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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 WEDNESDAY 23 JUNE, 2021

AT 2.30PM

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

THE COMMISSIONER: Just before we resume the evidence, by reason of the new COVID-19 restrictions for Greater Sydney announced today by government, it will be necessary to implement new restrictions from 4.00pm today for the specified period of one week. That means that the hearing scheduled for tomorrow and Friday will need to be vacated and I vacate those dates. I have discussed the future course for the public inquiry with
10 Counsel and the proposal now is that the Commission will, after today, resume on 16 August through to 20 August, so a five-day period, 16 August, 2021, to 20 August. If for any reason there is a requirement for any additional time to be added to that bracket of five days, notice will be given to those with leave to appear. However, it's hoped that no additional dates will be required. It's a possibility, though. Yes, very well. We'll continue with evidence of Mr Soliman and we'll go through the balance of the afternoon.

MS SPRUCE: Thank you, Commissioner. Mr Soliman, can I take you
20 back, please, to volume 24, page 142? You'll recognise this is through purchase order I took you to before the break in respect of CBF Projects where the purchase order value is \$249,000.---Yes.

And do you see then under that it says, "Total value, \$249,000"?---Yes.

Was it your understanding that the total value figure was including or excluding GST?---Just reading here it says excludes, excludes GST in that very small font, I can see.

30 Excludes GST?---That's what it says here, yeah.

And the effect of that is, isn't it, that the value, including GST, would exceed the \$250,000 limit?---Yes.

And so you gave evidence before the break that if something didn't look right in respect to a purchase order, then you wouldn't sign off on it.---Yes.

But here is an example of a purchase order where in fact the value exceeds the value that you're authorised to approve.---What's wrong with that, sorry,
40 I don't understand?

Well, if I can take you, please, to page 13 of the procurement manual.---Ah
hmm.

You see at the bottom – it's quite hard to read, so let me know if you need it to be enlarged, there you are – that there's construction-related expenditure in green.---Yes.

And do you see three written quotes are required where the contract value is \$50,001 to \$250,000, including GST?---Yes.

And then if it's \$250,000 and over including GST, then it has to go to public tender?---Yes.

So if we go back, please, to the purchase order, volume 24, page 142, you see there that it has a value of 249,000, excluding GST?---Yes.

10 And then if we go to the quote which supports the request for the purchase order, which is page 152 of volume 24 – sorry, I think I've just given you the wrong page number. Just give me a moment. Sorry, page 144. And then to the next page where the total is, do you see there that the total including GST is \$273,900?---Yes.

So that was above the amount that you were authorised to approve, wasn't it?---As the money that we just saw says, yes, it was.

20 So this is a classic example of a purchase order request where even though you didn't have any particular expertise or knowledge in respect of civil works, looking at it, on its face, with the quotation attached, you could have determined, if you'd applied any conscious analysis to it, that this was a purchase order request that shouldn't be approved. Correct?---No. The numbers said on the front page 249,000 and again, this is the first time I'm seeing this quote itself.

Well, are you saying that you didn't ever look at the quote that sat behind it? ---No, I would look if, if it was there.

30 You would look if it was there.---That's correct, yeah.

But if it wasn't there, wouldn't you say to Mr Dubois in this case, "Where's the supporting quotes?"---Yes, I would, yeah.

Well, in that case how can it be that you've never looked at this quote before?---Well, I can't recall seeing it. Definitely this is almost a decade, a decade ago, but that's - - -

40 THE COMMISSIONER: Was it common for the quote for a particular job to accompany the purchase orders?---Sorry?

Was it common practice for the purchase orders which sought approval for an amount would have attached to it the relevant quote?---Yes. So they would, they would also, they would, sorry, always add the winning quote and sometimes they would add all of the quotes, but not, it wasn't a practice always.

In this particular case, based on what you're saying was the practice it would more than likely be that this quote accompanied the purchase order.
---I can't say.

Pardon?---I can't say. I don't, I don't recall it.

I understood you to say that that would have been normal practice. Is that right?---The winning quote, yes, correct.

10 That the purchase order that was signed by Mr Dubois - - -?---Yes.

- - - on a particular date - - -?---Yes.

- - - inserted, came to you for approval.---Yes.

That purchase order more than likely, given the normal practice, would have been accompanying, would have accompanied the purchase order. Is that right?---Correct.

20 MS SPRUCE: So, Mr Soliman, had you looked at the quote, it would have been obvious that it's exceeded the value that you're authorised to approve, correct?---If, if one had known that that front figure did not include the GST, then yes, I would have known, but this is the first time I'm learning about it.

But go back to the front figure, as you call it, on page 142. Even without the quote attached, as you've pointed out yourself, it's quite clear that the total cost is a cost excluding GST. So it would have been apparent to you, on its face, looking at this document, that this purchase order request should
30 have gone to public tender.---No, that is not clear at all. That font is probably size 1 font, first of all. Like, you need to understand the number I'm looking at is the number at the bottom.

Well, if you're looking at the number at the bottom, it's an obvious question to ask yourself, isn't it, whether it's inclusive or exclusive of GST, because the answer to that question will determine whether the three-quote process applies or whether in fact this contract has to go to public tender. You agree?---I don't agree. I was looking at the number at the bottom. I wasn't thinking about the GST factor. Yeah.

40 Well, you weren't thinking about anything much at all, were you? You were just signing off on it. That's the reality. You weren't applying any critical thought to whether or not it was appropriate, as a matter of substance, to approve this purchase order request.---I'm guessing we should have got some more training but, I mean, I don't think anyone had training on this kind of thing.

THE COMMISSIONER: Mr Soliman, it's clear from the form that it requires the total cost excluding GST to be identified, right?---Yes, correct.

And when you look at the relevant inserts there, the original purchase order value was put at 249 and the total value of the relevant work, as described, is 249,000. You'd be aware, then, that that amount, excluding GST, has to have added to it - - -?---Yes.

- - - the relevant GST, which is 24,900.---Yes, correct. Yeah.

10

Right. But then the point is, though, however, you've signed off on it, giving your approval on 4 February, 2015, and the total amount, including GST, exceeded the 250,000 limit.---That's correct. But my point - - -

And then from that point forward, you would need to have three tenders, wouldn't you? Three quotations.---With what we just saw, the, sorry, which manual was it? That manual says, yes, it should be including GST. But that's the first time I'm learning of that.

20

MS SPRUCE: All right, Mr Soliman, you recall this is a purchase order in respect of CBF Projects and it's dated 4 February, 2015. And then if we could go, please, to page 148. Again, I took you to this purchase order earlier. This is the next month. So 23 March, 2015.---Yes.

Same vendor, CBF Projects Pty Ltd. And do you see the same issue arises again. The total value is \$247,500, excluding GST.---Yes.

And it's obvious, isn't it, that once you add the GST in, that total value will exceed \$250,000?---Yes, of course, yes.

30

And so this is a purchase order that shouldn't have been approved. A contract for that value should have gone to public tender, correct?---Not with the knowledge that I was armed with at, at, at the time.

THE COMMISSIONER: But you can see now - - -?---Of course, yes, yes, definitely. It's wrong.

- - - that it exceeded your approval limit.---Yes, definitely.

40

Well, what do you appreciate now that you didn't appreciate back on 23 March, 2015?---Counsel Assisting just showed me, was it delegations manual that shows that figure that we're seeing on this page should be including GST. Yeah. Not excluding.

MS SPRUCE: Mr Soliman, if I can just show you page 154. You'll see there the same issue arises again, total value excluding GST of 245,000. ---Yes.

That's a contract that you now understand should have gone to public tender, correct?---Yes.

And then again, page 156 - - -?---Sorry. If you could just go back, that's not even my signature. That's not my hand, hand, the, the handwriting for the date either. That's not my handwriting for the date. But anyway, yeah, what you, what you said is right. I just saw that now.

Well, Mr Soliman, your name is typed in.---Yes.

10

But you say that the signature that appears there is not yours?---I can see that the handwriting on the date is definitely not mine. I can't say if the signature is mine. The, the signature is off also but either, either, either way, what you said is correct that the 245, if you include the GST, takes it over.

Are you aware of anyone else ever signing purchase order requests that were in your name on your behalf?---I never saw anyone do that, no.

20

You didn't ever authorised anyone else to do that for you?---No, never.

Are you familiar with Mr Sarkar's signature?---No.

You don't recognise that?---No.

I just want to take you back then, in fairness, to page 136. Do you recognise that as your signature?---Yep, that looks like mine.

30

That's your signature?---Yes.

And page 142, is that your signature?---Sorry, I can't see it. Oh - - -

Do you recognise that as your signature?---It looks off again but it's close enough that I would say yes. Yep.

And what about the handwriting where the date's written. Do you recognise that as your handwriting?---Yes.

40

And then page 148. Do you recognise that as your signature?---It's hard to tell again but, yeah, I, I can't tell.

And then page 154.

THE COMMISSIONER: Is the date in your handwriting, 23 March?---Can it – no. No, that's, that doesn't look like how I would do my five.

The signature has similarities to yours, does it not?---Yes, yes, it does. Yeah.

MS SPRUCE: And then page 154. Do you recognise that as your signature?---No, that looks off. That definitely looks off.

And the numbers written in the date?---The, the handwriting is definitely not my handwriting, no.

10 And then page 156.---No, definitely not my handwriting for the numbers. Signature could be mine. Again, it's – no, it doesn't look like how I would do it.

And then page 160. Do you recognise that as your signature?---The numbers definitely are not mine. The signature, yes, that looks like mine. I, I think. Again, I can't be sure.

Mr Soliman, the purchase orders that we're looking at are for contracts of significant value, you would agree?---Yes.

20 And a number of them you're suggesting don't bear your signature.---I've just seen that now obviously. I'm really focussing, yeah, some of these are definitely not, especially the date, some of them are definitely not me, at least one or two of the signatures definitely are not me. The rest are mine, yes.

30 Wouldn't it have been apparent to you if contracts were being awarded within your unit – and we've just seen a number of them where you say they're not your signature – of significant value, that you would have been aware that that was going on, wouldn't you?---I'm not sure. There was a Finance Team, basically from what I remember the process was the purchase order would go to the Finance Team and it would get processed by them in some way. It was only later that we essentially had a bit of visibility with the system that you were talking about earlier.

So if we can go to volume 24, page 189. Do you see this is a different form, this is a contract creation and variation form?---Yes.

You recognise that.---Yes.

40 Is this the form that came in once the electronic Transport Equip system was implemented?---It probably was, yeah.

Do you recall if this document in effect replaced the purchase order request form that we've been looking at previously?---Yes. I want to say tentatively because I don't really remember exactly. Probably was.

And if we go, please, to page 190, do you recognise that?---Yes. That's not my signature and that's not my handwriting. It's a bit of a joke actually. And I'm seeing all this for the first time.

Well, if you look closely, if we could just perhaps enlarge that signature. It looks like it might be an electronic signature.---That's electronic, yeah, yeah.

Was it the case that once the Transport Equip system was implemented that you signed documents electronically?---No, no, no.

10 Was it your practice to require your staff to still print out the documents - - - ?---Yes.

- - - so that you could sign them hard copy?---Yes, always, yes.

All right. And if we go, please, to volume 24, page 249. You'll see this is again a contract creation and variation. Again it's for 247,000 excluding GST.---Yes.

20 So on a contract that should have gone to public tender. And if we go over to the next page, please, I take it that's not your signature?---That's not even close. You can see whoever wrote the date in the first column, Alexandre Dubois' column, is the same 9, the same 1, the same 8. Quite clearly he wrote it.

30 When a purchase order – I withdraw that. Once a purchase order was signed by you or a signature that purported to be yours was on it, it would then be sent to Finance so that the purchase order could be raised. Is that correct?---In the early days, yes. Once the new system was put in I'm not sure. I think it went into the system then electronically went to all the people to authorise. That could have included Finance also.

So just talking about the period after the new system came in, the electronic system, isn't it the case that once somebody who reported to you placed an item in their shopping cart - - -?---Yes.

- - - for example - - -?---Yes.

- - - a purchase order for \$247,000, isn't it the case that that would automatically - - -?---Yes.

40 - - - come to you?---Well, it would go to any, not just me. For example with this GST matter, let's say it tipped over the 250, the system should have automatically got me to approve and the person above me to approve.

That's right. The system should have automatically identified that this was a contract value that needed to go to public tender.---Yes, correct, yeah.

And so the system wouldn't have accepted your signature alone, it would have automatically - - -?---Gone up, yes.

- - - sent it on to the next person.---Correct, yeah.

And isn't it the case that once that electronic system was in place, it wouldn't have been possible for a purchase order to be approved without you knowing about it because the system would inform you presumably?
---Yes, correct, correct.

10 And then going back to the period before the electronic system was in place, Mr Dubois, for example, gives you a paper copy of a purchase order request.---Yes.

You sign it. Now, how does it then get to the Finance Department?---They would take it manually to them. They were in the same office.

So Mr Dubois physically takes it to the Finance Department and then the purchase order is raised by the Finance Department?---Yes.

20 And do you receive that then by email?---No, I, I wouldn't get anything. I'm not sure what happened after that. I'm assuming they would have got some sort of purchase order number by Finance and it's, I think that's it.

So you say, do you, that the purchase order number would then be sent to the person who had requested the purchase order, for example, Mr Dubois?
---That's my assumption of what would have happened, yeah.

But to your knowledge, it wasn't sent to you as the person who had approved the purchase order.---Not that I can recall, no. Not too sure.

30 Now, Mr Soliman, just going back to the GST issue.---Yep.

It's the case, isn't it, that in the period that we're interested in, 2014-2018 rather, you've approved hundreds of purchase order request forms.---It was a lot. It could have been hundreds, yeah, yeah.

Well, I'll ask you to assume that the total number of purchase orders you approved in that time was 355.---Oh. Okay, that's - - -

40 So you've seen this form over and over and over again. Correct?---Yeah, a lot, yeah, of course.

Are you genuinely suggesting that you never turned your mind to the question whether the total value written on the front of the purchase order request form included or excluded GST?---Don't remember ever thinking of that. I mean, if I did, it's a very simple thing for me to tell everyone, hey, guys, this is, you have to, you have to note that this is with the GST in the procurement manual or the, the delegations manual, whatever it is.

Mr Soliman, did you keep any sort of – I withdraw that. Did you track in any way how much work was being awarded by your unit to particular contractors?---I remember in the business plan I had – I don't know about tracking. That's not the, that's not the right word. It was more of a planning of what's happening next. Yeah, that's all I can remember doing.

So when you talk about planning, what was happening next, I understand you're talking about projecting forward, about work that might be happening in the future?---And what's happening now also, yep.

10

But did you keep any sort of running tally of the value of RMS work that a particular contract was receiving in a given year?---Not that I can recall, no.

Can I just show you the Purchase Orders Approved By Soliman document. Mr Soliman, this is a summary that summarises the purchase orders that you approved in the period February 2014 to October 2018. And do you see in the first table it lists various suppliers and then it shows the frequency of purchase orders approved by those suppliers and the total value of work that was allocated to them by the RMS?---Yeah. I don't know some of these names, but okay.

20

Well, which are the ones, looking at those suppliers, which are the ones that you recognise?---CBF. Euro Civil. Ozcorp and Seina. Don't know if I've ever heard of the others. I'm not sure.

And so you see, for example, with CBF that there's a very high frequency of purchase orders - - -?---Yes.

- - - being put forward in respect of work being allocated to CBF?---Yes.

30

And in fact in the period they were allocated over \$5 million worth of work.---Yep, I can see that. Yep.

Now, did you have a whiteboard within the office where either you or Mr Dubois or Mr Steyn kept a running tally, as it were, similar to what you see there, showing how much work each supplier had been allocated within a certain year?---No. I don't remember anything like that, no. But, but there was a whiteboard in there, yeah. Yeah.

40

All right. And did you ever make any enquiries about how much work any particular contractor was being awarded?---No.

Mr Soliman, you've given evidence about a number of concerns that you held about the conduct of Mr Dubois and Mr Steyn, and I understand you've described it as their demeanour but essentially that they were uncooperative, difficult to manage.---Yes.

And was it the case that you prepared an annual performance review for Mr Dubois and Mr Steyn?---Sorry, what's – I don't know what that, what that is. Performance review?

Well, as a supervisor, was there a process within the RMS where each year you would be asked to review the performance of the people who reported to you directly?---Yes. I'm just trying to remember what it was. It was something in the electronic system from memory that we were asked, yeah, to put comments and things like that about everyone, yeah.

10

Well, if I could take you please to the performance review that you prepared in respect of Mr Dubois for the 2016 to 2017 year.---Yep.

Sorry, this is page 1 of the 2016-2017 Performance Development and Review for Mr Dubois. And so do you recall now, seeing this form, that you did do a performance review for Mr Dubois?---Vaguely, yeah. I, I must have obviously, yep.

20

And is this a form that was filled out electronically?---It must have been, yeah. It's typed here.

And was part of the process that you would meet with Mr Dubois and discuss his performance with him?---I don't recall.

And then if we go down, please, you'll see that there's a heading down the bottom, 1.1 Heavy Vehicle Checking Station and HVIS Capital Works Program.---Yep.

30

And then there's a number of matters listed beneath that. And then if we go over to page 2, please. Do you see there that you've given Mr Dubois a rating of three stars out of five?---Yep.

And your comment is that Mr Dubois met expectations.---Yep.

And then Mr Dubois also makes a comment on the fact that he believes that has delivered the relevant program and had positive engagement with all stakeholders.---Yep.

40

And then if we go, please, to page 3. You'll see the next heading is SIC, Recurrent and Maintenance Works Programs.---Yep.

Do you know what SIC stood for?---No.

And then you see again that you've given Mr Dubois three stars.---Yep.

And your only comment is that he met expectations.---Yep.

And then to page 4, please. The next thing that's being measured is, "Install and commission secondary speed measurement systems at point-to-point installations and STC."---Yep

And again you've given Mr Dubois three stars and said he met expectations.---Yep.

10 And then page 5. "Subject matter expertise, heavy vehicle checking systems." Same again, three stars, met expectations.---Yep.

And then page 6. "Subject matter expert on signage pertaining to enforcement of HV regulations."---Yep.

And again you've put "three stars, met expectations".---Yep.

Now, it's the case, isn't it, that you had concerns about Mr Dubois by this time?---I don't know about this time. This seems a bit early. This is 2016.

20 Well, 2016 to 2017.---Yeah, the start date is 2016.

Well, you say - - -?---I don't think it was that early that I started to have concerns, from memory.

Well, you say that by 2017 Mr Dubois was impossible to manage.---Yep.

30 Well, surely that wasn't something that just happened overnight. It must have been the case that he became increasingly difficult to manage over the course of 2016, and then by 2017 was impossible to manage.---Yes, of course. It wasn't just over, overnight thing. But I think by twenty – again, I don't know when – '17, '18, it was literally impossible to get him to do just the BAU stuff.

But wasn't this performance review an opportunity for you to raise with those above you that you had concerns about the way Mr Dubois conducted himself?---I'm pretty sure I didn't have any concerns at this point. It seems a little bit early, from memory.

40 Well, do you see down the bottom of the page that we're looking at, under Goal Details – no, that's the due date of the goal. Yes, so if you have a look at the – if you go to page 8, you see there's a series of goal details that are set out. And do you see for each of them the start date is 1 July, 2016 and the end date is 30 June, 2017?---Yep.

So it's the case, isn't it, that you were assessing him in the period from 1 July 2016 to 30 June, 2017?---Don't know. No idea what – this is the first time I've seen these goal details.

This is the first time you've seen the goal details?---From memory, yeah. I don't recall this. I'm sure you're going to clarify what it means exactly. Sorry, I, I don't know.

Well, you see the heading of the document is 2016 to 2017 Performance Development and Review?---Yeah.

And it appears that it runs from the financial year.---Yep.

10 Do you see that?---Definitely, yep.

Which means that the period in which you're assessing him is well into the middle of 2017.---Makes sense, yes.

Correct?---Yep, yep.

20 And it's the case, isn't it, that by that time you had serious concerns about Mr Dubois' conduct? You were having serious difficulties managing him, correct?---If I'm going to guess, I'm going to say '17, yeah, I would have had serious concerns about – how do I say it nicely? About him – I don't know if I can say it nicely. About him being a prick. I mean, sorry, but, yeah.

And when you say "him being a prick", do you mean that he was rude to you personally? What do you mean by that?---Non-cooperative, aggressive. He regularly spoke down to people. Everything that goes with that, with that word that I just, I just said, yep.

30 Did you regard him as being insubordinate?---At times, definitely, yeah. He tended to go in waves, for whatever reason. Yeah.

And so what was the nature of the wave? Sometimes he was aggressive and uncooperative and rude? And then - - -?---Yeah, and once I would basically check him and do some sort of like a performance management, he'll be all right. Then he'll go back.

40 Well, what sort of performance management did you do?---Oh, well, I remember I had several chats with him, basically saying this is my issue with you, this is what I need to see from you, blah, blah, blah. Then I moved over to a more written format, which was the business plan that I tried to get everyone to lock down and basically communicate with him better.

But why didn't you, in this performance review, make plain some of your concerns?---I think the 3 out of 5 makes it clear that he had issues that he need to, needed to correct. And what else, I'm not sure what else I should have done. I mean what else could I have written?

Well, you could have written the comment along the lines of what you've just told the Commission, that he was non-cooperative, aggressive, didn't take direction.---Yeah, but from what I saw that's just his personality I think. I kind of drew the line of personality and his job. From what I could see he was doing a good job. I mean, yeah.

So you formed the view that what you thought were personality issues weren't adversely affecting his work performance. Is that correct?---Well, I didn't see that it impacted his work, no.

10

Did you think he was doing a good job in delivery the work?---I thought at the time, because again they seemed very, very passionate about it and they wanted to do a good job, but obviously now I'm questioning that perspective because we're here obviously.

THE COMMISSIONER: Did you meet with him from time to time away from the workplace?---No, never.

Never?---No.

20

Never?---Nothing I can remember I think, no, I can't remember anything at all.

MS SPRUCE: Mr Soliman, isn't it the case that provided Mr Dubois' paperwork was up to scratch that you were happy to leave him to his own devices?---Not necessarily. I mean what do you mean, what do you mean by that? I don't even know what the question means, sorry. Leave him up to his own devices, as in I didn't talk to him?

30

Well, the effect of the evidence you've given about Mr Dubois is that he was effectively running his own race. You didn't have any effective supervision over him. Correct?---I thought I was doing a good job. Obviously I didn't have the experience or training I needed in building, but like I said, I mean at the time I thought I was doing a good job, no one told me I wasn't doing a good job. Yeah.

THE COMMISSIONER: I thought you said he showed you no respect as - - -?---Sometimes, yeah.

40

- - - as his superior.---Sometimes.

Well, sometimes. I understood you to be saying that was his, that was the normal situation, that he didn't show you respect as a senior to him.---Yeah.

Is that right?---Again he, he went in waves, that he would basically, you know, be a team player, and then others he would just come in the office upset for whatever, for whatever reason, just not care what anyone - - -

Well, he did what he wanted to do. He was running his own show, wasn't he?---Sometimes, yeah.

Well, all the time.---No, no, not, not, not all the, all the time.

You didn't have a clue what he was actually doing on the job for example, did you?---No, I didn't.

10 And you didn't know what his relationship was with the contractors?
---Definitely not, no.

No. You didn't know whether or not he was competent in assessing accurately quotations.---No, I was very sure he was because he had been doing the role for many years before I was there even.

20 But how do you know he did it competently? We know he did it, but how do you know that he did any assessments competently of quotes before signing off on them seeking approval?---That's a good point, Commissioner, I didn't. I assumed. Yeah, I just assumed.

For all you know he could have been ripping the RMS off and you had no means of determining whether he was or wasn't.---I think you're right, yeah.

You don't know whether his enthusiasm was due to the fact that he was making money on the side.---I think you're right, yeah.

30 You knew nothing about him because he ran his own race, had no regard for you, he was too intent on doing whatever it was that he wanted to do.
That's the picture I'm getting. Is that an accurate picture?---Some of the time, yeah. You're right, yeah.

40 I'm not talking about some of the time, I'm talking about all of the time. He was running his own race, doing what he wanted to do. He checked the quotes, you didn't know whether he was competent or honest when he was checking quotes. You didn't know any of those things, did you? You were totally in his hands, weren't you?---I'm not sure. To be, to be honest, looking back now, I think I had a lot of assumptions based on the fact that he was there for a long time. Yeah, but, yeah, what you're saying is correct, yeah.

Whatever the basis of your assessment of him, whether it was on assumptions or not, you had no way of knowing whether he was acting with integrity, with competence, with diligence, conscientiousness. You weren't in a position to evaluate whether he had any of those traits, did you?---I can't say that I knew him personally, no, so, so the answer is no.

You didn't know any of the particular matters I have just put to you, his competence, his honesty, his integrity. You didn't ever inform yourself as to any of those matters, did you?---It's hard to say. The competence was, from what I saw, there. I remember he had master's and degrees in certain things and he had been doing, he said he had been doing that kind of role for 20-odd years. So that's what I formed my opinion on. In terms of his personality traits, you're right, I don't think I could have, like yeah, I don't think I knew if he was honest, if - - -

- 10 But you never sought to assess or investigate whether he was an honest employee, in particular in relation to submitting quotes for your approval? ---Yeah, no, I never, I never had any issue with quotes though.

But you never tried to evaluate whether he was in fact operating competently and honestly, you just took his work for it?---Yes, correct.

- MS SPRUCE: Mr Soliman, of I can just take you now, please, to page 7 of the performance development and review for Alexandre Dubois. Do you see there, three-quarters of the way down the page, there's the heading,
20 Manager End-Cycle Review?---Yep.

And so this again is the end of the cycle ending mid-2017?---Yep.

And it says, "Following your end-cycle review meeting with the employee, use this section to summarise the keys points discussed." So does that refresh your memory that you must have had a meeting with Mr Dubois in respect of his performance in the preceding year?---I must have, yes. Yes.

- 30 And then do you see the only comment that you've made is, "Met expectations and requirements with added cost savings for programs reached. Great work, Alex."---Yep.

- Well, how does that fit with the evidence you've given to the Commission about his insubordinate, non-cooperative behaviour?---Yeah, again, from, from what I saw from, from his work he was doing a very, very good job. Separately speaking about his personality, he was, wasn't the most delightful dude out there. In terms of the cost savings, yes, I do remember that he showed me a report that allegedly he – I don't know if it's true now – that he got I guess some company or someone to review costings and that
40 report showed savings. So I'm pretty sure that's what that comment is about.

And then if I can take you to page 15, please, of this document. This is an extract of the 2016 to '17 performance development and review for Mr Steyn.---Yep.

And so you appreciate this again runs from mid-2016 to mid-2017.---Yep.

And do you see there in the summary section, it lists the various performance goals against which you assesses Mr Steyn.---Yep.

And then it summarises your rating and comment and again you've given him a three out of five rating for each category and you can assume – I can take you to each section if you want me to – but assume that your only comment in respect of each of those goals was that he meets expectations.
---Sure, okay.

- 10 And then at the top you see Comments. This is the equivalent of the section I took you to with Mr Dubois. “Following your end-cycle review meeting with the employee, use this section to summarise the key points discussed.”
---Yep.

And your comment is “Great work this year in a difficult environment, Craig.”---Yep, that's correct.

What was the difficult environment you were referring to?---Don't recall.

- 20 But you do recall, don't you, that you've given evidence that by 2017 you'd formed the view that Mr Steyn was dishonest and a bit fishy.---Again, I'm not sure exactly when it was. In my mind it was some time in 2017-18. When, I don't recall. But, yeah, I don't know, I don't know exactly when, but definitely some point in that last period, in that, in that last year.

But you didn't take the opportunity in this performance review to raise any issues with Mr Steyn in respect of his attitude?---Not, not here, obviously. I don't know if I had an issue with his attitude at that point.

- 30 THE COMMISSIONER: How would you respond if it was put to you that the performance development and reviews in respect of, by you of Mr Dubois, contained inaccuracies and falsehoods? How would you respond to that?---I would ask what the falsehoods are.

- If it was put to you you falsely portrayed Mr Dubois as a competent, good-performing employee in the performance development review, when you knew he was none of those things, how would you respond?---Yeah, Commissioner, sorry, once again, I know it's hard to hear over, over and over, but I don't know if I had an issue with them at this, at this point. But
40 looking at it now, the three out of five average, I've obviously given them an average score for, for some reason. I just can't remember exactly why, you know.

Looking at it now, you appreciate that the review you gave Mr Dubois was a gross overstatement, wasn't it, as to his performance?---No. No.

And if it was put to you the same situation with Mr Craig, you were trying to portray Mr Craig favourably, when he in fact had caused concern and

misgivings in you about him and his integrity, how would you respond to such a proposition?---Yeah, again, I had issues with them more with their personality. I never at any point had any or saw any issues with their work quality. Quite the opposite. But, yeah, to answer your question, I definitely wasn't protecting them or - - -

Yes, Ms Spruce.

10 MS SPRUCE: Mr Soliman, it's the case, isn't it, that the RMS was relying on you, as their supervisor, to assess their performance, correct?---Sure, yeah.

You were in the best position to assess their performance.---Yep, sure, yep.

And it was your assessment of their performance that the RMS was relying on in keeping track of whether or not they were performing their duties appropriately.---No, this form went nowhere.

20 It went nowhere?---It went into the black, black hole of doom, as my old, old boss used to say.

Well, did this form go to your supervisor?---I don't think so, no.

Did it go to the Human Resources Department?---Not that I know of, no.

Well, what did you do with this form? Who did you submit it to?---It went in some sort of system, from memory, and then that's it.

30 Well, did you assume that this form didn't really matter?---Yeah, I knew that it didn't, it didn't matter.

You thought that it – you knew that it didn't matter?---Yeah, correct, yeah.

So does that mean that you didn't bother to fill it out accurately and honestly?---No, it's not that. I mean, I don't see what's dishonest about what I wrote in there, but, yeah, I'm not sure what, where that's coming from.

40 Now I want to take you to your training record. Do you recall that the last time you were here I asked you about the code of conduct? And your evidence was that you were aware of the code of conduct and you knew that you were obliged to follow it, but you didn't know what its contents were? Do you recall giving that evidence?---Yeah, I don't remember what the contents are, that's correct.

Well, when you say you don't remember now, were you aware at the time that you were in the position of Manager of the Heavy Vehicle Unit what its contents were?---I don't recall. At which, which point?

Well, in the period from 2014 to 2018.---The whole contents of it? No, definitely not. Of course not.

Were you aware of the fact that as a public official it was important to perform your duties honestly?---Yes.

And were you aware of the fact that it was important to declare any conflict of interest?---Yes.

10

And were you aware of the fact that it would be a conflict of interest to award a contract to a company in respect of which the person behind the company was a family or friend?---At some point I became aware of that, yes.

Well, what was the point at which you say you became aware of that? ---Maybe halfway through, twenty, I don't know, '17-ish.

20

And do you recall what it was that caused you to become aware of the fact, in around 2017, that it was a conflict of interest to award a contract to a company that you had an association with?---No, for some reason just recall some time around that point.

And separate to what you may or may not recall being in any code of conduct, you knew, didn't you, what corrupt conduct was?---In general, yeah, for sure, yeah.

30

You knew, for example, it would be corrupt conduct to receive a payment or a gift from a contractor who was receiving contracts from the RMS or, indeed, applying for contracts from the RMS?---Yeah, that sounds corrupt, yeah.

And you knew it would be corrupt – I withdraw that. You knew it would be corrupt conduct to create false quotes and rig the quoting system?---That sounds corrupt, but are you asking if I knew that then or if I know that now?

I'm asking you based on your general knowledge - - -?---Yep, it is.

40

- - - of the concept of corrupt conduct.---Yep, it is corrupt.

You would have known at that time that that was an example of something that would be corrupt conduct.---Again, I don't, I can't recall if I knew that then. It makes sense that I would have known. I don't have a recollection of that, but obviously it is corrupt conduct as I know now.

And if we go, please, to the training record, the RMS training record of Samer Soliman, which is volume 24.2, page 11. Do you see there that

there's a reference to code of conduct? You see where the pointer is?
---Yep. Yep.

Code of Conduct Online Training. And do you see you completed that in
2015 and then again in 2016?---Yes.

And then again in 2017?---Yes.

10 And do you see beneath that, that you also completed Compliance
Operations Ethics Online - - -?---Yes.

- - - in 2016?---Yep.

So it's the case, isn't it, that you'd had regular training in respect of the code
of conduct?---Yep. That's what this document says, yeah. I must have.

20 And so you must have known, had some general idea of what its contents
were, correct?---That's right. I would have known generally what the
contents is but I definitely couldn't tell you what the whole contents is, as I
was asked previously.

And then do you recall giving evidence before lunch that you didn't have
any training in respect of procurement?---Not that I can recall, no. Yeah.

And you accept, don't you, that Equip is the electronic procurement system
that came in in around 2016/2017?---Yes.

30 And if you have a look here, do you see that you had a series of training in
respect of Equip? You've had Equip Contract Management for Transport
NSW Training in 2017.---Yep.

Equip Manager Self-Service Briefing in 2016.---Yep.

Equip Portfolio And Project Management Overview in 2017.---Yep.

Equip Project Delivery For Minor Infrastructure in 2016. Equip
Procurement Basics – Buy, Track And Receipt, in 2016.---Yep.

40 And then second line from the bottom, Equip Purchasing Procurement
Champions, in 2016.---Yeah, I can, yeah.

So does that refresh your memory that in fact you did receive training in
respect of procurement processes?---I do remember these because it was a
big deal. They were system training as in how to use a system. Not about
the procurement rules or anything like that, from what I can remember.

I understand. So it wasn't a training in respect of the contents of, for example, the procurement manual?---Yeah. It was basically, how do I explain it, like - - -

How to use the new electronic system?---Yeah, yeah. How to, you press here to do this, you press there, whatever. You know?

10 And then if we could go, please, to page 13 of the same volume. Do you see in the middle of the page there's an email from Mr McCaffery?---Yep.

And it's sent to you and a number of other people?---Yep.

Is it the case that the people that it's been sent to, in addition to you, are all managers?---Yes.

And the subject is, "Fraud and corruption awareness training presentation," and this is in September 2017.---Yep.

20 And it's the case, isn't it, that by September 2017, you had concerns about Mr Dubois and Mr Steyn?---Again, I, I don't recall, I don't recall exactly when I had concerns. I know at some point I definitely did. I don't know.

And then you see in the body of the email it says that, "Yesterday I attended fraud and corruption awareness training presented by RMS Audit and Risk branch. I found the presentation very informative and recommend you attend. The presentations are available to come to us. If you would like a copy of the presentation, please let me know."---Sure.

30 Now, do you recall whether you attended the training as Mr McCaffery had recommended?---I remember a document, I can't recall if I went to the training. I could be wrong. I could be wrong.

Do you recall that you took up Mr McCaffery's offer and asked him to send you a copy of the presentation?---That makes sense, yeah. I do recall the document, yeah.

40 And if you see then your email above, which is the following day on 14 September, and there's some documents attached which I'll take you to in a moment, and you've said to Mr McCaffery, "There's some good general information here."---Yep.

So if we could go then to page 14. Do you recall that this is the document that Mr McCaffery sent you?---Yep, yep.

Fraud and Corruption Awareness.---Yep.

And then if we go, please, to page 19. You'll see it sets out the definition of corruption in the Independent Commission Against Corruption Act.---Yep.

And I take it that after Mr McCaffery sent this document to you, you read it?---I don't know.

Well, you wrote back to him that there was good general information here. So it would appear to be obvious that you had a look at the information he'd sent you. Do you agree?---I remember an image. I definitely don't remember the text. I just for some reason remember an image of a, of a guy, of a cartoon or something.

10

Well, have a look at page 22 for me. Do you recall seeing that image?---No.

You see in the right-hand corner it refers to false invoicing, theft of cash and fraudulent tendering?---Yep, I can see.

They're all things that you knew at the time would be corrupt conduct, you agree? It's a matter of common sense, isn't it, that that is corrupt conduct? ---Yeah, sure. Makes sense. Yep.

20

And then the next page, please, page 23. Do you recall looking at this page?---No.

Do you see there that it lists on the left-hand side, some of the most common types of domestic corruption, "Undisclosed conflict of interest" - - -?---Yeah, yep.

"Supply of kickbacks."---Yep.

30

And, "Personal favours."---Yep.

And again, it's a matter of common sense, isn't it, that those are corrupt conduct?---Yes.

And then if we go, please, to page 29. There's more detailed information about conflict of interest.---Yep.

Do you recall looking at that information?---No.

40

And then page 30?---No.

You don't recall looking at that information?---No.

But again it's a matter of common sense, isn't it, that things like substantial gifts and money and bribes would be corrupt conduct?---Yeah.

And then if we go over to page 34, please. Do you see that this lists some red flags in respect of fraud and corruption indicators?---I do.

And do you recall looking at this at the time?---No.

Well, if you have a look at it now, have a look first of all at the Audit Office of New South Wales red flags.---Yep.

And do you see that one of the red flags is control issues?---(No Audible Reply)

10 Do you see that and the 1, 2, 3 - - -?---Could you just make that a little bit bigger, sorry?

We'll just increase the size for you.---Thank you.

Do you see that the fourth point down lists control issues?---Yep, yep.

Now, you've described that it was impossible to get any cooperation from Mr Dubois. Correct?---Yeah. Sometimes he was, he was fine, other times, yeah, it was impossible to get him to cooperate, correct, yeah.

20 And it's the case, isn't it, that you had difficulty controlling Mr Dubois?
---Sometimes, yeah, that's correct, yeah.

And that Mr Dubois liked to be in control of his own activities?---I would say that's accurate, yeah.

And would you say that the same is true of Mr Steyn?---To a lesser degree, yeah.

30 And then do you see a couple of points down one of the red flags is irritability?---Oh, yeah, yeah.

Now, you've also given evidence that Mr Dubois could be quite aggressive at times.---Yeah, sometimes.

And then today you've said that he was a prick.---Yeah.

And so would you agree that he exhibited characteristics of irritability?
---Yes.

40 And then the next one is suspiciousness.---I see that, yeah.

And you've given evidence that Mr Steyn came across as dishonest and fishy.---Okay, yeah, yeah.

So do you agree that Mr Steyn sometimes behaved in a suspicious manner?
---Ah, yeah, sure, that's one word, yeah.

And would you say that the same is also true of Mr Dubois?---In hindsight, yeah, yeah, it makes, that's a good word, yeah, in hindsight.

THE COMMISSIONER: Did you have suspicions about Mr Dubois' honesty?---Well, both of them, yeah.

Huh? Both of them?---Yeah.

10 When you say both of them, so far as Mr Dubois is concerned, what were the features or aspects that led you to question his honesty?---He seemed to not always be willing to share information, even just about small things like where, where are you today, you know, he would say things that to me seemed like lies. I remember one time when he, he managed to somehow crash his car or something, it was a work car, and I asked for proof that it was actually for, he was driving for work, I thought he was lying for sure. He sent me photos of the site he was at. I still, even though I had, it kind of didn't sit right even though he showed me that he was there. It's hard to put into words, sorry.

20 Sorry?---It's hard, hard to put into words a little bit.

See on the screen, "the wheeler-dealer attitude"? Does that describe Mr Dubois pretty accurately?---I'm not sure what wheeler-dealer means.

You don't know. He was very close to his contractors, wasn't he?---No idea. I'd never spoken to them, never - - -

30 You got to know he had very close relationships with contractors, surely, over the years you were working, you know, in the same unit?---Of course, yeah. I mean, anyone that worked with any contractor got to know them, but I had no idea he was obviously doing anything wrong in this, this way.

Well, it depends, doesn't it, if a person has close relationships with contractors, that potentially spells problems.---Definitely not. Every, every single person in the branch and probably Roads and Maritime Services was very close to the contractors. That's just the nature, especially of the branch, especially because, I guess, of the secrecy around speed cameras.

40 Did you have doubts about Mr Dubois' honesty in terms of him receiving money from the work he performed at RMS other than his due salary?---No.

Never suspected that?---No, but I had a bad feeling, I guess, that he could be doing that.

But what gave rise to that bad feeling?---Just, just the fact that, as I started to look a little bit closer, they seemed to always basically gravitate towards the bigger projects, and I started to ask myself, "Why do they care? Why don't they want to do this report? Or why don't they want to do this

timesheet?” Or things, things like that. I started to ask myself those questions.

Well, in other words, if the contracts, as you say, he seemed to be interested in pursuing gave rise to a suspicion, at least in you?---I wouldn't say suspicion.

About whether he was in fact helping himself to kickbacks or payments - - - ?---Yeah, I don't know - - -

10

- - - that were not legal.---Look, yeah, you can use suspicion, but to me it wasn't based on anything. It was just, I guess I smelt a rat, couldn't put my finger on it.

How early in the piece did you start to think in those terms about him? ---Again if I'm guessing, it's 17/18. It's just a guess.

Did you know whether he dealt in flash cars?---Flash cars, no. No idea.

20

Did you ever hear that he purchased very expensive automobiles?---No. I never saw him - - -

Never heard it once? Never, ever mentioned?---Never mentioned once ever.

Yes, Ms Spruce.

MS SPRUCE: Mr Soliman, following on from irritability and suspiciousness, you see the next trait that's listed is defensiveness.---Yes.

30

And you've described Mr Dubois as giving you a lot of blowback.---Yes.

Would you agree that Mr Dubois could at times be defensive when you questioned him about his work?---Yes. Yes.

And you've also given evidence that Steyn, at times, seemed scared to lose his job.---Did I? Okay. Yeah.

You recall you gave that evidence on the last occasion?---I think, okay, sure.

40

Well, would you describe Mr Steyn as exhibiting defensiveness at times, when you questioned his work?---No, Mr Steyn seemed different. I guess the word I would use for him is nervous. Again, my wording could be completely off. Just the way it seemed to me.

And then coming back to “unusually close association with vendors and customers”, in fairness, Mr Dubois – at transcript 1138.30 – gave evidence that you would make passing comments to him in the nature of “these are your mates” or otherwise comment on the nationality of the contractors that

he was engaging.---Sorry, well, well, that's completely false. That's completely false. I had no idea what nationality these people were. I had never spoken to them, seen a photo of them, met them. Ever.

You didn't know that Mr Dubois was awarding contracts to other members of the Lebanese community?---No idea, no.

You knew that Mr Dubois was of Lebanese heritage?---Yes.

10 And you say you didn't ever know that Mr Dubois was awarding contracts to other people from within that community?---I'd never seen them before, no. Never seen his vendors, never spoken to them. No way to know.

Well, at transcript 1028.40, Mr Dubois also gave evidence that in around 2017 or 2018, he attended a meeting with you and Mr Steyn that took place in the Octagon building, and that you sat in Paul Hayes's old office and you told Mr Dubois and Mr Steyn that you'd been approached by Saurav Sarkar, who had in turn been approached by Paul Hayes, and that you, Mr Hayes and Mr Sarkar had all been in a meeting at the building adjacent to the
20 Octagon immediately prior to your meeting with Mr Steyn and Mr Dubois, and you said to Mr Dubois and Mr Steyn that Paul Hayes had said that, "You were working with contractors who were your friends."

---No, that's completely false. Paul had left by that point. I think he left in 2017. I never made contact with him, so first of all, that part is just not possible. And to the later part of the question, sorry, who are we suggesting told me what?

The suggestion was that Mr Hayes – and just pausing there. I want you to assume that Mr Hayes was at the RMS until November 2017.---Okay, yeah.
30

And he was your direct supervisor, correct?---Yes, correct. Yeah.

And so the suggestion was that Mr Hayes had approached you and said that he, that is Mr Hayes, knew that Craig and Alex were working with contractors who were their friends.---No, that never, never happened. No.

You have no recollection of that ever being raised with you?---No, but there was something close that happened to that and I think I know why, how it's been twisted, if you would like me to explain. I think during the
40 reorganisation that I spoke about earlier, when Mr Jansen was, was there, I remember Mr Sarkar telling me that Mr Jansen was planning on moving Alex – I'm sorry – Mr Dubois and Mr Steyn to the team they should have been earlier, but he said that he didn't want them – sorry – Mr Sarkar didn't want them in that team. I spoke to Alex and Craig after that basically asking, "Why does this guy," like, "Does this guy have any, do you have any issues with him? Why, why does he have an issue with you?" That's what I remember happening. Everything that was said before did not happen. I'm not even sure where that came from.

Sorry, who was it that you asked them – sorry. I withdraw that. Who was it that you thought had an issue with Mr Dubois and Mr Steyn? Was it Mr McCaffery?---No, Sarkar, Mr Sarkar.

Mr Sarkar?---Yeah.

And so you say you did have a meeting, did you, with Mr Dubois and Mr Soliman in the Octagon building?---Mr Steyn.

10

Mr Steyn, sorry.---It, it wasn't a meeting, it was just a casual chat.

But do you have a recollection of having a chat with them in around 2017 or 2018 in the Octagon building in Paul Hayes's old office? Is that something you recall?---I don't know about Paul Hayes's office. I remember after Mr Sarkar told me that he doesn't want them in their, in their team, I basically asked them, "Why, why would this guy have issues with you?"

20

Well, going back a step. Did you ask Mr Sarkar why he didn't want them in his team?---No.

You didn't?---No. Sorry, no, I didn't.

Well, did you say to Mr Sarkar that you didn't want them in your team either because they were impossible to manage?---I didn't say anything like that. I was guessing because also didn't have any background in building, I think. So that made sense to me.

30

And then you say that you asked Mr Dubois and Mr Steyn why it was that Sarkar wouldn't want them in his team?---Yep.

And what's your recollection of how they responded to that question?---I don't remember Craig saying anything. I'm not sure what Alex said but he definitely didn't like the idea of moving to Mr Sarkar's team. Yeah, I don't remember the exact words he used though. Yeah, I don't think Craig said anything at all from memory.

40

Well, I want to take you to a further piece of evidence Mr Dubois gave in respect of the meeting that Mr Dubois says occurred, and this is at transcript 1030. Mr Dubois said that after you told Mr Dubois and Mr Steyn that Paul Hayes had said that he knew they were working with contractors with their friends, that you then said to them something along the lines of, "I don't really care. I know how much work you deliver. Is there any evidence of any transactions? As long as you keep your paperwork and cover your backside, then I don't mind."---Completely false. Everything that you just said is false. What does transactions – that seems odd. No, it's false.

Now, Mr Soliman, I want to ask you some questions about the Maintenance Panel.---Yep.

You recall the Maintenance Panel - - -?---Yep.

- - - being created?---I do, yeah.

10 And what was your recollection about the reason that that panel was created?---I remember after, I remember seeing a new person in the office and his name was Nathan Chehoud. He was having a meeting with them. I asked them, “Who is this guy?” And then basically, I don’t know who it was, Alex or Craig, basically explained to me that they had created this Maintenance Panel and the purpose of it was, was that it would manage all of their work. That’s, that’s what I knew of it.

20 Well, just going back a step. Mr Dubois in his evidence at transcript 1391.10, said that the idea for the panel arose because there was an issue in respect of Safe-T-Cams and their maintenance and that some funding had become available in respect of replacing Safe-T-Cams and that it was in order to enable contractors to act quickly that a panel was created, so that the Safe-T-Cams could be replaced. Do you have any recollection of that context occurring?---No, that doesn’t make sense either.

Why doesn’t it make sense?---What’s the difference in terms of, I mean if he’s concerned about the time, what’s the difference if you use a panel or if you use just a normal purchase order let’s say?

30 Well, just taking a step back, do you recall that there was an issue in around 2017 about Safe-T-Cams needing to be replaced?---Yep, correct.

And do you recall in respect of that issue, Mr Dubois engaged a consultant - - -?---Yes.

- - - to prepare a report?---That would be Nathan, the person I just mentioned.

40 No, I think you might be confusing Mr – I withdraw that – the report that was commissioned in respect of the creation of the Maintenance Panel with the issue I’m referring to, which is the assessment of the gantries which supported the Safe-T-Cams.---Yes, I am, sorry. I do remember Mr Dubois showing me a report. I don’t know who that was from. It was the condition of the gantries and it showed that they were basically falling apart.

Well, if I can just refresh your memory quickly by taking you to volume 21.1, page 18. Do you see there’s an email from you to Joan Chapple, Paul Hayes and Paul Endycott - - -?---Yep.

- - - in respect of a scoping study of Safe-T-Cam replacement and point-to-point integration?---Yeah.

And do you see you're asking Paul to review and sign an attached concept paper which is seeking funding to perform a scoping study of Safe-T-Cam replacement?---Yeah.

And then if you go, please, to page 20, do you see there the problem statement.---Yeah.

10

There was an issue that the CSIRO was going to discontinue its support for Safe-T-Cam sites?---Oh, yes, yes, I remember now, yeah.

From mid-2016.---Yeah.

And so it was necessary to look for a new provider of the technology.---Yes.

20

So you recall now that issue arising?---Yes. At that point I don't think I had anything to do with the civil infrastructure at all, it was just the technology, the cameras and software.

Correct. So the initial issue was just the actual cameras themselves.---Yes, I think so, yeah.

But not the infrastructure.---As far as I was aware, yes.

30

All right. And then if we go, please, to page 111. You see this is a presentation prepared by Mr Dubois in respect of Safe-T-Cam asset replacement program.---Yeah.

And if we go, please, to page 113, you see Mr Dubois sets out the problem?---Yep.

And he now brings in the infrastructure as well. "The Safe-T-Cam system and infrastructure is currently over 20 years old and has reached the end of life."---Correct, yep.

40

And then towards the end he says, "The infrastructure is also end of life and requires replacement."---Yep.

So what's your recollection of how it was that the issue expanded from being just about the Safe-T-Cam system itself to now including a suggestion that the infrastructure required replacement?---I'm not sure. I remember Paul Hayes and Mr Dubois speaking about that it was 30-odd years old, that's basically it, and that it was falling apart and rusting and things like that.

And do you recall, if we go, please, to volume 21.2, page 3, that Mr Dubois engaged SMEC - - -?---Yep, I remember this, yep.

- - - to provide an assessment of the Safe-T-Cam infrastructure?---Yes. Yes, I remember this.

Now, was the decision to engage SMEC something that you discussed with Mr Dubois?---No. No, I remember he showed me the report. I didn't ask for this, no.

10

So you had no knowledge that this report was being prepared until you saw the report itself?---That's correct. Yep.

And when Mr Dubois showed you the report, did you then read it?---No, I remember he basically showed me as he flicked through some of the photos. I remember some rust, rusting and falling apart gantries. That's what I remember.

20

Well, Mr Soliman, if I can take you to page 8, please. You see that's the executive summary.---Yep.

Do you have a recollection of looking at the executive summary?---I don't know.

Well, do you see in the first line that what SMEC did was undertook a desktop assessment?---Yep. Yep.

30

And do you recall being aware that that was what had occurred, a desktop assessment of the infrastructure?---I saw photos. So I had assumed someone went there to look at it.

Well, Mr Soliman, the report goes for 61 pages, but I'm going to ask you to assume that there's not a single photograph in the report.---Okay. I remember seeing, yes, yeah, sorry, maybe it's not in this one. I remember seeing photos of rusted gantries, yeah.

40

And if we go, please, to page 62. You see this is - oh, I'm sorry, I'll wait for the document to come up. You see this is an email from Mr Dubois to you on 29 August, 2017?---Yep. Yep.

And he draws your attention to the report that's been completed.---Yep.

And then he, and he mentions that it's a desktop assessment of 27 gantry sites to determine whether they meet current codes and standards.---Yep.

And that the report has concluded there's a number of key deficiencies with these structures. And then he sets out what those deficiencies are.---Yep.

And then the key risks identified as summarised in the table below.---Yep.

Including the most practical control measures to manage these risks. And do you see that in respect of corrosion of gantry and eventual loss of structural integrity that what's recommended is to replace the gantry?

---Yep.

And then you respond by saying, "Nice. Can you send me the final SMEC report?"---Yep.

10

Now, what did you mean by "Nice"?---As in, I don't know what I meant, but looks like he had done a lot of work into this.

Well, when you say put a lot of work into it, it was just a desktop assessment, correct?---That's what it says, yeah.

No one had been out to actually inspect the gantries.---No idea.

20

Well, you understand a desktop assessment means it was done on some documents?---Make sense, yeah, yeah.

And the documents that were assessed were drawings in respect of the original gantries without reference to any photos showing their current condition.---I don't know, but I definitely remember him showing me photos of rusted gantries.

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And it's the case, isn't it, that the recommendation to replace the gantries in respect of 27 sites would involve a significant cost to the RMS?---For all 27, yeah, of course. It's massive.

So it didn't concern you that this was just a desktop assessment?---At this stage, no. That makes sense where you would start, yeah, using Google Earth and things like that.

And what would you suggest should have been done as the next step? ---I guess a physical check of the actual sites, but yeah, as far as I'm concerned that, that's what they done. As far as I was told anyway.

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So you didn't ask anyone to follow up with a physical check of the actual sites?---Yes, that would have been the next step, yeah.

I understand you say would have been the next step, but my question is, did you ask Mr Dubois to follow up - - -?---Yes.

- - - on the desktop assessment - - -?---Yes, I did, yeah.

You did.

THE COMMISSIONER: Did you have any experience in work practices associated with this line of work?---As in structural - - -

Yeah.---No.

Gantries and that sort of thing?---No.

No. So what sort of assessment, what procedures should be used to assess gantries and the like?---Can't say.

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You have no skill, training, experience in any of that?---No, I don't.

Ms Spruce, how much longer? I see the time.

MS SPRUCE: There's just - - -

THE COMMISSIONER: Perhaps just while you're thinking about that, I might adjourn for five minutes. I need to talk to Counsel about forwards arrangements, and I might have to take a five-minute adjournment now and then I'll resume at about 5 past 4.00 so that I can inform everyone as to the future programming matters.

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MR DOWNING: Commissioner, can I just raise one matter before we do?

THE COMMISSIONER: Yes.

MR DOWNING: I understand that the orders that have been made today have now taken effect at 4 o'clock.

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THE COMMISSIONER: True, that is true. In fact, yes, the COVID orders that Senior Counsel has referred to cuts in at 4 o'clock, that is now. I'm afraid we're going to have to terminate the hearing at this stage. As to any additional evidence from the witness, we'll have to work through that. You may step down. You'll be required possibly to return on 16 August, but you'll be informed about that.

THE WITNESS STOOD DOWN

[4.03pm]

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THE COMMISSIONER: Who's here representing the RMS interests?

MR GLOVER: Yes. If it please, Commissioner, my name is Glover. I - - -

THE COMMISSIONER: Just if you'd use the loudspeaker if you would.

MR GLOVER: My apologise. If it please, Commissioner, my name is Glover. I represent Transport for NSW.

THE COMMISSIONER: Mr Glover, I just raise one matter. We are adjourning, as I've earlier indicated, to 16 August, 2021. As you are aware, the Commission in discharging its jurisdiction examines work practices and procedures of government agencies and what changes have been made and what deficiencies exist, the aim of which is to prevent a recurrence of any corrupt conduct. Your client may have already provided information to the Commission relevant to the procedures that operated or didn't operate back in the relevant period the subject of this investigation and what if any changes have been made. We've heard evidence, for example, there were no audits, believe it or not. That may not be right of course, that evidence, but it seems to me that insofar as corruption prevention issues arise, that your client should be assisting the Commission. Do you know what is intended?

MR GLOVER: Yes indeed, Commissioner. We have been in communications with those assisting you and we stand ready to provide whatever information is required. Much of the contracting processes the subject of this public hearing have also been considered by the Commission in the Operation Ember public hearing and if those assisting you in this operation public hearing don't have that information that was provided as part of that hearing, we can undertake to provide that again.

THE COMMISSIONER: Well, I think that may be so and that may be useful information but I would like to think that your client would be proactive in producing, whether in report form or in any other form, relevant material for the Commission to fully assess what seems to have been a major breakdown in management controls and the like. Perhaps there's some explanation from your agency. It may be that one can never get properly to grips in a constructive way with what was missing, what went wrong, whose responsibility it was and if there weren't any audits, what's the explanation for that. In other words, I'm just raising these matters so that you can give some consideration as to what material your client, of its own initiative, should provide to the Commission so that all these issues can be properly answered. Certainly the Commission has received information to date, including no doubt from your client, but I do think there's some onus on your agency to assist the Commission in a constructive way. If the evidence as to failures in the past at multiple levels is in fact the case, I draw no firm conclusions as to that because there's simply not been enough evidence from which I can reconstruct what happened, what did happen or didn't happen, what should have happened et cetera, but I think it's a matter for your client to quick frankly present to the Commission some convenient form the fruits of its investigation. No doubt there's been some internal inquiries into all of these matters and the unhappy history, and of course behind it all was a very vast sum of public money that seems to have gone missing in action. So, there are very strong public interest issues in the Commission having all the assistance and all of the relevant information which would be within the control of your client. I advise you in any event

to liaise with the solicitor for the Commission to perhaps inform as to how you would propose to impart that sort of information.

MR GLOVER: Yes. Thank you, Commissioner.

THE COMMISSIONER: Thank you. Very well. I will adjourn then until 10.00am on 16 August, 2021. Mr Downing, nothing else at the moment?

MR DOWNING: No, Commissioner. Not now.

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THE COMMISSIONER: Thank you. I'll adjourn.

**AT 4.07PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.07pm]**