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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 23 JUNE, 2021

AT 10.30AM

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THE COMMISSIONER: Yes, good morning.

MS SPRUCE: Good morning, Commissioner. We're continuing with Samer Soliman's evidence.

THE COMMISSIONER: Yes, Mr Soliman. Mr Soliman, you need to take an oath or an affirmation.

MR SOLIMAN: Oath, please, Commissioner.

10

THE COMMISSIONER: An affirmation?

MR SOLIMAN: An oath, please.

THE COMMISSIONER: An oath. Thank you.

THE COMMISSIONER: Yes, Mr Georges, you appear for Mr Soliman, is that right? I have granted you leave.

MR GEORGES: Thank you.

THE COMMISSIONER: Thank you.

10

MR GEORGES: I apologise for being late.

THE COMMISSIONER: That's all right. Thank you. Yes.

MS SPRUCE: Mr Soliman, if I could take you, please, to volume 24, page 116. You might recall this is a document that I showed you on the last occasion you gave evidence.---Yes.

20

And just to refresh your memory, it's a purchase order request from Mr Dubois, signed by you in 2014.---Yes.

Now, I just want you to explain to me, please, what the process was for you approving a purchase order of this kind.---Do you mean just the normal purchase order? What do you mean by "kind"?

Well, a normal purchase order.---Yeah. The process is I sign my name and the date.

30

Well, just pausing there. This document, part of it's typed but then it has handwritten signatures and some handwritten annotations.---Yep.

So is it the case that Mr Dubois would print this document out and hand a physical copy to you?---That's correct.

And you gave evidence on the last occasion that Mr Dubois was frequently out of the office. So was it the case that he would hand it to you in person or would it be left on your desk?---Yeah, most of the time just on my, on my desk with a stack of other, other purchase orders normally.

40

All right, so it was your practice, was it, to invite your staff to leave purchase order requests in a pile on your desk?---No. But when I saw one there, obviously I knew it was for that, for that, for the purpose of anyone in the, in the team, whether it be Mr Dubois or anyone else.

But it wasn't necessary then, I take it, for you to have a conversation with the person who was requesting the purchase order? You were content just to approve it based on the documents?---Yes. If everything, if I didn't have any questions, yeah, that's fine.

And when you say if you didn't have any questions, you gave evidence on the last occasion that you were in no position to know whether a quote in respect of civil works was fair value or not. Do you remember giving evidence to that effect?---To that effect, yep.

So when you say depending on whether you had any questions, what sort of questions might you have had in respect of a purchase order request?

10 ---Might I have had. Completely depends on what the, what the scope was I guess.

THE COMMISSIONER: Perhaps if we look at the attachments to the purchase order, which deals with, you'll see, a description of work, a number of projects. Total value is \$231,000. Are we able to get the attachments?

MS SPRUCE: So page 117 and then page 118. Really just page 118. Page 117 is blank.

20 THE COMMISSIONER: Yes, thank you. You see there the projects are listed. Two in Ballina, one in Tyndale, two in Mount Victoria, one in Peak Hill, one Picton Road, and then the last two projects don't have location names. What do you understand the last two items or projects relate to? ---They, you can see by the slashes they're kind of someone set up sub I guess finance buckets so that would be for a specific, normally it would be for a specific project, I just don't know what the acronyms mean, such as CL and H.

30 And then is there any other attachments to this purchase order? I think two pages were mentioned, 117 might have.

MS SPRUCE: 117 is blank, Commissioner.

THE COMMISSIONER: Blank, is it, okay.

MS SPRUCE: Yes.

THE COMMISSIONER: So that's all we have by way of attachments.

40 MS SPRUCE: And then there's, at page 122 and page 123 the quote by CBF.

THE COMMISSIONER: Right. Thank you. So there's the breakdown in the quote now on the screen, volume 24, page 122. What evaluation if any would you believe you would have undertaken in relation to this quote?

---This is the first - - -

Or would it have not been possible for you to have done any specific evaluation or assessment?---This is the first time I've seen this, but - - -

Sorry, you'll have to keep your voice up.---Yeah, sorry. This is the first time I've seen this quote, Commissioner, I don't remember seeing it, but I mean, to be honest, in terms of evaluation, nothing really. I mean if they schedule the works and the quotes are there, that's all that I can do.

10 Okay. And was that the common situation that you were placed in when these – if Mr Dubois delegated approval authority to you, you were somewhat bound by the documents, by the quotes as being legitimate and proper quotes?---Yeah, same as everyone else in the, in the team.

So there's no methodology that you employed to second guess or test the material within the quote that you're seeing here, dated 23 July, 2014?
---No. I mean if I saw something that seemed odd or didn't make sense I would generally just ask, but no specific methodology. I'm not exactly sure what you mean, sorry, Commissioner.

20 And as at that date, 23 July, 2014, CBF Projects Pty Ltd were the authors of this quote, or the submitters of this quote, what did you know about CBF Projects as at that time?---Um - - -

Had you dealt with them before?---Me? No.

You don't know who was behind CBF Projects?---No idea, no.

30 And before your approval signature as sought was given, was there any consultation that you had with Mr Dubois or anybody else before the approval was given?---With this specific one?

Yes.---I don't recall.

Well, relying on past practice, do you believe there would have been a consultation process prior to the approval being given or did you work on the documents?---In terms – sorry, what do you mean by work on the documents?

40 Well, that you receive the quote, the written quote, it details the project and contains some detail within the quote and then the money amounts, you either look at it and do it on the papers means you'd do it on the basis of the quote in giving your approval or whether there was a consultation process that you would have with either Mr Dubois or somebody else before you would be required to give your approval?---The only thing I can remember about consultation was for the larger projects. For example, when they were told to do a Safe-T-Cam site or a, or a point-to-point site, I'd basically check when they're doing what, but in terms of the detail of the quotes, no, there was nothing really, yeah.

The exceptions, the two exceptions were again?---Any of the larger sites that they were asked to build, such as the Safe-T-Cam sites or the point-to-point sites. I was, I was concerned really around the timing of those, of those things, but not around the details of the quotes, no.

10 So with those larger quotes, as you just mentioned, point-to-point and Safe-T-Cam, again would you largely depend, work on the documents, on the quotes in giving your approval for those projects rather than have any consultation process with anyone before you gave approval?---Basically always, yeah, yeah.

Same sort of process. Basically you look at the quote. If it didn't look as though anything looked irregular, then you'd go ahead and give it the approval being sought from you?---Yes, correct. Yep.

20 MS SPRUCE: Mr Sangari, you said that the exceptions were – sorry, I withdraw that. Mr Soliman, you said that the exceptions were in respect of Safe-T-Cam and point-to-point sites, being the bigger jobs. And is it the case that in those jobs you were concerned with ensuring that those projects were delivered within the expected time frame? Is that what you mean when you say that you were concerned with the timing?---Yes, yes.

30 But you weren't turning your mind to the cost of those projects?---Yes and no. For certain, certain sites, that were given a budget from the Exec Team. For example, if they, if they were told you can build site X for, I don't know, a hundred, \$100, and you've got three months to do it, I guess that was what I was asking, "Okay, are you within \$100 and can you do it within three, three months?" But were there details? No.

Well, Mr Soliman, you gave evidence on the last occasion that you, to the effect that you didn't have any real involvement in where the funding came from in respect of Mr Dubois and Mr Steyn's projects.---Yes.

Do you recall that?---Yep.

40 So can you help me understand what you're now suggesting, which is that, in respect of Safe-T-Cam and point-to-point site works, you would in fact be concerned to ensure that they were delivered on time and within a budget? ---Yes, that's correct.

Well, is it the case, then, that you did know what the budgetary constraints were in respect of the Safe-T-Cam and point-to-point projects?---I think, with respect, you're mixing what the intent of my comments on the other day was. The point of my comment was that I'm not sure exactly where the streaming, where the stream of funds came from. Obviously once they were told to build site X, that's when obviously I wanted to know if they can meet the requirements for time and budget.

And in terms of ascertaining whether they could meet the requirements in terms of time or budget, is that a conversation that you would have with Mr Dubois, for example?---Normally, yeah, yeah.

10 So it's your evidence, is it, that in addition to receiving the purchase order and looking at what was apparent on the face of the document, that when it was a bigger job in relation to Safe-T-Cam or point-to-point sites, that you would have a discussion with Mr Dubois?---Yes. But let me explain what I mean by bigger. Bigger not in terms of size or what the actual site was, but where they'd been told to do it, you know, for example urgently or where there's been an incident on the roads, where there's a death and there's obviously a lot of talk about it. That's when obviously I want to make sure that what they've been asked to do, they do.

So just to be clear, by bigger you don't necessarily mean the cost or the value of the job?---Not necessarily, no.

20 You mean, as I understand it, a job that – for one reason or another – had a degree of prominence within the RMS?---Yes.

Such that there might be people from other teams or above you who were keeping an eye on what was happening in respect of that particular project? ---Not so much keeping an eye, no. Again, when, when, for example, the minister says, you know, "Someone's died here. Can you guys build site X?" and he says, "I want it done in three months," that's when my manager tells me, "Make sure it's done in three, three months," and it flows down the line. So that's when obviously I'm checking if they're in line with the specifications of that, yeah.

30 And then putting to one side those, as you call them, bigger jobs but ones where there was some degree of attention on the particular job - - -?---Yes.

- - - is it the case that ordinarily, when you approved a purchase order, your practice was just to do it on the face of the document?---Yes, correct.

40 And just going back, please, to volume 24, page 122, which is the quote attached to the purchase order that we looked at at the beginning of the morning. You gave evidence that you haven't seen this quote before. ---From memory, I don't remember seeing it, no.

Now, when Mr Dubois or Mr Steyn would leave a purchase order request on your desk, was it the case that ordinarily the purchase order would have a quote or quotes attached to it?---I remember definitely seeing quotes sometimes. I can't tell you if they were, they were there always. I don't recall if they were there every single time.

Well, was it your practice to check and see if there was a quote attached to

the purchase order?---I'm sure it was but again I can't remember if that was the case for every single one.

Well, it's a relatively important detail, isn't it? I mean - - -?---Yep.

Mr Dubois is asking you to approve, in this case, the expenditure of \$231,000. Surely the most basic thing you would do is have a look to see that that accurately reflected what had been quoted.---That's correct, yeah, yeah.

10

And so was it your practice to look to see if there was a quote attached? ---Like I said, yes, yes, it was, but I can't be completely sure if there was one with every single purchase order that was there. I don't remember. There would have been hundreds.

And did you look at the quote that was attached in detail or did you just look to ascertain that it was present?---Not in detail, no. Just again, I would basically skim over it and see if it looks okay and that's it.

20

And you recall that on the last occasion you gave evidence that you were aware that the process in respect of jobs between 50,000 and 250,000 for civil works was that three quotes needed to be obtained?---Correct.

So, was it the case that you, as supervisor, asked Mr Steyn and Mr Dubois to ensure that three quotes were attached to each purchase order request? ---Did I tell they have to have three quotes?

Yes.---With regard to which one, sorry? I don't understand the question.

30

Well, you were in charge of Mr Steyn and Mr Dubois, correct?---No, I was not in charge of them at all.

Well, you were their supervisor, weren't you?---That's correct, yes.

Is there some issue you take with the language of "being in charge of them"?---I do, actually. If you've spoken to them, which I'm guessing you have, you will understand their temperament, that they don't take orders from anyone, and that was my main issue.

40

So, it's the case that you were officially their supervisor, correct?---Correct, yep.

But you regarded yourself as not in any meaningful way being in charge of them. Is that the effect of your evidence?---I guess so. I mean, like I said, I really don't know how I could have handled them better. Yeah.

Well, what I want to understand from you is, in respect of the practice that was in place within your team for giving you purchase order requests, was

the practice that Mr Steyn or Mr Dubois would be required to attach three quotes to a purchase order request that exceeded \$50,000 in value?---Yeah, I'm sure it would have been. Yeah, yeah.

Well, when you say it would have been, the purchase order request that we've looked at this morning is an example where there's only one quote attached.---Is there? Okay.

10 So, is that something that you would have picked up if you were looking at a purchase order?---I'm sure if all, if at least one quote was there, I would have seen it, yeah.

I understand if one quote was there you would have seen it, but my question is if there was only one quote there, would you have followed with Mr Dubois or Mr Steyn as to where the other two quotes were?---Yes, if I, if I had only seen, for, for example, one quote, for sure I would have asked him, "Where's the other quotes?" Yeah.

20 And do you say that was your practice from 2014 when they first commenced in your unit to ensure that they always provided you with three quotes?---I don't – no, I don't think so because I don't, at the beginning I didn't really know anything about contracts in general. So I'm not really sure when I started to learn about the rules around that. It, it wouldn't have been at the start, no.

Mr Soliman, if I can take you to volume 24, page 93. Do you see this is an email from you to Mr Steyn and Mr Dubois and I assume other members of your team?---Yes.

30 And it's dated 12 September, 2016.---Yeah.

40 And you say, "Gents, we must from now on include three quotes for all work over 30,000, 50,000 for civil work. Yes, I know this is annoying and takes up a lot of time but it must be done from now on for me to approve. There will be special cases with niche works where only one vendor has the skill sets which I will go through on a case-by-case basis. I'll chat to you more on Wednesday, but for your information, I won't be approving any more purchase orders or shopping carts without the appropriate documentation et cetera so as to cover everyone's butts if we have an audit. We must adopt the proper RMS procurement rules where reasonably practical."---Yep.

Now, do you remember now sending that email?---I don't remember sending the email but it makes sense, yeah.

And so it's evident from that email, isn't it, that prior to 12 September, 2016, when you advised your team of this requirement that you weren't, up to that point, requiring three quotes to be produced in support of a purchase

order request?---That's not evident to me at all. It sounds like he, something's changed or I've learned about the process or something like that, and I've basically said, look, we have to follow the process.

But it suggests, doesn't it, that the process wasn't being followed prior to this email being sent?---No. Where do you, where do you read that, sorry, Counsel?

10 Well, you say, "From now on we must include three quotes for all work."
---Yes, yes.

And the implication, isn't it, is that prior to now, three quotes hadn't been included for all work?---I don't know.

20 THE COMMISSIONER: Well, the way the email is expressed it's in terms of a bit of a reprimand, isn't it, that things have been getting out of hand and you were trying to get things back on track in accordance with accepted procedures. Is that a fair construction?---Potentially, Commissioner, yeah. I do remember I regularly got I guess blowback when I asked for certain things like this, so this could have been a response to something like that.

When you say regular blowback, are you talking about what, resistance or non-cooperation?---Yes.

And in particular from whom?---Most of the time it was from Mr Dubois, sometimes from Mr Steyn, but not as often as Mr Dubois.

30 Well, did you regard Mr Dubois as more or less running his own race?
---He was definitely, I mean, trying to, I don't know what the word for it is, trying not to have anyone to answer, answer to I guess is the best way to put it.

Sorry, trying to - - -?---Not, not, not to have anyone to answer to. That's probably the best way I could put it.

Not have anyone enter - - -?---To answer to, sorry, Commissioner.

Enter, enter?---No, answer to.

40 Oh, to answer to, yes. The reference to shopping carts there, what's that expression? You've got, "I won't be approving any more POs/shopping carts." Shopping carts is used there in what sense?---I'm not sure what shopping carts mean. Maybe it's some feature of the finance system. I'm not sure.

You also say that, "Without the appropriate documentation et cetera so as to cover everyone's butts if we have an audit. We must adopt the proper RMS procurement rules," et cetera. Do you recall whether from time to time

there was an audit conducted by RMS in relation to the, in relation to your section or division and that in which Mr Dubois and Mr Steyn also worked?
---Not that I'm aware of, no.

You don't recall any form of audit?---I don't recall any form of audit, no.

And that's the expression you use in this email. You understand what an audit would entail?---I do.

10 But you say you don't remember it having been, an audit being carried out once in the time you were there.---Not that I can recall, no.

When you say, "We must adopt the proper RMS procurement rules," did you have in mind particular procurement rules? That is to say in relation to quotes and approvals to quotes.---I'm guessing it was just around having the three quotes. I think, yeah. Again, I'm not sure what triggered this email, but something tells me that it was around me having issues with Mr Dubois and Mr Steyn.

20 Do you recall issues arising in respect of quotes for jobs in circumstances in which you formed a suspicion that certain quotes submitted were false or dummy quotes from time to time?---No. Sorry, what's, what's a dummy quote?

In relation to the necessity under procurement rules for quotes.---Yes.

For example, where there's a need for three quotes to come in.---Yes.

30 Did you encounter situations where you had real doubts or suspicions about the integrity of some quotes that were submitted for particular projects?
---Not the quotes, no, but I, towards the end I developed doubts about them in general.

Doubts about - - -?---About Mr Dubois and Mr Steyn.

Yes.---Yeah.

40 I'm focusing in on now the system under the procurement rules, and that is the need to have three quotes, obviously - - -?---Yes.

- - - as a system designed to ensure RMS would be in a good position to determine which contractor should be engaged for a particular project.
---Yes.

And were there cases where you saw quotes come that made you raise your eyebrows and think, "This doesn't look right to me"?---I don't recall any quotes like that, no, no.

Did you ever scrutinise, where there's three tenders required, did you have the function of checking the particular tenders or quotes to determine for yourself whether one or other should be the approved vendor or contractor? ---No. To be honest, I would have had no idea how it was priced, yeah.

I see. Thank you.

MS SPRUCE: Mr Soliman, if I could just take you, please, to the procurement manual, which is in the volume of witness statements and is
10 appendix A to the statement of Mr Bass. Mr Soliman, this is the front page of the manual, and you'll see that this version of the manual came into effect on 30 April, 2018.---Yes.

But then if we go, please, to the next page, you see in terms of the revision history that in the version that came into effect in April 2018 there was some revisions to sections 2.5, 2.6 and 2.7.---Okay, I see that.

All right, and I'm not going to take you to those provisions. So we can
20 assume that the section I'm about to take you to was at least operative from August 2017.---Okay, yep.

So if we go, please, to page 58. Do you see there under the heading Raise Purchase Requisitions and Purchase Orders there's a reference to Transport Equip?---Oh, yes, okay.

And do you recall that Transport Equip was, as I understand it, a piece of software that was introduced to the RMS but enabled a number of procurement functions to be performed online?---Okay, yep.

30 Do you recall that?---I don't remember the software, but it makes sense, yeah, sure, that's fine.

Well, if you just perhaps read to yourself through that page.---Yep.

In which it describes the process for raising a purchase requisition, including the creation of a shopping cart in Transport Equip.---Yep, I get the gist of it.

All right. So does that refresh your memory that at some point, in perhaps
40 2016 or 2017, a new system came in after which purchase orders were dealt with electronically?---Yes. Yes, it does. Thank you.

So it's the case, is it, that – I withdraw that. Do you recall when that system came in?---Your comment was probably about right, '16/'17, I'm guessing. I'm, I'm not sure.

Well, could it be the case that the email that we saw a moment ago from you in September 2016, directing your team that from now on three quotes

would be required, could it be that the introduction of Transport Equip was what prompted that email?---Oh, I have no idea. I have no idea.

Well, it's the case, isn't it, that once the Transport Equip system was in use, a purchase order request would come to you electronically?---Yes.

And you could see by looking at the screen whether three quote PDFs were attached?---Yes, yes.

10 So that it was clear on a very quick visual inspection whether one, two, three or no quotes were attached, correct?---Yes. I remember it definitely made it easier, yeah.

And it was also the case, wasn't it, that once Transport Equip was introduced, any person who had access to the system, including those supervisors above you, could also see whether one, two, three or no quotes were attached to a purchase order request?---Yes. From memory, yes, yep.

20 And so there was, in effect, a lot more visibility around whether or not people were complying with the requirement to get three quotes once this system came into being?---Yes.

And do you recall whether, once this system came into effect and you sent the email to your team requesting that from now on they include three quotes, was that something that then was complied with by Mr Dubois and Mr Steyn?---(No Audible Reply)

30 I'm asking you in the context where you say they were difficult to control. ---Yeah. Sorry, can you – so you're saying after the system was brought in, did I, did they comply?

Yes, that's correct.---Well, I assume so.

Well, let me go back a step.---Yep, sorry.

40 Would it have been possible, once Transport Equip was brought in, if for example there was a purchase order request with only one quote attached, would it have been possible for you to approve that or did the system require the presence of three quotes?---Good question. I'm not sure. But I remember, I do remember at least once asking them why they hadn't attached all three quotes. So, but I'm not sure if the system would still allow, allow it to be processed. I don't, I don't know.

In fairness to you, Mr Soliman, I'll take you to page 94 of volume 24. You'll see this is an email from you to Mr Dubois on 6 December, 2016. So this is after you've sent the September email saying that there must be three quotes. And the subject is, "Send me the three quotes for purchase order and then the number." And then in the body of the email you say, "There's

nothing attached to the Equip purchase order request.”---Yeah, I see that second comment that you just made on screen.

And then if we go to page 451 of the same volume. This is another email, this time dated 5 October, 2018, from you to Mr Dubois where you are drawing to his attention that the attachment in Equip has only two quotations and you ask him, “Where’s the third? Please sort this out, there needs to be three quotations to progress this.”---Yes.

10 So does seeing those two emails prompt your recollection that Mr Dubois didn’t always comply with the requirement to provide three quotes in support of a purchase order request?---Yeah, I think, yeah, that’s, as I said, yeah, that’s at least one occasion they didn’t have all the quotes. Yeah.

Well, that’s two occasions in the emails we’ve just looked at.---Yes.

And that’s two occasions after the electronic system came into effect.---Yes.

20 When it was easier for you to tell whether the requisite number of quotations were there?---Correct, yep.

And so does that then help you to recall whether in the period from 2014 up to the introduction of the electronic system, whether there were occasions when Mr Dubois didn’t provide three quotes in support of purchase orders? ---Don’t recall.

30 And, Mr Soliman, is it the case that when you were approving purchase order requests from Mr Dubois or Mr Steyn, putting to one side the special category that you’ve mentioned where there was some particular attention on the project within the RMS, is it the case that ordinarily you were just rubber-stamping these approvals?---As in I’m just looking at them and I’m signing them?

Yes.---Well, I mean I’m looking at it seeing if it makes sense, seeing if they say the work needs to be done. I don’t know if you would call that rubber-stamping. I mean I’m approving the work that they say needs to be done.

40 But you’re not doing anything further than what you just described.---No. What else would need to be done?

And, Mr Soliman, did you ever, do you have any recollection of ever querying the amount of a quote or a purchase order request with Mr Dubois or Mr Steyn?---Not that I can recall, no.

You don’t recall ever having occasion to wonder why a quote was as large as it was?---As large? I don’t remember that, no.

If I can just take you back to the procurement manual, page 14, please. Do you see there at point 2.4, Mr Soliman, there's a heading – Use Existing Arrangements, Don't Reinvent the Wheel?---Sorry, where, where are you seeing that?

Halfway down the page.---Yes, yes, the blue, yeah.

10 And do you see then there's a reference to pre-qualification schemes which are lists of suppliers that have been evaluated against a list of criteria - - -?
---Yes.

- - - to ensure they meet defined capability standards?---Yes.

And then there's also a reference to panels.---Yes.

Do you see that?---Yes.

20 And a panel, it says, "Goes a step further so that panel members will have been evaluated both for capability and for value for money?"---Yes.

And then at the bottom of the page it says, "Before approaching the market you are to follow the three steps shown below." And then over the page you see that step 1 is to use existing whole-of-government contracts panels or pre-qualification schemes.---Yes.

And then step 2 is to use existing arrangements in Transport Shared Services, RMS or other agencies.---Yes.

30 And then only if either of those two options aren't available are you supposed to go to market.---Yes.

And in those circumstances there's a procedure to follow in respect of going to market.---Yes.

And you understand the purpose of those steps was to minimise risks to the RMS?---Makes sense I think, yeah, okay.

40 And then do you see below that it says, "To check if the goods or services you want to acquire are covered by an existing arrangement, simply refer to Buyways on the procurement intranet and click on the appropriate category." So were you familiar with Buyways?---This is the first time I've heard of that word.

Never heard of Buyways?---No.

Are you familiar with the procurement intranet?---No. Procurement internet?

Intranet.---Intranet. No, no.

So I think you gave evidence on the last occasion that you were aware that there were pre-qualification schemes and panels within the RMS.---Yes, yeah.

But is it the case that you didn't know how to go about finding out who had been approved for the purpose of the schemes or the panels?---Can't say I ever, ever really had to look for them.

10

So each time that Mr Dubois or Mr Steyn raised a purchase order, the purpose of which was to go to market, it didn't ever cross your mind to have a look and see whether there was a supplier within the RMS who could be used for the job?---Me personally, no, no.

And then you see if it's not covered by Buyways, it then directs you to check the whole-of-government contracts register for NSW Government arrangements on ProcurePoint.---Yes.

20 Were you familiar with the whole-of-government contracts register?---No.

You've never heard of that?---I don't think so, no.

And were you familiar with ProcurePoint?---No.

THE COMMISSIONER: Do I understand your evidence that you really weren't briefed on or knowledgeable in the procurement intranet?---That's correct, yeah, I mean, I don't - - -

30 So did you ever have a reason – sorry, I withdraw that. Did you ever have an occasion to use the procurement intranet in the course of your work? ---Mmm. I don't actually know what that phrase means. It could be something that I did use, I just don't know what it is. I don't remember anyone in the branch using it, any of the managers using it or talking about it. So, no.

40 Well, you'll see on this document, page 15 of 49, it starts by reference to three steps, the first of them, "Use existing whole-of-government contracts panels, or pre-qualification schemes." The second, "Use existing arrangement in Transport Shared Services, Roads, Maritime Services or another agency" (not transcribable). And then thirdly, "Define your approach to market." I mean, is this the sort of literature that you were trained in at RMS, that you became familiar with and to understand the concepts that, for example, I've just referred to, contained in the document on the screen?---No, I don't think we, anyone had training in this kind of procedure, no.

The position you held was Manager of Heavy Vehicles Section, is that right?---Unit, I think.

Hmm?---Unit, I think.

Unit. And the hierarchy within the unit consisted of, what, a supervisor above you?---Yeah, there was a senior manager, senior manager or principal manager. I forgot what the title was. Then director, et cetera, et cetera.

10 So you've got senior manager, more or less towards the top of the pyramid, if you like. Under that person is – does your position of manager or did your position of Manager Heavy Vehicles Unit then come?---Yes, correct.

So that you had a direct report to the senior manager?---Yes, Commissioner.

And the senior manager, again, in your period was - - -?---Paul Hayes for a period, then Mr Jansen. Mr Jansen afterwards.

20 Jansen, all right. Now, where on that structure and hierarchy of management did Mr Dubois and Mr Steyn fit?---Under the manager which I was, I was, I was in.

Sorry, under what?---The manager role that I was in.

So there's your manager role and then immediately beneath your role was their role.---Correct.

That is, Dubois and Steyn.---Yes, correct, yeah.

30 So in the hierarchy, you were at a senior, more senior management level than Dubois or Steyn?---In the hierarchy, yes, but not in terms of experience and - - -

No. And if there were issues that required to be raised with management, the structure or the hierarchy was such that one would expect Mr Dubois, for example, would come to you with the problem or seeking advice.---Yes.

Or Mr Steyn, is that right?---Yes, correct, yeah.

40 And if you couldn't deal with the issue, then did you turn to your senior manager, Mr Hayes or Mr Jansen?---Yeah, I mean - - -

If you couldn't handle it - - -?---Yeah.

- - - would you then, would the issue then go up the pipeline, as it were, to a senior manager?---Generally, yes.

In relation to a lot of the issues concerning procurement, in particular the processes concerning quotes, purchase orders, contracts with suppliers or vendors that Mr Dubois and Mr Steyn dealt with, I think you made it perfectly plain that you didn't really hold any experience or qualifications to be able to manage them in the sense of being able to ensure that they were checking the right things, following the right processes. Is that right?
---I think it was more so around the specifics of the work they were doing. I had never worked in a construction area.

10 So in matters such as I started this line of questioning, about the procurement issues which we see on the screen and the facilities there, you were not in a position to deal with, or to crosscheck the detail of the work that they were responsible for in terms of dealing with quotations and purchase orders and contracts. Is that right?---I would agree, yeah. Yeah, I just, I had never worked in a building area.

And that became apparent to you, I suppose, reasonably early in your role as a Manager Heavy Vehicles Unit?---Yes. Straight away.

20 Had you really - - -?---Yeah, straight away. When - - -

In a sense you were out of your depth because you didn't understand all the nuts and bolts, if I can use that expression, the detail associated with procurement in the context of the work that Dubois and Steyn did?---Yeah, straight away basically. When I was told that they're going to be essentially moving to this team, yeah.

30 But why didn't you, at an early stage, say for example to your senior manager, "Look, none of this is right. I don't have any experience, I don't have the training, I don't have the skills to be able to exercise my managerial function over these guys"? Dubois in particular, and Steyn.
---Yep. I, I - - -

That was the position, wasn't it? You didn't have the training, the knowledge, the skills, the experience in relation to any of those matters, is that right?---That became clear to me very early on after they moved there, yes, correct.

40 You're agreeing with me?---Yes, I am. Sorry, Commissioner. Yes.

Well, why was it then you persisted in your role knowing that you didn't have the skills, the wherewithal to be able to manage these sub-managers, if you like, who were beneath in the hierarchy, Mr Dubois and Mr Steyn, why didn't you simply go to senior management and say, "This system can't work. I don't have the requisite skill, knowledge, experience, in being able to supervise or manage these operatives," such as Dubois and Steyn? Why didn't you just simply declare it, "Hey, I'm out of my depth here"?---Yeah, I did. So, I persisted for a while, basically doing the best I can and learning

about their, their work and I remember telling the new manager, Mr Jansen, that I just, "I can't, I can't deal with them," basically. "I can't deal with them."

But you've got no training, and correct me if I'm wrong, in relation to the procurement processes and the facilities that this document on the screen, for example - - -?---Yes. Not that I remember, no. I don't think anyone did.

10 So you had no experience or training in procurement processes, is that right?---Not that I can recall, no.

Well, how can you occupy a position that does require those skills, that's what I'm asking?---That's a good question. I mean, I was learning on the job. I think everyone was really there. There was no, the place was quite odd in that there was no formalised training for these kind of things.

20 As you were saying, so far as Dubois was concerned, and to a lesser extent, Mr Steyn, all you got from them was blowback, as you put it.---A lot of the time, correct.

And that, in part, could be explained by the fact that they knew the nuts and bolts of quotes and procurement procedures and evaluating tenders and so on, and they knew you didn't know, so they weren't going to take any notice of you. Is that the reality?---I can't really say what they were thinking. I just know I had a lot of trouble with them. I don't know why exactly that was but - - -

30 But you had a responsibility, didn't you, to call it out for what it was? It was a work system that was completely unworkable because you didn't have the requisite skill, training or experience as Manager Heavy Vehicles Unit, correct? Why didn't you call it out?---I did.

You did?---Yes, correct. Yeah.

When and with whom?---As I, as I said, to Mr Jansen.

Mr Jansen.---After I basically, I realised that everything I was trying to do with them wasn't working.

40 What did you report to Mr Jansen?---That basically I don't know how to deal with these, with these guys, just verbally.

That you don't know how to deal with?---With these, with these guys.

And what about Mr Hayes, did you ever report it to him that this work system was crazy, couldn't work, I couldn't manage - - -?---Yeah, he, we had chats, regular chats, not specifically about anything, just about how hard they were to deal with. He was the one that warned me when they moved to

the team, "Look, they're," um, I forgot what phrase he used, "Cats, cats in a bag," or something like that.

MS SPRUCE: Mr Soliman, do you recall that when you applied for the position of Heavy Vehicle Unit Manager that Mr Dubois and Mr Steyn applied for the same position?---Yes.

And they both missed out and the position went to you.---Yes.

10 And then if I can just take you, please, to volume 24, page 87. Do you see down the bottom there's an email from Theresa Jabson to you and John Willoughby?---Yes.

Now, who was Theresa Jabson, what was her position within the RMS?
---She was on the Finance Team.

And who's John Willoughby?---He was another, a colleague, another manager, supervisor.

20 And so the subject is Delegation Level. And then she says, "Hi, Samer, just need to bring this to your attention, which we did before. Delegation for each staff." And do you see that you've got financial delegation level 5?
---Yes.

And then she's letting you know that Alex and Craig also have a financial delegation of level 5.---Yes.

30 And so she says, "This means that any purchase order raised by Alex or Craig or anyone with delegation 5 in Heavy Vehicles will not require your signature as you have the same delegation."---Yes.

"Will this be acceptable to you?" And then you respond in the email above by saying, "I sign all purchase orders from my team as the manager as long as I have the delegation to do so under the delegation manual. When I do not have delegation high enough, I request Paul Hayes or above signs, just standard delegation manual practice."---Yes.

40 So do you recall finding out that in fact Alex and Craig had the same financial delegation as you?---Yeah, it says it in this, in this email, yeah.

Well, was that a surprise to you, to find that although you were supervising them, you all had the same level of delegation?---Can't say I thought about it, no.

Well, it must have made it even more difficult to manage them, didn't it, that they in fact had authority to authorise their own expenditure?
---Sorry, how did they do that?

Well, what the email is telling you is that there's actually no need for you to sign off on purchase orders raised by Mr Dubois or Mr Steyn because they already have delegation 5, which means that in respect of a purchase order up to \$250,000 they could have signed it off themselves.---Hmm, okay. Sorry, are you suggesting they're signing off their own purchase orders?

10 No, I'm suggesting that that is what is being conveyed to you in the email. What did you understand Ms Jabson to mean when she says to you, "This means that any purchase order raised by Alex or Craig will not require your signature as you have the same delegation?"---Sounds like she's suggesting that I should have a higher delegation. Is she not?

Is that what you understood her to be suggesting, that you should have a higher delegation?---That's what I'm – reading it now, that's what it means, otherwise what would it mean?

20 All right then. And you respond, it seems that your practice is to "Sign off all purchase orders from my team as the manager." So you seem to be suggesting that irrespective of whether you, Alex and Craig have the same delegation, that you have some particular role as manager that means that it's important for you to nevertheless sign off on purchase orders raised by them.---Yes, yes, of course, yes, of course.

Is that what you mean by your response?---Yes, of course.

And then if you can go back, please, to the procurement manual on page 34. You see there's a heading there halfway down the page, 3.2 Market Analysis.---Yes.

30 And so if you recall the procedure I showed you earlier in the manual was that you were to assess whether there was a whole-of-government contract panel or pre-qualification scheme. Failing that, assess whether there was an existing arrangement within the RMS. And then failing that, go to market. And then this section of the manual is now directing you towards how it is that one approaches going to market. Go over the page. Page 19. You see that you're instructed to analyse the supply market you're procuring from, "To understand key suppliers, competitiveness, innovation, cost drivers and the direction in which the agency is headed." And then there's some dot points which set out some specific things which your analysis might
40 consider, "The number of key suppliers in the market, the capabilities of suppliers and the capacity to meet demand, cost drivers, level of competitiveness, market trends, the size of the market, technology influences and solutions implemented by other government entities." And then if you just look at the figure that's there, Market Analysis Source of Information, and if you just start at Previous Experience on the right-hand side.---Yes.

It's the case, isn't it, you've already given evidence of this, that you didn't have any real previous experience in respect of contract allocation when you took up the role of Heavy Vehicle Unit Manager, correct?---Not really, no.

And then moving clockwise to Own Knowledge. Again, you've given evidence that you had never worked in a construction environment and you didn't have any knowledge about civil works, correct?---That's correct.

10 And then do you see the next one is IBIS reports? Do you know what that is referring to?---No.

Have you ever heard of a tool called IBISWorld?---No.

Are you aware that within the RMS there was a database which enabled you to benchmark certain works and access industry reports to assess how much particular works should cost?---No.

You had no knowledge of that existing?---First time I'm hearing this, yeah.

20 And then you see the next step that's suggested is the internet?---Yes.

Did you ever just do some research on the internet to cross-check the quotes that Mr Dubois and Mr Steyn were presenting to you to see whether they represented fair value for money?---Of course not, no. Of course not.

And then you see the next one is "ask suppliers". Did you ever just make a call to a supplier of civil works to just see whether Mr Dubois or Mr Steyn's quote was within range of what would be normal in the market?---No, of course not. Of course not.

30

Can you just help me to understand why it is that in circumstances where you've given evidence that you felt out of your depth, that from 2017 on you'd formed the view that Mr Steyn was suspicious and a bit fishy, Mr Dubois was impossible to control, why didn't you just take some basic steps to just find out whether what they were doing was in fact at the level and appropriate?---You have to understand also, I had no suspicion about anything specific. I just felt their personalities were just particularly dodgy. That's, I mean, why would I then jump to calling construction companies and asking them how much concrete cost? I mean, it's, it's a big jump and I think you're just missing a lot of what actually happened and how, how it happened.

40

Well, it's not really a big jump because the procurement manual is in fact suggesting that that's something you ought to do at the outset just as a basic - - -?---Again, you are missing what this manual means, with respect. You know, this clearly is for the person who is managing the works. For example, would a minister who's signing off on a purchase order go through this process and be, and should they know everything about what everyone

under them is doing? No, of course not. I mean, it doesn't make sense. It doesn't make sense.

You say it wasn't your role to exercise oversight - - -?---No, I'm saying that
- - -

- - - over the contracts that Mr Steyn and Mr Dubois were entering into?
---This, no, I'm saying clearly that this image here that you've spoken about
now for about 10 minutes is clearly for the person managing the project. It
10 cannot be expected that every manager above that person has to have in-
depth knowledge about that piece of work. That would never happen. It
can't happen.

You had concerns about Mr Dubois and Mr Steyn.---Yes, I did. Yes.

And let's go to the next point, "ask other buyers". Now, you gave evidence,
I believe, and you can correct me if I'm wrong, on the last occasion that
Tam McCaffery was the only person who seemed able to exercise some sort
of control over Mr Dubois, is that correct?---I thought he was the only
20 person that managed construction, so I found it very odd that they were
moved from a construction team to a technology team.

So did you ever just pick up the phone and give Mr McCaffery a call and
just say, "Look, I'm finding these guys hard to manage. I don't know
anything about construction. Can you just have a look at an example
purchase order for me and just let me know if this looks right to you?" Did
you ever do that?---No, because I never had any issues with a purchase
order that I can even think that I would have to question something like that.

30 Because you say you just had no capacity to understand what was in the
purchase orders, correct?---That's correct, yeah.

All right, and then I take it you obviously didn't approach any consultant or
industry bodies to find out whether or not the contracts that Mr Dubois and
Mr Steyn were awarding were of a value that would be expected in the
market.---Me?

Yes, that's right.---No. No. But I do remember vaguely that, I don't know
if it was Mr Dubois or Steyn, they showed me some reports that they have
40 got from someone about comparing costings, yeah.

And did you ever ask Mr Dubois or Mr Steyn whether they'd been through
this process before going to market?---No, but that must have been because
they were doing it for several years before they moved to this team.

Well, why would you assume that they must have been through this
process? What was that assumption based on?---They had been working
there for a long, long time, so - - -

You just assumed that they knew what they were doing?---Yeah, of course, yeah.

All right. Now, if I can take you to some other examples of purchase order requests. Commissioner, before I do that, are you wishing to break for morning tea this morning?

10 THE COMMISSIONER: Yes, I will take a break. Is that a suitable time?

MS SPRUCE: Yes, it is.

THE COMMISSIONER: Yes, all right. We'll take a morning tea break and we'll resume in 15 minutes' time.

SHORT ADJOURNMENT

[11.37am]

20 THE COMMISSIONER: Just before we resume with Mr Soliman, apologies for the delay. There's been a few issues that I have had to deal with. One question will be whether we proceed this afternoon after Mr Soliman's finished his evidence in light of new COVID-19 restrictions for Greater Sydney that have just recently today been announced. It may impact on the ability to continue with a witness this afternoon. Excuse me. And I may not know the position until 2 o'clock. We will advise everyone who's interested in being here as to whether we do sit this afternoon. In addition, the Commission had determined that it will set aside some days in August to finish the evidence and I will announce those dates upon
30 resumption after the luncheon adjournment. Now, Ms Spruce.

MS SPRUCE: Thank you, Commissioner. Mr Soliman, was it your understanding that the process by which Mr Dubois or Mr Steyn would obtain quotes from suppliers was by issuing a request for quote?---I remember, yeah, I remember that. I don't know if it the only one, yeah.

Well, do you recall if there were any other processes which could be followed in order to obtain a quotation?---Maybe there was some time and materials quotes. I'm sure that would have been quite common too.
40

And were you aware whether the particular process that you were supposed to use varied depending on the dollar value of the work that a quotation was being sought in respect of?---No. What, what do you mean, sorry?

Well, were you aware for example if there was a different process that was to be followed when you were obtaining a quote for work under \$50,000, as compared to work above \$50,000 for example?---From what I know the process was the same, just had to get three, three quotes.

And you did that by issuing a request for quote. Is that correct?---From memory that's what they did, yeah.

From memory that's what Mr Dubois and what Mr Steyn did?---From memory, yes, yeah.

Are you familiar with something called a request for proposal?---Yes. I think it's just the tender process, isn't it?

10

Well, if I can take you perhaps to page 24 of the procurement manual. Do you see there in the first half of the page there's a reference to an expression of interest, a request for quotation, a request for proposal and a request for information?---Yes.

20

And if you have a look at a request for quotation, which I think you've said was the means that you understood Mr Dubois and Mr Steyn ordinarily used to obtain quotes, you see that that's described as, "A less formal invitation document, suitable when seeking competitive quotes from suppliers on a panel or pre-qualification scheme. It may also be used in other situations where the contract value is less than \$250,000."---Yes.

30

And then do you see further down, "Request for proposal is the standard tender invitation document, sometimes known as a request for tender. This is normally used when issuing a public invitation but it can be used more selectively to provide a more formal process than an RFQ. If there is no pre-qualification scheme or panel and the value is more than \$250,000, this is the default document." So looking at that, it would appear, wouldn't it, that putting to one side the Maintenance Panel which ultimately came into being in 2018, that in respect of the contracts that Mr Dubois and Mr Steyn were obtaining quotes for from 2014 up until the point of the Maintenance Panel, do you understand the period of time I'm talking about?---Didn't they start in, sometime in 2000s?

Sorry, didn't what start?---Didn't they start working then in 2000 and something, not 2014?

Well, you started supervising them in 2014.---Yes, correct.

40

Correct?---Yes.

And the Maintenance Panel came into existence in 2018. Is that correct?---Approximately that time, yeah.

So looking at the period from 2014 up until the commencement of the Maintenance Panel, it's the case, isn't it, that all of the quotes that were obtained for more than, for jobs over \$50,000 should have been done via a

request for proposal or request for tender as it's otherwise known. Correct?
---I would assume so, yeah. That's, makes sense, yeah.

But were you aware in that period, 2014 to 2018, of this distinction and requirement?---Of the cost barrier you mean?

10 Were you aware that where there was no pre-qualification scheme or panel and the contract value is less than \$250,000 – sorry, I withdraw that. I may have just misread this. It's all right, Mr Soliman, I think I've misled you by misreading this.---That's okay.

THE COMMISSIONER: The particular provision there or request for quotations involve the issue of competitive quotes. That's the expression used.---Yes.

20 So the two situations it speaks of, that is where quotes are from suppliers on a panel or a pre-qualification scheme, or for projects or contract value less than 250,000, then the request for quotation process may be used, but the clause does emphasise that it's to ensure competitive quotes.---Yes.

And hence the need for quotes that can be said to be competitive.---Yes.

And some judgment call would need to be applied to be satisfied that a particular quote is a competitive quote. Is that right?---I think that just means the lowest cost, doesn't it?

But were you involved in determining whether quotes were in fact competitive?---The lowest one won basically.

30 I'm sorry?---The lowest – I think that, what I read that as is cheapest price wins.

Well, it really speaks of provided you are able to identify suitable suppliers to ensure competitive quotes. So that requires a judgment call that the quote is being provided by a suitable supplier in order to ensure competitive quotes.---Yes.

40 So, would you make it your business to determine whether a particular quote was from a supplier who was regarded as suitable?---Good question. I don't, I can't remember ever questioning if a vendor is suitable. I'm not sure what that would even mean.

So again, we saw one quote a moment ago for CBF you'll recall.---Yes.

And I gather from your evidence in relation to that, you didn't really know what or who was CBF and who was behind it?---Yes.

You didn't know anything about whether they would be regarded as a suitable supplier or not?---Me? No.

No, okay. Yes, Ms Spruce.

MS SPRUCE: Mr Soliman, an important aspect of a quote being competitive is not just that it's the lowest value but also that it's from an arms-length supplier, isn't it?---What, what do you mean arms-length, sorry?

10

Well, someone who had no relation, either familial or friendship, to the person seeking the quotation.---Oh, yes, yes. Correct.

Or with other contractors?---What do you mean, sorry?

Well, if there's a relationship between the three contractors who are all quoting, and they've all agreed between themselves who will win the quote and they therefore adjust their prices accordingly, that wouldn't be an arms-length arrangement, would it?---No. Of course not.

20

And that wouldn't be a competitive quoting process, would it?---Of course not, no. No.

THE COMMISSIONER: Well, were you aware that Mr Dubois was receiving quotes from corporate entities and awarding contracts to those corporate entities but the entities were really the companies that belonged to family or friends?---No, that's the first time I've, hearing this.

30

So, you were aware though that there were certain companies that seemed to be companies conducted by people of the same tunic grouping that Mr Dubois be, longed to?---No, I never met any of these people or saw them ever.

Did it not occur to you that a lot of these supplier contracts or the contracts awarded by Mr Dubois were to entities that were associated with a particular ethnic group?---No, I never met or spoke any of these people.

You never met them?---No, never.

40

Oh, I see.---No.

Had you known that there were companies being awarded contracts by Mr Dubois in effect to family or friends, would that have made a difference to you in terms of whether or not he was awarding contracts to suitable suppliers?---Yes, of course. Yes.

But you say you were not aware of the fact that he was doing that perhaps on occasions at least?---That's correct, yeah. That's correct, yes.

So, that suggests that you really just had no idea who the suppliers were that he was awarding contracts to in terms of whether they were independent, competent and were reliable? You had no idea as to whether they met those criteria or not?---Yeah. It was just based off trust, yeah.

Hmm?---It was just based off trust, correct, yep.

10 MS SPRUCE: Mr Soliman, you say it was just based on trust, but you've given evidence that you lost trust in Mr Dubois and Mr Steyn in around 2017.---Yes.

So once you lost trust in them, did your approach then change?---Again, it wasn't, it wasn't so much to do that I could see what they were doing. Definitely had, had a feeling some, something was wrong with them, but trust in terms of their character. Yeah. But I did definitely change after I started to develop whatever you want to call it, feelings. I watched them closely to see if my feeling was correct. Yeah.

20 And when you say you watched them closely, can you be more specific about what that involved?---Just that, watching them closely, trying to make sure that they come in the office at least sometimes so I have some sort of way of, you know, speaking to them, understanding what's going on. Just don't think they even cared.

Did you have regular team meetings?---Yeah, maybe once every, oh, I don't know how, how often. Maybe once every couple months or something.

30 So once every couple of months you would gather as a team to meet. ---Maybe, yeah. I don't know what the period was, but we did gather.

Well, when you say maybe - - -?---Yeah.

- - - were they regular or not? Was there a regular appointment in the team's calendar that once every three months, you say, perhaps - - -?---I think so, yeah.

40 - - - it would be time for a team meeting?---I recall, I recall there was meetings that we would have and everyone would give updates on their work, yeah, yeah.

And, Mr Soliman, did you have a practice of working from home some of the time?---Sometimes, yes.

And when did you start working from home, do you recall? What year? ---Don't know.

Well, can you give some indication? Was it from the beginning of the time that you were supervising them in 2014 or was it something that came about later?---No idea, to be honest, yeah.

Well, can you recall whether in 2017 you were working from home some of the time?---I'm sure I would have, yeah, yeah.

10 And how many days did you ordinarily work from home?---I can't say there was any fixed period but, yeah, there was no fixed phase or anything like that.

Well, what was permissible within the RMS? Could you have worked five days from home if you wanted to?---I don't know.

You don't know what the parameters were around your ability to work from home?---No. I mean, almost everyone worked from home quite a, quite a bit.

20 So is it the case that on any given day you would just make a decision about whether or not to work in the office or at home, and that decision didn't have to be approved by anyone else?---No, I wouldn't say that was the situation.

Well, what would you say the situation was?---People just generally, once the offices changed, I remember, there were less desks and everything. So when someone worked from home, they basically sent an email to the managers and everything like that, I remember that.

30 So if you wanted to work from home on any given day, you would send an email to your manager?---Oh, I remember I did at least some of the time. I don't know all, all the time, yeah.

And was the purpose of that email to seek approval or just to notify them? ---Mmm, good question. To me it was probably just this is where I am now.

THE COMMISSIONER: Mr Soliman, in the period you worked for RMS, you realised, did you not, that it was absolutely critical that RMS, when they employed contractors, were in a position to engage reliable contractors?

40 ---Yes, yes.

Who were competent.---Yes.

And who could be trusted to fairly assess work and quote on a fair and proper basis - - -?---Yes.

- - - as to what their charges would be.---Yes.

Because if there wasn't a system to ensure that RMS were getting competent contractors to do the important work that had to be done at a proper market rate, then as an agency of government it would fail.---Yep.

And the responsibility to ensure that RMS did operate properly according to that criteria was a responsibility that you shared, did you not, as Manager of the Heavy Vehicles Unit, in relation to contract work in particular?---Yes.

10 So it was critical that you could be satisfied that Mr Dubois and Mr Steyn were contracting with the sort of contractors I just mentioned a moment ago, who were efficient, well-regarded, could be trusted to do a good job and to charge appropriate rates.---That's correct, yeah.

But what you've said that, as the Manager of the Heavy Vehicles Unit, you did virtually nothing to ensure that RMS were dealing with contractors they could trust who were competent, who were reliable and were not going to rip off RMS. Correct?---No, I wouldn't agree with that at all.

20 You did nothing at all, did you, to ensure that the contractors who were retained by RMS met the required standards?---Definitely didn't do nothing. I mean I did - - -

I'm putting to you, you did nothing as a manager to ensure that the contractors who were retained by Mr Dubois or Mr Steyn firstly had reputation for being reliable. Correct?---Correct, yeah.

For being trustworthy?---Yes, correct.

30 And for quoting on market rates.---Yes, correct, yeah.

But you did nothing to check any of those criteria, any one of them, at all, on any day that you worked for RMS. Isn't that right?---With respect, Commissioner, what could I have done?

40 Well, that's the question. Whether you couldn't do it or whether you didn't do it because you chose not to, the net result was nonetheless the same, wasn't it, that you allowed Mr Dubois and Mr Steyn to run their own race, engage anyone, not knowing whether the people they were engaging met the requirements of RMS?---With, with respect, I think that's complete, that is not fair at all. It's not fair at all. I mean I did not allow them to do whatever they're doing, which I still don't know what they're doing. I did a good job. No one ever told me I wasn't doing a good job, quite the contrary. I mean - - -

But the position is you did nothing, in terms of procurement I'm talking about, procurement processes - - -?---I just don't understand what - - -

- - - to determine whether or not the contractors RMS were taking on were reliable, were competent, were efficient, were fair in their costings. You did nothing to check any of those matters, did you?---No. What could I have done?

Well, you were the manager of the whole unit.---Correct.

Were you not?---Correct, yeah.

10 And you, as I think you've already conceded, shared the responsibility to ensure that RMS had the right contractors doing their work. Correct?
---I mean in theory - - -

No, no. You shared that responsibility, did you not?---I guess so, yeah.

But you did nothing to ensure that they did get contractors who met the requirements, did you?---Again, Commissioner, I don't know what I could have done.

20 Well, can you specify anything that you did or even tried to do to ensure that the contractors were reliable, efficient, competent, and were charging fair rates?---When - - -

Did you do anything?---When they showed me the purchase orders I made sure everything looked okay and it was logical and it was for work they said they were planning, yeah, that's - what else can I do?

30 But you agreed that you had no training, background or experience to make an assessment as to whether the quotes were appropriate or not.---Of course not. It was based on the, the, the advice from the experts. Of course, yeah.

What experts?---Mr Dubois and Mr Steyn.

But you were their supervisor.---Yes, I was.

And you didn't know whether they were up to no good at all because you never checked their work. Isn't that right?---Again, there would have to be a suspicion that I thought they weren't doing work. Is that the case? I mean - - -

40 But you have an obligation to be proactive in being an efficient manager, to ensure that there were no loopholes that people were exploiting in engaging contractors, correct?---Commissioner, I don't know. I don't know if I was meant to be proactive, I don't know if I was meant to call some construction companies and ask about concreting. I definitely didn't do those things and I wouldn't have imagined that those things would have required to be done. No one ever told me that was meant to be done. I never saw anyone do that in the branch ever. My managers never did that ever.

If it were put to you that you just, throughout your period as Manager of the Heavy Vehicles Unit simply turned a blind eye and allowed Mr Dubois and Mr Steyn to do whatever they wanted, what would you say if that proposition was put against you?---Again I say it's false. Sure, I know why you're thinking that, obviously, but I started to scrutinise them closely.

10 If it was put to you, you deliberately did not seek to make enquiry or raise any questions in relation to Mr Dubois and Mr Steyn in what they were doing, how would you respond to any such suggestion if it was put to you? ---From my point of view it's false. I did start to scrutinise them once I lost, I guess, trust in them.

Yes, Ms Spruce.

MS SPRUCE: Mr Soliman, you've given evidence that after a certain point, you started watching Mr Dubois and Mr Steyn closely but it's the case, isn't it, that they were frequently out on site, correct?---Yes.

20 And you were frequently working from home, correct?---Sometimes, yeah, sure.

And you were having team meetings perhaps once every three months?---I never said three months, no.

Well, you said it might have been three months, you thought might have been the period.---Could have been two, two months. I don't think it would have been longer than that, no.

30 But the reality is really, isn't it, that you and Mr Dubois and Mr Steyn were like ships in the night, you weren't spending - - -?---Yes, and that was – yes, and that was the large, one of my largest issues, yes, correct.

40 So when you say you started watching them closely to see if your feeling was correct, what exactly is the feeling that you're referring to that you had about Mr Steyn and Mr Dubois?---I can't explain it. That every time basically, almost always when I would get them to do what they termed, termed boring work, I couldn't get them to do it but I did notice later on that they were very, very passionate about civil works and I started to build the feeling, hey, like, why do these guys care? Like, are they up to something? Yeah.

So you referred to boring work and you suggested that was a term that perhaps Mr Dubois and Mr Steyn used in respect of some RMS works, is that correct?---I retract that, I don't know if they used it. Maybe that's just the idea in my mind that what they thought it was.

So, you got a sense that there was some work that they weren't very interested in doing?---Yes.

And there was civil works that they were very interested in doing, is that correct?---Yes.

And what was the work, to use your term, the boring work that they showed little interest in doing?---Just BAU work, planning, documentation, communication, yeah.

10

So when you refer to boring work, are you referring to work that doesn't involve contract allocation at all?---I hadn't thought of that but, yeah, basically. Yeah. Yep.

Did you notice whether they had an interest in doing work that did involve contract allocation but had a low dollar value?---Yes, they always wanted to be involved in larger projects. Yes, definitely.

20

And was that a trend that you noticed from the beginning in 2014 or was that something that developed over time?---No, that was definitely again later on. I started to notice that, you know, they were more passionate about doing these large works. That was probably another, you know, kink in why I started to lose or started to question them or probably even question myself about these things. Yeah, but they just always seemed to be passionate about it. Again, I don't, I couldn't really figure out why. Was it because they're up to something or was it me? If that makes sense. Like, am I making things up in my mind?

30

And when you describe them as being passionate about doing the bigger jobs, was it the case that you felt that Mr Steyn and Mr Dubois were generating bigger jobs? Or were they just responding to work that was coming from other sections of the RMS?---I remember them generating work. I remember Mr Dubois had a couple of projects that he proposed that I thought were kind of, kind of useless in terms of the priority. But I can't, no, I don't remember them generating work as such, no.

40

And do you recall what the projects were that you had formed the view were useless in terms of priority?---I remember there was a site in Eastern Creek that Mr Dubois was talking about. Again, I don't know exactly what it was. It was some sort of civil works. And he wanted to add it to I think the project plan or the budget. In my opinion that was less urgent than some other stuff that was happening.

And did you communicate your view to Mr Dubois that the Eastern Creek job was less urgent than some other jobs?---Yes.

And did you prevail?---Yes.

Now, again, when you refer to Mr Dubois and Mr Steyn being passionate about the bigger jobs, what do you mean by bigger? Do you mean jobs that had a higher monetary value?---I would say both. But not only. I mean, they liked to do the Safe-T-Cam and the point-to-point sites, for whatever reason. They were obviously higher monetary value also.

So in addition to higher monetary value, are you also referring perhaps to jobs that had a long time span, like ongoing works?---No, no, I mean when the actual physical site was larger, yeah.

10

And in terms of the higher monetary value, you've given evidence already about the fact that you were able to approve purchase order requests up to \$250,000.---Yes.

But above that amount, it would need to go through a different process. ---Yes.

Which was a tender.---Yes.

20

Was it the case that when you talk about Mr Steyn and Mr Dubois being passionate about jobs with a higher monetary value, do you mean jobs within 50,000 to 250,000 or do you mean jobs over \$250,000 that went to public tender.---I think I'm also talking about the scale of the site itself, but obviously those sites happen to have larger monetary value also. So, yeah, I'm not sure which one they were more interested in, the larger projects or the larger money.

30

What I'm really asking you is, do you recall Mr Steyn or Mr Dubois frequently bringing jobs to you that were over \$250,000 and needed to go to public tender?---Mmm, I don't recall any, no.

You don't recall any jobs that they brought to you that went to public tender?---I could be wrong, but I don't think so. I don't recall any, no.

So your recollection is, is it, that most if not all of the work that they did was under the \$250,000 threshold?---Yes, I think so, yes.

40

And just going back to your email at volume 24, page 93. You recall this is the email where around about the time that the electronic Equip procurement system - - -?---Yes.

- - - comes in, you advise them that they will now need to include three quotes, and you say, "Yes, I know this is annoying and takes up a lot of time, but it must be done from now on for me to approve." And you finish by saying, "We must adopt proper RMS procurement rules where practical." Now, having regard to your view that it was annoying and took up a lot of time to obtain three quotes, it's the case, isn't it, that if a job had to go to

public tender, that that was an even more involved process. Correct?---
Yeah, it will take months, if not years. Of course, yeah.

And so did you ever advise the people in your team that where possible they
should try to keep jobs, contract values, under \$250,000?---No, never.

You don't recall ever giving that advice?---No.

10 In fairness to you, when Mr Dubois gave evidence at transcript 1161.40, he
said that he recalled more than one occasion where you suggested to him
that he should keep contracts under \$250,000. Do you have any recollection
of saying that to Mr Dubois?---Completely false.

And - - -

THE COMMISSIONER: What's your response?---That's false, it's just a
lie.

20 MS SPRUCE: And Mr Dubois said that it happened multiple times but that
he remembered one instance in particular where Mr Weeks was the general
manager. Do you recall Mr Weeks being the general manager?---I know
who he is, yes.

30 And Mr Dubois' evidence was that you suggested that the team should keep
contract sizes under \$250,000 because you said you didn't want to, "Stir the
pot or bring any attention," or words to that effect, and that you said, "We
don't need the headache. Just keep it under 250,000 if you can."---No,
that's a complete lie. But I think I know what he's talking about though.
There was, like I've mentioned, there was someone that died due to a senior
executive's non-action, if I can put it that way, and I remember Mr Weeks
basically got a tap on the shoulder from up above somewhere, this is the
way it seemed to me, and he told Arnold to get it done quickly, but there
was never me saying anything about keeping purchase orders under 250K,
no, never.

40 Well, did it ever occur to you that perhaps Mr Dubois and Mr Steyn were, of
their own initiative, making sure that they kept purchase order requests under
\$250,000 so that they didn't have to go through a public tender process?
---The way I was thinking about it is just it's based on the quotes, so how
would they be able to even do that?

Well, let's go to an example of a quote. If we go, please, to volume 24,
page 142. You'll see this is a purchase request order made by Mr Dubois
and signed by you on 4 February, 2015. And you see that the description of
the works is "Point-to-point TIRTL removal and installation of new pairs."
---Yes.

And then it lists a number of sites.---Yes.

Kew South, Kew North, Port Macquarie North, Port Macquarie South, Valla and Urunga.---Yes.

And then you see that the total purchase order value has come in at 249,000. ---Yes.

So right below the threshold.---Yes.

10 Now, assume that there were in fact some extra sites where point-to-point TIRTL removal and installation of new pairs was required. It would have been open to Mr Dubois in this case for example, to simply split the job so that each purchase order remained under the \$250,000 threshold. Correct? ---Split the job? What, what do you mean, sorry?

Well, assume for example that there were 10 sites that needed - - -?---Oh, yes, yes, sorry, yes.

- - - work done.---I gotcha.

20

Right. And Mr Dubois could, couldn't he, decide to just raise a purchase order in respect of five sites, knowing that that would bring the cost of the contract in just under the threshold, and then split the rest of the work into a separate contract. Do you agree that that's something that Mr Dubois could have done?---Yeah, if that made sense, I guess, if, but obviously it depends when the work was happening, what budgets there were, yeah, but he could have, yes.

30

Well, did it ever occur to you that that was something that might be occurring?---No.

If I can just take you back, please, to the procurement manual at page 14. So you see there in the second paragraph there's a bold heading, "Contract and order splitting is not allowed"?---Yes.

"You must not create multiple shopping carts or orders for the purpose of reducing the contract value in order to bypass the procurement threshold or delegation limit."---Yes.

40

Were you familiar with the concept of contractor order splitting?---No, but it makes sense, yeah.

So did you have any awareness that that was something which was prohibited by the RMS's procurement procedures?---Yes.

You did know that?---Yes.

And so then going back to Mr Dubois and Mr Steyn, knowing that order splitting was not allowed, did you ever turn your mind to the question of whether that might be something they were engaged in?---I didn't see any proof of that, no.

Well, you see the purchase order that we had on screen a moment ago at page 142 of volume 24 for \$249,000?---Yes.

10 And then if we have a look at a purchase order on page 136, this is again raised by Mr Dubois and signed by you in respect of some Safe-T-Cam sites at Marsden.---Yes.

And that one's for \$210,500.---Yes.

And then if we go, please, to volume 24, page 148. Another purchase order request from Mr Dubois and approved by you.---Yeah, of course. There will probably be 100 like this.

20 This time for 246 – sorry? There'll be hundreds of them?---Of course there will be hundreds, yeah.

But what I'm really directing you to look at is the amount of the purchase order.---Yep.

Do you see, just hovering just under the threshold.---Yep, yep.

And is it your recollection that there was a number of purchase orders raised by Mr Dubois that just hovered under that threshold?---I don't know.

30 THE COMMISSIONER: Was that a deliberate strategy that Mr Dubois or Mr Steyn or yourself employed, to keep it under the 250,000 limit?---It's the first time I'm realising that these purchase orders are close to 250. I never told them what, what to price obviously or – no.

This is an example of a purchase order which is signed by Mr Dubois, I think it is. Yes, signed by Mr Dubois. He's making a request, as the form indicates, "Requested by"?---Yes.

40 And then his name, date, signature and then the box opposite, "Delegated authority," this is authority that you held as the delegate. So you had power in relation to his request to accept it by signing off on it or rejecting it by not signing off on it?---Yes, correct.

Do you recall any case at all, Mr Dubois put forward a request, being a purchase order, that you refused to sign, refused to approve?---One in 2018 where he didn't have the three quotes that were needed, yes.

Sorry?---There, there one in 2018 I remember, I think I was shown that earlier, where he didn't have the three quotes that, that were needed, yes. Yeah, I remember that one, yeah.

Aside from that, was there any other case where a purchase order request submitted by Mr Dubois to you, seeking your approval, was rejected by you?---Sure there were more than one. I just don't recall which or when.

10 Well, do you recall any case where you rejected a purchase order, being a request by Mr Dubois to you for signature, for your signature as delegated, as the delegate?---I don't recall.

You don't recall any?---Correct, yes.

20 And did it not just become a mechanical process whereby Mr Dubois, who just gave you pushback and didn't, from what you've said, had no respect for you as being a person in a managerial capacity, is that right? He exhibited no respect for you as the manager?---That was my perception of it, yeah.

Yes. So it just became a mechanical process. He would make up one of these purchase order requests, put in the details, sign it, submit it to you for signature, knowing that you'd just sign it and you wouldn't be rejecting it. ---I didn't think of it that way before, but - - -

That's the way it played out, isn't it?---Yeah, I think so, yeah, yeah.

30 So this hierarchy that the form reflects, that is a requestor to a person with power or authority in you, having the delegated authority for your approval, was just a farce, wasn't it?---Mmm - - -

You weren't examining the detail of the request to scrutinise whether you should approve it or not. He just mechanically approved it whenever he sent one to you for your signature, alongside his signature.---I don't know. If I, if I saw there was something wrong, I definitely wouldn't approve it.

40 I'm putting it to you it was just a mechanical process, and I think you've agreed, that in no case that you can call to mind did you reject any of these requests. He would use these sort of forms, fill it out, put a signature, a date alongside his signature, send it to you, as the person who held the approval authority, for your signature. You would sign it, you would date it in your handwriting and send it back to him. It was a mechanical process is what I'm putting to you, and only a mechanical process.---Again - - -

Do you accept that?---It's more complex than that. Much more complex than that.

Do you agree with the essential point I'm making, that it was a mechanical process that didn't require you to exercise any cerebral processes in approving it because you didn't know, really, what you were signing, you had no knowledge, experience, skill in this area. Was that not true? You'd receive one - - -?---In, in a sense - - -

- - - you'd sign it - - -?---Yep.

10 - - - and you'd send it back.---In a sense it's true but, no, it's much more detailed than that. If I saw - - -

I'm putting it to you in every sense it is true that you did not employ or engage your cerebral processes to look at the content of an order, to evaluate each item, which had a monetary amount against it, assess whether the monetary amount was appropriate, whether the work was necessary, whether the work for which the purchase order related to was appropriate, you didn't consider any of those matters?---Not to that level of detail, no.

20 At any level of detail, sir, is the reality, is it not?---No, that's not true.

It was a mechanical process which was a, what might be regarded as a farce. That is to say you were not exercising any approval judgment. You were just exercising an approval function by signing the form that Dubois or Mr Steyn sent to you. That's the truth, isn't it?---Again, in a sense yes, but no. That's, that's not the whole story. That is not the whole story.

30 Well, what additional part of the story is there to be told?---You have to understand, I think I've mentioned this previously, that where the funding was coming from, their meeting with those stakeholders, and the works getting approved, you know, the funding's getting approved based on the work that they are recommending also. My function overall, even though I was their supervisor in the system, it wasn't functionally the way it went.

Well, the very system required somebody to submit a purchase order.---Yes.

To submit it to another person who had authority or power which the requestor did not have.---Correct.

40 And that person was you.---Correct.

So the person with the authority or power to approve, namely you, had to have a sufficient level of knowledge to be able to look at the quote, look at the detail of it, look at the nature of the work, look at the appropriateness of the work, look at the funding in terms of what would be required to meet these costs, whether the costs were appropriate, whether they were not appropriate. You did none of that as a form of analysis. Correct?---I can't say that I done any analysis on the costs of specific work items that we're seeing here, no, I couldn't have.

Okay.---No.

So essentially your function was to sign the orders, the purchase orders, once they had gone through Mr Dubois and were submitted for your signature.---Yes, yes, if everything looked good and if they had quotes and, yeah, that was essentially my role in that.

10 But you wouldn't know, when you say, "Whether it looked good," you wouldn't know whether it was good because you didn't have the knowledge to be able to vet it and determine whether it was appropriate costings.---No, because I wasn't a builder.

That's right.---Simple, yeah.

So your function was limited to putting a signature on a document, wasn't it?---Essentially, yes.

20 Namely a purchase order.---Yes.

Right.

MS SPRUCE: Mr Soliman, you say that if a purchase order didn't look good you wouldn't approve it. Can I just take you to volume 24, page 124. This is a purchase order requested by Mr Dubois and approved by you on 30 July, 2014. And do you see in respect of this one, it just refers to Safe-T-Cam sites. There's actually no specification of which sites the work was to be done in respect of?---Yes, I see that, yeah.

30 Well, is that something that you would regard as not looking good, on its face?---Depends what, what was attached to this, did they explain to me what it was. Is there something attached to this?

Well, there was a quotation attached to it. I'll take you to the quotation in fairness. Volume 24, page 128. So this is the first page of the quotation from Seina Group Pty Ltd.---Yep.

40 Are you familiar with Seina Group?---I recall, yeah, they worked for them definitely, yeah.

That was a company that was frequently appearing in purchase order requests from Mr Dubois?---Well, I recall it so it must have been, yes.

And then if we go over the page, you'll see at page 129 and 130, 131, there's a number of sites listed.---Yeah.

And then at page 132 there's a price.---Yep.

First of all, do you recall seeing a purchase order that didn't specify the sites on its face?---Yes, I remember Mr Steyn had a practice of using open purchase orders, that's the term he used. When I was asking about it he said that it's not possible to specify exactly which sites or which work was included because the cost could be variable. Yeah, that's what I remember of it.

Sorry, I just want to be clear. You have a recollection that Mr Steyn used to request the approval of what he called open purchase orders. Is that correct?
10 ---Yes, in terms of the scope wasn't fixed, if that makes sense.

Well, when you say the scope wasn't fixed, what did you understand that to mean?---From what I recall him saying that he wasn't sure about various factors. I'm not sure if that's the cost or the time, yeah, I don't recall which factors, but he said he couldn't be sure about various factors, which means the scope couldn't be fixed.

Well, when Mr Steyn brought to you an open purchase order, to use that term, did it specify what sites it was in relation to?---I don't recall which
20 factors were in question.

But it must have had a dollar value listed on the purchase order.---Yes, yes.

And did you approve the open purchase orders that Mr Steyn brought to you?---If what he told me made sense, then yes.

So you just relied on something that Mr Steyn told you orally, even though the document itself had scant detail, is that correct?---I'm sure there must have been some communication over emails because they weren't always in
30 the office also.

Did you consider that there was a risk to the RMS if purchase orders were raised for significant sums of money where they weren't, on the face of the purchase order, referable to detailed work that was clear, on its face, what the purchase order related to?---No, I can't say I thought of that, but I'm sure the invoices would be clear about what work was done.

Well, when an open purchase order was approved by you, did you have a practice of then ensuring that Mr Steyn provided you with a copy of the
40 invoice so that you could cross-reference it back to ensure that the work that he'd verbally or by email communicated to you was going to be done, had in fact been done?---Can't be sure, I don't recall. I don't recall.

So you can't be sure whether in fact he used the open purchase order and the funds approved in it to go off and do some completely different work? You can't be sure about that?---I don't, don't think that was the case. I mean, the fact that I was scrutinising over that issue means that I would have at least had some sort of follow-up with him to make sure it made sense.

When you say you were scrutinising over that issue, what was the scrutiny that you were bringing to bear?---As I said, when he came to me with these open purchase orders, I asked him, “Why is there no” – whatever the variables were, I don’t remember if it’s the scope or the size or whatever it is, and that’s the way he explained it to me. Yeah, sorry, I can’t explain it better. It would make a lot more sense if I knew what variables were not fixed.

10 Commissioner, I note the time. Is that a convenient time?

THE COMMISSIONER: Yes, very well. We’ll take the luncheon adjournment and I’ll resume at 2.15.

LUNCHEON ADJOURNMENT

[1.08pm]