send it to me to show the results. I can't remember. It was a long time ago, yeah." Now, the fact of the matter is, it was a long time ago and you can't remember. Isn't that the truth of the matter?---Well, is it my recollection but - - -

20

THE COMMISSIONER: Mr Singh, you have a habit in your answers to use words like "would" and you kind of add some additional comments. ---Yeah.

What is important is that when you give your evidence, number one, it should be your recollection.---Yeah.

30 If you don't have a recollection but there was a practice within your team or that you adopted then you can give evidence of that practice.---Okay. I guess that's how I'm answering it, on the practice basis.

Sorry, so that's the last question of – sorry, where are we, the FYI, "Maybe I asked him questions about it and he just, and he just wanted to send it to me to show the results." So is that your recollection or - - -

MR YOUNG: Well, he's just answered that, with respect, Commissioner, it was his practice.

40

THE COMMISSIONER: No, he's given two answers, Mr Young, and I'll ask question that I want to. Looking at that answer now, is that your recollection or was it the practice?---It was the practice I'd say, yeah.

Okay.---Sorry.

That's okay.

MR YOUNG: Now, I want to ask you some questions about your evidence at page 231 of the transcript, and I think to save time, rather than me reading it out, because you gave quite a long answer there, it might be better if the witness could be shown that evidence from about, and to read it from about line 10 in relation to what he describes as a direction from senior management.

10 THE COMMISSIONER: So to assist you, Mr Singh, I think it's commencing, it's based on your answer above that Mr Samer told you that we now need independent reports.---Yeah.

And then from 10 – where should he end, Mr Young?

MR YOUNG: I think if he goes down to the bottom of the, bottom of the page at 231T.

THE COMMISSIONER: Okay.

20 THE WITNESS: So all the way down?

THE COMMISSIONER: Yes.

MR YOUNG: So if you just read it all the way down, just so you can refresh your memory as to the evidence that you gave.

Now, you also gave some evidence in relation to this practice in answer to some questions from Mr Lonergan this morning, Do you remember that? ---Yes.

30 Now, this practice had gone back a considerable period of time, the practice of engaging the independent report producer?---Yes. It was when the previous senior management was in place.

THE COMMISSIONER: And that was Mr Hayes?---Paul Hayes and then Paul Endycott was the general manager.

Oh, I'm sorry, yes.

40 MR YOUNG: And it was certainly not something that was confined to Mr Soliman, it was used generally within the RMS?---So I don't know if, so I know for camera-type approvals, I think there's an independent analysis done, but I'm not sure if that direction was given to the rest of the, the Compliance Section.

All right, but as far as you were concerned, looking at it independently, there was a good reason for that, in terms of the integrity of the data? ---That's right and, and it's, the reasons given to me was that it also added

some weight to any funding submissions we will, we may need to have for any technology.

Now, if you have a look, you'll see on the left-hand side, there are – oh, you don't have it?---No, it's gone.

THE COMMISSIONER: Hold on, we'll get it back.

10 MR YOUNG: You'll see on the left-hand side there are numbers on the page, 10, 20, 30, 40?---Yes.

Now, if you look just below 40, you'll see that a discussion which you give a long answer to, which I'll take you to in just a moment, but you say that it occurred in February, 2018. Do you see that at about line 42?---That's correct.

Now, would you accept that that was a time when Mr Soliman was not at the RMS?---He, I think, believe he was on leave at the time.

20 All right. So when do you say that you had a discussion with him about this?

THE COMMISSIONER: Well, hold on, hold on. Now I'm confused. Which discussion with Mr Soliman are we talking about?

MR YOUNG: No, this is not a discussion with Mr Soliman, this is a discussion which he has, he refers to in the previous paragraph with Arnold Jansen and Brett Patterson.

30 THE COMMISSIONER: Mr Patterson, okay.

MR YOUNG: Is that correct?---Yes.

I'm sorry, that's who you had the discussion with, correct?---That's correct, yes.

Now, did you subsequently have a conversation with Mr – that conversation you had with Mr Jansen and Mr Patterson was when Mr Soliman was on leave?---Was on leave, yes.

40 Did you discuss that conversation with Mr Soliman subsequently?---Yes, when he came back from leave.

Now, when was that?---I don't know the exact date or time or.

Now, do you agree that in terms of the practice which has been operating for some years, this was a very important change?

THE COMMISSIONER: Well, hold on, hold on. I don't know if you've established that it's been for a number of years.

MR YOUNG: Well, all right. Well, I'll take him back. You said that "The practice which, of engaging the," this is at line 10/line 11, "started maybe 2015/2016." Correct?---The independent reports?

Yes. As far as you were aware.---That's, yeah, I mean, I don't know the exact periods.

10

All right. So it had been operating for at least a couple of years when you had this conversation.

MS WRIGHT: I object. He said he doesn't know.

THE WITNESS: I don't know exactly how long it's been going for but - - -

THE COMMISSIONER: When did you first become aware of it?---Of the whole independent report?

20

Yes. How did you become aware of it?---Oh, Samer, Samer told me.

So Samer told you?---Yeah.

You then, you also said you came across it with – my note was something like a camera type - - -?---The independent, independent analysis.

Yes.---Yeah, yeah, I came across that. It was, yeah, for camera-type approval. So before - - -

30

And when did you come across it for camera-type approvals?---Maybe 2016.

All right. So Mr Soliman telling you that it was a direction from senior management.---Yes.

At line 11 you said, "Maybe 2015 or it could have been 2016."---Yeah.

Do you stand by that?---I do stand by that. I'm thinking it's more 2015.

40

All right.---Yeah.

MR YOUNG: Now, in this long answer that you give, which begins just under line 20 if you look to that, you say that Mr Jansen and Mr Patterson were having a meeting with a manufacturer.---It was, it wasn't a manufacturer. It was AccuWeigh.

And you say that there was a bit of offline conversation afterwards. What do you mean by offline conversation?---So the meeting with AccuWeigh, this is, so AccuWeigh started in November 2017. There was some teething problems to begin with. So this was a meeting between AccuWeigh and Arnold Jansen as the senior manager, and Brett Patterson who was the Senior Manager Enforcement Operations. But the purpose of that meeting was just for Brett and Arnold just to convey the message of the impact it has to RMS, the issues that we were encountering. And then after, after that, at the end of that meeting there was additional conversations had regarding portable weigh scales, and Brett Patterson advised that he was interested in trialling the longer versions of the portable weigh scales, and then also seeking funding for these weigh scales, which is when I raised the item about the independent reports.

Now, you describe what you were told by Mr Arnold Jansen as a direction by him.---Yes.

And that was, as you understood it, countervailing a previous direction that you'd been given.---That's correct.

Now, is this the case, that neither direction was ever in writing?---Well, the direction from Arnold was verbal. I don't know about the previous direction.

THE COMMISSIONER: Had you ever seen it in writing?---No, no, I have not seen the previous direction in writing, but this direction was given to me verbally by Arnold and then I, the next time I saw Samer in the office I conveyed the message to him.

MR YOUNG: Well, what I want to suggest to you is that, whether you had the conversation with Mr Jansen and Mr Patterson or not, your recollection is incorrect and you never had a conversation with Mr Soliman to that effect.---I did.

Now, you do accept, don't you, that the conversation that you had with them was during a period when he was on leave?---That's correct.

And do you not consider it a possibility that you simply failed to mention that to him afterwards?---No, that's not, because I recall speaking to Samer next time he was in the office, and when I conveyed the message he seemed a bit puzzled. I said, I asked him, it's best if you have a conversation with Arnold about this.

And did you ever see any, and you never saw any direction after that?

THE COMMISSIONER: In writing?

MR YOUNG: Direction in writing, yes.---Direction of no longer having independent reports?

Yes.---I never saw that in writing, no.

Now, you said at page 268, and this was in relation to a quotation, a quotation from Novation, that you said this, "I probably didn't take notice of the mark-up, yeah. If I did see that quote I probably just looked at it quickly and then as per Samer's instructions just signed the purchase order." Now,
10 do you remember giving that evidence?---Yes.

Well, that is totally contrary to your role, isn't it? You were a business systems analyst?---I was never asked to review the quote.

If the quotation was well above a reasonable mark-up, isn't that something that a business analyst would be expected to pick up?---I was just asked to sign this as the requester, I wasn't asked to review the quotes. I can't accept a quote because of my delegation anyway, so that's why when it came to reviewing quotes, yeah, it's not something I did.
20

Now, do you recall giving evidence about, at page 272 about a trial with AZH and Mr Soliman in attendance? And I wonder if the witness could be shown that page of transcript.

MS WRIGHT: It's on the screen.

MR YOUNG: All right.

THE COMMISSIONER: It's up there.
30

MR YOUNG: Thank you. Now, do you see around about line 20, just above that, "To do a report wouldn't AZH have to know something about RMS's business?" And you said, "Yes. So when AZH attended a site, Samer was discussing, was in discussions with Ali at the trial and my understanding was he explained, was he was explaining the whole operations and processes and what we're looking at achieving with these thermal cameras." Now, that answer there again was based entirely on hypothesis and assumption, wasn't it?---And that got pointed out by the Commissioner as well, she asked me did I, was I privy to those
40 conversations and I said no, it's basically just what I saw.

THE COMMISSIONER: And, Mr Young, I think to be fair he did give evidence that he, I'm sorry, Mr Singh observed Mr Soliman having discussions with Mr Hamidi.

MR YOUNG: Yes.

THE COMMISSIONER: But as you have pointed out and as I pointed out, the understanding that he was explaining the whole operations and processes, it did seem to be, well, Mr Singh said that, "That was my assumption."

MR YOUNG: Yes. And you, Commissioner, said, "It really helps not to assume."

THE COMMISSIONER: Yes.

10

MR YOUNG: But I want to put this proposition to you, that a lot of the evidence that you have given has been based upon assumption and inference rather than any direct knowledge?---I would not say that.

Well, you see, when you say about somebody, and you understand for yourself that this is the importance of this inquiry and it has an equal significance to Mr Soliman, you'd understand that?---Yes.

20

When you say that somebody was discussing with Mr Hamidi something, would you not expect to have heard that discussion when you're giving evidence that there was a discussion between Mr Hamidi and Mr Soliman on a particular subject that that was not based on assumption but based on something that you had heard?---Sorry, I don't - - -

MR O'BRIEN: Can I object to that. That is patently a matter for submission. Putting that to the witness will not assist you one iota, Commissioner, with respect.

30

MR YOUNG: Well, with great respect, there are various ways in which a witness's evidence needs to be assessed and it's not simply a question of whether it's honest, dishonest, it's also a question of the process by which they give evidence and what I'm trying to get at here is that he's given evidence about a discussion which is based entirely on assumption.

THE COMMISSIONER: Well, he gave evidence that he observed something.

MR YOUNG: No, he gave evidence that he heard something.

40

THE COMMISSIONER: Then he went further. I'm sorry, he starts off by saying, "When AZH attended a site, Samer was in discussions with Ali at the trial." Full stop, that's fine, that's his observation. He then goes on and says, "My understanding was he was explaining the whole operations and the processes and what we're looking at achieving with those thermal cameras." Then I intervene and say, "Were you party?" And he said, "No." "How do you know?" And I said, "How do you know that Mr Soliman was discussing with Ali those things?" Because, for example, he might have said something along the lines of because Mr Soliman then came up to me

and said, gee, I've just had to explain X, Y and Z to Ali and he says, "Well, no, because Ali had his tablet out and he was writing notes on the tablets. I'm just assuming that's what was the discussion." And then I point out to him, it doesn't really help, not to assume. So I think you've made the point there and as I've just read out, I explored it and in a sense said to Mr Singh, this is what we're interested in, don't assume. So you made the point there with that evidence.

10 MR YOUNG: In relation to, well that's precisely the point, in relation to that evidence. Now, well, if I may take it from Mr O'Brien's objection that based upon that evidence, it may be that I make a submission ultimately in relation to how Mr Hamidi's evidence should be treated. Now, I accept that Browne and Dunn does not apply with full force in the Commission but I, as a matter of fairness to Mr Singh, I wanted to put to him a proposition, broader than simply in relation to that particular evidence, that that was an approach he had taken in relation to important evidence there and that was - -

20 THE COMMISSIONER: And he didn't agree with that. You said to him a lot of evidence has been based on assumption or inference and he said, "No, I don't agree to that." So - - -

MR YOUNG: That's correct. That's at the point at which - but that is the basis on which that was put. It is to support the wider proposition in relation to the approach to - - -

THE COMMISSIONER: Well, I think you've put the broader proposition. You've got Mr Singh's response.

30 MR YOUNG: All right. Now, at page 273 of the transcript, you were being asked in relation to an invoice from Mr Hamidi or from AZH, and you said this. This is in relation to the first invoice from AZH.---Yeah.

"I did mention that the first invoice I received, I did get in touch with Ali and asked him, you know, you sent me an invoice but I don't think that a report's been delivered, so I can't approve this invoice." Do you recall giving that evidence?---Yes.

40 Now, that whole process to that point occurred without you referring anything to Mr Soliman, do you agree?---At that point, no.

So you had the power, do you agree, quite independently of Mr Soliman, to approve that invoice?---No. I would always check with Samer afterwards.

Well, what, after you'd approved it?---No, after, if I had, the report was delivered, I would say, "Samer, we've got the invoice. Are you happy to approve it?"

Well, look, your words were this, “I recall from yesterday I did mention that the first invoice I received, I did get in touch with Ali and ask, you know, you sent me an invoice but I don’t think a report’s been delivered, so I can’t approve this invoice.” Now, that is clearly saying that the decision maker in relation to approval or non-approval of that invoice is you.---That’s not correct. I can’t progress the invoice. I shouldn’t have said approved but I can’t progress it. I need Samer’s approval to progress that invoice.

10 THE COMMISSIONER: And, sorry, what do you mean by progress the invoice?---Because the invoice would come into my workflow.

And, sorry, you keep on talking about workflow. Is that like a - - -?---It’s like an inbox.

Okay.---An inbox. So it came into my inbox. Because it goes to the requester’s inbox, so whoever requests the purchase order, it will go into their inbox.

20 So does it go to Finance, Finance looks at it and says you were the requester, so it goes into your workflow inbox.---Yeah.

Yes.---And then, yeah, it comes to my inbox and I will check with, you know, whether it would be Samer, and I’ve had, I’ve raised purchase orders on behalf of other members in my team, for example, traffic control I’ve raised purchase orders for. So those invoices will come into my queue and then I’ll have to check with the appropriate person to see whether this invoice is good to approve or not. Or progress, sorry.

30 And, sorry, after – what was the procedure if, for example, if you looked at it and spoke with the person who requested you raise the purchase order and they said fine? What do you do next?---Then there’s a, there’s a process goods receipt. Basically it’s a different, completely different screen/page which you’ve got to open up, and then you’ve got to insert the purchase order number into that page, and then the details of the purchase order will come in, and then in that purchase order screen you fill in the amount you’re going to pay the vendor, fill in the amount, and then you just progress, you hit submit or I forgot what the button is, but, and then that, that then progresses to schedule in the payment to the vendor.

40 MR YOUNG: What I want to suggest to you was that if you approved the invoice, barring some exceptional circumstances, Finance would approve payment.---You mean if I progressed the invoice?

If you approved the invoice, in other words, if you gave a tick to the invoice, it would simply, in the normal course of events, simply follow through and go to Finance and the person who had supplied the invoice would be paid.---That’s correct.

Perhaps that's a convenient time, Commissioner.

THE COMMISSIONER: All right. Can I just raise the progression of the hearing this afternoon.

MS WRIGHT: Yes, Commissioner. It's proposed at 2.00pm to interpose a witness based on his availability, and that's Mr Thevasathan. If that's convenient I'd propose to interpose him at 2.00. He won't take terribly long and then we can resume with Mr Young's cross-examination of Mr Singh.

10

THE COMMISSIONER: Yes. Mr Young, there was some information provided to us about Mr Thevasathan's availability, I was keen to have his evidence dealt with today and I don't anticipate it would be very long.

MR YOUNG: I'm fine with that, it's just perhaps Mr Singh wouldn't mind a break, but it's really just a question of really fairness to Mr Singh, because he has been giving evidence for a long time, so, but I don't want any possibility that he – I'll be about another half an hour I think, or perhaps slightly more, I would just like to finish him, make sure we finish him today so that - - -

20

THE COMMISSIONER: No. Mr Singh, what I propose is we come back at 2.00, we'll deal with Mr Thevasathan's evidence, which I anticipate will be relatively short.---Sure.

Then we'll finish off your evidence.---Okay, that's fine.

All right?---Yeah.

30 Thank you for that.---That's all right.

All right. We're adjourned until 2.00pm. And can everybody please be back at 2.00pm.

LUNCHEON ADJOURNMENT

[1.01pm]