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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION PARAGON

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 17 JUNE, 2021

AT 2.00PM

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.

MS SPRUCE: Commissioner, the next witness is Samer Soliman.

THE COMMISSIONER: Yes, Mr Soliman, thank you. Just take a seat there for a moment, Mr Soliman. Now, is Mr Georges here?

MR YOUNG: Please the Commission, Young, initials J. R.

THE COMMISSIONER: Oh, Mr Young, I'm sorry.

10 MR YOUNG: No, no, Mr Georges - - -

THE COMMISSIONER: Mr Young, you now seek leave to appear?

MR YOUNG: I do seek leave to appear, yes.

THE COMMISSIONER: Yes, I grant leave.

MR YOUNG: Yes. And the effect of section 38 Mr Soliman is familiar with, and it has been re-explained to him today.

20

THE COMMISSIONER: Very good. Thanks, Mr Young. Mr Soliman, do you wish to take an oath or an affirmation to give evidence?

MR SOLIMAN: (not transcribable)

THE COMMISSIONER: I'm sorry?

MR SOLIMAN: Oath, please.

30 THE COMMISSIONER: Do you mind standing then, and take an oath on the Bible?

THE COMMISSIONER: Thank you, just take a seat there, Mr Soliman.
---Thank you.

10 Mr Soliman, you understand the provisions of the Commission section 38 which entitles you to object to answering questions or producing documents and things. You're still required to answer all questions, of course, or produce anything you might be required to produce. But the purpose of the objection provides you with a protection in the sense that the evidence can't be used against you in other proceedings. You understand those provisions?---I do, Commissioner.

And it's your wish to give evidence on objection, is that right?---Yes.

You understand, however, that the obligation nonetheless is to answer all questions truthfully.---Yes, I do.

20 And although the evidence once objected to can't be used in other proceedings, there is an exception that if a witness commits an offence under the Independent Commission Against Corruption Act, such as giving wilfully false evidence, then the evidence can be used in the prosecution for an offence under the Act. That's an exception. Do you understand?---I do understand, yep.

30 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, are required to be produced are to be regarded as having been given or produced on objection in this public inquiry. Accordingly, there is no need for Mr Soliman to make objection in respect of any particular answer given or document or thing produced.

40 **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, ARE REQUIRED TO BE PRODUCED ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION IN THIS PUBLIC INQUIRY. ACCORDINGLY, THERE IS NO NEED FOR MR SOLIMAN TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Mr Soliman, Counsel Assisting will shortly ask you some questions. Would you please keep your voice up and also move towards the microphone so your voice is magnified and then that will assist in going forward. Thanks, Ms Spruce.

MS SPRUCE: Mr Soliman, could you state your full name, please.---Samir Soliman.

10 And your date of birth?---[REDACTED] 84.

Now, you completed a computer science degree at the [REDACTED] [REDACTED]. Is that correct?---Correct.

And you completed that in 2005. Correct?---I believe so, yep.

And you thereafter worked in the IT industry for a number of years. Is that correct?---Correct. Yes.

20 Until you eventually started work at the RTA in early 2011. Correct?---Yes.

Now, immediately prior to starting at the RTA you were working for Optus as a systems administrator. Is that correct?---Yes.

And was that also a role that involved, was that also an IT role?---Yes.

And when you commenced working for the RTA in 2011 you'd never worked for a government agency before. Is that correct?---Correct.

30 Now, if I could just show you, please, page 19 of volume 24, you see that this is your letter of appointment when you commenced work at the RTA. ---Yes.

Dated on 30 November, 2010.---Yes.

So you recall that you obtained the position towards the end of 2010 and then started the position in 2011.---That's correct, yep.

40 And you see there that the name of the position you were appointed to was Systems Strategy Manager.---Yes.

And could you just explain to me what that position entailed?---Managing IT systems essentially.

So the reference to manager is not a reference to managing people it's a reference to managing IT systems.---Yes.

Did you have anyone directly reporting to you when you were in that role? ---I don't – no, not that I can recall.

But it was once again I take it an IT role. Is that correct?---Yes, correct.

And you see there it was within the Compliance and Enforcement Branch within the Regulatory Services Directorate.---Yes.

That's correct. And if we go over the page, please, you see that there's reference there to the code of conduct and ethics.---Yes.

10 And it notes how important it is for staff to comply with the code of conduct and then states that all staff are required to comply. And then if we go over the page again, please, you see that you have signed there and part of what you're confirming by signing there is that you've been provided with the code of conduct and ethics and that you've agreed to comply with that policy during your employment.---Yes.

So do you recall being provided with a code of conduct at the time you commenced or shortly before when you received this letter?---I don't recall but I accept that it must have happened.

20

But you knew there was a code of conduct. Within a short time of starting you knew there was a code of conduct.---Yes, yes.

And you knew that you were obliged to follow it.---Yes.

And whether or not you recall reading it at this time it's the case, isn't it, that between 2014 and 2019 you were well aware that the code of conduct existed?---Yes.

30 And of what its contents were?---No, I can't say I know what the contents are.

You say you didn't know what the contents were?---I don't remember reading it.

THE COMMISSIONER: Could you keep your voice up, please.---Yes. Sorry, Commissioner.

40 MS SPRUCE: Do you recall receiving any training in the code of conduct? ---Possibly some online training.

Some online training.---Possibly, yeah. That's all that I can remember.

Well, we'll come back to the code of conduct shortly, but if I could take you now, please, to volume 24, page 3. You'll see this is a letter to you dated 19 February, 2013.---Yes.

Noting that there's been an organisational review internally within the RTA.
---Yes.

And as a result you've now been confirmed in the position of Systems Strategy Manager Grade 10 within the Compliance Operations Section Customer and Compliance Division Directorate.---Yes.

10 Now, is that the same position that you were appointed to in November 2010?---It's the same title, it looks like maybe it was just a reorganisation or something.

So there's been an organisational restructure within the RTA and it would appear, is this correct, that the name of the section, the Compliance Operation Section within the Customer and Compliance Division has changed?---I really don't know to be honest. I, I know that the role itself functionally didn't change, I didn't do anything different.

20 All right. So there was no functional change to the role at that point.
---Yeah.

And I take it that means that you were still in charge of managing effectively IT systems.---Yes.

And that you didn't have anyone directly reporting to you at that time in 2013.---Don't remember. There was a business analyst, I don't remember if he reported to me or was just in the same team.

All right. And then - - -

30 THE COMMISSIONER: In the course of your employment did you ever have to undergo or undertake professional or other training programs dealing with management or governance principles?---No.

Well, who were you responsible to following on and after 2013?---Paul, Paul Hayes was my manager at that time, and he quit 2017 I believe.

40 So there was no professional development as such during the course of your employment like called professional development or skills training management issues and the like?---No, I don't remember any such training, no, no.

MS SPRUCE: Mr Soliman, if you could then please be shown volume 24, page 65. It's correct, isn't it, that in early 2014 you received a promotion. Do you recall that?---There was a new role which I was successful in. I wouldn't call it a promotion.

Well, the role that you were in previously was grade 10.---Yes.

And if you look here, this is the position title, Manager Heavy Vehicle Programs, that's the role you're referring to that you applied for and were successful?---Yes, correct.

And you see there that it's grade 11?---Yeah.

So that is a promotion, isn't it, from a grade 10 position to a grade 11 position?---Sure, yeah, sure.

10 And presumably that's the reason you applied for that position was because it was a step up the ladder to progress your career?---Sure, yeah.

Well, is that the reason you applied for it or did you just have a particular interest in Heavy Vehicle Programs?---I don't remember what my thinking was but it would make sense it was a good role, yeah.

And you see this is the Manager of Heavy Vehicle Programs so it's the case, isn't it, that this was now a managerial role that you were stepping into?
---That's correct, yeah.

20

And if you see there it lists direct reports?---Yeah.

Do you see that? And it lists four different positions that will be directly reporting to you.---Sorry, where are you, where are you seeing this, sorry?

Do you see -- so previous page - - -?---Oh, yeah, I see it, sorry.

Do you see "Direct reports"?---Yep, sorry.

30 And so listed there, do you agree, are four positions?---Yep.

And the persons occupying those positions will be reporting directly to you.
---Yes.

Correct. Now, when you took on that role in early 2014, was there just one Systems Strategy Manager reporting to you?---Yes.

And was there just one business analyst reporting to you?---I think there were none for a long time, there was no business analyst for a long time.

40

I see.---Afterwards there was, yes.

Do you recall - - -?---After a period of time.

Do you recall when it was that there was a business analyst?---No.

And then Heavy Vehicle Maintenance Program Officers, is it the case that there were two people in that position reporting to you?---From memory, they joined later. Mr Dubois and Mr Steyn.

So that was Mr Dubois and Mr Steyn that occupied those positions?---Yeah, from memory I don't think they started in the team. They were moved from a different team or something like that.

10 But before they started, is it correct that there was nobody in that position, and then once they started, Mr Dubois and Mr Steyn were the only Heavy Vehicle Maintenance Program Officers?---Yes, correct.

And then was there a systems administrator? Did somebody occupy that position?---Yes, yes. I think his name was Barry.

And that was one person occupying that position?---Yes.

20 So, Mr Soliman, it's correct, isn't it, that in your previous role you had nobody reporting to you, and you now have, once Mr Dubois and Mr Steyn commence, at least four people reporting to you? And once the business analyst position is filled, you've got five people reporting to you?---Yes.

Is that correct?---Yes.

Now, the Commissioner asked you about this before, but you're absolutely certain that once you took on this managerial role, you didn't receive any sort of training in relation to the management aspects of that role?---I can't be completely sure, but not that I can recall, no.

30 Well, did you receive any sort of informal advice or support about how you were to go about managing people reporting to you directly?---From my manager you mean or - - -

From your manager, sure.

MR YOUNG: Well, I object to the question, Commissioner. It's very vague in relation to informal advice over a period of a career. It needs to be - - -

40 THE COMMISSIONER: I think it's just an introductory question, really, Mr Young. We'll wait and see what follows, I think.

MR YOUNG: Certainly.

MS SPRUCE: Mr Soliman, the question is just at the time you stepped into this position in early 2014 from a position where you had no managerial experience. Were you given any sort of support in respect of how to go about the management aspects of your role?---Not that I can recall, no.

And your previous roles, you've told us, have all been concerned with IT. And this role is quite different, is that correct?---No, it was essentially still technology based. Yeah. Until the two new people joined the team. Then it became a larger scope, essentially.

THE COMMISSIONER: Were you invited to take up this new position or did you apply for it if it was advertised?---Yep. I, yeah, it was on the internet and I applied for it, yeah. Yeah.

10

And were you interviewed?---Yes.

By whom?---Oh, there was at least three or four people involved. I don't remember who exactly.

Three or four people from within the organisation, the RTA?---I remember -
--

20 Or the RMS.---Yes. There was one or two people I didn't know, so I don't know if they're within the organisation.

How long did that interview go for?---Don't recall. At least – I don't know. I don't know.

An hour, a day or what?---Okay, yeah, an hour is probably a good estimate, yeah.

30 And were there any other requirements you had to fulfil before your appointment?---Just whatever was on the questions that I would have had to answer, yeah.

MS SPRUCE: Mr Soliman, did you have any previous experience with the Heavy Vehicle Programs within the RTA?---For the Systems Strategy Manager, yeah, or for the Heavy Vehicle IT systems.

So you'd have some experience dealing with the IT systems that were involved in the Heavy Vehicle Programs?---Correct, yeah.

40 But the role that you take on in 2014 is to manage the entire Heavy Vehicle Unit, is that correct?---Yep, correct.

And part of that role is to deliver the heavy vehicle regulatory programs? ---Yes.

And those programs weren't just confined to IT, were they?---At the beginning they were, again until the two new people joined and the scope expanded to civil and building and things like, like that.

And you didn't have any experience or background in civil or construction or building?---No. No.

No background in engineering?---No.

THE COMMISSIONER: What about experience in contract allocation, in other words, to suppliers or tenderers, did you have any experience in relation to those sort of contractual matters?---Only on the job.

- 10 What sort of experience did you have on the job in terms of contract allocation? Do you know what I mean when I'm referring to that phrase, "contract allocation"?---Not exactly, Commissioner.

Well, I'm referring to contracts that RTA or then later the RMS entered into with various suppliers to do various project works, starting with a request for a quote, quotes being received, decisions made as to whether the contract would be allocated to a particular supplier or a particular vendor.---Yep.

- 20 And then raising purchase orders for the project, in due course receiving invoices and reviewing them and paying them. All of those elements come under the heading of contract allocation.---Yep.

So what experience had you had in those areas prior to you taking up this new position in 2013?---I would have probably had some sort of involvement as the Systems Strategy Manager in some sort of contracts, I, but definitely not much.

- 30 Well, in those cases where you did have involvement, were you assisting somebody else, or was it left to you to undertake the contract allocation work?---The only involvement would have been with the software systems at that point, so, so I really don't remember any specific examples, so it's hard to say exactly.

You don't recall doing any contract allocation for the heavy machinery project, before taking up the position?---Not that I can recall, no.

Heavy machinery or fabrication jobs - - -?---Fabrication, no, definitely not.

- 40 - - - for signage, and that sort of thing?---No. Prior to, prior to being in the, the manager role, I would have never touched any, anything outside of software, essentially.

Outside of?---Software.

Software.---IT, IT systems, yeah.

MS SPRUCE: If we could just have the document at page 65 back up on the screen, please. Mr Soliman, you see there that on the right-hand side, midway down, it says that your delegation is 5.---Yes.

That's a reference to the level of financial delegation that you had, correct?
---Yes.

10 And at that level of delegation, do you recall what monetary value of contract you were authorised to enter into on behalf of the RTA?---No.

You don't recall?---No, I don't.

Well, it's correct, isn't it, that at the very least you were authorised to enter into contracts up to \$250,000?---Don't recall.

You have no recollection of that?---I don't recall what the number 5 means. I don't doubt what you're saying, I accept it's true.

20 Well, don't worry about the number 5. You understood, didn't you, that within the RTA, there was a system of financial delegation?---Yes.

You understood that?---I did.

And you understood that you as a manager had a particular level of delegation that you were authorised to act on.---Yes. Yes, I did.

30 And one of the features of that level of delegation was that you could enter into contracts on behalf of the RMS, you could authorise the RMS entering into contracts with outsiders?---Yes, yes.

And you could authorise contracts up to a certain value.---Yes.

And what I'm suggesting to you is – well, I withdraw that. First of all, do you recall what the limit was, what the highest value contract was that you were authorised to commit the RTA to?---No, I do not. No, I do not.

40 Right. But do you recall at the very least that you were authorised to commit the RTA to contracts up to \$250,000?---At this point in time do you mean with the number 5?

When you take on this position in 2014.---I don't recall, no. I don't know what number 5 means in terms of monetary value.

Well, we'll come back to that. Now, looking further down this page, you see that – sorry, if we just look in the top section first of all, you see that your position reports to the Principal Manager of Compliance Systems.
---Yes, I do.

And you've given evidence already that you initially reported to Paul Hayes. Is that correct?---That's correct.

And he was the person occupying that position in 2014. Correct?---Yes.

And you then gave evidence that he left at some point.---Yes.

I suggest to you he left in around November 2017.---That sounds about right, yeah.

10

And is it the case that after that, that position was occupied by Arnold Jansen?---I think the name changed, but functionally, yes, it was.

And then do you recall what the position was above that one, that is who did the Principal Manager Compliance Systems report to?---General manager, I believe. I'm not really sure. Not really sure.

All right.---I believe it's the general manager.

20

But if you had some sort of issue, it was Paul Hayes that you would go to. Is that correct?---Yes.

Now, if you could see towards the bottom of the page, you'll see there's an operational budget of \$10 million.---Yes.

Now, was that the operational budget for the Heavy Vehicle Programs Unit?---I don't know.

30

Well, part of your role as the Manager of the Heavy Vehicles Programs was that you were in charge of budgeting and funding for that unit. Is that correct?---Yeah, yes.

There was a series of heavy vehicle programs that needed to be delivered. Correct?---Yes.

And part of your job was to ensure that those programs were delivered. Correct?---Yes.

40

And you had a budget within which you needed to deliver those programs. Correct?---Not really, no.

Well, there must have been a budget that was allocated on an annual basis to the Heavy Vehicle Programs Unit.---That's not the way it worked, no.

Well, how do you say it worked?---From year to year it would basically change. It depends what essentially failed in that year or what orders came from the executive team or above, and then funding was swished around into wherever the money was needed. So what I mean is, the budget could

be \$1 at the beginning of the financial year, it could be less than that afterwards or more than that afterwards. There was no fixed number ever.

But presumably when you first started in this position in early 2014, there must have been a budget of some kind, taking into account that it changed from year to year and all the circumstances you've described, somebody must have told you how much money was available for you to - - -?---No.

10 - - - try and implement these programs.---No, again, that's not the way it actually worked.

Well, if you formed the view that a particular piece of work needed to be done, say for example there was maintenance required of a heavy vehicle checking station, where would you go, what would the process be to obtain funding for that work?---For the checking stations, the officers would be talking to their stakeholders where there would be, there were various funding, funding bodies that the officers will be talking to, to essentially build a business case, seek the funding, then they would manage the projects with that funding. So the funding normally came – sorry, the funding came
20 from outside the branch, if that makes sense.

Well, if I can just take a step back. It's the case, isn't it, that within New South Wales the RTA had divided New South Wales up into different regions. Is that correct?---For the checking stations, yes.

And the heavy vehicle checking stations were located in various regions within New South Wales.---Correct, yes.

30 And is it correct that each one of those regions was responsible for the budget in respect of the maintenance of any heavy vehicle checking station within their region?---Only for some of the parts. It's hard to remember exactly what. For example, I know that this, this team – how do I explain it. Sorry. For example, the weigh, weighbridge was not funded by the, the different areas. It was funded within this team basically somehow but not by the team in the regions, if that makes sense.

Sorry, when you say it was funded by this team, do you mean by the team that you were the manager of?---Yes, correct. Yeah.

40 So when you say it was funded by your team, where did you get the funding from?---For the weighbridges and things like that it would have been from RMS. I have no idea exactly where the source before that would have been.

And where did you get funding from in relation to heavy vehicle checking stations?---It depends on lots of things. So, for example, for the checking stations where someone had recently died at a Safe-T-Cam, the funding I remember at least a couple of times came from the minister and then down

to RMS somehow. It was a convoluted process, basically, which was completely reactive.

So when you say it was completely reactive, is what you're suggesting that unless there was some sort of incident which attracted political attention or sufficient attention within the RTA, that no money would be allocated to your unit to do works?---No. There would, there's always some sort of, some sort of budget there to do the maintenance things, but for the large things there simply was no money for those things.

10

Well, just breaking that down. You say there was a maintenance budget. ---Yes.

And so how much was the annual maintenance budget for your unit?---I really don't know, to be honest.

Well, you were responsible, weren't you, for allocating contracts cumulatively worth millions of dollars. Correct?---I was responsible for that, no, no.

20

You were responsible for authorising the RMS to enter into contracts worth millions of dollars. Correct?---Yes.

And is it really your evidence that you had no idea how much the total budget was that you were responsible for within your unit?---It's – okay, I'm just going to give you a guess if that's what you want. \$5 million. I really don't know. I really don't know.

30

If we could just go, please, to page 66. You'll see this is the second page of the position description that we've been looking at, and in the bullet points in the top half of the page it's setting out key roles and accountabilities. So the heading Key Roles and Accountabilities occurs on the page before. ---Yes.

And if you see towards the bottom, four points from the bottom that one of your key roles and accountabilities was to ensure that "high financial and budgetary standards were applied to the delivery of projects".---Yes.

40

You agree that that was one of your key roles.---Yes.

And then the next point down you see that you were "to manage multiple service delivery stakeholders and partners to ensure value for money". ---Yes.

And "to minimise risk for the RMS".---Yes.

And then the bottom point "ensure effective contract management and cost-effective outcomes for the branch".---Yes.

So it was a key aspect of your role, wasn't it, to manage the budget within your unit and to obtain value for money for the RMS?---Yes, but again it's not, not as simple as it seems in six or five lines of text.

10 Well, is there something else you want to explain to me about the way that the budgeting worked?---Well, various programs, the funding would come from outside parties. For example, for, from memory, Centre for Road Safety provided the funding for the point-to-point program. And I had no visibility of their requirements or how much funding would have been needed for a certain site, for example. Yeah.

Well, just taking that example, it's the case, isn't it, that Mr Steyn, once he commenced in your unit, was responsible for delivering the point-to-point program?---Yes.

And as I understand what you've just said, that program was funded not by your unit but by the Centre for Road Safety?---Yes.

20 So when you then said that you didn't have any visibility in terms of their requirements, what do you mean by that? Do you mean that you didn't know how much money had been allocated for that program?---Yes, and also what their scope was. Essentially the way it worked is they would go and talk to the stakeholders, whether the Centre for Road Safety or the general manager. They would come back with a scope of works or a budget and implement. Essentially that's how, how it worked.

30 When you say "they" are you referring to Mr Steyn and Mr Dubois?
---Everyone in the team, yes.

So - - -?---Including them, yes.

So just using the example of point-to-point cameras, you say Mr Steyn would go and speak to the Centre for Road Safety?---Yes.

And someone in that division would tell Mr Steyn that particular works were required, is that correct?---I assume so. I never went to these meetings, so I'm just guessing that's what happened. It makes sense, yes.

40 So as far as you knew, Mr Steyn would report to you that certain works were required in respect of the point-to-point program, is that correct?
---Yes.

And you say that you had no way of knowing whether that was accurate or inaccurate.---Yeah - - -

You just took his word for that?---Yep.

And you didn't make any sort of inquiries with anyone within the Centre for Road Safety to ensure that that was correct?---No, I didn't feel any need to.

And then Mr Steyn would tell you, would he, how much money had been allocated for the particular work that he was also telling you needed to be done?---No. No, he just said we're building site X or we're fixing something.

Sorry, Commissioner. I think we have a problem with the transcript.

10

THE COMMISSIONER: I see. Yes, I think we'll adjourn and let me know when we're ready to proceed.

SHORT ADJOURNMENT

[2.45pm]

THE COMMISSIONER: Yes, Ms Spruce.

20

MS SPRUCE: Thank you, Commissioner. Mr Soliman, before the break you gave evidence to the effect that when you first took up the position of Manager Heavy Vehicle Programs you were initially still doing mostly IT-related work.---Yes.

And then that changed when Mr Dubois and Mr Steyn joined the unit. Correct?---Yes.

And they both joined the unit at around the same time in 2014. Is that correct?---It was sometime after in 2014.

30

And it's the case that they each came across to your unit from a different unit.---Yes.

And that when they came across to your unit they brought with them pre-existing projects that they were already working on.---Yes.

Now, in the case of Mr Steyn the project that he brought with him was the point-to-point project.---Yes.

40

And was that the only project that Mr Steyn worked on within your unit? ---Don't recall.

And you've given evidence to the effect that that project was effectively sponsored by the Centre for Road Safety. Correct?---Yes.

And did you have any knowledge of how that program ran?---In which regard?

Well, Mr Steyn comes across to your team and he's in charge of something called the point-to-point program. Had you had any previous experience with the point-to-point program?---No.

Did you know what the point-to-point program was?---After Craig told me about it, yes.

Did you receive any sort of handover in relation to that program from the Centre for Road Safety?---No.

10

So to the extent that you knew about it, you relied on what Mr Steyn told you about that program.---Yes.

And that program – I withdraw that. The budget for that program was something that the Centre for Road Safety was responsible for.---Yes.

And you had no knowledge what the overall budget was for that program. ---Only from what Craig would have told me he was building, which sites he was building and maintaining but I don't, I have no idea what the total budget would have been, no.

20

So is it the case that everything you knew about that program you learnt from Mr Steyn. Is that fair?---Yes.

And you didn't make any effort to independently verify anything that Mr Steyn told you about that program.---No. There was no need.

Well, when you say there was no need, I take it by that you mean that you just accepted what Mr Steyn told you as being accurate.---Yes.

30

Now, you used the term before the break that you have no visibility of Mr Steyn in relation to that program. Do you recall saying that?---I had no visibility of Mr Steyn. Is that what you said, sorry?

Well, I'm referring to evidence that you gave. So you used the word "visibility". Perhaps if you wish to give the evidence again. You said something, do you recall, about having no visibility of that program?---Yes. So no visibility of what's happening up the stream once it left Craig. So all I really knew was what he was doing. I mean he's building a site or he's doing some maintenance on a site. That's it.

40

So if Mr Steyn told you that he was building a site, for example, you would accept that at face value.---Yes.

And then Mr Steyn would tell you how much money had been allocated to build that site. Is that correct?---No. He would get me to sign a purchase order for whatever that work was, not how much budget was allocated for that kind, for that work.

And when he brought a purchase order to you with a particular amount of money, did you have any way of knowing whether the amount of money raised in the purchase order was fair value for the work to be done?---Only from what he said.

So you just accepted Mr Steyn's word - - -?---Yes.

10 - - - that that was an appropriate value for the contract?---That's correct, yep.

And then once the work was completed how did you – I withdraw that. Did you find out that the work had then been carried out?---I assumed it was most, most of the time. I started to ask them for photos and stuff later on due to issues with me being able to supervise them and other issues so - - -

20 So is it the case that at some point you started asking for photos to prove to you that the job had been carried out?---It's not so much to prove that it was done. From time to time from what I remember I was asked to essentially give some images of the site to various, various people and they were the only ones that were on the site so - - -

So when you say you were asked to give images of the site to various people, do you mean people above you in the reporting hierarchy?---Yeah, various people, it could be in a different team, it could be for a meeting. Things, things like that. And I realised quickly that obviously, because all of these sites are very far, I couldn't take the photos myself essentially. So I asked them to send me photos.

30 So did you ever go out onsite with Mr Steyn?---No.

You never went to a point-to-point site?---No.

And so is it the case that before you started asking for photos that you didn't even know whether the work had been carried out?---I assumed it was, yeah.

40 And when you say you assumed it was, was that because Mr Steyn told you it had been carried out?---Yeah.

Did you make an enquiry of that kind or was there no follow-up?---Sorry? Follow-up to him saying it was completed?

Well, as I understand your evidence, Mr Steyn comes to you and says that there's work that needs to be done.---Correct.

And he asks you to sign off on the purchase order.---Correct.

And you sign off on it.---Yep.

And what I'm wondering is whether you then asked Mr Steyn to tell you that the job had been completed.---Not that I recall, but I mean, I didn't see the need in doing that.

You didn't see any need to assure yourself that the job had been completed adequately or indeed at all? You saw no need to do that?---My assumption was, if he's saying the work's getting done, it's getting done.

10

Now, did Mr Steyn as well as reporting to you separately report to someone within the Centre for Road Safety?---Not that I, not that I recall, no.

You were his only supervisor?---Yes.

So how did you effectively supervise him in circumstances where you really knew very little about the work that he was doing?---That was one of the problems I had with them, they weren't in the office much because they were onsite. I remember that I put together some sort of a project plan or
20 business plan, I forgot what I called it, to attempt, I guess, to plan and to know what everyone was doing. Yeah.

So is it the case that you found – I'll just talk about Mr Steyn for the moment – that you found Mr Steyn difficult to supervise?---At times, yes.

And is that predominantly because he was not in the office much?---That was one factor. He was – I don't know, I found him dishonest at times. It's hard to put it, put a word to certain feelings, but certain times that I was his
30 supervisor, he seemed fishy, and again, maybe that's the wrong word, that's not how he was all, all the time, but I had a lot of issues managing them in general.

Well, are you able to be more specific about the issues that you had? You've said that he was not in the office. Were there any other specific issues you recall that made it difficult and challenging to manage Mr Steyn?---The communication really wasn't there, even when I asked for it, over and over. I remember having to have several, I guess, informal meetings with him, basically warning him, like, not warning him, but essentially saying, "Look, like, these, these are my issues. This, this is what
40 I need from you." Again, sorry, I, it's very hard to put into words the feelings that I recall, but in general, it, it was almost impossible to really manage them.

You said that the communication wasn't there. Do you recall what were the things you were asking Mr Steyn to communicate to you that you were having difficulty obtaining from him?---It was essentially everything that had to do with his program, and again, I didn't really think anything of it, I

just thought that's his personality, because he was a very – he always seemed very scared to lose his job and lose his programs. Yeah.

10 So is it the case that you would ask him specific questions about his programs?---Whenever I asked him anything, yeah, it was very hard to get a clear answer out of him essentially. So that's why I essentially attempted to put it on paper, which was the project plan or whatever I called it. I remember it was essentially my attempt to have some sort of forecast of what everyone was doing, not, not just them also, but again they wavered from that over and over again and I found it impossible to manage essentially.

Now, you keep referring to "they." Do I take it that when you say they, you're referring to Mr Steyn and Mr Dubois?---Yes.

20 So is it the case that you observed a similar sort of conduct in relation to Mr Dubois?---Mr Dubois was definitely a lot harder to manage. I felt at times I could get through to Mr Steyn and that he was okay. Mr Dubois was almost, I will say impossible to manage, impossible to get any cooperation from, yeah.

30 Now, they both started at around the same time in 2014, and obviously at some point, from the evidence you've given, you'd formed the view that Mr Steyn on the one hand was dishonest and sometimes a bit fishy, and Mr Dubois was impossible to manage. Do you recall how far into your supervision of them it was before you'd come to that view in respect of each of them?---It would have been quite, quite late on, 'cause I don't remember feeling that for a while, so if I'm going to guess I'm guessing 2017.

Right. So you supervised them from 2014 to 2018, correct?---Yes.

And you think to the best of your recollection it was by around 2017 that you formed these views?---Approximately, yes.

40 THE COMMISSIONER: Did you report your suspicion of dishonesty of Mr Steyn and the difficulty in managing Mr Dubois to anyone within the RTA or RMS?---No. It was, it wasn't it was generally just to do with their general demeanour, small things - - -

Sorry?---It was just to do with their general, general demeanour, at the beginning anyway, but no, I didn't tell anyone, no.

Yes, but it developed to a point where you suspected dishonesty on Mr Steyn's part?---Just, yeah, in comments he was making, where he said he was, but no, I didn't tell anyone about it.

Why not?---(No Audible Reply)

You were the person in the managerial position with responsibility. Why didn't you report it?---I didn't see a need and I was doing my best that I knew, knew how.

And Mr Dubois you say is impossible to manage in effect. That's certainly a matter that would be of concern no doubt to anyone in management at the time had they known.---I, I did, I did speak about him to the next manager, which was Jansen, Jansen.

10

Who, who was the next manager?---Jansen.

Jenkin?---Jansen.

Jansen.---Yeah.

Did you make a written report about this ongoing conduct by Mr Dubois?
---No, I wasn't told to.

20 Why not?---I didn't feel the need and I didn't - - -

There was an obvious need because you said he was impossible to manage.
---Yeah.

That meant there was a serious issue the RTA had to deal with, if that was the case. Why would you not put in an official complaint or if not a complaint, a report?---I didn't see that there was anything to complain about. I, I did my - - -

30 Well that's a nonsense, isn't it. If the man was impossible to manage that's the very sort of thing you need to report, isn't it?---Sorry, Commissioner, to, to who, to my manager or - - -

To anyone. In particular your manager but anyone else. You have to bring it to the attention of the relevant managerial personnel so that they can quickly get to grips and deal with the problem.---Yep, I spoke to the manager and, about him.

40 Why didn't you put in an official report if it was as serious as you say it was? Namely, that you had somebody in a managerial position who was impossible to manage.---I didn't know that was a requirement. I was trying to do the best I knew how, basically.

But you've got a reasonable level of intelligence and education. It would be obvious that if you have a problem of the kind you've referred to concerning Mr Dubois, that was a matter that had to go upstairs, correct?---I did, yeah.

You reported it to Mr Jenkins, you said.---Jansen.

Jansen. Mr Jansen. Hmm?---Yes.

What did you tell him?---That I simply can't deal with them anymore. I've been trying to for several years and I simply don't know what to do with supervising them.

10 What happened as a result of your report to Mr Jansen?---He was in the process of, he had just started, not just started, maybe months, he was in the process of reorganising, re-orging the branch, and he said that he was planning on moving them to a different team where they were dealing with the construction, so they probably, they, they sat there better anyway.

But you had ongoing day-to-day working relationship with both Steyn and Dubois?---From memory, I probably saw them once or twice in the office every week, yeah.

20 But they remained under your general supervision.---Yeah, correct. Correct, yeah.

So did the action Mr Jansen take improve Mr Dubois' attitude?---I don't know what action he took. I was, I, I left.

Did it make him cooperative and easier to work with or not?---He hadn't taken any action by, by that point.

Mr Jansen didn't?---Correct. By, by the point that, that I left.

30 So did you decide to report it to somebody else who might take action?---I had already left by then.

Hmm?---I had already left by then.

Yes, Ms Spruce.

MS SPRUCE: Mr Soliman, just to confirm, when you're referring to Mr Jansen, that's Arnold Jansen, who was the Compliance Monitoring Manager?---Yes.

40 And that was your direct report?---Yes.

And you knew the person that was above him, didn't you?---Don't recall his name.

Well, at one point it was Paul Endycott, and it was subsequently Roger Weeks. Do you recall that?---Yes.

Did you think about taking your complaint further up the line?---Can I just ask, what, what, what is the complaint? My issue was that they were very hard to manage. At the beginning, anyway. I'm not, I'm not sure what you're suggesting I tell someone.

Well, you've just said they were hard to manage at the beginning, but I thought your evidence previously was that they became very hard to manage in around 2017. Did you find them difficult to manage from the outset? ---It definitely got harder as the time went on. Yeah.

10

And when you spoke to Mr Jansen about it, did he offer to give you any sort of managerial training?---Training, no.

And if you could just do your best to just try and specify what were the things that made them difficult to manage? I understand they were rarely in the office.---Yeah.

20

And you mentioned something before about their demeanour.---Yeah, okay. Their demeanour. I'll start there. Generally non-cooperative. Quite aggressive at times. They basically would say no whenever they wanted for a piece of work. They wouldn't basically get things done when I needed things done, except when they wanted to do the work. That's when I lost trust basically in them.

So was it your perception that they didn't respect your authority as their supervisor?---I, I guess so, yeah.

30

Now, just coming back to Mr Dubois, we've spoken about Mr Steyn, and the fact that the program that he was responsible for was ultimately sponsored by the Centre for Road Safety.---Yes.

Now, in respect of Mr Dubois, you've said that he brought programs across with him when he joined your unit.---Yes.

Now, what were the programs that he brought across?---Safe-T-Cam was a big one, the portable weigh scales, the weighbridges, and various maintenance activities for HV sites.

40

So those were all activities he was responsible for prior to joining your unit?---From memory, yes, yeah.

And were those programs effectively sponsored by a different unit, in the same way that the point-to-point program was sponsored by the Centre for Road Safety?---I really don't know. I know they all ended up in some sort of funding bucket within RMS. Can't say exactly how they got there.

So did you know, at the time you were supervising Mr Dubois, where the funding for the programs he was working on was coming from?---For the

Safe-T-Cam, it was definitely, the maintenance was within RMS, but it was always – again, it's tricky to explain this, because the funding was generally shuffled from different branches, as the people saw, saw fit. I just don't want to give you a wrong answer. So, I really don't know exactly where they came from.

So you didn't understand or know exactly where the funding came from?
---Correct.

10 And so I take it you didn't know what the limits of that funding were.---No.

And at the time Mr Dubois joined your unit, did you have any knowledge of the Safe-T-Cam program?---I knew what they were, yes. Yeah.

And was that just as a result of your general experience working at the RTA?---Yes.

20 You'd had general exposure to the concept of the Safe-T-Cam?---And from the software also, yeah.

I see, you'd worked on the software in relation to the Safe-T-Cam.---Yes.

And then what about the weigh scales, did you have any understanding of that program?---No.

Did you have any understanding of the weighbridge program?---No.

30 And did you have any understanding of the general maintenance requirements in relation to heavy vehicle checking stations?---No.

And so how did you inform yourself about those matters once Mr Dubois came under your supervision?---Whatever he told me, basically, about the work he was doing.

THE COMMISSIONER: Sorry, say it again?---Whatever, whatever he told me about the work that he was doing.

40 So you were in a sense in his hands, is that what you're saying?---I guess so, yeah.

In relation to the various matters that were just put to you, do I understand your evidence is you didn't yourself hold the technical knowledge in relation to such matters?---So which, which matters, sorry, Commissioner?

Things such as weighbridges and the - - -?---Oh, okay. Yeah, no, I didn't.

You did not?---No. That's correct.

So that in relation to project works, various matters would have to be assessed in determining whether or not a quotation for a project was fair and reasonable. For example, with specific work, there may be fabrication work to be done, installation work, maintenance work. You didn't have any experience in relation to such matters?---No.

And in relation to materials that may be required for a particular project work, that came across the path of RTA, you didn't have any particular experience in relation to the materials required for different projects?
10 ---Didn't – Commissioner, do you mean physical materials like concrete and steel and things like that?

Yes, yes.---Yeah, no, I didn't.

The number of workers that might be required on a particular project?---No.

Testing procedures that might be needed to ensure that work was done to standard, did you have experience in that area?---No.

20 Well, then in relation to various projects, when a quotation came in for a particular project, do I take it you are not in a position to evaluate or have any idea as to whether the quotation is a proper one or not?---Yeah. I mean if - - -

Huh?---Yeah, I would, I would say that's correct, yeah, I wasn't.

Well, in those circumstances it means that all of that was left, that is the assessment of quotations and so on, was left in the hands in relation to work Mr Dubois managed, his hands.---That's correct, yeah.
30

And similarly with Mr Steyn in relation to projects he was involved with. ---Yeah, that's correct.

So there was in effect no one in a position, supervisory position or a management position who could, as it were, or who had the requisite skill and knowledge to check whether or not the quotations that Mr Dubois and Mr Steyn recommended were proper in terms of the approvals they gave. Perhaps I'll put it another way. In relation to quotations for work, was the position that neither you or anybody else were in the position to oversight
40 the decision-making that Mr Dubois made in accepting a quote?---The only person in the branch I can remember was the old manager, Mr McCaffery and for – sorry.

Well, do you know – you go on.---And for whatever reason they were I guess booted out of that team.

They were?---Booted out of that team from what it seemed to me looking from the outside.

I just didn't pick up.---Booted out of that, of that team.

They were booted out.---That's the way it seemed to me anyway.

That's the way it appeared to you, Mr McCaffery wasn't in a position to second-guess any approvals concerning quotations that Mr Dubois made. Is that what you're saying?---Sorry, I don't understand the question, Commissioner.

10

You said Mr McCaffery was somebody in a managerial position but that he wasn't in fact undertaking the work of checking the approvals of quotations that Mr Dubois dealt with. Is that right?---No, sorry.

MR YOUNG: I think, Commissioner, you may be at cross purposes. I think there's a period of time involved here that the witness is saying that Mr McCaffery had been involved at an earlier stage.

THE COMMISSIONER: Oh, I see. All right. Thank you, Mr Young.

20

THE WITNESS: Yeah.

THE COMMISSIONER: So what I'm trying to get from you is whether you didn't hold the requisite skill and experience in relation to the technical aspects of project works, you were not able to check to ensure that the quotations that Mr Dubois was approving was appropriate or not.---Yeah, no, unless I had I guess specific experience in construction, no, I wouldn't, no, I didn't know.

30

And was there anyone else who would ever check Mr Dubois' approvals in relation to quotations for project works that you knew?---Yeah, whenever I wasn't there, there would be others in the supervisory role in terms of the point-to-point, which is Mr Steyn, I assumed they went to the Centre for Road Safety, they're the funders, and I assume they have experience in the building of it. I'm not sure where else, what other eyes were on it.

But you don't know whether they checked his work.---I don't know, sorry.

Pardon?---I don't know. I don't know.

40

Okay. Yes, Ms Spruce.

MS SPRUCE: And, Mr Soliman, once Mr Dubois had raised a purchase order in respect of one of those matters that he was responsible for, did you have any formal process for following up with him to find out whether the work had been done?---If it was, I remember asking about large sites. For example, when they were building Safe-T-Cam sites, yeah. I remember he

sent some photos about that stuff. For the smaller stuff, no, I didn't, I didn't think to, I didn't think he was, he would lie about those things, no.

Well, did you keep some sort of a running schedule of works that were under way?---Running schedule. I, I believe in my project plan I had that, but – sorry, they, they would never stick, stick to it.

When you say they would never stick to it, do you mean they wouldn't stick to - - -?---The - - -

10

- - - budgetary criteria or they wouldn't stick to timing? What do you mean by they wouldn't stick to it?---The scope. So, for example, what I was attempting, to, to get some sort of grasp of what everyone should be doing and budgets and everything, I drafted a project plan, and they all, basically everyone would say, okay, this is what we're doing for the next six months, for example, building site A, B, D, maintaining site E, F, G. And they continued to veer from that. So I don't know why but, yeah.

20

In what way did they veer from it? Do you mean that they would do additional works on top of those that they'd nominated?---Various things, they would do different work. They would do extra work. Yeah, it was very hard to understand why or why they can't stick to a, to a plan.

Well, did you speak to Mr Dubois about the fact that he wasn't sticking to the plan of programmed works?---Yes. Yes.

You did? And what did you say to him?---What, what did I say to him?

30

Yes.---Why do you keep changing? Well, in words to the effect of "You said you were going to do this by day X, now you're doing something completely different. Why?" Words to that effect. And essentially the same answer was back that "We need to do this now." Words to that effect also.

Is it the case that you felt out of your depth managing Mr Dubois and Mr Steyn?---A lot of the time, yeah.

40

And I understand in respect of Mr Steyn that he at least was potentially answerable to the Centre for Road Safety.---Yes.

But in the case of Mr Dubois, if he wasn't respecting what you asked him to do, is it the case that he wasn't answerable to anyone at all?---Well, he, the, especially the Safe-T-Cam work. He essentially got the orders from the Executive Team. So he would have been answerable to them. In terms of who he is answerable to and if he respected people, I don't think he cared. I don't think he cared of what anyone thought of him personally.

He was really only answerable to you in the hierarchical structure, wasn't he?---No. For the Safe-T-Cam sites that were being built, he was being asked by people above me. That's who he was essentially answerable to.

But in respect of the maintenance of the heavy vehicle checking stations and the weighbridges and the weigh scales, he wasn't answerable to anyone except you?---No, he was more so answerable for the stuff to the manager of the inspectors. Brett I think his name was. Brett. Again, the orders, as far as I know from Mr Dubois, he was told from the sector managers, "This is stuff that needs to be done. Alex, can you do it, please."

But, Mr Soliman, just so I understand, when you suggest that Mr Dubois was answerable to various other groups – the executive, the inspectors – did you have any direct liaison yourself with those groups? Or is this just what Mr Dubois was telling you?---Not about Safe-T-Cam. I didn't have any, I guess, direct meetings with the CEO or anything about that. When someone died and they say, okay, we need to maintain this site, you know. In terms -
- -

20 So just pausing there.---Yep.

Is it correct that everything you knew about the Safe-T-Cams you learnt through Mr Dubois? Accepting what you said about having some previous understanding - - -?---Yes, correct.

- - - of the software. But once Mr Dubois came under your supervision, everything you learnt about the rollout of those programs, you learnt from Mr Dubois?---Correct.

30 And then moving on to the next part of your answer.---Sorry, I forgot where I was, was it about the maintenance – yeah, so the work would essentially be asked, from what I know anyway, from the sectors, either from the inspectors or from the, the sector managers, Alex will be asked to do that, and he did it.

But did you have any direct liaison yourself with the inspectors or the section managers, or was this - - -?---Yes, I did, yeah.

40 You did.---Yeah, yep.

So you would find out directly from those people the work that Alex was required to do?---No, I didn't, I didn't have any interaction with them about that kind of work, the maintenance and stuff. Yeah, the only interaction was maybe in a large forum or a meeting, or about technology things.

I see. So you had some interaction with them about technology matters, but you never spoke to them directly about the work Alex was doing?---Not that I can recall, no.

Now, just in terms of the way that your unit functioned within the office, you've said that Mr Dubois and Mr Steyn would only be in the office one or two days a week?---Generally, yeah, but it, but it varied, yep.

And was that the case from when they first started?--- Oh, I can't be sure, but probably, because their work didn't change.

10 So there was no pattern of their absences from the office increasing over time, that was something that was evident from the beginning?---There, oh, don't recall, I don't recall.

And it's the case, isn't it, that at one point you sat next to Mr Dubois?
---Yes.

And did you have an open-plan office, or were you in offices?---Yeah, open plan, open plan.

20 So at the time when you were – how long were you sitting next to him for?
---One or two years, I think, I don't know exactly.

And so in the course of sitting next to him, did you become friendly with Mr Dubois?---Mmm, he was a colleague, so, sure, yeah.

But did you ever socialise with either Mr Dubois or Mr Steyn outside of work?---No.

30 Now, I just want to ask you some questions about the process that you went through when there was a particular piece of work in respect of which a contract had to be allocated. So, first of all, were you aware of what the process was if a new vendor was being created within the RTA? So a company that had never worked for the RTA before, what was your understanding of the process to create a new vendor?---Again, I can't be sure, but I think from memory, someone would have to request them to be added to some system. I don't know what else - - -

THE COMMISSIONER: Sorry, request what?---Request for the vendor to be added to some system. I just don't recall what the system was.

40 MS SPRUCE: But as far as you were concerned, that was something that would be approved by somebody else?---Yes.

That had nothing to do with you?---As far as I can recall, mmm.

And then is it the case that whenever contract work was required to be undertaken within your unit that you would go to market for that work?
---Sure, yeah.

Were you aware whether there were pre-existing lists of companies that had prequalified to do work for the RMS?---Yeah, the RMS probably has hundreds of lists and panels and things like this.

So you knew there was prequalification schemes and panels within the RMS?---Yeah, like, yeah, of course. Yeah.

10 Did you ever have a look at those resources to see if there were companies that had been tried and tested by the RMS that could be used to do the works that Mr Steyn and Mr Dubois were undertaking?---Me personally, no.

So is it the case that you just accepted the companies that Mr Steyn and Mr Dubois put forward to you?---Yeah, sure.

THE COMMISSIONER: Was there no procedures to check on the integrity of the companies who were seeking to become RMS contractors?

---Integrity, I don't – no, I don't recall RMS having any company integrity check, no.

20 Or background checks on the people who would operate contracting companies?---Not that I know of.

So they could be people who had criminal records and still get hired without a need for questioning at all, is that right?---I really don't know, Commissioner, but I guess so.

Well, you worked there. You'd have some insight into how the contracting of companies for RMS took place, is that right?---Yep.

30 In the time you spent there, was there any form of checking backgrounds of the proprietors of the partners who operated the contracting companies?---Not that I can recall. I don't, I don't remember anyone doing that.

No ASIC searches of companies that operated as contractors?---I don't remember anyone doing that, no.

And no integrity testing on the identities associated with contracting companies?---No, not that I can recall, no.

40 Was there any requirement for contractors for – I'll start again. Was there any requirement for Mr Dubois, for example, to disclose whether proposed contractors were related, had family relationships with him or other relationships with him, friendships?---Yeah, yeah, of course he would have had to disclose.

That was part of the obligations arising under the codes of conduct or under other codes.---Don't know. I'm sure there would have been a code. I - - -

You don't know what code existed in that respect?---No. No.

Yes, thank you.

MS SPRUCE: Now, Mr Soliman, I take it from the evidence you've already given that when either Mr Dubois or Mr Steyn issued a request for quote in respect of particular works that that was something they did essentially of their own initiative, is that correct?---Yeah. Basically I don't, yeah, correct.

10

Well, it certainly wasn't a decision that had been made of you that a request for quote should be issued in respect of particular works.---I don't remember any, no.

And I take it again that either Mr Steyn or Mr Dubois, whoever was responsible for the particular works, would decide who to issue the request for quote to?---Mmm, yeah.

20 You didn't have any say over which companies the request for quote should be issued to?---No.

And then once a quote or quotes have been received, the next step in the process was that the person responsible for the project would fill out a purchase order request, is that correct?---Yes.

Now, just pausing there, do you recall if there was a different procurement process that applied depending on what the monetary value of the contract was?---Yes. I came to learn there was different limits, 50, 50,000, 250 and I don't know what's above that.

30

And so what was your understanding of the process for a contract under 50,000?---I remember they told me it depended on the, on the type of work. Yeah, there was various different types of work that had different limits. Are you asking about a specific type of work?

Well, just before we get to that, when you say they told you, who's "they"? ---Alex and Craig.

40 So you gave evidence earlier that when you started in this position as Manager of Heavy Vehicle Programs that you had limited experience in contract allocation.---Yes.

You remember having that discussion with the Commissioner? And is what you're suggesting now that effectively you learnt about contract allocation from Alex and Craig?---Not, not in general. Just obviously they were telling me this is, I remember Alex showing me once a chart about different types of civil works and what the limits were. So in terms of that, yeah, I did learn that part from them.

Well, when you say you recall Alex showing you a chart, did you know where the chart he was showing you came from?---I don't know the name of it, manual, maybe some manual.

Well, can I just show you, please, page 29, to the bundle of witness statements. Mr Soliman, do you see there there's a chart underneath the heading Roads and Maritime Procurement Thresholds?---Yes.

10 Is that the chart you recall Mr Dubois showing you?---No, I remember it was a table.

If you have a look at the chart that's on the screen, do you see that there's two categories, non-construction-related expenditure and construction-related expenditure?---Yes.

And you see that in respect of construction-related expenditure for up to \$5,000 no quotation is required?---Yes.

20 And then between 5,000 and 50,000, one written quote is required?---Yes.

And then between 50,000 and 250,000, three written quotes are required?---Yes.

And then above \$250,000, a public tender is required?---Yes.

So do you recall being aware of that process?---At some point I've become aware of it, yes.

30 Now, the chart that I'm showing you is contained in the procurement manual. Were you aware that there was a procurement manual?---Yes.

And did you become aware of that very soon after taking up your position as Manager of the Heavy Vehicle Unit?---Don't recall.

Well, do you recall receiving training in the procurement manual?---No, not that I can recall, no.

So you were aware that the manual existed?---Yes.

40

But do you have any recollection of ever reading the manual?---I don't recall.

Well, it's quite an unusual circumstance, isn't it. I mean you've given evidence that you took on this new managerial role and you had very limited contract allocation experience. Correct?---Correct.

And you say that you're aware that there's a manual that is to do with procurement.---Yep.

But you didn't determine that it would be a good idea to read that manual. Is that correct?---No, I said that I don't recall reading it. I'm sure the manual would probably be hundreds of pages long, I definitely didn't read the whole thing.

10 So you were happy to go along knowing very little about contract allocation. Is that correct?---Yeah, I didn't see what else I needed to know.

Well, you were heavily reliant, weren't you, on what Mr Dubois or Mr Steyn were telling you in respect of the process for contract allocation. ---Yes, yes.

And in fact what you knew about contract allocation was largely learnt on the job as the Manager of the Heavy Vehicle Unit.---Yes.

20 And what you were learning on the job, you were learning from them. ---Some of the things, yeah, yeah.

Well, was there anyone else within the unit that you were learning about contract allocation from?---No.

So it's fair to say, isn't it, that what you were learning on the job, you were learning from Mr Dubois and Mr Steyn?---Again, I'm sure I learnt some other things outside of them. You'll have to be more specific about exact things, though.

30 And these were two men who you've said you were having difficulty managing.---Yes.

Well, do you think that you would have had a better chance of managing them with more success if you'd actually taken some steps to inform yourself about what was in the procurement manual, for example?---I did the best I could with, I did the best I could with how I knew how to.

40 All right, well, you recall that where a job was between 50,000 and 250,000, including GST, that there was a requirement for three written quotes?---Yes.

And what was your understanding of the rationale for that requirement?---I don't know.

You didn't know why it was important to get three quotes?---To get a good value, I guess. Yeah.

Well, it's common sense, isn't it, that if you get three quotes there's some sort of mechanism to ensure that you're getting value for money? Because

you're testing the market across three points, correct?---Correct. Yeah, correct, yep.

And so it would be important to ensure that you had three quotes, because otherwise that mechanism of assessing market value becomes meaningless if you've only got one quote, you agree?---Sure, yeah. Sure.

10 And it's important to make sure that each of those quotes is from independent arms-length contractors. You agree?---Well, they should be, yeah, of course.

Otherwise the system wouldn't work, correct?---Yeah, it'd be, yeah, it's pointless (not transcribable)

Now, if I can just take you, please, to an example of a purchase order. If we could go, please, to volume 24, page 116. This is the form that in this case Mr Dubois has filled out to request that a purchase order be raised?---Yes.

20 And you see there's a number of, a number of boxes that haven't been filled out. Purchase order number, date request received, request type.---Yep.

Is this the CM21 contract?---Yep.

And then you see that the vendor name is CBF Projects Pty Ltd?---Yep.

Do you recognise the name of that company?---Vaguely, yes.

30 Well, that was a company that was frequently being put forward by Mr Dubois. Do you recall that?---I accept, yeah, I don't remember what they did exactly.

All right. And then if you look at the address, you see there, there's an address in Woodbine?---Yep.

Did it ever occur to you when you looked at these purchase order request forms that, for example, in this case, the address appears to be a residential address? Was that something you ever turned your mind to?---No. I'm not sure how I would know it was a residential address.

40 You didn't ever think to do a Google search of the address of any of these companies?---No. There was no, no need.

All right. And then can you see under Item Details it says "category description WBS". What does WBS stand for?---I don't know what the acronym stands for. It was just a funding bucket.

So that was to indicate to you that the funding had come from a particular source?---Yep. I think so, yep.

Is that the purpose of that box being ticked?---Yeah, sure.

But you had no way of knowing whether that was accurate or not, as I understand your evidence about funding.---How can it be wrong if it's ticked? I don't understand the question.

When you say how could it be wrong if it's ticked, it's the case, isn't it, that Mr Dubois has filled out this form?---Yes.

10

And given it to you to be signed.---Yes.

And so when you say how could it be wrong if it's ticked – Mr Dubois is the one who's put the tick in that box?---Yes.

And what I'm suggesting to you is that you have no way of knowing whether what Mr Dubois has said about the funding for this project is accurate.---Mmm.

20

You're just relying on what Mr Dubois says, taking the form at face value, correct?---Yeah, of course, I have to.

And then you see that under service items, there's an RTA service number and a description of the works.---Yes.

And then there's a column called Cost Object.---Yes.

Do you know what Cost Object refers to?---No.

30

You don't know what that refers to?---No.

In this case, it says, "Refer to attached," and if we go over the page, there's a number of sites set out.---Oh, okay, yep. Yep.

And you see after each site, there's some sort of identifier. So in respect of Ballina, it's U/O1331/M/24/5.---Yep.

Does that assist you to recall what Cost Object is a reference to?---Yes, yes.

40

So could you help us, what does Cost Object mean?---It's those characters there, the U/ numbers. It's just another funding bucket, I think.

So that again is just indicating where the funding is coming from.---Yes. Well, not where the funding is coming from, where the funding has been put in, into.

Sorry, what do you mean by where the funding has been put into?---So funding comes from, wherever it comes from, and it gets put into the system to be used, into these WBS funding buckets.

And then if we could go back, please, to page 116, do you see that under the Service Items box, in italics, in relatively small print, it says, "Was the price checked against the Contingent Workforce Prequalification Scheme?" Do you see that?---Sorry, where, where are you seeing that? I see it now, yeah.

10 Do you understand what that's a reference to?---Mmm, no.

You didn't know what the Contingent Workforce Prequalification Scheme was?---No, that's the first time I've seen that text.

Mr Soliman, you say it's the first time you've seen it, but you've obviously filled out many, many IMS purchase order request forms.---Yep, lots.

20 And you can take it from me that that's included on every form.---Yep, I agree.

And so when you say you haven't seen it before, you mean although you've seen this form many times, you've never read those words before.---That's correct, yeah, it's in impossibly small text, to be honest.

And then you see that the purchase order value is \$231,000?---Yes.

And then, over the page on page 118, you see there there's a cost breakdown in respect of different sites.---Yes.

30 Now, did it ever strike you as odd that when you saw cost breakdowns of this kind that, certainly in the case of Mr Dubois, they routinely ended in these round figures?---Oh, you, you mean in the zero dollars?

Yes, that's right.---No. That's the first time I've noticed that.

Commissioner, I see the time. Is that a convenient place?

40 THE COMMISSIONER: Yes. I understand, Mr Soliman, you have another commitment tomorrow. Is that right?---Correct.

The Commission will accommodate you in relation to the commitment that you do have in that regard and therefore you'll need to return to the Commission on Monday next, you understand, for a start at 10 o'clock? ---Yes.

Is that - - -

MS SPRUCE: Tuesday, Commissioner.

THE COMMISSIONER: I'm sorry, Tuesday, thank you for reminding me. It won't be Monday, it will be Tuesday we'll resume next week. So if you be here on Tuesday next. Now, there is some doubt as to the time that we can resume on Tuesday because the hearing room may be required for another purpose or I may need to attend to another matter on Tuesday. As presently planned it's unlikely that we'll be able to resume in the morning, so I think I should say not before 2.00pm on Tuesday. Is there anything you want to say about that programming matter?

10

MR DOWNING: Not in respect for next week, just to note that the intention would then be that we start tomorrow morning at 10 o'clock with Mr Rifai.

THE COMMISSIONER: Yes. We'll resume tomorrow at 10 o'clock with Mr Rifai, otherwise for next week, just to repeat what I've said, the Commission will resume in this matter on Tuesday, but I'll say not before 12.00 midday, so you should be here by midday. You may be kept waiting for some time because there is another matter that I have to attend to on an urgent basis, and then we'll resume with your evidence on Tuesday at some point in time, but if you'd be hear ready for midday in case I can get free of the other commitment and we'll start at midday, otherwise it will be more than likely 2.00pm. You understand?--I do.

20

Okay. Very well, then I'll adjourn.

THE WITNESS STOOD DOWN

[4.07pm]

30

AT 4.07PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.07pm]