

The Commission must seek the advice of the Director of Public Prosecutions (DPP) on whether any prosecution should be commenced. The DPP determines whether any criminal charges can be laid, and conducts all prosecutions. The Commission provides information on this website in relation to the status of prosecution recommendations and outcomes as advised by the DPP. The progress of matters is generally within the hands of the DPP. Accordingly, the Commission does not directly notify persons affected of advice received from the DPP or the progress of their matters generally.

The Commission is of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of:

Samer Soliman

- for the offence of fraud under section 192E of the *Crimes Act 1900*, for the offence of aiding and abetting Mr Thammiah in the commission of fraud offences under section 192E of the Crimes Act, and for the common law offence of misconduct in public office, in relation to his conduct between November 2015 and June 2016, in using his position at RMS to award six contracts to Novation and to dishonestly approve and cause payment by RMS of invoices submitted by Novation in relation to those contracts, which he knew to be false (chapter 3)
- for the offence of fraud under section 192E of the Crimes Act, for the offence of aiding and abetting Mr Hamidi in the commission of fraud offences under section 192E of the Crimes Act, and for the common law offence of misconduct in public office, arising from his conduct between January 2017 and August 2018, in using his position at RMS to award 14 contracts worth over \$1.3 million to AZH and dishonestly to approve and cause payment by RMS of invoices submitted by AZH for those contracts, which he knew to be false (chapters 5, 6 and 7)
- for the common law offence of misconduct in public office, arising from his conduct between September and November 2017 in partially and dishonestly involving himself in the tender process for the PSC panel and drafting AZH's tender submission for the purpose of ensuring that AZH was a winning tenderer and was appointed to that panel (chapters 6 and 7)
- for the offence of corruptly soliciting and receiving benefits under section 249B(1) of the Crimes Act, between 4 June 2017 and 9 August 2018, in the total amount of \$177,450 (chapter 7)
- for an offence of giving false or misleading evidence in the public inquiry under section 87 of the *Independent Commission Against Corruption Act 1988* in respect of evidence given on 5 June 2019 to the effect that he only made "formatting changes" to reports submitted by AZH to RMS (chapters 5 and 7)
- for fraud offences under s 192E of the Crimes Act, the offence of aiding and abetting Mr Thammiah in the commission of fraud offences under section 192E of the Crimes Act, and the common law offence of misconduct in public office, arising from his conduct, between late October 2016 to at least the end of the 2016–17 financial year, in using his position at RMS to approve \$810,000 worth of purchase orders (POs) in Novation's favour and to dishonestly cause the payment by RMS of 27 invoices

submitted by Novation to use up the funds available on those POs, which he knew to be false and/or grossly inflated (chapter 8)

- for the common law offence of misconduct in public office, arising from his conduct between approximately July and late October 2017, in misusing his position as manager of the RMS HVP Unit to assist Novation to be appointed to the HVM panel, in order to continue to benefit from the money Novation would receive from RMS as a result of gaining work as an HVM panel member (chapter 9)
- for an offence under section 87 of the ICAC Act for giving false or misleading evidence in the public inquiry in respect of his references to “we” in his WhatsApp communication with Mr Thammiah, to the effect that he only meant Mr Thammiah rather than the two of them when he said “we’ll have a full-time job for a few days submitting the Novation tender response” and that he meant RMS rather than the two of them when he said “I want Novation on this panel so we can continue procuring” (chapter 9)
- for an offence under section 87 of the ICAC Act for giving false or misleading evidence in respect of his evidence given in the public inquiry to the effect that when he said to Mr Thammiah in relation to the HVM panel that “I want Novation on this panel so we can continue procuring”, “we” was a reference to RMS, in the sense that it could “continue getting the parts that were urgently needed”, rather than to Novation, in the sense that it could continue to procure parts for supply to RMS at exorbitant prices (chapter 9)
- for an offence under section 249B(1)(a) of the Crimes Act of, between January 2016 and October 2018, corruptly soliciting and receiving benefits, and agreeing to receive benefits in the future, on account of using his position in RMS to award contracts to Novation and otherwise to favour Novation in relation to the affairs or business of RMS (chapter 10)
- for the common law offence of misconduct in public office in partially and dishonestly favouring Novation to win the tender for the procurement by RMS of 125 scales (chapter 11)
- for offences under section 87 of the ICAC Act in respect of his evidence in the public inquiry:
 - that he had nothing to do with the 125 scales tender
 - denying that he deliberately set the tender requirements for the 125 scales tender to suit Novation
 - that when he said in a WhatsApp message “I’ll let you know if we’re \$2M richer in a few hours”, he meant he was happy if Mr Thammiah won the tender because they were so close (chapters 10 and 11)
- for the common law offence of misconduct in public office in partially and dishonestly favouring Novation to win the tender for the procurement by RMS of 425 scales and 70 chargers (chapter 12)
- for offences under section 87 of the ICAC Act in respect of his evidence in the public inquiry:
 - that he was not running the 425 scales tender by directing Alex Lee and that Mr Lee was running the tender
 - denying that he deliberately set the tender requirements to favour Novation
 - that David Jones was not part of the second tender because he did not want to be and not because Mr Soliman excluded him because he raised an issue with the first tender

– that he believed it to be true when he informed Arnold Jansen by email on 29 June 2018 that a scoping study had been run “to assess all leading scales on the market”, which had “conclusively shown that the Swiss-made IRD scale is the clear winner in every key performance indicator” (chapter 12).

Stephen Thammiah

- for fraud offences under section 192E of the Crimes Act and the offence of aiding and abetting Mr Soliman in the commission of misconduct in public office, in relation to his conduct between 15 December 2015 and 18 June 2016, in submitting eight invoices to RMS totalling over \$345,000, which he knew to be false, in the knowledge that Mr Soliman would use his position at RMS to dishonestly approve payment of those invoices to obtain a financial advantage for Novation (chapter 3)
- for fraud offences under section 192E of the Crimes Act and the offence of aiding and abetting Mr Soliman in the commission of the common law offence of misconduct in public office, in relation to his conduct between 10 January and 16 May 2017, in creating and submitting to RMS for payment, in agreement with Mr Soliman, 28 Novation invoices totalling just under \$836,000, knowing that parts for which he invoiced would not be ordered from or supplied by IRD, and/or that the prices charged were grossly inflated, and knowing that Mr Soliman would use his position at RMS to cause payment of the invoices to benefit himself and Mr Soliman (chapter 8)
- for the offence of aiding and abetting Mr Soliman in the commission of the common law offence of misconduct in public office, arising from his conduct between 25 September and 6 October 2017, in providing Novation’s draft tender submission to the RFT for the HVM panel to Mr Soliman, submitting Novation’s tender submission to the RFT to RMS with knowledge of Mr Soliman’s preferential treatment, and assisting the acts which led to the commission of an offence by Mr Soliman (chapter 9)
- for an offence under section 87 of the ICAC Act for giving false or misleading evidence in the public inquiry on 18 October 2019, when he gave evidence to the effect that he made a suggestion to Mr Soliman that they should switch to using Wickr for anonymity because, while he believed Mr Soliman had not “breached probity” and was acting appropriately in helping Mr Thammiah with Novation’s tender submission, he wanted to see whether Mr Soliman would take up his suggestion as a way of testing whether he was in fact acting appropriately (chapter 9)
- for an offence under section 249B(2)(a) or s 249B(2)(b) of the Crimes Act of, between January 2016 and October 2018, corruptly giving a benefit to Mr Soliman on account of Mr Soliman showing favour to Mr Thammiah and Novation in relation to the affairs or business of RMS, or the receipt of or expectation of which would tend to influence Mr Soliman to show favour to Mr Thammiah and Novation in relation to the affairs or business of RMS (chapter 10)
- for the offence of aiding and abetting Mr Soliman in the commission of the common law offence of misconduct in public office in partially and dishonestly favouring Novation to win the tender for the procurement by RMS of 125 scales (chapter 11)
- for the offence of aiding and abetting Mr Soliman in the commission of the common law offence of misconduct in public office in partially and dishonestly favouring Novation to win the tender for the procurement by RMS of 425 scales and 70 chargers (chapter 12)

Ali Hamidi

- for offences of fraud under section 192E of the Crimes Act, and for the offence of aiding and abetting Mr Soliman in the commission of the common law offence of misconduct in public office, in relation to Mr Soliman's conduct between January 2017 and August 2018 in using his position at RMS to award 14 contracts to AZH and to dishonestly approve and cause payment by RMS of invoices submitted by AZH in relation to those contracts, which he knew to be false, and which totalled over \$1.3 million (chapters 5, 6 and 7)
- for the offence of aiding and abetting Mr Soliman in the commission of the common law offence of misconduct in public office, in relation to Mr Soliman's conduct between September and November 2017 in partially and dishonestly involving himself in the tender process for the PSC panel and drafting AZH's tender submission, for the purpose of ensuring that AZH was a winning tenderer and was appointed to that panel (chapters 6 and 7)
- for the offence of corruptly giving a benefit to Mr Soliman as an inducement or reward, under section 249B(2) of the Crimes Act (chapter 7).