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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION PARAGON

Reference: Operation E18/0736

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 8 DECEMBER, 2021

AT 10.00AM

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

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

THE COMMISSIONER: Yes. Are we ready to proceed?

MR DOWNING: Commissioner, just before we start with the witness, I do have some documents to tender from the examination that we had on Monday, if that's convenient.

THE COMMISSIONER: Yes, it is. Thank you.

10 MR DOWNING: So arising out of Mr Ahmed Alameddine's evidence, these are all just the voice files, so they're not in fact documents, but they are WhatsApp voice files. So the first one is an audio file from Mr Hassan Alameddine's phone, dated 1 March, 2018, and the designation is WA0024. I believe we're up to Exhibit 202.

THE COMMISSIONER: Yes. That document will be admitted and become Exhibit 202.

20 **#EXH-202 – WHATSAPP AUDIO FILE ON HASSAN
ALAMEDDINE'S PHONE DATED 1 MARCH 2018 05405 WA0024**

MR DOWNING: Next, another WhatsApp audio file, again from Hassan Alameddine's phone, again dated 1 March, 2018, and this time file designation WA0029.

THE COMMISSIONER: Yes. That document will be admitted and become Exhibit 203.

30 **#EXH-203 – WHATSAPP AUDIO FILE ON HASSAN
ALAMEDDINE'S PHONE DATED 1 MARCH 2018 085620 WA0029**

MR DOWNING: Next, WhatsApp audio file, again from Mr Hassan Alameddine's phone, again dated 1 March, 2018, and this time the designation, WA3118.

THE COMMISSIONER: Yes.

40 MR DOWNING: .opus, I'm sorry.

THE COMMISSIONER: Yes. That document will be admitted and become 204.

**#EXH-204 – WHATSAPP AUDIO FILE ON HASSAN
ALAMEDDINE’S PHONE DATED 1 MARCH 2018 091010
0D78217B1AC41EFB5E2A077AB0653118.OPUS**

MR DOWNING: The next, again, WhatsApp audio file from Hassan Alameddine’s phone, again, dated 1 March, 2018, and this time designated WA0031.

10 THE COMMISSIONER: Yes. That will become Exhibit 205.

**#EXH-205 – WHATSAPP AUDIO FILE ON HASSAN
ALAMEDDINE’S PHONE DATED 1 MARCH 2018 095852 WA0031**

MR DOWNING: Next, again, WhatsApp audio file from Hassan Alameddine’s phone, dated 1 March, 2018, and file number WA0034.

20 THE COMMISSIONER: Yes. That will become Exhibit 207.

MR DOWNING: I think we’re at 206.

THE COMMISSIONER: Sorry, 206, is it? Yes. 206.

**#EXH-206 – WHATSAPP AUDIO FILE ON HASSAN
ALAMEDDINE’S PHONE DATED 1 MARCH 2018 100057 WA0036**

30

MR DOWNING: Thank you. Next, WhatsApp audio file from Hassan Alameddine’s phone, dated 1 March, 2018, and the file number is WA0036.

THE COMMISSIONER: Yes. That will become Exhibit 207.

**#EXH-207 – WHATSAPP AUDIO FILE ON HASSAN
ALAMEDDINE’S PHONE DATED 1 MARCH 2018 101048 WA0036**

40

MR DOWNING: Next, WhatsApp audio file from Hassan Alameddine’s phone dated 1 March, 2018, and file number WA0037.

THE COMMISSIONER: That will become Exhibit 208.

**#EXH-208 – WHATSAPP AUDIO FILE ON HASSAN
ALAMEDDINE’S PHONE DATED 1 MARCH 2018 101521 WA0037**

MR DOWNING: Next, WhatsApp audio file from Hassan Alameddine's phone dated 1 March, 2018, and file number WA0038.

THE COMMISSIONER: That will become Exhibit 209.

**#EXH-209 – WHATSAPP AUDIO FILE ON HASSAN
10 ALAMEDDINE'S PHONE DATED 1 MARCH 2018 143333 WA0038**

MR DOWNING: And then finally, WhatsApp audio file from Hassan Alameddine's phone, this time dated 2 March, 2018, and file WA0053.

THE COMMISSIONER: Yes. That will become Exhibit 210.

**#EXH-210 – WHATSAPP AUDIO FILE ON HASSAN
20 ALAMEDDINE'S PHONE DATED 2 MARCH 2018 111452 WA0053**

MR DOWNING: Thank you, Commissioner.

THE COMMISSIONER: Thanks, Mr Downing. Now, Ms Spruce, are we ready to proceed?

**MS SPRUCE: Yes, Commissioner. Just one matter I might raise first. I
30 can't see you onscreen, I just see an empty chair where I would expect you
to be sitting.**

THE COMMISSIONER: Oh.

MS SPRUCE: I'm not sure if Mr Soliman is in the same position.

MR SOLIMAN: I can see the Commissioner.

MS SPRUCE: I see.

**40 THE COMMISSIONER: All right. We can have that checked and perhaps
before we start I could adjourn briefly so that that can be attended to. Just
while that's being done, somebody is going now, I think, to seek help to try
and rectify that deficiency. We're proposing today to take evidence from
Mr Soliman, is that so?**

MS SPRUCE: That's correct.

THE COMMISSIONER: Is Mr Soliman represented?

MR SOLIMAN: No.

THE COMMISSIONER: Are you represented, Mr Soliman?

MR SOLIMAN: I'm not. I'm not, Commissioner.

THE COMMISSIONER: Okay. All right. Just pardon me, we'll just interrupt for a moment.

10

MR DOWNING: I understand that the problem may be at Ms Spruce's end, so we may just need to break for a moment while she logs off and then restarts and then hopefully she will have the connection.

THE COMMISSIONER: All right. Mr Soliman, we're just going to adjourn for a short time so that the technical hitch can be attended to. It's not anticipated that will take very long and we will resume and I'll deal with the formal matters that we have to address with you when I return before we start the public inquiry with your evidence. So I'll adjourn and somebody can let me know when we're ready.

20

MR DOWNING: Thank you, Commissioner.

SHORT ADJOURNMENT

[10.13am]

THE COMMISSIONER: Okay. I understand the problem is fixed. Can you confirm that, Ms - - -

30

MS SPRUCE: It is fixed. Thank you, Commissioner.

THE COMMISSIONER: Thank you. Well, now, Mr Soliman, we will commence by having you either swear an oath or take an affirmation for the purposes of you giving evidence. Can you firstly advise me do you prefer to proceed by way of affirmation or by swearing on the Bible?

MR SOLIMAN: An oath on the Bible, please, Commissioner.

40 THE COMMISSIONER: Very well. Do you have a Bible available to you?

MR SOLIMAN: I can grab one quickly if you like.

THE COMMISSIONER: Yes.

MR SOLIMAN: Take me five seconds.

THE COMMISSIONER: Yes, please do that.

MR SOLIMAN: Sorry. Okay.

THE COMMISSIONER: You have a Bible?

MR SOLIMAN: Yeah.

10 THE COMMISSIONER: Mr Soliman, before I administer the oath, you understand that the purpose of swearing on the Bible is to confirm that the evidence given by you is being given on oath and that the evidence you give in its entirety will be the truth. You understand that's the purpose of swearing on the Bible?

MR SOLIMAN: Yes, Commissioner.

THE COMMISSIONER: And that's in accordance with, your swearing on the Bible as a preference by you is consistent with your own ethical or religious beliefs. Is that right?

20 MR SOLIMAN: Yes, Commissioner.

THE COMMISSIONER: Very good.

THE COMMISSIONER: Counsel Assisting, Ms Spruce, will shortly commence asking you some questions. I just want to confirm you do not have a legal representative appearing for you in this public inquiry. Is that the case?---That's correct, Commissioner.

10 There are some formal matters that I should then draw to your attention and that is a witness must answer all questions truthfully, and if required to produce any item, such as a document, either by way of summons or by a requirement I make, then you understand you must answer all questions truthfully and produce any items that you are required. You understand that?---Yes, I do.

20 Under the Independent Commission Against Corruption Act, there is provision made whereby a witness such as yourself may object to answering a question or producing an item, and the effect of any objection by you is that although you must still answer the question or produce the item, your answer or the item produced can't be used against you in any civil proceedings or, subject to two exceptions, in any criminal or disciplinary proceedings. So the first exception is that that protection does not prevent your evidence from being used against you in a prosecution for an offence under the Independent Commission Against Corruption Act, including, for example, an offence of giving false or misleading evidence, for which the penalty can be a term of imprisonment for up to five years. The second exception only applies to New South Wales public officials, and evidence given by a New South Wales public official may be used in disciplinary proceedings against the public official if the Commission makes a finding
30 that the official has engaged or attempted to engage in corrupt conduct. Whether there's any prospect of disciplinary proceedings may depend upon whether you're still employed, but whether that be so or not, I'm just indicating to you that the objection to answering a question or producing an item does provide you with a measure of protection that, other than those two exceptions, the evidence can't be used in other proceedings in the future. Do you understand what I'm saying?---Yes, Commissioner.

40 I can make a declaration that all answers given by you or any items, all items produced will be regarded as having been given or produced on objection and that means that you don't have to object to every question. I can make a declaration that all questions are subject to your objection, or to the production of any item. Based on my explanation to which I have just been through with you, is it your desire to avail yourself of the provisions of the Act to which I have referred to which enable you to object to giving answers to questions or producing items?---Yes, Commissioner.

And in that respect, do you wish me to make a declaration that all questions or items required are to be treated as taken on objection?---Yes, Commissioner.

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

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

THE COMMISSIONER: Yes. Thank you, Ms Spruce.

30 MS SPRUCE: Mr Soliman, do you recall on the last occasion I asked you some questions about the procurement manual?---Yes.

THE COMMISSIONER: Sorry, could I just interrupt for one moment. Just put on the record, please, your full name?---Samer Soliman.

Sorry, how do you spell your Christian name?---S-o-l-i-m-a-n.

What is the full spelling of your Christian name?---S-a-m-e-r S-o-l-i - - -

40 S-a-m-e-r?---Yes.

Yes. And are you commonly referred to as Samer are you, or Sameer?
---Both, yeah.

I can't hear you.---Both.

Oh, both. Very well. Yes, thank you, Ms Spruce.

MS SPRUCE: Mr Soliman, you recall me asking you questions on the last occasion about the procurement manual?---I do.

And you recall the evidence you gave was that you had not received any training in the procurement manual. Do you recall that?---I don't recall the evidence given but yeah, no, I don't recall the evidence given.

10 All right. Well, it's correct, isn't it, that you didn't receive, or you don't recall receiving any training on the procurement manual?---I don't recall getting any training in it, no.

THE COMMISSIONER: Could you just keep your voice up a little bit, please, Mr Soliman, so that I can be sure I can hear every word you're saying.---Okay.

Can you do that for me?---Yes.

Yes, very well.

20 MS SPRUCE: Commissioner, there's some very loud noise at my end. If I could just take a minute, I could cause that to stop.

THE COMMISSIONER: Yes. Yeah, certainly.

MS SPRUCE: Thank you. Thank you, Commissioner.

THE COMMISSIONER: Yes, very good.

30 MS SPRUCE: Now, Mr Soliman, I'm going to take you back to the procurement manual briefly. If I could just show Mr Soliman, please, CP binder 2 at page 1,283. Mr Soliman, can you see in the fourth and fifth paragraphs? If you could just, sorry, on the previous page, please, that you were on. It's page 1283. The page you initially showed was correct. That's the page. Mr Soliman, this is from the introduction to the procurement manual, and if you could just read, please, the fourth and fifth paragraphs to yourself. So that is the paragraph that begins, "At appropriate stages through the procurement life cycle". Do you see that?
---Yes.

40 And just let me know when you've read those two paragraphs.---Yep.

So do you see in there, Mr Soliman, that the procurement manual directs users to other manuals, which include the Engineering Contracts Manual?
---Yes.

Now, are you familiar with the Engineering Contracts Manual?---Don't think so, no.

Do you recall ever receiving any training in that manual?---Not that I can recall, no.

Did you know that there was such a thing as the Engineering Contracts Manual?---I don't know. Maybe if you show it to me, it could jog my memory. I just don't remember ever seeing it.

10 All right, well, I'll take you to that in just a moment, but while we're still on this page, in the next paragraph after that there's a definition of "construction industry". Do you see that?---Yes.

And it's clear, isn't it, from reading that definition that the works that Mr Steyn and Mr Dubois did within your unit were works that fell within that definition?---That makes sense, yes.

20 All right. And do you then see, in the next paragraph down, it says, "For further advice about the appropriate application of construction industry contracts, including professional services, contact the Commercial Services Branch, Technical and Project Services Division." You see that?---Yes.

And were you familiar with the Commercial Services Branch?---Mmm, can't say I was, no.

Did you know that there was a Commercial Services Branch within the RMS?---I don't know the name but perhaps if there's a certain name to it, that might ring a bell.

30 Have you ever heard of the Technical and Project Services Division?---Not that I can recall, no.

All right. In that case, if I could please take you to the engineering manual. So CP binder 2, page 497. Sorry, if we could just show Mr Soliman, please, the front page of the engineering manual so that he can see whether he recognises it. The Engineering Contracts Manual, rather.

THE COMMISSIONER: There seems to be another technical problem. Yes, that's it.

40 MS SPRUCE: Mr Soliman, you see there the front page of the Engineering Contracts Manual. Is that something that you recognise?---I don't recall this, no.

All right. Well, I'll take you to come of the pages within the manual. It's a lengthy manual, but if we could go, please, to page 489. You see this is an appendix to the manual which gives guidance on whether to use a minor or major contract. Were you aware that there was a distinction drawn at the RMS between minor and major contracts in respect of contracts?---I can't recall, no.

I beg your pardon?---Not that I can recall, no.

I see. And if you just read through that page to yourself, please, and let me know when you've done that.---All right. I've got the gist of it, yeah.

10 So, Mr Soliman, you can see in the second paragraph down that when there's construction contracts to be undertaken there appears to be a choice that has to be made between whether to use a major or minor contract. Do you see that?---That's what it says, yep, yep.

Yep. And then you see in the next paragraph down it says that where there's doubt about which type to use that advice can be sought from the Commercial Branch.---I see that, yep.

20 Now, I take it that you didn't ever seek the advice of the Commercial Branch about whether any of the contracts that were entered into by your unit ought to be minor or major contracts?---No, I don't know what the Commercial Branch is.

Thank you. And then if you have a look at the sixth paragraph down, do you see there's a reference to those contracts requiring the use of the Pre-Qualification Scheme?---I see that.

And just pausing there, you remember on the last occasion I asked you about the existence of Pre-Qualification Schemes within the RMS?---(No Audible Reply)

30 Do you recall being asked about that?---No, sorry.

Well, Mr Soliman, just to refresh your memory, you knew, didn't you that there were Pre-Qualification Schemes and panels within the RMS?---Yes.

40 And what appears to be suggested in this paragraph is that there are certain types of works, i.e. roadworks, bridgeworks, concrete paving, steel fabrication, asphalt paving and other specialist categories which appear to require the use of the Pre-Qualification Scheme and it also appears should be carried out by major contract. Now, was that something that you were aware of during your time as Manager of the Heavy Vehicles Unit?---I don't recall knowing that, no.

And I take it that as far as you're aware, neither Mr Steyn nor Mr Dubois ever used a Pre-Qualification Scheme in order to carry out contract work they were responsible for?---When they were in the team with me, not that I remember. I don't know what they did when they were in the previous teams.

Thank you. And I take it to the best your knowledge Mr Dubois and Mr Steyn didn't follow the instruction in this manual to carry out those types of works for major contract?---What's a major contract?

10 Well, I'll take you now to another page, which is page 479, please. If you see here, I'll just give you a moment to take a look at this page, but it's essentially a decision-making flowchart which assists to guide decision-making about whether a major contract or a minor contract or a small-works contract should be used in respect of construction. Now, have you ever seen this flowchart before?---No.

And so it follows that you've never used this flowchart in determining the way in which work in your section, what sort of contracts should be entered into?---That's correct.

20 All right, thank you, Mr Soliman. I'm going to move to a different topic now. If we could just show Mr Soliman, please, volume 21.2, page 3. Mr Soliman, what you're seeing on-screen is a report that was prepared by SMEC in respect of Safe-T-Cam sites around New South Wales in August 2017. Do you recall that?---I remember the name SMEC, yes, yeah.

Well, Mr Soliman, just to refresh your memory, do you recall that an issue arose in 2017 in respect of Safe-T-Cams needing to be replaced because the CSIRO was going to discontinue its support for Safe-T-Cams?---Yes, yes.

You do? And so you recall that it was necessary to find a new provider for the technology?---Yes.

30 And do you recall that although the initial issue was the technology, that Mr Dubois obtained a report from SMEC in respect of the infrastructure itself, that is the gantries that supported the technology?---Okay.

Do you recall that?---Very vaguely. I remember he – yes, yes, I remember he did provide a report in, and I remember rust, he said that there was rust on the gantries and things, yes, okay.

40 All right, well, if we could just go, please, to page 8 of volume 21.22. You'll see the executive summary of the SMEC report. And if you could read that, please, Mr Soliman, and let me know when you're done.---Yep.

Does that assist to refresh your memory, Mr Soliman, about - - -?---Yes.

- - - the circumstances in which this report was obtained?---Yes, thank you.

Now, is this report something that you asked Mr Dubois to obtain?---Not that I can recall, no.

Well, do you recall whether Mr Dubois obtained this report of his own initiative? Or you don't recall one way or the other?---Can't really recall either way. But what I do know is that I wasn't aware of any issues with the gantries, so it doesn't make sense that I would ask him because I wasn't aware of it.

All right, but at some point you became aware of it because Mr Dubois gave you a copy of this report, is that correct?---He must have, yep.

10 And you can see from the executive summary you've just read that this was a desktop assessment?---Desktop? Okay, yep, that's a bit odd.

That strikes you as odd, does it?---Yes.

And what strikes you as odd about that?---How, how could they, how could they know there's issues with the physical gantries, I guess, without going to site but is that what, does desktop mean they didn't go to sites, or - - -

20 That's correct, Mr Soliman. It's a desktop assessment. So there's a 61-page report but there hasn't been a single site inspection. The report refers to 27 gantry structures, which you can take from me is all of the gantry structures in respect of Safe-T-Cams that were in New South Wales at that time - - -? ---Okay.

- - - and there's no photos of any kind in the report. It's just based on drawings at the time the gantries were initially constructed.---Okay.

So is that something sitting here now that you find odd?---Yes.

30 And is that something that you find concerning?---Well, obviously, knowing what we know now, yeah.

Now, as you can see, the report concluded that there were a number of key deficiencies with the existing gantries and that all 27 required significant refurbishment or replacement. Now - - -?---(not transcribable)

- - - you agree, don't you, that replacing a gantry involves significant expenditure?---I know that now, yeah.

40 Well, when you say you know it now, you would have understood that at the time that you were managing the Heavy Vehicles Unit, wouldn't you? ---If this was the first, if this was a report to look at the gantries, I don't think any work was done to the structures before that in my time there, so, but obviously after that, yeah. They cost a lot, yeah.

Mr Soliman, it's just a matter of common sense, isn't it, that if there's a report recommending that every single existing gantry site, of which there

are 27, needs to be significantly refurbished or replaced, that that is going to involve significant expenditure on behalf of the RMS?---Yes, of course.

And that being so, it's an important issue that ought to be properly assessed before acting on. Do you agree?---Yes. Yes.

And the first thing that one ought sensibly do is to have a site inspection of the gantries. Do you agree?---Yes, that makes sense.

10 Now, do you recall whether you asked for an internal RMS engineer or anybody else to undertake a site assessment?---I didn't ask but I, I guess the assumption was that you would have to do that otherwise how would you know?

Well, Mr Soliman, you were the manager of the unit, so do you recall what it was you said to Mr Dubois about this report and about what the next step to be when he presented it to you?---I don't, I don't recall getting a copy of it but I remember him speaking about it. That's all I remember.

20 Now, it's correct, isn't it, that you'd never visited any of these gantry sites yourself? Is that correct?---The checking station ones, yes. I don't think I ever went to the other ones.

When you say "the other ones", do you mean the ones that are the subject of this report?---There's, I think, a handful of Safe-T-Cam gantries at checking stations. The rest were, I guess, on highways.

30 But whatever the case was, Mr Soliman, you weren't in a position, sitting at your desk in the RMS, to know whether or not the recommendation in this report was appropriate?---That's correct.

Now, on the last occasion, you gave some evidence to the Commission, and this is at transcript 2504, line 20 on, that you noticed over time that Mr Dubois and Mr Steyn seemed to have a passion for larger projects. Do you recall that?---Yes, that's really what my, triggered, well, some bad, bad feelings about potential corruption.

40 All right. So just doing your best now to remember the circumstances in which Mr Dubois brought this report to you. This is a report that is recommending very substantial civil works. Do you recall whether this was a project that Mr Dubois had a particular, or appeared to have a particular passion for?---The Safe-T-Cam ones, yes, definitely.

And did you subject this report to any particular scrutiny, Mr Soliman, or did you just allow Mr Dubois to take the running on this project, as it were? ---I don't, I don't think, I don't recall ever getting a copy but I definitely remember he was summarising that he was worried that the gantries were going to fall, fall over but, no, I definitely didn't scrutinise it. Just, yeah.

Mr Soliman, wasn't it's your job as the manager of the unit to scrutinise reports like this recommending major expenditure on behalf of the RMS? ---I don't know. Again, I don't recall ever getting the report itself and I don't know that this was the trigger for any funding or anything. Like, was it?

Mr Soliman, if I could just take you, please, to page 1 of volume 21.2.

10 MR DOWNING: I think there may have been a problem with the audio, So perhaps if Ms Spruce could just repeat - - -

MS SPRUCE: I'm sorry. I just wanted to take Mr Soliman to volume 21.2, page 1. Mr Soliman, hopefully this might refresh your memory. You can see that this is an email to you from Mr Dubois on 23 August, 2017, which attaches the updated SMEC report which we've been looking at a moment ago.---Yep.

20 So looking at that email, you accept, don't you, that the report was sent to you (not transcribable) - - -?---Okay, I see that.

THE COMMISSIONER: We're getting some interference in the system and Counsel Assisting's questions are affected by some deficiency in the system. It's important that any deficiency be attended to so that there's clear communication between Counsel Assisting and the witness, the witness and Counsel Assisting. So I think we should adjourn so that somebody can examine whether there's a need for an adjustment or something to be done. So I'll adjourn until advised that we're ready to proceed. So, Mr Soliman, we'll take the adjournment to enable the system to be checked out because of what appears to be technical problems and they we'll resume. I'll adjourn.

30

SHORT ADJOURNMENT

[10.54am]

THE COMMISSIONER: Yes, I understand some technical matters have been attended to, but that there are certain other factors that may or may not cause ongoing problems, but we'll just wait and see how we go. Very well,

40 Mr Soliman, we'll resume your evidence. Yes, thank you, Ms Spruce.

MS SPRUCE: Mr Soliman, just before the break I was showing you volume 21.2, page 1. If we can just have that back on-screen, please. Mr Soliman, you can see this is an email from Mr Dubois on the 23rd of August, 2017, which is - - -?---Yes.

- - - forwarding you an updated version of the SMEC report, which we were looking at previously.---Yes.

So you accept, looking at that email, that you were forwarded the report, don't you?---Yes.

And then if we could please go to volume 21.2, page 62. Do you see here this is an email?---Yes.

10 Which the second email down on the page is from Mr Dubois to you on 29 August, 2017, where he sets out essentially the findings contained in the SMEC report.---Yes.

Do you see that?---Yes.

And then you've responded by saying, "Nice. Can you send me the final SMEC report."---Yes.

So, Mr Soliman, there isn't any doubt, is there, that you were engaged with the process of this report being prepared? You agree with that?---No.

20 Well, when you say "nice" in your email, "Nice. Can you send me the final SMEC report," what did you mean by "nice"?---I have no idea.

Well, it suggests, doesn't it, at the very least, that you've read Mr Dubois' email.---Yes.

And it's obvious Mr Dubois is sending it to you as the manager of the unit. ---Yes.

30 And it involves a report which recommends significant expenditure on the part of the RMS, and that's obviously a matter that would be of concern to you as Manager of the Heavy Vehicles Unit.---Sounds like that's why I've asked him for the report, yes.

All right. And it is common sense, isn't it, that when you received the report you would have read it?---I don't recall reading it, no.

40 Yes, but as the manager of the unit, it is simply obvious that it was firmly within your duties to read the report and see what it said, do you agree?---I don't know. Why is he sending me the summary of the report? There's obviously things, other things that were happening between the report and him sending it to me. Why am I asking him for the final report? What's the difference between the final report? It's not an assumption I can easily make.

Mr Soliman, you were the Manager of the Heavy Vehicles Unit at the time this report was prepared, correct?---That is correct, yeah.

And it was part of your job to read the report that was sent to you by someone you supervised, you agree?---I guess so, yeah.

All right. Now, if I could please take you to volume 21.2, page 66. You see that this is an email sent by you to Roger Weeks, Saurav Sarkar and Arnold Jansen on 31 January, 2018?---Yes.

Now, Roger Weeks was the director of the Compliance Branch, is that correct?---Yes.

10

And at this time is it correct that Arnold Jansen was your direct supervisor? ---He must have been, yep.

And Mr Weeks was above Mr Jansen, is that correct?---Yes.

All right. And you see that you are attaching an updated briefing, do you see that?---Yes.

20

And if you look in the email below that one you'll see that the briefing relates to three site asset replacements.---Yes.

And then if we go, please, to page 68 of volume 21.2, you'll see the briefing itself. Mr Soliman, this is a copy of the briefing that you prepared. Do you recognise this document?---No.

You don't recall preparing this briefing?---No.

30

All right. Well, to refresh your memory, if you have a look under Recommendations you'll see that it seeks approval for the funding of 3.6 million over two years to replace Nyngan, Branxton and Albury STC sites. ---Yes.

See that?---Yes.

And if you have a look under the heading Consultation, you'll see that the replacement cost of 1.2 million per site relates to both the Safe-T-Cam technology and the infrastructure, that is the gantry.---Yes.

40

And if you have look in the grey box at the top of the page, you'll see there's a summary of the fact that the STC camera network needs to be replaced.---Yes.

And then you see in the last paragraph in that box it says, "Following the recent irreparable failure of the Nyngan STC site and pending permanent failure of Branxton and Albury STC site, these assets require urgent replacement."---Yes.

Are you able to recall what was the irreparable failure of the Nyngan STC site?---Sorry, no.

All right. And then if we could go over the page, please, to page 69, you see that there's an attachment which is called Subject Matter Expert Site Fault Report.---Yes.

And you can assume and take it from me that the next document is the SMEC report that I took you previously.---Okay.

10

So having had that opportunity to refresh your memory, do you remember providing a briefing to your superiors recommending that \$3.6 million be spent on those three sites, relying on the SMEC report?---No.

But it's clear, isn't it, looking from that briefing that there wasn't anything else that the briefing was based on in terms of the recommendation to replace those sites, there's no other supporting documentation other than the SMEC report, is there?---In the attachments list, no, just cost estimates.

20

And you don't have any recollection of having done any other investigations beyond what was contained in the SMEC report?---Me, no, of course not.

All right. Now, Mr Soliman, I want you to assume that subsequently in September 2019 an internal engineer with Transport NSW physically inspected all of the gantry sites that are mentioned in the SMEC report and found that all of the gantries were either in good working order or were requiring some maintenance but none needed to be replaced.---Sorry, who, who went to the gantries?

30

An internal engineer with Transport NSW.---Okay.

Now, it's obvious from what I've just told you, isn't it, that the SMEC report based on a desktop assessment was an inadequate assessment of the gantry sites?---If it was a desktop assessment, definitely. You would, you would have to, you would have to go and see it. I guess the question I'm thinking now, where did the photos of the rust come from? If you're saying someone checked them and there was no issues, were those photos, like, were they made up or what, what's going on? I'm a bit mixed up here.

40

Well, Mr Soliman, I can show you - - -

THE COMMISSIONER: Just before you do, can I ask you this. After the SMEC report, a copy of which you sought to obtain back in August 2017 or thereabouts, was received, were there any investigations instituted as a way of testing or following up on the SMEC report to determine the fact of deficiencies as SMEC had identified?---I vaguely remember asking Mr Dubois to, I guess to get proof, so maybe, maybe proof and photos and things like that, so maybe that's (not transcribable)

I'm sorry to interrupt you. Please if you could raise your voice? We had trouble on the last occasion.---Okay.

And I just want to make sure that this time you lift your voice so that I'm hearing you clearly and if you please just concentrate on doing that. So I think you were saying to me that you recall did you say asking for three quotes?---No. No. What - - -

10 What did you say?---I vaguely, I vaguely recall asking Mr Dubois to get photos and things like that, and putting two and two together, I guess it makes sense why I'm asking him for the final report. That's what I guess I - - -

Keep your voice up, please, so that I can hear you.---Yeah. Is that, is that okay, Commissioner?

20 Yeah, that's better.---Okay. I'm guessing that's, that's what I meant when asking him for the final report, the SMEC report.

Right. Well, obviously the SMEC report required further investigation because it had raised a serious matter. Is that correct?---Yes, that makes sense.

A potential failure of the gantries was a serious matter, obviously, requiring follow-up investigations. Is that right?---Yes, of course.

30 Okay. Well, what investigations were done to your knowledge?---I recall asking Mr Dubois to make sure there's, obviously, there's photos and things like that. And I'm guessing he provided that in the final report. So how, they must have gone to site at some point, I'm guessing, because there were photos of rust of the gantries, there were physical photos of the gantries that I recall seeing.

I'm just wanted to know what information was provided to you by way of follow-up investigations on the matters raised in the SMEC report? You say there were some photographs brought into existence?---Yes.

40 What else was done by way of follow-up investigations?---I don't know.

Well, is the position that you have no recollection of further information being provided to you on any follow-up investigations into this matter? ---That's correct, yeah.

Well, you have agreed that this was, the SMEC report had raised very serious issues, if accurate, involving the possible failure of a number of gantries. Is that right?---Yes. That's correct.

And, ultimately, you had some responsibility to ensure this matter was investigated properly to determine what the response to the problem should be. Is that right?---Yeah, it, it went above me at that point. I was asked by, I remember, Mr Weeks and Jansen to see what can be done and I'm guessing the next report showed that.

Did you delegate investigations to Mr Dubois?---Yes, of course, yeah. He was the expert.

10 Okay. And what was the outcome of his investigations?---I don't know what he said exactly, but I remember seeing photos of rust and of the gantries, and again I'm assuming it's the report, it's in the report. And the outcome was essentially that he agreed with the SMEC, SMEC report.

Did Mr Dubois provide a written report on his investigations into the matter?---I don't recall.

20 Ultimately, you had a responsibility to ensure that the matter was properly investigated, is that right?---I would say so, yes.

And it's not an everyday occurrence that you get a report that gantries that have been constructed are subject to possible failure.---Correct.

It's not a common situation, is it?---That's correct, yep.

You must have some recollection as to what the follow-up investigations revealed.---Yeah, rust and what, what he showed me was serious issues with the structures.

30 But you wouldn't know whether the photographs were of the right gantries, for a start, would you?---Of course not. It's just based on trust. Why would I, why would I think (not transcribable)

How did you verify that the photographs he was showing you were photographs of the gantries referred to in the SMEC report?---How did I verify it? I didn't think that was necessary.

40 All right, so you didn't verify the photographs were true and accurate?---No, of course not, no.

Did you do anything at all about this investigation into the gantries, other than look at photographs provided to you by Mr Dubois?---I don't know. No, I don't think so. What else can I do?

Ah hmm. For all you knew, this could have been a completely inaccurate report about the failure in gantries without a full investigation being done, is that right?---Other than me physically going to all 27 gantries myself, anything is possible, of course.

Yes, Ms Spruce.

MS SPRUCE: Mr Soliman, did you ask Mr Dubois to inform you when the last time was that the gantries had been physically inspected?---Not that I, not that I recall, no.

10 Well, that would have been an important piece of information for you to know in your decision-making role, wouldn't it?---I'm highly confused, sorry, Ms Spruce. I was provided a report from specialists in the field with photos of what appeared to me serious structural failure. That, that should be enough at that point. I don't understand what else I could have done, sorry.

20 Well, Mr Soliman, I understand you have a clear recollection of some photos, so let me take you to something to see if it helps you to recollect what you believe you saw. If we could go, please, to volume 21.1, page 146. Mr Soliman, this is not related to the SMEC report but I'm showing it to you in case these might be the photos that you recollect having seen. This is in 2016, so the year prior to the SMEC report, and it's an email to you in respect of some damage to the Jerilderie and Narrandera sites and there are some photos, I take it, attached to the email. If we could move to the next page to see those photos. Do you recall whether that might be one of the photos you recall having seen?---That's not the photo, no. It was, what I recall seeing was a close-up photo of a gantry with serious rust and not just surface rust.

30 All right. If we could then go, please, to volume 21.1, page 168. It appears that this is an earlier draft of the SMEC report which has a photo of a gantry on the front. Is that the photo that you recall seeing?---No.

And if we could just scroll, please, to the next page, I believe there may be another photo. No, it looks like there are no other – perhaps my instructing solicitor could just confirm that there are no other photos in that report, and if there are, if it could just be shown, please, to Mr Soliman. Mr Soliman, is that the photo that you recall seeing?---No, Ms Spruce, no. It's, it, what I recall seeing is a close-up photo of a gantry with rust.

40 Mr Soliman, you've been frank about the fact that you don't have a clear recollection of these events. It's possible, isn't it, that you are misremembering the context in which you saw the photo that you're referring to?---I'm not sure I understand the question. I was, I remember seeing a photo either in the report or from Mr Dubois in some way of, in the context of the Safe-T-Cam failures that he's talking about of rust on the gantry.

All right. But you accept that the photo that you recall seeing doesn't appear in the SMEC report? You agree with that?---Yep.

Now, Mr Soliman, I just want to ask you another question. In your exchange with the Commissioner you said that you accepted the SMEC report and Mr Dubois' recommendations in relation to it based on trust. Do you recall saying that?---Well, I guess he's, he's the expert.

10 All right. So I just want you to help explain to me the basis on which you relied on Mr Dubois as an expert based on trust. Now, the SMEC report, as we've seen, was in mid-2017 and on the last occasion that you were before the Commission, you gave evidence in relation to Mr Dubois that you found him impossible to manage, and that sometime in 2017 you lost trust in Mr Dubois and Mr Steyn and that you started to watch them closely after that point, and various other ways in which you described your concerns. You said that you thought they were particularly dodgy, that you smelt a rat but you couldn't put your finger on it. Do you recall the evidence you gave to that effect?---Yes.

20 So my question is, that in circumstances where you had concerns about Mr Dubois and you found him impossible to control and you had noticed that he had a passion for larger projects, why would you just accept a report like this on face value without making any further enquiries yourself?---First of all, logically now, it's a third party producing the report. So again I'm highly confused. Are we saying the report's false or – I'm not following the, sorry. The report says that there's serious issues with the gantry. Was it not correct to take that seriously?

30 Well, Mr Soliman, you didn't take it seriously, did you? Because you didn't do any follow-up investigations, not even a site inspection.---Well, of course I would not do the site inspection personally. I wouldn't even know what to look for.

That's right. You didn't have any expertise yourself. But you didn't request or order anyone to do a site inspection, true?---Well, I must have. It looks like I'm asking Mr Dubois for the final report. It looks like I've asked for additional things then.

40 Mr Soliman, if in a matter as important as the works recommended in the SMEC report, if you were asking Mr Dubois, who you found impossible to manage, to do a physical or organise a physical and site inspection, that's something you would put in writing, isn't it?---Not necessarily. I mean, for, for a period of time, he sat next to me.

And if Mr Dubois did, in fact, organise a site inspection, you would expect the results of that inspection to be recorded in writing?---Yes, I assume there's a final report, yeah.

Well, Mr Soliman, you've seen the final report. We've already looked at it. Mr Soliman, were you aware that there had been a physical inspection of the Safe-T-Cam gantries in 2011?---No.

You weren't aware there'd been an inspection by A&A Structural in 2011? ---I don't think I was working there yet. It would have been around that time but, no, I definitely didn't know.

10 All right. And I take it you weren't aware then there'd also been an inspection by Senai Steel of the gantries in 2011 and 2012?---By who, sorry?

Senai Steel.---Never heard of them, not, I wasn't aware of that.

All right. Mr Soliman, I'd now like to ask you some questions about the Maintenance Panel. Do you recall that in 2007, steps were taken to set up a Heavy Vehicle Unit Maintenance Panel?---Yes.

20 All right. And what's your recollection about why that panel was established?---(not transcribable) Mr Dubois and Mr Steyn were saying something to the effect that they need a panel to basically manage their work.

I'm sorry, Mr Soliman. Just before we come to the Maintenance Panel, I ask you a moment ago a question about Senai Steel doing inspections, but I withdraw that. They didn't do inspections but they did works on the gantries in 2011 and 2012. Is that something you were aware of?---No, I don't think I was working there at that time, no.

30 Right. So, Mr Soliman, coming to the Maintenance Panel - - -

THE COMMISSIONER: I was wondering, Ms Spruce, if we were going to take a morning tea break at some stage? Would this be a convenient time to do that?

MS SPRUCE: It would, Commissioner, yes.

40 THE COMMISSIONER: Yes. Right, then. So, Mr Soliman, we're going to take a morning tea adjournment break and then we'll resume in about 15 minutes. So if you'd be ready to resume at that time. Okay. So I'll adjourn.

SHORT ADJOURNMENT

[11.36am]

THE COMMISSIONER: Yes, Ms Spruce.

MS SPRUCE: Mr Soliman, just before the break I was asking you some questions about the Maintenance Panel, and it's correct, isn't it, that your recollection is that that was established at the initiative of Mr Dubois and Mr Steyn?---Yes.

If I could take you, please, to volume 15.1, page 1. Mr Soliman, you can see that this is an email sent to you and other members of the unit, can't you?---Yes.

10 In July 2017?---Yes.

And if you just read through that email to yourself to refresh your memory, you'll see that this is an email that Mr Steyn first proposes the idea of a Maintenance Panel.

MR DOWNING: Commissioner, I'm just a bit concerned that there may be an issue with Ms Spruce's audio again and I'm not sure at the moment Mr Soliman understands that he is being asked to read the email because the audio - - -

20

THE WITNESS: Yes, I am.

MR DOWNING: Oh, I'm sorry.---That's okay.

It seemed to drop in and out halfway through.

THE COMMISSIONER: All right. We'll see how we go. Yes, thank you.

THE WITNESS: I get the gist of it, okay.

30

MS SPRUCE: All right. So, Mr Soliman, does it assist you to recall, reading that email, that Mr Steyn was suggesting that because they were effectively regular predictable maintenance works which were carried out on a reactive basis from time to time that it would be beneficial to have some sort of panel set up?---Yes.

And do you recall what your response was to hearing that suggestion?---No. But everything that he writes here makes sense now.

40 Well, do you recall whether you thought that it was a good idea to try and establish the panel of the kind he suggests?---I don't know.

All right. Can I just ask you, in the sort of fourth paragraph from the bottom, there's a reference to, perhaps the third, to the CMO, it says, "It's rumoured going through the CMO adds roughly 28 per cent to cost on top of the 40 per cent added by vendors." Do you see that?---Yes.

Can you assist us with what he's referring to there? What's the CMO?
---They were telling me that, I guess, it was some sort of team that I guess would have managed the projects.

So this is a team that's internal to the RMS, is that correct?---I believe so.

And so is it your understanding that's what's suggested is that by running projects through an internal RMS project management team it adds roughly 28 per cent to the cost?---I think that's what Craig is saying here, yes.

10

And did you have any understanding yourself about whether that was the case?---No.

All right. Now, Mr Soliman, at the time that you read this email in 2017, as we've already established, you knew that there were existing panels for these sorts of works within the RMS?---I don't know if there was, there were panels for that specific type of work, no. Not that I know of.

20

All right. Well, you knew that there were panels of some sort, that there were panels with preselected contractors existing within the RMS, correct?
---Yes.

And did you take any steps to find out whether there was an existing panel that could do the sort of work that Mr Steyn was suggesting here?---Me personally, no.

Did you ask Mr Dubois or Mr Steyn or anyone else to find out whether there was an existing panel?---I don't recall.

30

Well, do you agree that the sort of work that Mr Steyn is contemplating is really bread and butter for the RMS? Roads maintenance, electrical work, it's work that you would expect the RMS to be undertaking on a fairly regular basis. Do you agree?---From what I understand, it's mainly around the specific set-ups of the gantries and the regulatory technology and everything. So, as far as I recall, there was no vendors really that did that, as far as I was told.

40

When you say as far as you were told, that's relying on Mr Steyn and Mr Dubois, is it?---Yes, yeah.

All right. And do you recall that Mr Dubois then retained an external consultant to assist to establish a Heavy Vehicles Branch Maintenance Panel?---Yes. The name, I forgot his name but I remember his face, yes.

Well, do you recall the name Nathan Chehoud?---Yes, yes, that's, that's him.

So perhaps if we could go to volume 15.1, page 160? Mr Soliman, this is a letter dated 1 August, 2017, from Mr Chehoud of WSP to Mr Dubois in respect of the proposal to establish a Heavy Vehicles Branch Maintenance Panel. You see that?---Yes.

Do you recall ever seeing a copy of this letter?---Not that I recall.

10 Well, are you able to assist us to understand how it was that things developed from Mr Steyn raising the idea in an email to Mr Dubois then retaining an external consultant? Do you recall what occurred that led to Mr Chehoud being retained?---No. What I remember is, it must have been after this or, actually, I don't know if it was after this. I remember them walking into a room with Mr Chehoud who, I didn't know who he was at the time. When I asked them who was this person, that's when they set they're setting up the panel.

20 So I take it from what you've just said that you didn't authorise Mr Dubois to engage an external consultant for that purpose?---Yeah, no, I found out afterwards.

All right. So that's something Mr Dubois did of his own initiative?
---Correct.

And when you found out that he'd done that, how did you respond to that?
---Don't recall how I responded.

30 Well, did you think it was a good idea that he'd retained an external consultant to set up a panel?---Can't say that I thought about that specific part of it, if, if the external consultant was needed.

Well, you knew that it would cost money to retain an external consultant, didn't you?---It made sense, yeah, of course.

And it was part of your job, wasn't it, to make sure that RMS funds were being spent appropriately - - -?---Yeah.

- - - within your unit?---Okay.

40 And you must have formed a view about whether or not it was appropriate to have retained an external consultant?---I guess I must have thought it was okay because it, it happened.

All right. And I would assume you must have thought it was also a good idea to establish the panel. Is that fair?---From what they were saying, yeah, it definitely made sense to have a panel that, I guess they could, that they could use to do, do their work, yeah.

Now, Mr Soliman, it's correct, isn't it, that you didn't consult the procurement manual to see whether there were any policies or procedures that ought to be followed in relation to setting up a panel of this kind?---Me personally, no.

And you didn't ask Mr Steyn or Mr Dubois to check whether there were any relevant procedures in that manual which should be followed?---I don't know if I asked them or not, but I'm sure the assumption was that they would have done that to get to this stage.

10

I'm sorry? Your evidence is that you assumed that they would have looked at the procurements manual to see if there was anything relevant in that?
---Yes (not transcribable)

Furthermore, that they would have complied with any relevant obligations?
---That was the assumption, yeah.

20

And, Mr Soliman, I take it from your evidence this morning that you weren't aware of the Engineering Contracts Manual, that you didn't take any steps to find out whether that manual and the procedures in it had been complied with?---Yeah, no, I don't remember seeing that.

Right, and is it also correct that you didn't find out whether there were any procedures in the delegations manual that ought to be followed in respect of setting up a panel like this?---Delegations, not, oh I - I would have assumed that was all done to get to this stage.

30

So, Mr Soliman, is it the case that you just relied on what Mr Dubois and Mr Steyn told you and assumed that they had followed all relevant procedures, is that correct?---Yes.

Now, if I could then take you, please, to page 15.1, page 167. You see that this is a meeting invitation from you to Mr Steyn and Mr Dubois for Monday, the 21st of August. And you say, "Let's collectively review your guys' progress and scope of the panel contract before proceeding further."
---Yes.

40

So it's obvious, isn't it, that around this point in time at least, you took an interest in what was going on in respect of the creation of the panel?---Yeah, after they brought it to me, yeah, I guess it was another piece of work, yeah.

Well, when you say it was just another piece of work, it was a significant piece of work, wasn't it?---To establish the panel, you mean?

Yes.

THE COMMISSIONER: Why weren't others, particularly those in management positions, included in the list of required attendees referred to in this email?---I'm guessing they weren't needed in this meeting.

This was a proposal to bring about a significant alteration in the way in which procurement, referred to in the previous email, was to be handled. Is that right?---Yes.

10 Well, if it was a major review or a review about a major aspect of procurement, it would require, would it not, consideration – certainly by others other than Steyn and Dubois, particularly those in a management position – to oversight and work with you on whether or not the initiative should be adopted. Is that right?---I don't know if, at this stage, I don't know what content or what they had at this stage exactly, so I don't think anything else was needed, from memory.

20 Well, had you a discussion with them as to who would be attending a discussion about the initiative?---Who would be attending? Not that I can recall.

Did you have some discussion with them about having a meeting as per this email?---Can't recall, Commissioner.

I'm asking you to explain why you would not involve your immediate supervisor in what was a proposal to alter significantly procurement methods.---My best guess is that they weren't needed at this stage.

30 But they would have been needed to consider any major change in procurement methods, isn't that right?---I don't know. I don't know what stage they were at with, with this process. Maybe there was nothing at this process.

You had no authority to entertain a new methodology for procurement on behalf of RMS, didn't you?---I don't think so.

No. Well, you know so, don't you? You had no authority to be conducting a review of procurement procedures. Correct?---I don't know. From what, from what they were telling me, that was within the procurement rules.

40 When you say "they were telling me", who is "they"?---Mr Dubois and Steyn.

But why would you trust Dubois or Steyn in the circumstances when you gave evidence on 17 June of this year you said that progressively they had been generally non-cooperative, aggressive at times, and when you wanted things done they sometimes would only do it when it suited them and, as you said, that's when you lost trust in them? Why would you be taking suggestions from Dubois and/or Steyn, or both of them, to consider

changing procurement methodologies when such change would require the imprimatur, the approval of somebody in authority? Can you explain that to me?---Well, I thought it was my job to act on when they brought something to me. I guess the alternative is to ignore it and I don't think that would have been reasonable.

10 But there's another alternative, isn't there? Say to them, "All right. I'll take this up with my superior and we'll come back to you and let you know what RMS has proposed to consider." That was another option, wasn't it?---I guess so, yeah. I can't say I thought of that.

And why would you not, logically and rationally, why would you not have taken that course knowing that you had no authority in such a matter?---I don't know, Commissioner. It's a little bit silly now I look at that, I guess. I mean (not transcribable) - - -

20 Look, Mr Soliman, you have a certain degree of post-graduate qualifications and you are intelligent, intelligent enough at least to have been put in the position you were at RMS. I'm putting it to you it is obvious as night follows day that this proposal is one you had to bring to the attention of your superior. Is that not the case?---At this stage it looks like that wasn't obvious at all to me, Commissioner.

But looking at it now you can see that that was the procedure that would have had to have been adopted, that is a procedure involving your supervisor, correct?---Honestly, I have no idea. I don't know what, where they were at with this proposal, what they had done, if anything's ready for approval. I just don't know, I'm just being shown one email with one line.

30 Mr Soliman, I'm putting it to you that is complete and utter nonsense, and you well know that neither Steyn nor Dubois had any authority to be putting forward proposals to you for structural change in the procurement methods. You did know that, didn't you, that they had no authority at all as subservient to you to be conducting this so-called review? You knew that, didn't you, at the time?---No.

These were two troublesome employees with whom you had lost trust, correct?---They were troublesome, yes. (not transcribable)

40 As at August 2017, you had lost trust in them, hadn't you?---I don't know if it was 2017-2018. I can't remember when. I just remember having just ongoing issues with them and at some point I, I lost trust in them and I suspected, or I guess I had a feeling is a better word - - -

Over time it developed, your lack of trust in them developed over a period of time, did it not?---Mmm (not transcribable)

You told us that on the last occasion. Mr Soliman, I'm just trying to help you. You gave evidence to that effect on the last occasion. I'll just give you another opportunity to give some truthful evidence on this point. Over a period of time, including 2017, you lost trust in Dubois and in Steyn, correct?---Sometime in 2017-2018, I recall just having ongoing issues with them in general, and at certain points, like I said, I just, I guess, I smelt a rat of some sort because of the reasons I've given you earlier. I just, I just had a feeling that I couldn't put my finger on that they were corrupt.

- 10 And because you had reached the stage where the relationship between you and him was difficult to manage, you smelt a rat, as you said, about them. Why would you be taking up a suggestion for them to make structural change or a new system for procurement when you were their boss? Can you just explain that?---Yeah. I guess, first of all, the loss of trust wasn't based on anything - - -

- 20 Sorry, I can't hear you. Speak up.---The, the loss of trust wasn't really based on anything, hard evidence. I didn't see or hear anything. It was just a gut feeling. And additionally, I just remember what Craig and Alex were talking about in terms of panel, it just logically made sense. So I can't say back then that I think I had any issues with the idea of the panel.

Now would you address the point I've raised with you. Why would you be working at the instigation of Steyn and Dubois on the proposal put up by them, which they were supporting, without involving management in that exercise?---I didn't think it was necessary. Perhaps I'm wrong. Perhaps management should have been involved. Yep.

- 30 Mr Soliman, I'm putting it to you so you can respond and consider what I'm putting to you. I'm putting to you that the answers you have been giving on this issue is obfuscation. That is, you are seeking to avoid truthful answer to these matters. How do you respond to that?---I'm giving truthful answers as I recall them.

Is it still your evidence that, as time went by, in 2017, they had been – that is Steyn and Dubois – generally, to use your words, non-cooperative, aggressive at times, and that they would say no whenever they wanted to in respect of work?---From time to time - - -

- 40 And that over time, because of such behaviour and because you smelt a rat, to use your expression, you had lost trust in them by the time this proposal, in August 2017, was being put by them to you to change procurement procedures?---Again, I can't be sure when exactly this feeling came about, but I know it was definitely late in the piece. So must have been 2017-2018.

So is it the position that you wanted to cooperate with Steyn and Dubois at this time on the project they were proposing because there could be some benefit to you?---What do you mean, sorry?

I mean what I've just said. How do you respond to that?---I don't recall that happening.

10 You don't recall that happening. I'm putting it to you that your motive for going along with them in relation to changing the procurement procedures in the way they were advocating was something you saw that may benefit you. How do you respond to that if it was put?---I don't recall what the benefit you're talking about is. I'm a bit confused. Sorry, I'm missing something, obviously. I don't mean to be rude at all, but I'm really confused.

Yes, Ms Spruce.

20 MS SPRUCE: Mr Soliman, you've given evidence that you smelt a rat, to use your phrase, in relation to Mr Dubois and Mr Steyn. Now, with this Maintenance Panel that was being proposed by Steyn and Dubois, it was estimated it was going to do \$6 million worth of work over, I think, a five-year period. So it's a significant, significant amount of work. Correct? ---Yeah. If that's the estimate, yeah, of course. 6 million is a lot.

And you recall that Mr Dubois has retained the external consultant in relation to setting up the panel in August 2017. Correct?---Yes, that's what, that's what the letter said, yeah.

Now, just before the break, I took you to the SMEC report, also prepared in August 2017, which was recommending a significant amount of civil works should be carried out in respect of the gantries in New South Wales.---Yes.

30 Did you not smell a rat when Mr Dubois was, at around the same time, obtaining a report suggesting that all of the gantries needed to be heavily remediated or replaced, and at the same time proposing along with Mr Steyn that there be a new form of procurement in the form of a Maintenance Panel?---Did I think it was odd or anything? I don't remember thinking it was odd. I just remember thinking that what they were saying about the panel made sense, so it enabled them to do the work they needed to do.

40 Well, what was it that made sense about it to you? What was going to be the benefit to RMS of having this panel?---Just the email that Craig, Craig sent, that we looked at earlier, he brought up a, as we saw, a lot of issues with how they were working then, and he basically said it's not a sustainable method.

So, Mr Soliman, is it your evidence that the email I took you to earlier from Mr Steyn was enough for you to feel satisfied that a Maintenance Panel should be established?---Frankly, I don't know if that's, that was what I thought at the time. I just know that everything in the email made sense on the surface to me, and I had no issues with the idea of it.

All right. So you had no issues with the idea of it. If we could then go, please, to volume 15.1, page 308? Mr Soliman, this is an email sent from your work address to Sam Sol, [REDACTED]. Now, I take it that's your personal email address?---Yes.

10 And you've sent yourself on 4 September, 2017, an email. If you just have a look in the body of that email, you appear to be sending yourself effectively a file note in relation to things that you're going to do. Do you see that?---Yeah, I see the email, yeah.

But do you agree with me that it appears to be in the nature of a file note or a memo to yourself that you're sending to your personal email address, so that you recall certain steps that you're going to take?

MR DOWNING: Commissioner, just before the witness answers, we probably should seek a suppression order in respect of the personal email address that was just read out in the course of the question.

20 THE COMMISSIONER: You're saying this is a personal email but it's from the witness, as I understand it - - -

MR DOWNING: To himself but it is - - -

THE COMMISSIONER: To himself. So what's the problem?

MR DOWNING: Well, just it's a personal email of the witness and in the course of the publication normally personal email addresses, phone numbers wouldn't be - - -

30 THE COMMISSIONER: Oh, are you suppressing - - -

MR DOWNING: Just the email addresses.

THE COMMISSIONER: - - - the details of the email address?

MR DOWNING: Yes.

40 THE COMMISSIONER: I'm sorry, I misunderstood you. Yes. I make an order suppressing publication of the personal email address set out in the document entitled No Subject – 1995.eml.

SUPPRESSION ORDER: I MAKE AN ORDER SUPPRESSING PUBLICATION OF THE PERSONAL EMAIL ADDRESS SET OUT IN THE DOCUMENT ENTITLED NO SUBJECT – 1995.EML.

THE COMMISSIONER: Yes, thank you, Mr Downing. Yes.

THE WITNESS: But yes, I see, I see that email. Yeah, it looks like I've sent myself an email. I'm not sure why.

MS SPRUCE: Well, Mr Soliman, it's obvious, isn't it, that you've sent yourself an email so as to remind yourself, it's obviously information you wanted to have at home. Do you agree?---I don't know what the purpose of this was. It doesn't really make sense. I could just send it to my work
10 email.

Well, in any event, Mr Soliman, it records your thoughts about the next steps that you're going to take in respect of the proposal to create a Maintenance Panel, doesn't it, specifically in relation to emailing your superiors?---Yeah, that's what it says there. I don't know if I did any of this though. So, again, I'm a bit confused what this is about.

Well, let's just take it bit by bit. It says, "Send final HVP Unit plan email to Paul and Roger." That's a reference to Paul Hayes, do you agree?---Yeah.
20

And Roger Weeks, is that correct?---Yep.

And at that time Paul Hayes was your direct supervisor and Roger Weeks was his supervisor?---Yep.

All right. And it says, "Including that I audited agreed HVP agenda contracts and found key efficiencies can be gained by implementing two new panel contracts to carry out the majority of work HVP perform, including infrastructure building maintenance, ITS maintenance," et cetera.
30 ---Yep.

Now, Mr Soliman, do you recall that what was proposed in respect of the Maintenance Panel was that there would be two categories of work, category A work and category B work?---Yeah. I remember they put that in there, yeah, yeah.

And that category A work was civil-type work that Mr Dubois and Mr Steyn did. Do you recall that?---From memory, they did all the work on that panel.
40

Well, category B work involved intelligent transport systems, equipment, supply and maintenance, didn't it?---Yeah. Mr Dubois managed that at the time, I remember.

All right. So when you see in your email to yourself a reference to implementing two new panel contracts, it's likely, isn't it, that that's a reference to the category A works and the category B works contemplated

to be included in the Maintenance Panel?---I, I can't be sure but what you're saying makes sense, yes.

All right. And looking again at that email, it says that you've audited agreed HVP agenda contracts. So what was the audit that you had carried out?---It could have only been what the guys sent to me and told me basically, and if that made sense.

10 THE COMMISSIONER: Well, you understand what the term "audit" or "audited" means, do you not?---Check, yes.

Ah hmm. So, what you are saying in this email is that you audited agreed HVP agenda contracts. That's what it says, doesn't it?---Yes.

Did you in fact audit agreed HVP agenda contracts?---I don't know. I don't think so. It would have been thousands of contracts.

20 Yeah, why would you say, then, in your email, which you were postulating that you'd send to Paul Hayes and Roger Weeks, this document in which you said you did in fact audit agreed HV agenda contracts, when you didn't? Why would you have contemplated telling them that in those circumstances?---(not transcribable) I don't know. There's no way I could have audited, like, thousands of contracts, if that's what "contracts" means.

30 Yeah, but you've indicated it's unlikely that you did in fact. In fact, I think you've agreed or stated that you didn't undertake an audit of those contracts. That's right, isn't it?---If we're talking about the actual contract for every single piece of work, no, there's no way I could have audited, you know, the year's work.

You I think agreed a moment ago, or you stated a moment ago, that you don't believe you did audit agreed HV agenda contracts. You said that. You recall that?---Yes, correct.

And that - - -?---That's what I'm thinking about, yep.

40 And I think you also said it's, however, not the case or it's unlikely to have been the case that you did any auditing of those contracts. That's, that's correct, isn't it?---Yes. Again, if, if "contracts" means what I think it means.

Yeah.---Yep.

Yeah, it's -- so just to be clear about it, Mr Soliman, I want you to, on your affirmation, to address this in your evidence for the Commission. Although the statement is made "I audited agreed HVP agenda contracts" in this document, the position was you had not in fact at that time done that. That's correct, isn't it?---Not that I can recall.

Right. Why, then, would you have contemplated in this document that you would tell them the opposite – that is, that you did audit agreed HVP agenda contracts – if you didn't? Can you give an explanation as to why?---I actually can't. I don't know why I would have sent this email to myself.

No.---(not transcribable)

10 So there's nothing that occurs to you which would explain why you included a statement of fact which was wrong, the statement of fact being to convey to Hayes and Weeks that you've audited agreed HVP agenda contracts when you hadn't? You can't think of any reason why you would have put that in, that misstatement in?---The only thing I can think, there was a HVP agenda which was the business plan, not the contracts.

20 No, just stay with my question. Can you think of any reason why you would include a false statement in this document, the statement being, quote, "I audited agreed HVP agenda contracts," when you had not? Can you think of a reason why nonetheless you made that statement in this document?---Yes, Commissioner. Around this time I was working on a HVP business plan, which had the general works in there from, that the team gave me that they were working on. And I audited that regularly, essentially. So the only reason I can think is I'm talking about that, not about specific contracts, which, specific contract doesn't make sense in this, in this context.

30 But this statement does relate to specific contracts, doesn't it? It says, "I audited". And you said before you know what the word "audit" means. You do, don't you?---Yeah, check.

What does it mean?---Check.

What's auditing involve?---Checking something.

Checking something for what purpose?---I guess if it's accurate.

40 Right. So what you're saying here is you audited in that sense what's referred to as agreed HVP agenda contracts, and from your earlier evidence you don't recall ever having done such a thing, correct?---Not the contracts but the business plan.

Yeah. Is that correct what I put to you, that you did not audit agreed HVP agenda contracts? You did not, did you?---(No Audible Reply)

Why the long silence, Mr Soliman?---Sorry, Commissioner.

You did not – it's a simple question, we've been over it now two or perhaps three times. I'm just seeking to confirm your earlier evidence. By your

recollection, you can't recall ever having done auditing of agreed HVP agenda contracts as referred to in the email of 4 September, 2017. That is the position, is it not?---I did not, I don't remember looking at every single contract. That wouldn't make sense.

You are telling the truth here, Mr Soliman. I'm going to give you a warning. You'll remember when we started this morning we discussed whether you would give evidence on oath or affirmation and you elected to give evidence on oath.---Yes, Commissioner.

10

And that's what you did, you took an oath to tell the truth, correct?---That's correct.

If a witness is called to give evidence on a public inquiry in this Commission and the witness does not tell the truth, tells an untruth – that is, wilfully seeks to mislead this Commission – that is a criminal offence. Do you understand that?---Yes, Commissioner.

20

And I think I indicated to you that it attracted a possible terms of imprisonment of up to five years. Do you recall me telling you that?---Yes, Commissioner.

30

Now, a number of answers you've been giving to the questions which we've now been, I've been putting to you, you are seeking to avoid, to change your evidence, you are not being frank, you are not being direct, you are not answering the point of the question. I will put it once more. I have now given you a warning as to the consequences of misleading this Commission. I put to you, is it your evidence that you have no recollection of auditing an agreed HVP agenda contracts as referred to in the email of 4 September, 2017, now on the screen?---I do not recall auditing HVP contracts. I do remember I regularly managed and audited the HVP agenda business plan.

Yes, Ms Spruce.

MS SPRUCE: Mr Soliman, you then go on to say that you've found that key efficiencies can be gained by implementing two new panel contracts. Now, what were the efficiencies that you found?---It could have only been what Mr Steyn told me in the email.

40

So, is it the case that when you say "audited agreed HVP agenda contracts" that what you really mean is that you read Mr Steyn's email that I took you to earlier?---I don't think that's what that means.

Well, there's no written document, is there, that shows any analysis undertaken by you setting out key efficiencies that might result from implementing the Maintenance Panel other than what you've written to yourself in this email?---Yeah. It must have come, the efficiencies must have come from Mr Steyn's, yeah, that's correct.

The efficiencies will have come from Mr Steyn's email.---Yes, correct.

Now, neither you nor Mr Dubois nor Mr Steyn ever wrote a formal procurement strategy in relation to the creation of a Maintenance Panel, is that correct?---I definitely didn't. I don't know what a procurement strategy is but I don't remember them showing it to me if they did create it.

10 All right. And then later in this email you say that "Work has increased in nature over 12 months to ensure RMS receives the best competitive pricing and converting reactive work into proactively managed programs with measurable outcomes such as our innovation and cost-savings program." Can you explain how it was that the creation of the Maintenance Panel was going to ensure the best competitive pricing? Just pausing there, you recall, don't you, that it was a non-price tender - - -?---Mmm, no.

- - - that was proposed?---No, I'm not sure. I don't know what a non-price tender is. I thought all tenders have to have some sort of price.

20 THE COMMISSIONER: What work had been done to establish whether there would be an advantage, so far as competitive pricing is concerned, from the proposal referred to in this change to the maintenance work procurement?---I remember, I remember them saying something about having all, all the vendors that could do the work to provide several quotes. Naturally you would get the best value.

Who said that?---I don't remember if it was Dubois or Steyn, but it was definitely one or both (not transcribable)

30 So the statement here as to receiving, quote, "the best competitive pricing" was referring to something that had been put forward in support of this new scheme by either Steyn or Dubois, is that right?---Sorry, I don't understand the question.

I'm trying to ascertain what lies behind this email when it's suggesting that the change in procurement, in effect, is worth looking at because it would help ensure receiving the best competitive pricing. You understand the subject I'm directing your attention to?---Yes, yes. Yes, Commissioner.

40 And that even so far as it was suggested, if only impliedly in this memorandum, that a new system would produce the best competitive pricing, you were relying upon the say-so or predictions of either Steyn or Dubois, is that right?---Yes.

But not based on any other, but not based on any objective findings that you had any knowledge of.---That's correct.

No. Yes, Ms Spruce.

MS SPRUCE: Mr Soliman, if I could just take you to volume 15.5, page 17. Mr Soliman, you see there it says 7.2 Tender Assessment Criteria?
---Yes, yes.

10 This is an extract from the report on the tender evaluation. And you see there it says, "Since this was a non-price tender, the criteria and weightings used for the tender assessment were demonstrated experience in carrying out the specified work, responsiveness in carrying out the specified work, and adaptability and flexibility to meet customers' objectives in carrying out the specified work."---Yes.

Does that assist you to understand what is meant by a non-price tender?
---Yes, that makes sense now.

20 So going back to your suggestion in your email to yourself that the panel would ensure the best competitive pricing, there's really no basis to conclude that, is there?---Not from this document. Must have been the explanation that they gave me in terms of the email, verbally and things like that.

So you say that that opinion you formed that it would ensure RMS received the best competitive pricing was just based on something that Mr Dubois or Mr Steyn told you?---Must have been.

And something that you took at face value, obviously, without any further investigation into it?---I guess so, yes.

30 All right. And then if we could just go back to that email to yourself at volume 15.1, page 308? You see there that you also express the view that it's going to "convert reactive work into proactively managed programs with measurable outcomes". Was that also an opinion just based on something Mr Steyn or Mr Dubois had told you?---I don't know if it came from them. I don't remember them saying that. They could have. But I remember, again, I was working, I was tasked to essentially build a business plan that essentially looked at the future and forecast what work was needed.

40 Well, who asked you to prepare the business plan?---Must have been my manager.

All right. So I can understand that having a business plan might assist to convert proactive work into proactively managed programs but how was the Maintenance Panel going to assist in achieving that end?---Well, I thought all, all the vendors, the ones on the Maintenance Panel were the ones that did the work, right, or am I missing something?

Well, how was it going to be different when there was a Maintenance Panel? How was reactive work going to be proactively managed just because the Maintenance Panel existed?---I think the idea back then was that if we could basically schedule the maintenance, for example, if, if Mr Dubois said that something needed, needed to be fixed, I could at least schedule it and everyone knew when the work was to, to be done.

10 All right. And then you mention that you expect, “There will be cost efficiencies from increasing competitiveness in these niche market industries.” Can you explain how it was that you formed a view that having a Maintenance Panel would increase competitiveness?---Again, I’m just, I’m guessing that it was, well, they told me by having multiple vendors on a panel that they could choose from and they would have to get quotes from, it could drive the price down. That makes sense now.

THE COMMISSIONER: Was that matter also based upon something that had been said by Dubois and/or Steyn?---Yes.

20 But not independently the subject of any primary or other research by you? ---Not that I can recall.

Just one matter. This email of 4 September, ‘17, commences with the words, “Send final HVP unit plan email to Paul and Roger,” et cetera. Did you ever do that?---Not that I can recall, no.

Right. And is there any reason why you didn’t?---I, I could have. I just, I don’t recall if that happened.

30 But I thought you in the previous answer indicated that you didn’t send it. I put it to you again. Do you know whether you did send a final or the final HVP unit plan referred to in this email to Hayes and Weeks?---I don’t recall. It’s quite likely that I would have sent it to at least Hayes.

Do you know?---No, I don’t recall.

You don’t, all right. Yes, Ms Spruce.

40 MS SPRUCE: Mr Soliman, if I could then please take you to volume 15.1, page 309. And if you just have a look from the bottom of this email chain, you’ll see that you are requesting a meeting with Mr Chehoud, the external consultant.---Yep.

To come in and discuss the panel.---Yep.

That’s in September 2017. And then you see at the top of the email chain, you ask Mr Chehoud and Mr Dubois and Mr Steyn, “Did you gents lock in a time and date?” And then you say, “We don’t have long to get both panels up and running.”---Yes, I see it.

Now, I want you to assume that there is no record of you having sent any formal email to your superiors at this point. Could you explain, what was the urgency, what are you referring to when you say “We don’t have long to get both panels up and running”?---Either it was close to the end of the year or the management was asking for Safe-T-Cam issues to be fixed. One of those issues, I’m guess. I’m not sure.

10 THE COMMISSIONER: Well, are you speculating or don’t you know?
---I’m just speculating.

Do you know?---No, I don’t know.

You don’t know. In any event, the email was saying “we” Who’s “we”?
---The people in the email.

That is Dubois and Steyn, is that right?---Yes.

20 So when you say “we”, you’re saying you, you’re referring to you, Dubois and Steyn, is that right?---Mmm, that’s likely I guess, yeah. Makes sense.

And you’re saying that, so far as the three of you are concerned. you said “We don’t have long to get both,” both is in capital letters, “panels up and running.” That statement suggests that you, Dubois and Steyn had reached the point where you believe that it was worthwhile to get both panels up and running. Is that right?---It definitely sounds like it, yeah.

30 So does that in turn mean that you must have had discussions, the three of you – you, Dubois and Steyn – had a discussion about these two panels and had come to an agreement, or a consensus between the three of you, that you should go down this path of having the final HVP Unit plan implemented?---No.

40 That’s what the email suggests. I’m just putting it to you so you can confirm that suggestion.---That’s, I, that’s not what actually happened. I think that by the time I spoke to Nathan, it was, to be frank, I guess, foregone conclusion that this is what was, this is what they, what they were doing and I just, I didn’t have any issue with it at the time. I had no reason to.

I’m sorry, just to clarify. When you say they had reached a foregone conclusion, what are you referring to there?---By the time that I actually met Nathan or spoke to him, it was basically already finished, it was done. The scoping, they already had the documents, yeah.

“They” being Dubois and Steyn?---And Chehoud, yeah. They - - -

You said they had by that time got the document I think you said. What document are you referring to?---Yeah, they, they had already finished some sort of scoping document, yeah.

So they had already prepared the scoping document for this final HVP Unit plan by the date of the email on 6 September, 2017. Is that right?---For the panel contract, yeah. I remember by the time I met him, being Chehoud, that the scoping had been finished and it was quite obvious that they had been working on it for quite some time.

10

And they had the document ready and finished by 6 September, 2017. Is that right?---Don't know if it was finished but by the time I came to see it, there was clearly a lot of work and thought that had gone into it from them.

All right. Yes. Yes, Ms Spruce.

MS SPRUCE: Mr Soliman, if I could now take you, please, to volume 15.1, page 312. Mr Soliman, do you see the email at the bottom of the page is from you to Mr Dubois and Mr Steyn and the subject is "eTender registration"?---Yep.

20

"Tell us who has the process or person to contact to register for eTender website so we can upload tenders. Alex said you have access now. The three of us and Jai will need access. Also let me know who is on the assessment panel of your tender which closes on 6 October. I need at least one of you, Jai and myself. This can't be done in isolation so please keep me closely involved to make sure all the team's requirements are met on this panel. Excellent work so far by the way fellas. Very good initiative shown." Do you recall sending that email?---I don't, but obviously I did. I can, I can see here.

30

All right. So when you say "this can't be done in isolation", do you recall whether you were having difficulty controlling Mr Dubois and Mr Steyn in relation to the creation of this Maintenance Panel?---Look, I generally had issues with them up and down so chances are high that - - -

THE COMMISSIONER: Just answer the question, please.---Sorry, what was the question?

40

MS SPRUCE: Were you having difficulty controlling Mr Dubois and Mr Steyn in relation to the work they were doing on this Maintenance Panel?---Not that I can recall.

Well, you gave evidence a moment ago in your discussion with the Commissioner that by the time you saw the documentation it was a foregone conclusion. Do you recall that?---Yes.

And now you're sending an email to Mr Dubois and Mr Steyn saying, "This can't be done in isolation so please keep me closely involved." So it would appear, would it not, that you had a sense that you were being excluded in some way from the process?---I remember feeling that they should have told me earlier obviously. I felt that the fact that I had to ask them who Chehoud was and that they had already basically finished everything was odd because it was a piece of work that was part of a team. I should have at least been consulted.

10 THE COMMISSIONER: Could you tell me this, by Tuesday, 12 September, 2017, the date upon which – sorry, I withdraw that. Can you tell me this, by Tuesday, 12 September, 2017 had Mr Hayes and/or Mr Weeks been briefed or informed about the proposal involved in the final HVP Unit plan?---I don't recall.

Well, it would be expected, would it not, that before this sort of initiative was implemented, you would at least inform your superiors that this plan was in the making, or contemplation, that is the final HVP Unit plan?---Yes.

20 And is it your evidence, that you have no recollection as to whether they were advised or informed about it?---As of 12 September, 2017, that's correct. I don't have a recollection if they knew.

All right. It does appear, does it not, from the email chain we've seen so far that those two gentlemen, Mr Hayes and Mr Weeks, were not in the loop or in the picture of the developing final HVP Unit plan?---Sorry, Commissioner, do you mean the panel or the unit plan?

30 No. I'm saying based on the email chain we've been examining of this issue, there's no suggestion that Hayes or Weeks had been consulted about what was proposed for the HVP Unit plan?---They're not in this email trail, yeah, that's correct.

And you had no information or recollection of them ever being involved in the sense of them being advised or informed about the proposal to implement the HVP Unit plan, is that right?---They must have been involved. They definitely, I do know that Hayes at some point knew and he was talking to Mr Dubois about it. I know that. I remember them talking at, at the work area. So they, he definitely knew.

40 No, please, just focus on my question and we can get through this more expeditiously if you do. I'm not just talking about any discussions. What I am putting to you is that those involved, that is those in the loop, if you like, about the implementation of the HVP Unit plan as at 12 September, 2017, were three people, Mr Dubois, Mr Steyn and yourself but no others. That's correct, is it?---(No Audible Reply)

As at 12 September, 2017.---I don't recall if anyone else knew but my, my hunch is that, yes, they did know.

10 Yeah, I'm not talking about hunches, I'm talking about evidence. The evidence at the moment suggests there were three people, including yourself, in the loop on the implementation of the HVP Unit plan. I'm putting to you that there appears to be no evidence whatsoever that Mr Hayes and/or Mr Weeks were being kept informed of the proposal and the development of the HVP Unit plan. I'm suggesting to you that you are aware of the fact that they were not in fact kept in the loop. How do you respond if such a suggestion is made?---If, if you are inferring or suggesting that I did anything to do with this panel, to hide or to obfuscate from anyone, that's, that's completely false.

No. I'm putting it to you that you know that neither Hayes or Weeks were involved in the meetings, the discussions, to set up this HVP Unit plan, is that correct?---Of course I knew, yeah.

20 I'm sorry?---Yes.

That is correct. Well, do you know when it is that they became aware that this plan had been established or don't you know?---I don't know, Commissioner.

All right. I see the time. We need to take the luncheon break sometime. Ms Spruce, I know it's always difficult to estimate how long the examination may take. Have you got any idea how long?

30 MS SPRUCE: I think it might be another hour, Commissioner.

THE COMMISSIONER: All right. Thank you. Mr Soliman, we're going to take a break now for the luncheon period. I ask you to be back and ready to resume in an hour's time, that is about five past 2.00. I'll adjourn.

LUNCHEON ADJOURNMENT

[1.09pm]