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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION EMBER

Reference: Operation E18/0281

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 30 MAY, 2019

AT 9.45AM

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

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

THE COMMISSIONER: Ms Wright.

MS WRIGHT: I call David Jones.

THE COMMISSIONER: Now, Mr Jones, do you take an oath or an affirmation?

MR JONES: Oath, please.

THE COMMISSIONER: Now, Mr Jones, two things before we start. The first thing is, I realise you and another witness sat here yesterday. We had hoped to reach you yesterday and we didn't. I apologise for the inconvenience, but you're here now to give your evidence.---No problem.

Now, are you legally represented?---No.

10

Have you been told about what's known as the section 38 declaration?
---On advice I'd like to take up the option, please.

Right. Now, what I inform every witness is that there is an important exception. That is, it doesn't prevent your evidence being used against you in a prosecution for an offence under the ICAC Act, which is mainly an offence for giving false or misleading evidence during this public inquiry. That's a very serious offence, it brings with it a penalty of five years' imprisonment. It's like a form of perjury.---Understood.

20

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

30

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

40

THE COMMISSIONER: Ms Wright.

MS WRIGHT: Sir, could you please state your full name.---David Paul Jones.

Are you employed by the Roads and Maritime Service?---Correct.

How long have you been employed by RMS?---In two weeks, 46 years.

Did you commence as an apprentice motor mechanic with RMS or its predecessor?---No, as a, as a motor mechanic.

And have you moved through a number of roles since then?---I have.

You became a mechanical inspector in the 1970s?---Correct.

10 Did you work as an investigator in the 1980s?---I did some work, but not as investigate, not until the '90s. I was an investigator then.

And what is your current job title at RMS?---I'm an Operations Manager, Sydney West, based at Penrith.

And how long have you been in that role?---Since April, 2014.

20 Prior to April, 2014, what role were you in?---I was the operations manager or then called the area manager at Wetherill Park or central Sydney from 2010. (not transcribable) restructure in 2013, I didn't want to follow those lines. I objected to them. I was made a project officer. There was a vacancy that came up at, at Penrith, a new co-manager went there. They asked me to go out and mentor him and get him up to speed. Then Transport Shared Services came on board in August of that year and said if you weren't in a substantive position you either took it or left, and I took the job.

Now, in your role as operations manager, do you manage inspectors who carry out heavy vehicle inspections?---I do.

30 And what does an inspector do, just briefly?---Oh, they have a number of roles. It's intercepting noncomplying vehicles, checking for their, their weights, their loading, the, the work diaries for fatigue, for mechanical aspects on the vehicle. That's done on a roadside, plus we have a heavy vehicle inspection program where heavy vehicles of certain types are brought to the premises for an annual inspection.

Is New South Wales broken into four sectors for the purpose of heavy vehicle compliance operations by inspectors?---It is.

40 And Sydney West, does that fall within the Sydney sector?---That's part, a third of the Sydney sector, correct.

A third. And you've provided a statement to the Commission in this investigation dated 26 March, 2019?---Correct.

Just on inspectors, are there about 280 inspectors around the state?---There's less than that now, but that was the figure then, yeah.

How many are there now?---I think we're down to about 240-odd, something like that.

When you say there were then, that's at the time of your statement, there were about - - -?---Yeah, well, that was the rough number, yeah.

Now, you've set out in your statement, perhaps if it could be brought up onto the screen, paragraph 11, the contents of an inspector's vehicle, and you say an inspector's vehicle contains, among other items, six to 10 scales, depending on the vehicle.---Correct.

Are they portable weigh scales?---That's correct.

And are they housed in storage racks?---Yes.

Are the storage racks in all the vehicles the same?---No.

Are they roughly the same or do they vary widely?---They vary widely. In Sydney, we tend to put scale racks in that can accommodate up to 12 scales, because in the nature of work we're doing, generally elsewhere they have racks that contains six scales.

And are the racks in the Sydney sector of the same size?---No. They have some older ones and some new ones.

Now, you've said at paragraph 12 of your statement that you manage repairs on inspectors' equipment that breaks or needs maintaining, and if you can't do the maintenance yourself you send them to a subcontractor.---That's correct.

Does that include repairs on scales?---Correct.

How long have you been doing repairs on portable weigh scales yourself?---Probably since around late 2016.

Was there a reason why you started doing repairs in late 2016?---The, the provider ELWC or Glen Doherty was no longer providing for us, and in the interim when the new provider or service provider AccuWeigh took over, if there were things that I could do rather than send them away, I did them. I bought my own parts, did my own machining, repaired them, yep.

Just dealing with the period before ELWC ceased to be involved, prior to that, you didn't do repairs yourself?---I did a few, the minor ones, if there was something I could repair and get them back on the road within an hour, I'd do. Other than that, they went to EL, ELWC.

So any scales where there were other than minor things that you could do, would you send the portable weigh scales to ELWC?---Generally we actually delivered them there, yeah.

And at times did the scales that required repair by ELWC require spare parts in order to conduct that maintenance?---Yes.

10 What was your understanding about how ELWC would source those parts?
---My assumption was that they sourced some locally and the others that were specific parts they would have got from their parent company IRD through, through IRD from PAT, the actual manufacturer.

So you understood that they got some spare parts from IRD?---Yes.

And did you know where IRD was located?---IRD is in, well, I've searched that out. They're in Canada. They're the distributor for a number of heavy vehicle and programs and equipment but the PATs themselves are made in, in Switzerland or Sweden.

20 THE COMMISSIONER: When you said some of them ELWC to your knowledge would source locally - - -?---Yes.

- - - are they minor parts that - - -?---Minor parts but he, instead of using the, the brand type or original type scale charges he was manufacturing, having them manufactured himself. The handles for the scales he had manufactured. The leads themselves he would make or have manufactured.

The what, sorry? The leads?---The charging leads to charge the scales.

30 MR YOUNG: Excuse me, Commissioner. I just wonder if it could be identified who "he" is. The question was in relation to ELWC. The answer is "he". I wonder if that could be clarified.

THE COMMISSIONER: Yes.---Glen Doherty.

MS WRIGHT: Now, after ELWC ceased to be involved, and you said that was in late 2016?---I believe so, yeah.

40 You started doing more of the repairs yourself. Is that the case?---Yeah, because the scales were breaking down more regularly, yeah.

Now, would you do repairs just for the Sydney West sector or for other areas?---No, I actually was going the repairs for the whole of Sydney and I trained up people at both the East section and Central section so they could do their own repairs. I advised then where to buy the parts. Some of the parts I supplied for them.

When you supplied the parts, how did you source the parts?---Just went to an engineering business and had them manufactured or if it was a simple thing like a, a circlip just bought them from a supplier.

A local supplier?---Correct.

Did you do that sort of maintenance yourself for any particular period of time or are you still doing it?---I'm still doing it, yes.

- 10 So you wouldn't limit it in time?---No. Less, less, less of late because we got new scales, you know, and we're not using the old type scales.

THE COMMISSIONER: And is that because it's quicker?---Absolutely. Some, the scales are designed to, to detach under stress and it was a matter of just pulling them apart and putting them back together with a, with a new circlip in, in, in general terms. If it was only that or a handle rubber or some screw or a plate that I had, it was easier for me to do it and then get them back on the road rather than send them away.

- 20 MS WRIGHT: In doing the maintenance or the repairs that you've spoken about, did you ever need to source parts from IRD?---No.

Now, you've said in your statement at, well, you've set out some information about under-vehicle cameras but I'll come back to that. You've said that, at paragraph 22 that around the end of 2016 you did some of your own research because you needed new scales.---Correct.

- 30 Why did you need new scales?---Because the old ones were breaking down more regularly, they were, they were worn out.

THE COMMISSIONER: And how long had you had them?---Some of the scales were first manufactured in 1995, some were in about the year 2000.

MS WRIGHT: And you decided to contact IRD?---Correct.

You didn't contact any other companies?---Oh, I did some research on, on Google Search, but directly with IRD, yes.

- 40 And you spoke to a Mr Garza?---Correct.

And he told you that – you've set this out at paragraph 22 – that they had an agent in New South Wales appointed to service clients and that you should direct your inquiries through them?---That's correct.

Did Mr Garza say who the New South Wales agent was?---I can't recall. He may have mentioned Novation or he may not have. I'm not sure.

Now, you've said that around that time that you were making inquiries, Mr Doherty still had the contract to supply the IRD scales.---Yes.

And he offered to sell a new-style PAT scale. Was that the Series III scale that he offered to supply?---That's correct. He actually made the offer in 2015.

So that was in 2015.---Yeah.

10 But you made your inquiry of IRD a bit later, at the end of 2016?---Yeah, to see what the current price was and availability and at the time of 2015 I'd saw a draft brochure about the new-type scales and whether they'd gone ahead and gone into production, yep.

And Mr Doherty gave you a price of about \$6,000 for the 10A Series III scale?---Yes.

Did the price seem about right to you?---I had no idea what the pricing was.

20 And you've said that shortly afterwards you received an email from Mr Soliman. That's at page 19 of your statement. If that could be perhaps shown.

THE COMMISSIONER: Sorry, can I just confirm, the new scales, what series were they going to be?---It was the 10A Series III.

In some of the literature there's a distinction between aluminium and steel with different types of PAT scales. Were these available in aluminium or steel or - - -?---The, the main body's steel but the underneath plates are an alloy, yeah.

30

MS WRIGHT: Now, after you made that inquiry of IRD you've said that you received an email from Mr Soliman. Is this the email?---Yes.

And he said that any request with IRD should go through him as, "We," he said, "Maintain the contracts with our vendors." And you didn't know Mr Soliman at that stage?---No.

And you've said that that caught you off-guard.---Yes.

40

Why was that?---You know, the fact that I was just making general inquiries and, you know, they wanted to exclude me, you know, you know, shut me down, sort of thing.

Could the witness please be shown volume 19 at page 20. Page 20, please. Do you see, Mr Jones, this is an email from you to Mr Garza dated 15 November, 2016?---Yes.

So this is about a week after Mr Soliman wrote to you saying anything that goes to IRD should come through me.---Yes.

And you've said, "Hi, Fernando. My managers are extremely interested in obtaining two 10C Series III scales."---Yes.

10 How did that, how did you know that or did someone tell you that your managers were interested in obtaining the 10C III scale?---Because I'd, I'd approached my direct manager and said that, you know, we needed to do something in the way of buying a dynamic-type scale, which the 10Cs are, to lessen the amount of long-term injuries with the blokes moving the old truck scales in and out, so you could use a dynamic scale as a screening device, it would give you a pretty accurate indication of what the weights were and then if needs be, then you could use the static scales, which were the legal requirement, rather than, you know, hit and miss, you know, pull in a truck and say, oh, gee, it looks heavy and throw scales on and not get a result.

20 MR LONERGAN: Sorry, Commissioner, apologies. I just, someone coughed and I couldn't hear the evidence. It was, it was the 10C IIIs and then there was something about needing - - -

MS WRIGHT: I'll take him through it, I propose to take him through it, Commissioner.

30 THE COMMISSIONER: Mr Jones set out really the difference between, no, he spoke about why he was looking at, interested in a dynamic scale and said something along the lines of the dynamic scale could be used as a screening - - -?---Correct.

- - - while the legal requirements would have to be satisfied by use of the static scale.---Correct.

And I - - -

MR LONERGAN: Okay, it's the static scale bit that I missed, so - - -

40 THE COMMISSIONER: Yes. And I think now Ms Wright's going to maybe ask some more questions about that.

MS WRIGHT: Yes.

MR LONERGAN: Please the Commission.

MS WRIGHT: The scales that were, the existing scales in use by inspectors were a static form of scale?---Correct.

Does that mean that the scales, that the truck that are placed on the scales are not moving?---Correct.

You were interested in exploring a dynamic version of the scale.---Yes.

And that would involve the heavy vehicles slowly moving over the scales when they're weighed?---Correct.

10 Now, your manager had indicated to you that there would be interest in exploring the use of the dynamic scale?---Yeah. I'd been pushing for them too, you know, because I could see that the inspectors were going to have long-term injuries in, you know, repeatedly putting the static scales in place and if we could find a better way of doing that when we were doing operations, when we were doing multiple intercepts of heavy vehicles, that it would be better to do that rather than, you know, physically do the heavy work.

20 Now, you've said in your email to Mr Garza that you're aware that IRD are in the final stages of awarding a contract for Australian distribution - - -? ---Correct.

- - - and servicing, "And Samer Soliman, from my organisation, RMS, intends on purchasing similar items once the business is set up."---That was my understanding at the time, yes.

How did you form that understanding?---I believe it was relayed to me from my direct manager.

30 THE COMMISSIONER: Who was your direct manager?---Raymond Jenkins.

MS WRIGHT: And you've said to Mr Garza that you've been tasked with establishing if you can purchase the items directly from IRD ASAP so that an evaluation can commence.---Correct.

40 So at that stage you'd received Mr Soliman's email asking you to go through him before contacting IRD but you apparently haven't done that with this follow-up email on 15 November.---No, I was still pursuing the matter and, you know, after discussion with my manager I said, "We really can't wait for Samer to do something about it, we need to see if we can do something ourselves."

THE COMMISSIONER: And did you anticipate that if you could purchase one of these dynamic scales you'd test it yourself or try it out on the road. ---Correct.

MS WRIGHT: Could that be marked for identification, Commissioner. It's volume 19, pages 20 and 21.

THE COMMISSIONER: Could you just excuse me for a minute? Could you assist me with the next MFI number, please? Sorry? 5. All right. The email from David Jones to Fernando Garza of 15 November, 2016, will be MFI 5.

#MFI-005 – EMAIL FROM DAVID JONES TO FERNANDO GARZA OF 15 NOVEMBER 2016

10

MS WRIGHT: The new, oh, sorry, the dynamic scales that you were seeking from IRD, were they subsequently provided to you?---Yes, they were.

How many?---Four scales, and two sets of bracketing and ramps.

So four 10C Series IIIs?---Correct.

20 When were they provided?---Sometime during '17, I'm not sure.

So you requested them in, on 15 November, 2016. Do you recall whether it was – does that assist you to recall what part of 2017 you - - -?---Would have been early '17.

And - - -

THE COMMISSIONER: And they were delivered to you out at - - -?
---Penrith.

30

Penrith?---Correct.

MS WRIGHT: And did you test them?---I did.

And what were the results?---We couldn't get the software to work. For about six months was backwards and forwards trying to load the software. We then took them out as a static operation at a, at an interagency operation at Lurnea. It was raining, one of them failed when it got wet. So we, we just couldn't get them to work.

40

And when you were trying to get the software to work, was anyone assisting you with that?---Yeah, Stephen Thammiah was assisting with that.

How did that come about that he would be assisting you with that? Had you met him before?---Oh, only, only after that period, yeah, I, I (not transcribable) 10Cs he delivered them.

How is it that you came to meet with him the first time?---It was as, as it was, he, he delivered the scales.

I see. So he delivered the scales to you, did he?---Yes.

10 And did you discover after delivery of the scales that they required software?---No, the software was there, but they, the, there was, the brackets that, that housed the scales weren't supplied, and the software, we knew there was software and we thought it was just a matter of, you know, plug and play, but that wasn't the case. We had to engage Stephen to come back and try and get the software going. At one stage we actually supplied a ruggedised Toughbook, being a laptop, so he could load that program in. We still couldn't get it going.

What did you understand Mr Thammiah's role to be?---He was a, a technician for Novation that supplied the, the, the, the equipment.

20 Did you understand that he was a technician in the sense that he had technical - - -?---Assumed that.

You assumed that, did you say?---Yeah.

Did anyone from RMS introduce him to you or talk to you about what his role was?---No.

Or his qualifications?---No.

30 Was he able to get the software to work and as such the scales to operate properly?---No.

Now, at paragraph 27 of your statement, you've said that you believe that you had a good understanding of companies that supply scales, as you'd been doing your own research of scales worldwide, and that the company Novation worried you right from the start because when you searched for them online, they didn't exist. What search did you do?---Just a Google search.

And you couldn't find an address or contact number for them?---Correct.

40 And you've said in your statement it was just a purchasing agent?---It appears to be that's all they were, yeah.

Now, did you raise any of those concerns with anyone at RMS?---I certainly did, yes.

Who with?---My direct manager. I think we discussed it at meetings of all the Sydney managers when we had our monthly meetings. General discussion.

At paragraph 28 you say that you became increasingly concerned about Novation's appointment as distributor of IRD scales and you recall an instance of a scale failing during a trial. When you refer to a trial, what trial was that?---That was the, the 10Cs that we were trialling. That was when we took them to Lurnea, yeah.

So you couldn't get the software to work.---No.

10 And then you took them to Lurnea for a formal trial of them, was it?---Just basically to set it up and see if we could get the software working that time. We were still, you know, trying to get the software working. We couldn't get it working onsite so we decided to use them purely as static screening device so they went over there, we weighed them and then we took them off and if necessary we, we put the other scales underneath them. It heavily rained during that period and one of the scales ceased to work.

20 THE COMMISSIONER: And that was when you were using them as a static screening device?---Correct. Yeah, we couldn't get the dynamic program working.

MS WRIGHT: What about the other ones that weren't, you said one was damaged by rain.---Yes.

There were some other ones?---Yeah, we only ever used two. The other, the other two were never used. We only, we were only ever trying to get two going. The other two remained in my office.

30 Now, the trial that you referred to, was that just one day at Lurnea?---That's correct, for a period of the day, yeah.

And was Mr Thammiah there throughout that period?---No.

Was he there at all?---No.

40 What happened at the end of this process with the dynamic scales, were they returned to the Canadian supplier?---I indicated to my manager that rather than, you know, get the money back we should get them swapped for the 10As and that's what happened.

How many 10As did you get in exchange?---Six.

Six. Did you return the ramps for the dynamic scales?---No. He said he didn't want the ramps back and that suited me because they fitted another type of weigh-in-motion system and I have them at the present in, in a box trailer when we go out on operations, yeah.

Who said - - -

THE COMMISSIONER: Sorry. And who said - - -?---Sorry.

Sorry, who said he didn't want then back?---Steve Thammiah.

Do you know when the swap occurred?---I think it would have been later in '17, later part of '17 I'm sure.

10 MS WRIGHT: Now, at paragraph 29 you've set out that after Novation took over as purchasing agent for IRD a company called AccuWeigh initially took over the servicing of the scales.---Correct.

How did you learn that?---I was just advised that they were the, the service provider.

Who advised you?---I'm not sure if it came by email or word of mouth. I'm not sure.

20 But do you know who it was that would have advised you whether it be by email or word of mouth?---I would have thought it would have been my direct manager or might have been Jai Singh. I'm not sure.

THE COMMISSIONER: Why Mr Singh?---Because he was involved in the initial tender for servicing.

MS WRIGHT: Now, during that period when AccuWeigh initially took over the servicing, did you ever have a need to send any scales to AccuWeigh for repairs or maintenance?---I did.

30 And do you recall how long AccuWeigh was doing the servicing in that initial period before there was a change?---Initially about six months I think. Around about six months.

And what did you understand about how AccuWeigh would source parts if they needed them in order to do the servicing?---My understanding was that under the service agreement that the RMS would purchase those parts on their behalf.

40 Was that a new arrangement in the sense that when ELWC had done the servicing RMS hadn't been involved in that way?---That's correct, and it surprised me, really. I thought, you know, if you, if you appoint a servicing agent why would you get involved in having to buy parts when that's just more work you have to do? You know, if they're, if they're providing a service and it's normal servicing that doesn't require parts or if it's minor parts, if there's something major then they'd send you a quote and you'd approve it and they'd source their own parts. Why would we be involved?

And when you say we, you mean the RMS?---RMS, yeah.

Now, how did you become aware that RMS was involved in the process of sourcing parts for AccuWeigh's use?---That's from reading the actual tender process.

So you referred to a tender process, was that a process for obtaining a maintainer or an authorised maintainer of PAT scales?---Yeah, that's to service all the scales that the RMS had, to do their annual servicing and recalibration.

10

What was your involvement in that process, were you involved or - - -?
---None at the start.

Sorry?---Nothing to do with the actual compilation of the, of the tender or the agreement or the proposal, none of the above, no.

20

But you became aware of it in the course of your duties?---Yeah, I, I got involved with them as far as they didn't know about the product, I had to have the manager and technician brought up from Melbourne to show them how to pull a scale apart and - - -

I'm just talking about - - -?---Sorry.

- - - the tender process.---Nothing to do with the tender.

You had nothing to do with it.---No.

30

But you became aware of the tender process in the course of your duties?
---Yes.

And you understood that was aimed at obtaining or granting a contract for maintenance and repairs of the scales for RMS?---Correct.

Now, you referred to AccuWeigh having to come up, I think you said.
---Brought up the technician from Melbourne, yeah.

40

So why was that?---They didn't know how to service the scales, they didn't know about what was required. These are the old scales. They didn't know, they didn't sell PATs and they were awarded the contract and there was difficulties in getting the things repaired so I'd been repairing them all along, I was sourcing parts locally, I was having parts manufactured, so I thought if I bring them and at least show them how to do the thing, what was required, then they could get them back to us quickly, because they were based in Melbourne and the turnaround time if we needed scales that needed repairing or calibrating, we'd have a vehicle off the road.

So the old scales were PAT brand scales?---Correct.

The Series I and II scales?---Yes.

Were both Series I and Series II in use around New South Wales?---Correct.

Were there more of one series or about equal or what?---I wouldn't know the actual numbers, no. We actually had those and we had some HAENNIs as well.

10 And were there some problems with the Series I and Series II? We're talking about late 2016.---Other than the fact that in Sydney we were, we were having a lot of problems with them because of the amount of weighing that we were doing and they were, they were worn out, it was metal fatigue, you know, they were, it was nothing for every day I'd have a team come in with three or four scales that needed repairs.

Had they been in use since about 1995?---Some of them were '95 and then they bought more in 2000.

20 Now, you became aware after AccuWeigh got involved that AccuWeigh was having difficulties with doing the maintenance and so you decided to assist.---Correct.

And did an AccuWeigh mechanic, I think you said - - -?---Technician, yeah.

A technician come to Sydney?---Yes.

And you sought to train that person in how to operate a Series I and Series II PAT scale?---How to dismantle and do the servicing, correct.

30 Now, at some stage did the servicing by AccuWeigh come to an end?
---Yes.

And you've said that a company called WeighPack Electrical took over the servicing.---Correct.

Do you recall approximately when that occurred?---I'm not sure when it was. I think it would have been late '17, middle of '17, not sure.

40 Okay. But sometime in 2017?---Correct.

And do you know how long WeighPack was doing the servicing?---I'm not sure of the time but I know that AccuWeigh challenged the change of provider and they went to court and then AccuWeigh was awarded back the contract or the tender or the agreement.

So it went from AccuWeigh doing the servicing to WeighPack doing the servicing for a period of time - - -?---Then back to, then back to AccuWeigh.

- - - and then back to AccuWeigh?---Correct.

Did you ever understand that both companies were doing the servicing at the same time, was there ever a period where there were both companies doing it or was it always just - - -

THE COMMISSIONER: Sequential.

10 MS WRIGHT: Sorry?

THE COMMISSIONER: Sequential, in a way.

MS WRIGHT: Sequential.---No, it was sequential. It was AccuWeigh stopped and WeighPack started. I actually trained their technician about pulling scales apart too, in the early days.

THE COMMISSIONER: The WeighPack?---The WeighPack, yeah.

20 MS WRIGHT: So after WeighPack got involved you also contacted their technician?---Yes.

And they came to you and you provided them some guidance about how to repair and operate the scales?---Where to buy the parts from, what, what was needed, that sort of thing, yes.

30 What did you advice about where to buy the parts from?---That a local supplier had made the parts for me and the, the actual Helicoil inserts that go into the baseplates, what brand they were, we tried a couple of styles and found out which was the best for our application, I advised him that, you know, I advised him that was probably the best to buy.

THE COMMISSIONER: Could you repeat that part?---Yeah.

What was it?---It's, it's, it's, Helicoils are when you have a threaded section and the thread gets torn out and unusable, so you put an insert in which is called a Helicoil which actually you drill out oversize, you screw that in and it's threaded on the inside so then you bolt the thing back again, yeah.

40 And you had sourced local fabrication of that Helicoil?---I'd sourced local fabrication of other parts, they were off-the-shelf, those Helicoils, yeah.

MS WRIGHT: Now, you've said that the difference between the PAT 10A and the PAT 10C is that the PAT 10A is a static version of the portable weigh scale whereas the PAT 10C is a dynamic version.---Correct.

Is there also a difference in the handle?---Yes, there is.

Is the 10C dynamic scale, does it have a longer handle than the 10A?
---It does.

And is that preferable from an inspector's point of view?---Yes, it is.

Is there any difference between the wheels between the two sorts of scale, the 10A and the 10C?---No. And prior to the latest model Series III there were no wheels, it was when they, I, I got actually the first 24 in I think November 2016 they arrived and, hey, they've got wheels on them, you
10 know, which was going to be an advantage for our blokes when they were positioning them under the axles and tyres.

Now, you've said that you, you've referred to the trial of the 10C dynamic scales where that was not successful.---Yes.

And that resulted in you seeking and obtaining an exchange for some further 10As. Was that the 10A Series III?---Correct.

Now, was there a time when you also obtained the 10A Series III to trial for
20 the first time?---No, they were just delivered in November of 2016.

When you say they were just delivered - - -?---24 arrived. I knew nothing about them, I, you know, hey, we've got new scales, yeah.

So 24 Series III 10As just arrived?---Yes.

And what were you told about them?---Nothing. These are the new scales and looked like we're going to get some funding to, to replace all the old ones, yeah, and this was the first batch.
30

So they were brand-new scales?---Yes.

And that was a new model of the 10A static scale?---Correct.

Now, did you then use them successfully, they worked?---They worked, but we had to do some modifications to them, yeah.

THE COMMISSIONER: Did they have wheels on them?---Yes.

40 MS WRIGHT: Did you do the modifications?---Yes.

And what were the modifications?---We found that the handle or the head section was not as wide as we would require and that the, you know, oh, if they weren't precisely fitted under the axles and the tyres then they were running over the heads because they were too close to the weighing platform. So I actually had some sleeves manufactured and, and inserted them to extend the, the handle length so they, in best case, they weren't being contacted by the tyres.

So you needed a longer handle, in essence?---Yeah. Yep.

And did you do that yourself?---Yes.

10 To the 24? You - - -?---Yes, I did the, initially, the, the 12, because I, I took 12 out to Penrith. The other 12 remained at Wetherill Park and then I advised them, you know, that we, we had, you know, I had concerns about them running over the heads and damaging them, where the electronics is. I modified them. I then went and bought extra sleeves for Wetherill Park and delivered them and they fitted them themselves.

With that modification done, did they fit into the existing storage racks in inspectors' vehicles?---No, they didn't. The, the heads actually dropped down. The design of the new Series III As, they were narrower in the heads or the handle section, they, the, the, the weighing platform sat in the, in, in the, in the brackets, but the heads dropped down, so, if you stacked three scales, all the heads were on top of each other.

20 So did they fit in, in the sense that they were not too big? Could you put, so - - -?---Oh, they fitted within, within the existing racks, yeah.

I see. So you could get them in, but the - - -?---Yeah, but you had difficulty in getting them out, because they, they, instead of just sitting - - -

Flush. I see.--- - - - on each shelf, the heads will drop down, so you had to lift them up to get them out again. So I, I in fact modified the racks to suit.

30 Some vehicles, or - - -?---Yeah.

Now, you've said at paragraph 30 that Accuweigh don't sell PAT scales. ---Correct.

Do they provide a rival brand called Intercomp?---They do.

And we've already dealt with your evidence about having Accuweigh attend some training with you on how to repair the scales.---Yes.

40 Now, you've said at - - -

THE COMMISSIONER: Can I just ask you, when you got the, I think it was four dynamic Series III, was it?---10Cs, yes.

And you said that you tried them out at Penrith and you also went out to Lurnea.---Correct.

Were you doing that just with you and some of your inspectors?---Just with me and my inspectors, yes.

Nobody from the heavy vehicle management were involved?---No. No.
No.

MS WRIGHT: Now, you've said at paragraph 38 of your statement – sorry, starting at paragraph 37, you refer to a tender for the replacement of scales.
---Yes.

10 Were you involved in a tender process for the purchase of 125 new scales?
---I was.

That was in 2017?---Correct.

And Mr Soliman asked you for feedback on the 10C Series III dynamic scales, is that correct?---Yes.

20 And you've said “the ones that we were trialling” in your statement at paragraph 37, is that the Lurnea trial you're referring to?---Lurnea and Penrith, yeah.

And at Penrith. Was Mr Thammiah at the Penrith trial?---No.

And at paragraph 38, you've said, “I didn't really care what scales we got, but the modified PAT 10A III with the longer handle and the modified wheels were ideal.”---That's correct.

You'd only ever used the PAT scales?---Correct.

30 Had you used HAENNI scales?---No.

Did you know whether HAENNI scales were in use in New South Wales by inspectors?---I did, yes.

THE COMMISSIONER: Just out of interest any - - -

MS WRIGHT: Did you have a view - - -

40 THE COMMISSIONER: Yes, any view or feedback on how they operated?---No. I've spoken to the manager down at Botany and he's had no problems with them. They're a larger scale so you can't get any more than six in a vehicle and that didn't suit my purpose. I needed to put 10 scales or at least 10 scales in a vehicle for the type of work that I was doing.

And heavier?---Yes, they are. They're a two-man lift. All the scales are supposed to be a two-man lift to get them in and out. They're around 18 or more kilos, yeah.

All right. So even the PAT - - -?---Two-man lift.

Two-man lift.---We provide them trolleys to transport them to the vehicles but the blokes tend to disregard that and carry them, yeah.

MS WRIGHT: You've said at the end of paragraph 38 where you've set out that you didn't really care what scales you got but the PAT 10A III with the longer handle and modified wheels were ideal but you said that said we never got to trial anything else.---That's correct, yeah.

10 And at 39 that you found out afterwards that a scoping project had been done under Mr Soliman for \$250,000. When you say you found out afterwards, are you talking about after the tender process for the purchase of 125 new scales?---About the same time.

So when you found out that there had been a scoping project, had you completed the tender process?---No.

Where did you find out about a scoping project?---I found out from Paul Walker.

20

What did he say to you?---You know, I think my offsider was speaking to him about that I was involved in trialling the 10Cs and he, he advised him that yeah, we'd already done a scoping project on scales so I went and approached him. He runs the emissions facility out at my Penrith site.

Who is that?---Sorry?

30 So who does?---Paul, Paul Walker. That's what his role is to run the emissions facility and he was out there on the day and I went and spoke to him. I said, "What's this story about a scoping project?" Yeah, we did one. I said, "What scales were involved?" Oh, I can't remember. I said, "Surely you must remember and what the results were." Not really. Pretty vague about it.

THE COMMISSIONER: We've heard from Mr Walker that he was transferred into this Heavy Vehicle management team.---Correct.

40 His role with emissions, was that before he and his two other colleagues were transferred?---That's just one of his duties within, within Heavy Vehicles.

So he continues with that duty?---Yes.

I see. So just kind of physically he was changed within the, where he worked from and within the organisational structure but he still had that role with the emissions facility?---Correct. Yes.

MS WRIGHT: Would you have expected to have been involved or informed if there was a scoping project into portable weigh scales?---No.

THE COMMISSIONER: But would have you expected some feedback to the inspectors?---That's what you'd hope in the real world but, you know, other government departments or other departments within the RMS do their own thing and we find out afterwards that they've been trialling things or trialling new technology or looking at different ways of doing things. You know, we might get involved in trials of particular equipment or
10 whatever but it's rare that we're consulted.

Well, there's the consultation which you think would occur but also I just thought you'd want to inform the people at the coalface that look, you know, we looked at this particular piece of technology. It was terrific or it had these problems. Because you might be able to look at it and say well look, those problems could be overcome in this way or we might be able to use it in a different way. It just makes common sense that you would be - - -
?---If I was provided that information I'd most certainly tell my crew but as far as discussion about technology and changes that was management above
20 me that liaised with the Heavy Vehicle Program Team.

But you never got any kind of report or study that was undertaken by them?
---No.

MS WRIGHT: Apart from that scoping project which Mr Walker told you about and that you got a vague response to what the results were, were you aware of any assessment being made within RMS at all about possible options for the purchase of new portable weigh scales?---No.

30 To your knowledge, there was no assessment done?---I wasn't aware of anything, no.

Now, at paragraph 40 of your statement you state, "I was not involved in the preparation of the request for tender before it went out." Are you referring to the 125 scales purchase tender?---Correct.

You say, "As soon as I saw the RFQ I objected to the way it was sent out." Are you referring to the requirements contained in the request for tender, request for quote?---The specifications I thought were too narrow and the
40 original tender only requested scales and not the charging devices.

You've said, "I set those parameters. I had told them what the dimensions were when I gave my feedback that the ideal scale was the 10As with the 10C handle and changed wheels." Could I just ask you about that. What do you mean by, "I set those parameters"?---I was asked what the ideal dimensions were for a scale.

By whom?---By Samer, Samer Soliman. I provided that feedback by way of email and said that ideally these are the dimensions, taking the standard new style 10A Series III, putting the 10C handle on them and doing a modification to the wheels.

And were you provided with the request for quote documentation in relation to the tender?---Not at that stage, no.

10 But when you provided the ideal dimensions to Mr Soliman, was this before the tender process had begun?---Yes.

When was it approximately?---I'm not sure. It would be in one my emails there.

20 THE COMMISSIONER: And when you say they were the ideal dimensions, why were they ideal?---For my purpose because, you know, they fitted the existing racks with the slight modification. They were lighter, the fact that they had wheels, we never had scales with wheels before, it made them easier to position. It was a product that I knew.

With the racks, even with the modified handles, they would still fit in but you said - -?---The heads were dropping, the actual handle head where the, they've got a weighing platform and then they've got a head section which contains the electrical side and the LED device and whatever and then there's a, a handle with a, a spring affair on there, and they were narrower than the original 10A Series I and IIs. When you put them in the racks, the, the, the weighing platform was sitting in, in, in the shelves but the heads were dropping down.

30 And that was something, unless you replaced the racks, you just had to put up with?---No, I modified them. I put - - -

Oh, sorry, you did?---Yeah, I modified them. I put angles in, into the existing racks so that they all say in there and they didn't have any difficulty in and out, yep.

And you just did that yourself?---Yeah.

40 MS WRIGHT: Paragraph 40, you go on to say that, "They had sent the tender out with the exact dimensions." By that you mean the dimensions you'd provided to Mr Soliman?---Yes.

Were contained in the tender documentation?---Yes.

And you say, "But I had not meant for this feedback to be the specifications for the tender." Could we have volume 10, page 43 on the screen. Do you recognise that as being the tender request for quote?---Yes.

And then if we could turn to page 45. It refers to the quantity required, 125 portable weigh scales.---Yes.

Did you have any input into the number of scales to be procured?---No.

Did you have a view about that quantity, whether it was - - -?---It seemed unusual because we traditionally buy them in sets of six, the fact that I use 10 in Sydney for my purpose, but around the rest of the state they only have six per vehicle and six into 25 does not compute.

10

But does the total figure seem large or small, did you have a view about whether it was enough or too many, around the state?---Oh, it wasn't anywhere near enough, you know, we had 550 statewide, we didn't need to replace the whole 550 but we, we, we needed I would think probably 400-odd.

Now, the dimensions are set out under the heading Scale Requirements.---Yeah.

20 Are they the dimensions you provided to Mr Soliman?---They're the actual dimensions for the weighing platform, not for the overall dimension of the scale, including the handle and wheels.

Okay. And the 670 millimetres, is that the width or the length?---That's the actual length.

So do you think that's an error in the RFQ?---Yeah, that's an error, they've got them back the front, yeah.

30 So it should say length times width times height?---Correct.

So 42 millimetres is the height?---Correct.

They're not far off the ground.---Yes.

And it refers to handle depth, between 100 millimetre and 140 millimetre.---Correct.

40 Is that an additional, is that what you mean when you say that they've only referred to the platform in the scale dimensions and not taken into account the handle or is the handle depth something different?---They've specified a particular weighing surface and the handle, because I'd found in doing the trials and using the first of the 24 that the original 10A Series III handles were too short and I advised them that 100 and 140 suited or was the dimension for the 10C handles, which in production if you put the 10C handles on the 10As they were ideal, yeah.

And you'd conveyed that to Mr Soliman before this RFQ went out?
---I did.

But you hadn't provided him with the overall dimensions including the handle. Is that the case?---I did. I gave him both.

You gave him both. Okay. And do you recall what the dimensions are including the overall handle and wheels?---Overall, overall length is 780 mils, width is 520, height from memory is around about 34 mils.

10

So the height of the 10A Series III is not 42 mils?---No.

It's about 34 mils, is it?---About 34 I think, yeah.

THE COMMISSIONER: Could we just very quickly look at page 4 of volume 10, please. So that's one of the racks?---A very old one, yeah.

20

An old one. Okay.---Yeah, that's one of the originals when we had that style of vehicle. We now have them, for ease of getting them out of the vehicles, stacked three high duplicated, so you've got six on one side of the vehicle, if you've got a six-scale rack, with me I've got a 12-scale rack, so there's six or 10 or whatever either side, yeah, rather than having the height. The higher they are in a vehicle the more difficult it is to get them in and out and the worry is about sustaining injuries, so we tried to lower the overall height of the rack so they were lower for ease of getting them in and out of the vehicles, yeah.

30

And with those scales neatly fitting within the rack, they're unmodified?
---They're the original 10A Series I and IIs, those in that picture.

All right. Thank you.

MS WRIGHT: So if we could just go back to your statement, Mr Jones, at paragraph 41. See you go on to say, well, you said at 40 that you gave feedback, sorry, you provided specifications or dimensions to Mr Soliman.
---Correct.

40

But you hadn't meant for your feedback to be the actual specifications in the tender documentation.---That's correct.

And then at 41 you say, "Instead of setting the tender to require a scale within certain dimensions, they set the tender to meet the exact dimensions of the 10A with a 10C handle." But you've just given evidence that in fact those dimensions in the RFQ, at volume 10, page 45, are the dimensions of the platform without the handle.---Correct. But then with the handle included as part of that thing, it came to the overall dimension on the, the modified scale, yeah.

So just looking at your statement now, when you made your statement, did you have the RFQ in front of you?---No.

No. So when you said that they set the tender to meet the dimensions of the 10A with a 10C handle, do you agree that's not quite right because the dimensions in the RFQ are the dimensions of the 10A without the handle? Is that - - -?---That's the weighing platform, but then they go on lower down to speak about the handle lengths, so if you put the two together, that's exactly the dimension I provided.

10

I see. Then you've provided some more information. If we skip to 46 of your statement, you say that in your view it would have been possible to get new racks for the inspectors' vehicles for any brand of scales.---Yes.

And you've said that the racks are so cheap, are only, sorry, the racks are \$1,200 per vehicle.---Correct.

And you regard that as cheap to buy.---Yes.

20

And you've provided a price. Where did you get that from?---I got that price from the suppliers of our bodies and racks. That's Pacific Bodyworks. They do our, our fitouts. So collectively, if we had to replace all the racks statewide, it was 70 or \$80,000 which is, you know, if we needed to, to accommodate a different scale, that was, you know, a small amount of money to pay.

THE COMMISSIONER: And the replacement, if he did have to replace the racks, is it relatively straightforward?---Yeah, just unbolt them and bolt the new one in.

30

MS WRIGHT: Could we have volume 10 at page 37. This is an email chain dated 29 January, 2018, between you and Mr Singh.---Yes.

And then down the bottom of the page you see an email from you to Mr Singh, copied to Mr Soliman and Mr Jenkins.---Yes.

"Hi, Jay." And then over the page, page 38, you've just found time to read the RFQ.---Correct.

40

And you've asked whether there's a separate tender for the charging units and the leads.---Yes.

What's the charging unit?---That's the charger to charge the rechargeable batteries that we use in Sydney.

Is that part of the storage rack or is it separate?---No, it's separate.

And do you need a lead for the charge?---A lead for each scale.

For the purpose of charging?---Yes.

And then going back to 37, Mr Singh tells you that the RFQ requirement is for the scales to fit in the current charging port and you've replied that you understand that but there are only four charging units and sets of leads in service for the existing 24 10A Series III scales?---Yes.

10 And you've said that the specification in the RFQ overseas for a six-pin connection?---Yes.

But the current charging units are incompatible?---Correct.

Was that requirement ultimately changed?---My understanding was that they changed to include the tender to be 125 scales plus chargers and leads.

Now, you're a member of a committee for this procurement process?---I did.

20 With Mr Singh and Ms Lemarechal and Mr Everson?---Correct.

And did you meet together to discuss the tenders?---Yes.

Were there submissions by Novation?---Yes.

That was for the PAT 10A Series III?---Correct.

And there was submissions by AccuWeigh?---Yes.

30 And did they offer two scales of the Intercomp brand?---They did.

Was that the LP788 and the LP600 model?---Correct.

And did NEPEAN also offer one of the Intercomp models that AccuWeigh had offered?---I think they offered the LP600s from memory, yes.

Now, when you met to discuss those tenders, was anyone else in the room?---No. Other than the four you've mentioned.

40 THE COMMISSIONER: How did you get on it?---I was just asked to be part of the panel.

By whom, do you recall?---My manager.

That's Mr Jenkins, was it?---Yes.

This is going to probably sound very obvious but one of the reasons you were included is that you were like a product expert on this?---Subject

matter expert supposedly, yeah. I think that's a, you know, I've been dealing and repairing them and trialling them whatever, so I, I had some, some knowledge of what was required, yes.

10 And as evidenced by those emails that Ms Wright just took you to where you raised issues about the charging units and leads, it reflects why it's a good idea to have a subject matter person on the panel?---Well, as I said at the time, if you, if you ask for A, you get A and they were only asking to buy scales, you know, they, they were useless, the leads and that, and the chargers, yeah.

MS WRIGHT: Could you just describe what occurred at the meeting? Did you each look at the submissions individually?---Yeah, we looked at the submissions individually. There was a weighing template there, where you, from 1 to 10, you gave it a score on whether they met the specific requirements of each, each division of the, of the tender. Yeah.

And ultimately the IRD scales was selected?---Yes.

20 And did you raise any issues at the meeting about the tender requirements? ---I was still unhappy about it. I, I, I felt that we, we should have been trialling other scales. There were, you know, people providing submissions there, being NEPEAN and AccuWeigh with a different brand and I had never seen them or never trialled them. I thought we were pushing to do something without doing a proper trial to see, you know, whilst it looked on paper but if it was no good on the road, you know, I'd, I'd rather have that knowledge sitting on the, on the panel to be able to say, yeah, they're, they're good on price, they're good on dimensions but they don't work.

30 THE COMMISSIONER: So your perspective is, it shouldn't be purely a paper exercise?---Absolutely not, no.

And again, as the people at the coalface using them, if it's something you hadn't used or tested, it should have been?---Yes.

40 And should have that been incorporated as part of this tender process?---I thought it was and that's, you know, eventually I, I, under duress when I signed the thing, I, I, the proviso was if we went to tender again, that there had to be an in-field trial as part of the tendering process.

And you said you thought it was, why did you think at one stage that it had gone through that on, in-the-field testing?---I'm sorry, I'm not - - -

Sorry. I just asked you whether this in-the-field testing was in, should have been included as part of the tender process, and you said, "Oh, at one stage I thought it was," and then you referred to, you raised it at the end of the process where you had issues about signing it. Why did you think it was at one stage?---Oh, I, I, you know, I think that was around about the time when

they, I was advised of the fact that they'd done a scoping study. You know? So, if, if there was evidence that they'd trialled the, the Intercomps, then I'd have liked to know about it, you know? That would have, you know, assisted me in, in, in weighting the, the, the, the results and the, and, and the comparison with the scales.

10 And when that was raised – sorry, when it became apparent during the panel process that the Intercomp hadn't been tested, did you make any more enquiries about this alleged scoping study, or - - -?---No. No. I just, you know, they were pushing to get it done. I, I didn't agree. I, I felt that we should have tested them, that supposedly a scoping study had been done but there were no results there. I thought it was just, you know, they were pushing the thing for, you know, probably because the funding or whatever reasons. And I, you know, I thought that we should have done more before we got to that stage.

20 And would have your expectation have been as well that if there was a written scoping study in existence, it would have been provided to the panel members?---I would expect so, yeah.

MS WRIGHT: So at the meeting, you received the submissions, and if we could have volume 10, page 47D on the screen? Sorry, just before we do that, I meant to come back. I asked you if you raised any concern at the meeting about the requirements, or the specifications, where you did have a concern. You said you were still concerned. But did you say anything to the other committee members at all?---Yeah, we, we spoke in general terms about, you know, I said, you know, I'm not happy that the specs appear to be too narrow and, and I'm happy that we weren't trialling them first, you know, we were, we were going to spend a lot of money without, you know, basically trialling the opposition to what I knew we, we were using.

30 And did anyone respond to your expression of concern?---Oh, yeah, there was general discussion about it, yeah.

Did Mr Singh provide any response?---Not that I can recall.

Now, volume 10, 47D, do you recognise this as Novation's quote that was submitted for this tender?---I haven't seen this before, but that - - -

40 Oh, you haven't seen this before?---Nah. Unless it was part of the overall submission that they put through which we compared, it may well be.

Do you remember Novation putting in a submission where it set out where it set, how it met the various RFQ requirements?---Yeah.

And do you recall whether they indicated what their price per scale was?---I think the, it was part of it, at, at, right at the end of their submission.

If it could be turned to 47F.

THE COMMISSIONER: Sorry, maybe if we go to 47C. Is that the format that you got the quotes, that there would be the quote response form?---No.

And then 47F, that was where you were going, Ms Wright?

MS WRIGHT: Yes, Commissioner. Just following on from your answer that there was, at the end of it a price quoted. Does that look like the
10 document you saw?---That's not the document I saw. The actual papers that I saw when they, they answered the questions to all the subsections of the requirements, whether the, you know, the scale was, met the standards, whether it was made of metal, whether the length of the charging leads, all that sort of thing, that was in a different format to this, completely different.

Now if we could turn, then, to volume 10, 59. This is an email to Mr Singh from AccuWeigh, Jason Ferguson of AccuWeigh. You're not a recipient of the email. But if we turn to page 60, do you recognise this as being the
20 submission by AccuWeigh?---That was part of their submission, yes.

Now, AccuWeigh have described, under the description of works, that they will offer two available models from Intercomp.---Yes.

But neither models currently have NMI approval, but both can be NATA certified.---The 600s had approval. The 78s didn't.

They say the LP600's been in use since 2005.---That's correct.

And has NTEP and OIML approval.---That's right.
30

But no NMI approval. So would you have regarded the LP600 as being certified?---Yes.

But the LP788 was not.---They were going through the process of having it certified.

At page 61, you recognise this as being part of the AccuWeigh submission?
---I do.

40 And they've set out various performance specifications?---Yes.

As well as their price.---Yes.

How significant was price in the tender evaluation?---Sorry?

How significant was the question of price in the tender evaluation?---I really didn't get into that. I had no formal training in purchasing and probity at the time. I have since. I didn't really consider that. I just thought that knowing

that the original price that I was offered the scales for in 2015 had almost trebled worried me a little, but - - -

When you say trebled, which purchase of scales in 2015 are you referring to?---That's when I, then I was offered them from Glen from ELWC. He offered that particular make of scale.

The PAT?---The PAT Series III A that we have now, that we purchased in the 125 for around \$6,600, something or other, including GST.

10

So we're looking right now at AccuWeigh, but you're comparing the price offered by ELWC with the price offered by Novation - - -?---Yes.

- - - for the same scale?---Yes.

And you noticed that during the tender evaluation?---Yes.

And you saw that there was almost a three times mark-up.---Yeah.

20

Sorry, a mark-up to the extent of three times the price that you'd been offered by ELWC.---Yes.

Did you do anything about that? Did you raise the concern?---Oh, we spoke about it generally, but as far as, you know, searching to see what the actual price was, I, you know, I, I was cut out of the equation. You know, that's at that stage when I was conversing with Fernando Garza, I was after the prices for both the dynamic and the standards to see relatively what they were going to cost us if we were going to buy scales down the track. So originally in '15 it was 6-6 with GST. I thought, you know, what are they in 2018, you know. Seemed a, you know, a meteoric rise and the only change was that we changed handles, and that those handles were part of their production anyway. It seemed - - -

30

In terms of the changing of handles, you'd done that yourself on the 24. ---I'd done an extension on them, yeah.

An extension.---Yeah.

40

Had you understood that IRD would be in a position to customise in that way for this procurement?---As far as customise, it's just interchange.

Or modified?---Yeah, I would expect it, you know, and a manufacturer of scales, if they're producing two styles of handle and, and, you know, a body such as us requests one with the handle from the other make, that's just a matter of in production swapping one with the other, they'd, they'd be happy to do it and, you know, obviously charge a little bit more or whatever, yeah.

Did you convey to Mr Soliman when you told him the scale dimensions with or without the modified handle that IRD would need to make that modification or did you just simply assume that it could be done?---I just assumed that, yeah, that it, because they were producing both types of scales with different size handles that there would be no problem during manufacture to swap them over.

10 Just coming back to the AccuWeigh submission, AccuWeigh have set out the overall dimension, length times width, of each of the scales, and then they've set out the platform area.---Yes.

What did you understand overall dimension to mean?---That's complete length and width of the scale including handles.

And platform area's self-explanatory, it's just the - - -?---That's, that's the surface that sits under the tyres.

I see. And then they've provided the platform height there.---Yes.

20 Now, it's not a memory test, but do you recall the dimensions set out in the request for quote? And we can go back to it if you need us to. That's at volume 10, page 45.---I think it was 42 for the height.

I think it's 42 for the height, 520 for the width and 670 for the length. ---Yeah, that's the weighing surface, yeah, 670 by 520 by 42 high, yeah.

But you've said that's just the platform.---Correct.

30 And going back to the AccuWeigh submission - - -

THE COMMISSIONER: Page 61?

MS WRIGHT: Page 61. Looking at that now, do the AccuWeigh scales fit within the RFQ scale requirement dimensions?---Dimensions, yes, but not weight. They're heavier than what's required. I think the, we, we set the specification at 18 kilos. The 600s were 23, which is heavier than we, than ideal, and the LP78s, also submitted that, they weren't certified so they, unless they could get them certified quickly we would have to dismiss them.

40 Just on the platform area of the AccuWeighs, they would fit within the dimensions of the RFQ, assuming that the RFQ has, when it says what the dimensions must be, the maximum size dimensions, it's referring to, well, it doesn't say, does it, the RFQ didn't say whether it would include the handle.

THE COMMISSIONER: But I thought Mr Jones said that there's separate reference to handle depth.---That's correct. It references the handle depth later down in the - - -

So you had to add it on?---Yeah.

MS WRIGHT: So if you add it on, do the – how would you add it on? I think we need to go back to the RFQ.

THE COMMISSIONER: Sorry, page 45.

MS WRIGHT: Yes. So if the length has to be maximum 670 millimetres, would the handle depth affect that length?---No.

10

And if the width has to be 520 millimetres as a maximum, would the handle depth affect that size restriction?---No.

How would the handle be added on to get an overall measurement?---Well, that's, that dimension is for the weighing platform. Overall we needed to know how long they were, see if they could fit into the racks and if they were practical to be carted around, so you added the weighing platform and the handle together and you got the overall length.

20

Sorry, that's what I was asking but I haven't asked it very clearly. So would you add 100 millimetre for the handle, see how it says 100 - - -?---Between 100 and 140, yeah, added to the weighing platform which gave you, which is (not transcribable) around 780.

780 for the length?---Yes.

And then if you go back to page 61. Sorry, there's a bit of flipping between documents. Does the LP788 in its overall dimension exceed the maximum required?---No.

30

Well, it does, doesn't it, 940?---Oh sorry, the 788 does, yes. It's longer.

And the LP600 doesn't?---No, it was within the, the specs.

THE COMMISSIONER: You raised the issue of the weight of the LP6. ---Correct.

The fact that it's 25 kilos - - -?---23 I think.

40

Sorry, 23.---Sorry, Commissioner.

Oh, it is. Thank you. Which you said was greater than the specification. ---Yes.

Does that mean it's completely disregarded or does that become part of the weighing mechanism of all the different other aspects of the tender that you had to take into account?---That, we weighted all the, the different

dimensions and the other requirements and it, it was excluded because of the weight. We want the lightest possible scale we could have.

It was excluded?---Yes.

Just out of interest, the certification, does that go to, is it an official Commonwealth body or - - -?---I think it's an international body, Commissioner.

10 International?---Yeah.

MS WRIGHT: Did you understand, Mr Jones, that any scale to be procured would have to fit into the existing inspectors' vehicles?---No.

Was it your understanding that the inspectors' storage racks in their vehicles wouldn't be able to be changed?---No.

Well, you've set out in your statement that the racks were only cheap.

20 THE COMMISSIONER: I thought you'd replaced some.---I'd, I'd put modifications to them.

Modifications.---Yeah. So whatever scale you bought if it was longer or wider or whatever then the racks were the cheapest part of the equation, you know.

That's right, because you quoted from Pacific Bodyworks.---Pacific Bodyworks. They quoted me \$1,200 at the time to do a 12 rack, 12 scale rack, you know, so (not transcribable) it was \$70,000-odd to replace if you needed to replace every rack in every vehicle, and that wasn't to be the case, you know, so that that was, that was, to me that was a minor cost when we're, we're looking at replacing a large amount of equipment.

MS WRIGHT: Was it your understanding that this procurement however would not include the replacement of storage racks?---Yeah. That was my understanding, yes.

And therefore that any scales to be procured would have to fit into the existing racks. Was that your understanding?---No, it wasn't. No, we were buying scales. If, if we needed to get, or modify the racks, so be it, if we bought another scale that was, needed to be wider or longer or whatever.

Were you ever told that there was no money for it and therefore - - -?---No.

No. Now, you then wrote to Mr Singh at the time that the tender evaluation report was being prepared to say you weren't prepared to sign.---Correct.

If we could have volume 10, page 169. You wrote to Jai because he was the convenor of the Tender Evaluation Committee, is that right?

---That's correct.

You've said, "I will not be signing the tender evaluation report due to reasons previously raised and discussed."---That's correct.

With whom and you previously raised and discussed?---With the group, the, the tender panel and with my management.

10

So including Mr Singh?---Yes.

And what you've set out in your email here, "The RFQ was too restrictive regarding dimensions, and other applicants' submissions were unable to meet specified dimension." You'd previously discussed that with Mr Singh, had you?---Yes. That was part of the discussions.

20

And you've said, "I fully appreciate there's an urgency to progress an RFQ relating to available funds." Where did you get that appreciation?---I was advised that, you know, they, they needed to get it sorted before the end of the financial year.

By whom?---Oh, I don't know if it was my manager or it was Mr Singh or it was mentioned when we first met.

30

Now, you've expressed a view that, at the bottom of this email, that the LP788 is by far the best and most economical available option.---For our needs, yeah, they had the, the largest weighing platform and the lightest weight and the height of them was considerably less than anything else we were using.

And you hadn't actually seen them in operation yet?---Not at that stage, no.

But based on the weight and the size of the platform and the height, you thought they'd be a good option?---They would have been absolutely perfect for, for, for our needs, yeah.

40

Want did you understand about the proposed certification? Did you know - -?---I understood it was going through the process and it was not expected to be completed until June of 2018.

THE COMMISSIONER: And who told you that?---I'd had conversations with AccuWeigh direct because I asked to trial the 600s and the 788s.

Independently from the panel process?---Yes, yes.

MS WRIGHT: Did you get a response to your email to Mr Singh?---I don't think so, no.

You copied Mr Everson and Ms Lemarechal on your email.---Correct.

Did they respond to you at all?---No.

Did you discuss it with them, the issue?---No, no. We discussed it generally during our meetings about the, the tendering process but I hadn't gone into detail about saying that I thought the LP788s would be ideal or whatever. It was mainly around, I was concerned that we weren't testing something else and I thought the specifications were too narrow.

10

Then what happened next after you sent this email, you didn't get an email response from Mr Singh?---No. Called into a meeting.

You were called by whom to a meeting?---I think my manager said that I was required to attend a meeting with two senior managers, Brett Patterson and Arnold Jansen.

20

Did you know those two gentlemen before this?---Brett I did. Yes, certainly. I'd worked with him, he'd worked with me over a number of years on different things. I'd never met Arnold at the time.

Did you attend the meeting?---I did.

Where was that?---Parramatta.

On 6 March, 2018?---That's correct.

30

Now, what happened at the meeting?---Initially I was introduced to Arnold and he basically said that he'd heard I was a troublemaker and stubborn and hard to deal with and I replied, "Yeah, all of the above." So we got into discussions about why I wouldn't sign the thing and I think I countered by saying, "If your blokes had done the thing properly in the first place, we wouldn't be discussing this." I think I even in conversation said, "I'm signing on behalf of the director as his representative on this panel and the last thing I want is to end up in ICAC," where we are today.

40

So how did they introduce the topic with you?---They basically said that there was a need as far as to get this process done before the end of the financial year. I was the last to try and block the thing. I needed the scales.

I understand. If we could just try and concentrate on what was said by them and what was said by you, just so that it's clear, and then I'll ask you about your views about it.---Okay.

Did they start by saying they'd heard that you wouldn't sign the Tender Evaluation Committee report?---Yeah, they said, yeah, you're not signing this tender evaluation. That's why we're meeting. We need you to sign it.

MS KING: Commissioner. Could the witness be directed to what individual people said as opposed to “they said”?

MS WRIGHT: That’s what I’ve just done.

THE COMMISSIONER: Mr Jones, you’ve said it’s Mr Jansen and Mr Patterson there.---Correct.

10 If possible can you remember who said certain things?---Commissioner, I can’t recall exactly who said, hey, it’s funding or need to do before the end of the financial year or we need to progress the thing. I don’t know who exactly said the exact words.

Do you have any recollection of either of the other gentlemen dissenting to what was said? For example, if it was raised, we’ve got to get this through by the end of the financial year, whether another one said, no, that’s not correct or anything like that? They - - -?---No, there was no argument about that.

20 If you can recall, sometimes something remains in your mind, and you think, yes, I can remember that X said that, could you identify them? But otherwise if you can, on the basis that you can recall these things being said or words to that effect being said at the meeting.---I understand that, Commissioner, but I was pretty cranky at the time and wasn’t concentrating on who said what other than things were being said that I, that I didn’t like, yeah.

Do the best you can.---Certainly. I shall.

30 But I’m more interested in what was actually said at the meeting.---I’m sort of, yes, Commissioner.

MS WRIGHT: So as I was saying, if we could just take it step by step, and I understand you say you can’t recall who said what specifically, but at the start of the meeting – and just doing your best to try and remember who said what if you can – they said, someone said, someone raised the topic of the Tender Evaluation Committee report. They must have.---Yes. Yeah, we need to get this thing sorted. We need to get it signed and, and under way.

40 And what was your response?---Yeah, well, I - - -

Initial response.---My actual response was, well, you know, the reason we’re here today is because I’m, I’m, because of my concerns about the matter and where it’s going to lead, I don’t want to sign it.

And did you tell them what your concerns were about signing it?---Yes. I outlined the, my concerns about that process being too narrow in my view. I - - -

Did you say why it was too narrow?---Yeah, I said I, you know, it was the exact specification for one particular make and style of scale and nothing else.

Did you give them anything, any other detail?---No, other than that, saying that fitted the, the PAT scale that I had asked for the modifications with the long handle. That was the exact dimension that we were asking for.

10 So you referred to the size requirements in the RFQ.---Yeah.

And you said that seemed to rule out any scale other than the PAT scale.
---Seemed to be too narrow in my view, yes.

And was there any response by either gentleman to your concern about that?
First if you can just concentrate on - - -?---Look, not, not that I recall, no.

- - - how that was addressed.---No.

20 Did anyone acknowledge your concern about the dimension restriction?
---Not that I recall.

In relation to the Tender Evaluation Committee report, did you indicate that you were not prepared to sign it?---That's correct.

And how was that responded to?---Said, "Look, we need to get this sorted, DJ, and you need to sign the thing."

30 And the reason you were given was - - -?---Well, initially it was, you know, we have to get this thing sorted because the funding's, we're going to lose the funding before the end of the financial year. We've got this amount of money and we need to progress the matter.

Who – oh, both Mr Patterson and Mr Jansen were there?---Correct.

Were you all sitting around a table?---Correct.

You knew Mr Patterson before the meeting?---I did.

40 You'd only just met Mr Jansen?---That's correct.

Do you remember who did most of the talking, whether it was the person you knew or the person you'd just met?---Oh, I think in the main part it was Mr Jansen, actually.

THE COMMISSIONER: Was he the more senior, or were they - - -?---No, they're both the same level, Commissioner.

Same level.

MS WRIGHT: And do you recall that because you'd just met him and you now recall that he was the person who spoke more, or - - -?---That's pretty much what I recall of the conversation, yes.

Did Mr Patterson contribute to the discussion?---Yes, he did.

But do you say Mr Jansen spoke the most?---Yeah.

10

Did you have the impression that both were asking you to sign the tender evaluation report?---That was my impression, yes.

20

Now, was it in the nature of a request that you do so, or a direction, or how would you characterise it, and why?---It was a request, but the background for the request was, you know, they, it was an outright direction, no, you know. With respect, Commissioner, no-one tells me what to do. You can ask me to do something. And I think it was more coercing me and, you know, DJ, we get, need to get it done, you, you've got to sign it. Yeah, basically (not transcribable) those words or words to that effect.

Was anything said about if you didn't sign what would happen?---We'd lose the funding, was initially one of the reasons, you know, that the window was there, it had to be done before the end of the financial (not transcribable) if I, if I slowed the process down, we wouldn't get the funding, and we wouldn't get the scales before the end of the financial year.

30

And if you didn't get them before the end of the financial year, was there anything said about what would then happen?---No, and I expected with funding, if it, if it, we lost it, it got carried over the next financial year, so, you know, we, we could halt the process here, go back and redo the tender and, and, and, you know, field test some other scales and then, you know, the money was there in the new financial year and we'd start again.

Was there any discussion about anything like that about what would happen if you lost the funding and you couldn't get them that year?---No, it was just a, you know, an urgency to get the thing done and, and, and have it done before the, you know, the financial year.

40

Now, where you say at 49 of your statement – I do note the time, Commissioner. Would you wish for me to continue, or - - -

THE COMMISSIONER: Is this a convenient point, or - - -

MS WRIGHT: Well, there's more - - -

THE COMMISSIONER: - - - do you want to finish this kind of topic?

MS WRIGHT: Either way, because I have further questions on this topic, so it will take some more time.

THE COMMISSIONER: We might have morning tea break, Mr Jones. So we'll adjourn and come back at about five to 12.00.

SHORT ADJOURNMENT

[11.33am]

10

THE COMMISSIONER: Right.

MS WRIGHT: Mr Jones, the Commission in its investigation has obtained a lot of emails and I propose to just show you a couple of emails before we return back to the Tender Evaluation Committee meeting, sorry, before I return back to the meeting you had following the Tender Evaluation Committee with Mr Jansen and Mr Patterson. Could an email dated 16 January, 2018, be placed on the screen. This is an email starting with an email from you to Mr Soliman on 16 January, 2018, and there's a long
20 email chain involved. Do you recognise that email, before I ask you anything specific about it?---Yeah, that's fine.

If we could turn to page 3 of the email. See at the bottom of the page Mr Soliman has written to you, Mr Patterson and Mr Jenkins, "G'day DJ, Ray, Brett, and happy new year." Do you see that?---Yes.

30 "Can I please have some feedback for the new 10C dynamic scales which you are trialling. The main question is, is it worth investing in the dynamic 10C III scales over the static 10A III?" And then on to page 4. "The 10C III scales do not fit in the current vehicle housings so if these PAT 10C III scales are successful in the upcoming tender, each VR office will need to be responsible for their own install." And he says, "Can I please have some responses ASAP as the tender needs to commence." And do you see below that there's an email from Mr Jenkins?---Yes.

And he sets out some pros and cons for the new 10As and the new 10Cs?
---Yes.

40 Do you recall reading that email?---I do.

And if we just go back to page 3, you respond to Mr Soliman, "Hi Samer, evaluation trials still ongoing with less than expected results operation."
---Yes.

"One of the new 10C scales has allowed water to enter," and you gave evidence about that before.---Yes.

Is that, that's the occasion when water entered, had entered the 10C scale?
Is that - - -

THE COMMISSIONER: Was that when it was raining at Lurnea?
---Correct.

MS WRIGHT: And you say, "There are ongoing issues with operating the 10Cs via bluetooth."---Correct.

10 "Taking into account the pros and cons listed by Ray, I would recommend that no more 10C scales are purchased."---That's correct.

And you go on, "With regards to the new 10A III scales," so that's the static scale?---Yes.

"Currently in use in Sydney, and their shortfalls, shorter handles and issues with positioning wheels, I'm sure these areas can be addressed by IRD and SAW for any future supply."---Yes.

20 Is that consistent with what you said earlier, that you thought the manufacturers could easily change the handles?---Correct.

And wheels?---The - - -

"As we Sydney West have modified same with excellent results"?---Yes.

You gave evidence that you had done modifications to the handles yourself?---Yes.

30 And that's what you're referring to here?---Yes.

You say, "My recommendation is to tender for SAW 10A III scales as there no issues with current vehicle racks, et cetera, provided they're fitted with the longer handles fitted to the 10C units." So at that stage you're expressing a preference for the 10A III scales, do you agree?---Yes.

40 And then on page 2, you've sent a further email halfway down the page, still 15 January, 2018, "Hi Samer, neglected to address the issue with operating the 10C scales dynamically," and you've set out an issue there, and a problem with the mats, and you say, "Therefore impractical to be used statewide. Regards, DJ."---Correct.

Now, above that, you see Mr Soliman asks you to confirm you do not want wheels on scales, and second, what are the minimum and maximum dimensions you would like the handles on the scales to be.---Yes.

And then on the first page, we have a long email where you reply to Mr Soliman on 16 January, and you attach various images. Were they of the scales?---Yes.

And you say, “Wheels are most definitely required, providing the brackets are chamfered,” and you say, in answer to his second question that the maximum dimensions required for the handles are 140 millimetre depth. ---Correct.

10 Did you intend by that that he would include that in the RFQ specifications?---No.

You say, “In summary, the new style 10A III scales are a most welcome improvement due to their lighter weight and ease in handling and positioning, however issues have arisen during operation with dual-tie edges creating pressure on the wheel brackets,” et cetera. I won’t read it all out. But were you trying to identify an issue with their operation, of the 10A III?---With, with the length of the, the handle or the, the head part, yeah, that, that it was too short.

20

And you say, “As an improvement, new style 10A scales have been modified by the fitment of extension sleeves to the handles and modifications to the wheel brackets, and those modifications proved successful.” Were they the modifications that you made?---That’s correct.

You say, “Preferred option for tender as follows, 10A III new style scales fitted with longer 130-millimetre handles, currently fitted to 10C scales, and lower endplates to be manufactured in steel. And by the way, I’ve addressed current issues with the 10A III new style scales with Stephen Thammiah, Novation Engineering, previously.” So what have you raised with Stephen Thammiah?---Just that, you know, for our usage it would be ideal if we could get the scales with the longer handles, and we’d found problems during operation that the, the endplates that housed the wheels were made out of alloy, they were poorly attached, and they were breaking and warping and whatever, and it would be ideal if it was a steel plate, and the actual wheel bracket was welded there too to stop the, the movement.

30

Why did you raise that with Stephen Thammiah?---Well, he was the provider of the scales.

40

And what did you expect him to do?---I expected him to contact the supplier and say, you know, during operation we found these areas, you know, of concern and, you know, consider doing some changes.

You expected Stephen Thammiah to pass on that information to the manufacturer in Canada or the supplier?---Through, through Canada to the manufacturer in Sweden, yeah, Switzerland, whatever.

So that the handles and wheels could be modified in the ways that you suggested needed to be done. Is that correct?---Yes, that's correct.

Now, could an email dated 15 February, 2018 also be brought up.

THE COMMISSIONER: Are you tendering these in one bunch?

MS WRIGHT: That may well be convenient if - - -

10 THE COMMISSIONER: (not transcribable) That's fine.

MS WRIGHT: This is an email dated 15 February, 2008 [sic] from you to Mr Singh and you've copied Mr Everson, Ms Lemarechal, Mr Patterson, Mr Jenkins and Mr Jansen and Mr Steyn to the email.---Correct.

And by this stage you had had the Tender Evaluation Committee meeting where you'd evaluated the tenders. Is that correct?---That's correct.

20 Now, again it's an email chain and if we could turn to the last page which is page 3. There's an email at the top of the page dated 13 February from Mr Singh to you and the other committee members and Mr Singh says, "Hi, all. I've attached the draft evaluation report for your review. The key part of the document to review is stage 3 technical work. If you can review my notes and let me know if there's anything I've missed or needs correcting." And then he asks you, "DJ, I recall you mentioning inspectors carry eight to 10 scales." And he wants more information about whether "if any fabrication of new racks was to occur this would limit the amount of scales that can be transported." Was there an issue whether new racks could be manufactured and placed in vehicles?---Not from my perspective, no.

30 He seems to be asking you about fabrication of new racks.---Yes.

Do you know why he was asking you that?---No.

And then turning to - - -

40 THE COMMISSIONER: Did this prompt you to speak to Pacific Bodyworks?---I'd spoken to them prior to that, Commissioner, and from my perspective if there was to be new racks fitted or modified they were coming out of my budget. It wasn't coming out of the overall budget for purchasing scales.

And when you talk about your budget, the budget you have for operating the inspectors and - - -?---And the vehicles and, and, and outfitting the vehicles accordingly, yes.

MS WRIGHT: Then going to page 2, the bottom of the page, Mr Everson has indicated he's made some minor corrections, additions in red seemingly to the report. Is that your recollection?---Yes, I believe I've seen that, yeah.

And Ms Lemarechal says the same from me. Did she make some minor corrections to the report to your recollection?---Yes.

And then Mr Singh asks you towards the top of the page if you'd had a chance to complete reviewing and you say you'll sort tomorrow.---Yes.

10

And then going back to page 1, you then email Mr Singh and on the following day refer to his inquiry regarding the scale racks and carriage of scales.---Yes.

You're saying it's been playing on your mind.---Yep.

What was that inquiry that Mr Singh had made?---About the racks, about the cost of the, additional costs of the racks weren't included in the overall project.

20

And then you've told him that you were worried that the scale, you say, "On reflection I am worried that the scale requirements, especially the dimensions, were too restrictive and narrowed the field accordingly. In essence, only one model could meet the requirements." So was it around this time that you reflected on the scale dimension requirements and the restrictive nature of the RFQ?---That's correct.

And it hadn't been playing on your mind as previous to the Tender Evaluation Committee meeting?---Not as such, no. You know, I'd looked at it and, and met with them and gone through the process and then I had a bit of a think about it and thought, you know, what's been set out there was in two parts, it was the weighing platform and then the overall length include the handle or the heads, but it was, you know, not in the same context, sort of thing.

30

And you've said you've, "Remeasured the current scale racks fitted to most Sydney sector enforcement vehicles and these racks can accommodate scales with maximum dimensions as follows."---Yes.

40 You had measured them previously and provided them to Mr Soliman?
---The racks themselves?

Yes.---No.

Sorry, you'd given evidence that you had measured the scales and given the scale dimensions to Mr Soliman.---Correct.

And now you say you're remeasuring the scale racks.---Correct.

That's the storage housing for the scales?---Yes.

10 Why were you providing that to Mr Singh?---Because he, he raised the matter of having to buy new racks and the RFQ was broken into two parts, it was the dimension for the, for the weighing platform, which are the specifications I have on right on the, in red on the right-hand side, but the overall length was to include the handle. You know, the document should have said we want a length and a width including the handle, not to break it down to being separate from the weighing platform.

And was it your view that the Novation scales would fit within those racks but the AccuWeigh wouldn't, the AccuWeigh scales wouldn't?---No, I don't think there was any problem with, with either fitting into them.

Well, I took you previously to the AccuWeigh submission and the LP788 - - -?---Oh, the 788 wasn't going to fit, no.

20 So there was an issue in your mind, was there, that the LP788 wouldn't fit within the racks?---But the 788 was going to be excluded anyway because it wasn't certified.

Then you say you searched the internet, "And there are numerous manufacturers of scales."---Correct.

30 Why did you point that out to Mr Singh?---What I was trying to get across the point that, you know, we were moving too quickly, that we should have been looking at the other scales and doing comparisons before we, we went to this process.

And you say you'd conversed with Paul Walker who advised that a scoping project had been recently carried out on the suitability of scales, results unknown.---Correct.

And that's the scoping project that you gave evidence about this morning where you found out from Mr Walker there was one but you were never given the results?---Correct.

40 And Mr Walker wasn't able to give you the results?---Correct.

You say that the current, a current 12-scale rack costs \$1,800 plus fitting. ---Yes.

I think in your statement you had given a price of about 1,200.---That was from an early inquiry so I sort of expected they'd go up in price.

When you did your statement were you basing your statement on your memory?---Yes, pretty much.

Do you think that the \$1,800 referred to in this email at the time is the price that you discovered on making an inquiry about price?---No, it was purely my estimation that I made the earlier inquiry and they were round about 1,200 and I expected, you know, later down the track that they'd increase the price on them because I'd changed the specifications of the rack and therefore they cost more.

10 You say, "Therefore if a brand of scale that suits our RMS needs at the most economical price required, another rack is not insurmountable."---Correct.

So you're suggesting that the racks shouldn't be a limiting factor in determining which scale?---Yeah, they shouldn't have come into the equation. I felt that that was a minor issue, it was a minor cost, if whatever scale we bought if we needed to change racks, that was a simple task and inexpensive on the overall matter.

20 And then you state, "An evaluation of scales should be undertaken, providing this has not been facilitated already during the scoping project, where interested manufacturers or distributors supply scales for in-field testing, then depending on the results a new RFQ could be developed and distributed. Should you require further please contact me directly." In reply to this email did you ever receive any further information whether the scoping project had involved or facilitated an evaluation of scales?---Not that I recall.

30 Then you sent your email of 28 February, which I've taken you to. Perhaps if that could be put on the screen again at volume 10, page 169, where you say you won't be signing the tender evaluation report.---Yes.

Was that on the same basis as what you said in your email of 15 February, that you thought an evaluation should occur?---That and other matters, yes.

40 What were the other matters?---My concern about the supplier, Novation, that they were untested, that they couldn't provide any service, I was concerned if there was something went wrong with the warranty, I don't know what arrangements, you know, I was told that they'd send them back overseas to get them repaired, I thought which was impractical for our, for our needs. It was a company that popped up that had no history in the supply of this type of equipment, there was an overall concern about all aspects.

And then we come to your meeting with Mr Jansen and Mr Patterson. You've already given some evidence about what was said in the meeting. ---Yes.

Now, after the meeting you sent an email to Mr Singh saying that an agreement had been reached and you were prepared to sign the report.
---Correct.

So could I just come back to what occurred at the meeting. Did the meeting end in an agreement that you would sign the report?---Yes.

10 What other agreement if any was reached between you and Mr Jansen and Mr Patterson?---I requested that if there was any future tenders to be let for the remainder of the sales that were required that we had to do an in-field practical testing of the scales as part of the tender. So we'd send out a tender and ask people to put their submissions in and part of the agreement was if they submitted, then they would have to supply scales so we could test them in the field so we could get an accurate assessment of how they worked, rather than just work off paper.

So that related to any future procurement?---Correct.

20 How did that - - -

THE COMMISSIONER: If that was included, does it add – what are the repercussions for the panel process? Does it make it a little bit, possibly lengthier, or - - -?---It would make it lengthier, yes, Commissioner. Yes, it would.

But as you said before, as the end user, it shouldn't just be a paper assessment of this equipment.---That's correct. Yes.

30 You and your inspectors should be actually operating it.---Correct.

MS WRIGHT: Commissioner, just before I go on, if I could tender the two emails dated 15 February, 2018, and January, 16 January, 2018?

THE COMMISSIONER: All right, the two email chains dated January, 2018, and February, 2018, dealing with different aspects of the tender process for the 125 scales will be Exhibit 48.

40 **#EXH-048 – TWO EMAIL CHAINS DATED JAN 2018 AND FEB 2018 DEALING WITH DIFFERENT ASPECTS OF THE TENDER PROCESS OF THE PROCUREMENT OF SCALES**

MS WRIGHT: How would what you conveyed at that meeting, that is, that any future procurement should only occur if an evaluation of other scales had taken place, how did that impact upon this particular procurement, which was for 125 scales?---It didn't.

But was it a condition of you signing the tender evaluation committee report or why was it something that you raised?---No, not as such, I just, I just wanted to, you know, voice my, you know, desire that in future we did the tendering process in a different fashion, rather than just take it off paper, you know, and, and rely on a document to say that a scale met the requirements, so I wanted to see them in operation. I wanted to test them myself.

10 Why did you change your position about signing the tender evaluation committee report?---I was sort of pressured into doing it.

Mmm. And that pressure, was it, how would you describe the pressure? What is it that made you feel pressured?---Oh, it's a matter of, you know, we need to have it done, we need to get it sorted, has to be done by the financial year, you're holding up the process. You know, we can, we can, justify the purchase of these scales by saying we're going to lose the funding. We can justify it by saying they fit the current racks. You know, we, we need to get it going, you know? And I just thought that, you know, it, it need to be, you know, looked into further before we went ahead. I was
20 signing on behalf of the director, in my capacity on the panel, and I just, I, I thought that someone was going to cry foul about it.

Just before you go on, you've said when you answered that question, the things, were they the things that were being said to you in the meeting, that we need to - - -?---I think there was a general discussion about why we needed to, to get it going and how they could justify the purchase.

30 And who is it that said those things? Was it one gentleman more than the other? Or were both Mr Patterson and Mr Jansen saying words to that effect?---I can't recall the exact who exactly said what.

I'm not asking you, well, I did ask you. But were both gentlemen saying the same thing, effectively?---Pretty much. I think more the conversation was with Arnold Jansen, because it was his branch that was doing the project. It was, he ran the Heavy Vehicle Program.

40 Your email at page 171, volume 10, on 6 March, 2018, you informed Mr Singh that following a consultation process regarding the TER an agreement has been reached. What was that consultation process?---That was at the meeting, that was - - -

That was just the meeting with Mr Patterson and Mr Jansen?---Correct.

That's the only thing that you're referring to there where you talk about a consultation process?---Correct.

And you say, "It is noted the RFQ was specific in relation to scale dimensions. However this aligned with the current scale racking system

fitted to most RMS enforcement vehicles and enabled a speedy supply process in order to replace a large number of current scales failing in service and presenting uneconomical repair costs.” Was that intended to be a summary in that paragraph of what was discussed at the meeting with Mr Patterson and Mr Jansen?---I think pretty much so, yeah.

10 And you say, “Further, in the event funding is provided for the replacement of the remainder of scales currently in use, evaluation tests should be conducted on various other scale makes and models so a clear evaluation can be conducted prior to a subsequent RFQ being issued.” Did you convey or express that sentiment at the meeting with Mr Patterson and Mr Jansen? ---That’s correct.

And then you’ve asked Mr Singh to send you the TER to sign.---Correct.

20 Page 178 is Mr Singh’s response to you thanking you and saying he will update the report and send it to you shortly and saying he’ll insert a couple of extra points reflecting what you’ve said that any future procurement be done by open tender to enable further competition and that an evaluation should be conducted. Then at page 177 you signed the tender evaluation report.---Correct.

And at page 175 the report set out a summary of the position of each tenderer.---Yes.

And in relation to AccuCorp it says that the scale won’t fit into the current scale racks.---Yes.

30 And was heavier than current scales.---Yes.

And goes on. And then in respect of Novation it did fit in the current racks, met all the requirements and the tenderer supplied evidence of previous models having a usable lifespan of 10 years and greater and was an authorised distributor in New South Wales. You agreed with all of that content in the tender submission?---Yes.

Now, there was a subsequent - - -

40 THE COMMISSIONER: Can I just stop you.

MS WRIGHT: Yes.

THE COMMISSIONER: And at volume 10, page 173, the issues you raised in that email to Mr Singh which he then confirmed in his answering email are included in the recommendations. So further procurement should be via an open tender process and with improvement of portable weigh scale technology further evaluation is conducted.---Yes.

MS WRIGHT: Now, in your statement you've addressed your knowledge that there was a subsequent tender of 435 further portable weigh scales. And did you ever indicate, Mr Jones, that you were not wanting to be involved in the tender process for that subsequent procurement?---Most certainly not.

Did you express that sentiment to anyone?---No.

10 Were you ever invited to be a member of the Tender Evaluation Committee for the subsequent procurement of portable weigh scales?---Certainly not.

Not by Mr Soliman?---Not by anyone.

THE COMMISSIONER: Had you heard on the grapevine that there was going to be this further purchase of about over 400 scales?---Yes, I had.

Leading up to that had there been any drama between you and Mr Soliman? ---Not that I'm aware of, no.

20 MS WRIGHT: You've said at 54 of your statement that the PAT scales were the preferred option in any event. You were familiar with them and they were easier and lighter to use.---Correct.

And the housings were pretty much the right size, "But we knew nothing else."---That's about it, yes.

And so did you maintain the view that your recommendation that there be a proper evaluation of the market for possible other options should have been maintained for that subsequent procurement?---Yes.

30 Now, could I come back to the issue of spare parts for portable weigh scales. You referred in your evidence earlier to your misgivings about an arrangement whereby RMS would be involved in the ordering of spare parts.---I did.

Could you just explain that a bit further?---It just seemed peculiar to me, if you give a company the okay to service a particular product that you would be involved in buying parts for them. If they're a service provider therefor they should supply the parts as part of the contract or the agreement.

40 So you thought the maintainer of the parts, whoever that be, should be the body that procures the parts that they need?---Certainly. Why would, why would we as the RMS need to be involved in, that's just another job to do. You gave the person the okay to service them and maintain them and recalibrate them and repair them, so why wouldn't they be supplying the parts? I couldn't understand it.

THE COMMISSIONER: You're really adding another kind of middle person extra step, aren't you?---You're just making a lot of work for yourself.

MS WRIGHT: Did you ever raise that concern with anyone at RMS?---I think in general discussion I'd raised it with my manager, Ray Jenkins, I think I discussed it at our Sydney operations managers' meeting, yeah, I just, you know, in general conversation I thought, you know, why are we doing this. I spoke to Jai Singh about it.

10

What did you say to Mr Singh?---I questioned why we were doing it.

What did you actually say to him? If you could – I'm not expecting you to remember word by word, but if you could do your best in telling us the effect of what you said to him.---I think pretty much I said, "I've read the rough the document and I don't understand why we're involved in buying parts."

20

Okay. What document are you referring to?---That's the servicing contract or tender or RFQ or whatever it was that was issued to AccuWeigh.

THE COMMISSIONER: Could I ask for volume 9A, maybe if we start at page 130. That's the first page and if you go to the second page and you see under Description of Works the first paragraph then there's a sentence, RMS?---Yes.

30

Is that what you're referring to?---Yes. That's, not in that context. I looked at the actual, the tender, the, the, the document, the tender, the document that specified exactly what they had to do as far as picking up the scales, the, the turnaround times, the whole lot, yeah.

And that particular requirement that I've just taken you to was repeated in the actual contractual document?---It's actually number 3 in the document, yes.

40

MS WRIGHT: How did Mr Singh respond to you?---Something, words to the effect that they wanted to keep an, an eye on what was being purchased and they didn't want the, the provider, the service provider to, to mark-up the cost of the parts to, you know, and, and I think I replied, "Look, everyone's going to mark their goods up. I still can't understand why we're getting involved."

And when you say he said they, what did he say, did he say I or did he say we or did he say someone else?---I can't recall.

But you used the expression they, did he say we to use the plural or – I just need you to - - -?---I can't even recall. I, I think maybe we would have been we, meaning the RMS?

Did you understand him to mean – who did you understand him to mean when he said they’ve got to keep an eye on the maintainer? Who has to keep an eye on them?---It would have been his unit to, to keep an eye on them, yeah.

Who did you understand he worked with or for?---Oh, for the Heavy Vehicle Program, yeah.

10 With Mr Soliman?---Yes.

THE COMMISSIONER: And sorry, just so I can get my brain around this, was the arrangement when it was ELWC, if you had a broken scale, they’d either pick it up or you would get it to them, they would fix it and if in fixing it, it involved purchase of spare parts, when the invoice came back, it would have labour and costs, spare parts and RMS would pay for it as part of that invoice?---I assume that would be the case, Commissioner, but I, I don’t know what arrangement was made with ELWC as far as anything outside the normal servicing and calibration.

20

Which is different from fixing a broken scale?---Yes.

The usual calibration, can you just explain that to me, is that done yearly or - - -?---Yes.

And until ELWC lost whatever contractual arrangement or the contractual arrangement it had with RMS had finished, scales would be sent once a year for calibration and verification, is it, or cortication?---Servicing and re-certification, yes.

30

So that’s like a checking, everything’s fine with it, we certify it’s okay and it would come back and then in addition, if an inspector was on the road and a scale broke and you couldn’t fix it, it would then be sent to whoever the maintainer of the scales was, and originally that was ELWC?---That’s correct.

And then it became, I think as you said this morning, AccuWeigh then WeighPack then back to AccuWeigh?---That’s correct, Commissioner.

40

And with the, sorry, the annual certification, is it possible that spare parts might have been needed for that?---The certification doesn’t require them, no. The, the servicing does. And spare parts would have been generally the rubber handles for the, the actual handle itself, that, that, that flex, possibly a circlip, maybe a ball bearing that’s in the, the, the assembly that allows it to pivot. They may have had to put a Helicoil in one of the plates if the thread was stripped. But they were minor things. It wasn’t like they had to buy a, a, an electronics component or plates themselves. They were just repairing everything.

Yes.---Yes.

So pretty minor, and from what you've described, at least some of them could have been sourced locally?---Absolutely.

MS WRIGHT: I'm going to show Mr Jones a document, Commissioner, but it's sort of, it's still spare parts, but it's a, it might be best to do it in one. Would it be convenient to come back at 10 to, oh, sorry, five to 2.00, or should - - -

10

THE COMMISSIONER: How about we take an earlier lunch break, but we'll resume at five to 2.00? All right. We're adjourned until five to 2.00.

LUNCHEON ADJOURNMENT

[12.55pm]