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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

THURSDAY, 1 APRIL 2021

(10th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH AM, QC

Counsel Assisting: Mr Paul Lawrie
Mr Joseph Amin

OPERATION ESPERANCE INVESTIGATION

PUBLIC EXAMINATIONS PURSUANT TO PART 6 OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011

Every effort is made to ensure the accuracy of transcripts. Any inaccuracies will be corrected as soon as possible.

1 COMMISSIONER: Good morning, Mr Kyritsis. 10:09:34AM

2 MR KYRITSIS: Good morning. 10:09:37AM

3 COMMISSIONER: Are we ready to proceed? 10:09:39AM

4 MR LAWRIE: Yes, Commissioner. 10:09:42AM

5 COMMISSIONER: So, Mr Kyritsis, I'm the Commissioner. I'm 10:09:47AM

6 conducting this examination pursuant to Part 6 of the IBAC 10:09:49AM

7 Act 2011. Mr Lawrie will be counsel assisting and 10:09:54AM

8 I authorise him to ask you questions. I may also ask you 10:09:58AM

9 some questions during the course of the examination. The 10:10:02AM

10 process that we follow is called an inquisitorial process 10:10:08AM

11 in which we're not bound by the rules of evidence, but by 10:10:12AM

12 and large I'll conduct things in the same way as one would 10:10:17AM

13 if one were in a court of law. 10:10:22AM

14 The examination is being video recorded and it's 10:10:23AM

15 open to the public. What you should do is let me know if 10:10:27AM

16 at any stage you want to have a break or if you'd like to 10:10:33AM

17 speak to your counsel. We will break in mid-morning in 10:10:37AM

18 any event, but if you need any additional time, you want 10:10:41AM

19 to break for some reason, just let me know. 10:10:43AM

20 MR KYRITSIS: Yes. 10:10:46AM

21 COMMISSIONER: Mr Dann appears on your behalf and he will be 10:10:49AM

22 given an opportunity at the conclusion of your examination 10:10:54AM

23 to explore any additional matters that he may feel 10:10:57AM

24 relevant. 10:11:02AM

25 Mr Dann, my general practice, however, is to 10:11:03AM

26 encourage counsel, if they feel that some clarification of 10:11:06AM

27 questions should be made or there's some additional piece 10:11:09AM

28 of evidence that you think your client should give, to 10:11:12AM

29 indicate that at the time those questions arise rather 10:11:15AM

1 than wait until the end of the examination to go back over 10:11:18AM
2 it. So you're welcome at any stage to interrupt if you 10:11:23AM
3 feel that there's something additional you want your 10:11:28AM
4 client to address; do you follow? 10:11:30AM
5 MR DANN: Yes, thank you. 10:11:32AM
6 COMMISSIONER: I remind you, Mr Kyritsis, there are some 10:11:40AM
7 non-disclosure obligations in relation to restricted 10:11:45AM
8 matters that will be set out in the document that you've 10:11:48AM
9 been provided and if it's not clear to you at the end of 10:11:51AM
10 the proceedings after discussion with your counsel we can 10:11:56AM
11 perhaps make clear what those matters are. 10:12:01AM
12 I need to formally address the nature and the 10:12:07AM
13 scope of the matters about which you're going to be 10:12:09AM
14 questioned. These will relate to matters pertaining to 10:12:12AM
15 your role and responsibilities at Transclean Facilities 10:12:15AM
16 and its related entities, your knowledge of and 10:12:19AM
17 involvement in Transclean's contracts with Metro Trains, 10:12:24AM
18 including the variations made to those contracts; the 10:12:28AM
19 reasons for those variations; relevant audit processes and 10:12:34AM
20 reports; payments to Transclean arising from those 10:12:38AM
21 contracts; and the performance of Transclean's obligations 10:12:42AM
22 under relevant legislation and those contracts; the nature 10:12:46AM
23 and history of your relationship with James Pinder and 10:12:53AM
24 Peter Bollas, including the frequency and the nature of 10:12:57AM
25 your communications with them; and your knowledge of and 10:13:00AM
26 involvement in any transactions, including payments, gifts 10:13:03AM
27 or other gratuities made by George Haritos, Alex Kyritsis 10:13:08AM
28 or any other agent of Transclean to or for the benefit of 10:13:14AM
29 James Pinder, Peter Bollas or any other person employed by 10:13:19AM

1 V/Line, Metro Trains Melbourne or Yarra Trams. 10:13:24AM

2 <STEVEN KYRITSIS, sworn and examined: 10:13:38AM

3 COMMISSIONER: Mr Kyritsis, at the time that you were served 10:14:08AM

4 with a summons did you also receive a document headed 10:14:11AM

5 'Rights and obligations'?---Yeah, I think so. 10:14:14AM

6 And has Mr Dann or any other lawyer explained the content of 10:14:18AM

7 that document to you?---Yep, yep. 10:14:23AM

8 And you feel you understand those rights and 10:14:25AM

9 obligations?---Yep. 10:14:29AM

10 So all I will do by way of summary is point this out to 10:14:29AM

11 you: your obligation is to answer the questions that 10:14:36AM

12 you're asked, unless you have a reasonable excuse for not 10:14:38AM

13 doing so. You've got to answer the questions, even if 10:14:43AM

14 they may incriminate you or make you liable to a penalty. 10:14:46AM

15 You must answer the questions truthfully, otherwise you 10:14:53AM

16 expose yourself to the risk of a perjury charge which 10:14:56AM

17 carries a penalty of up to 15 years imprisonment; 10:15:00AM

18 importantly, if you answer the questions truthfully, then 10:15:04AM

19 those answers are not admissible and cannot be used 10:15:08AM

20 against you in any court. The prime exception to that is 10:15:12AM

21 if you gave a false answer, then of course the false 10:15:15AM

22 answer could be used against you on a perjury 10:15:18AM

23 charge?---Yep. 10:15:21AM

24 Do you understand?---Yep. 10:15:22AM

25 Now, there are other exceptions where your evidence might be 10:15:23AM

26 used against you, but I think they're unlikely to arise in 10:15:26AM

27 the present setting. If they do, then I'll obviously 10:15:31AM

28 raise that with you and you will understand then what the 10:15:34AM

29 issue's about. But for present purposes the only 10:15:39AM

1 exception to the rule I've explained to you is if you give 10:15:43AM
2 false answers then they can be used against you. 10:15:46AM
3 Now, I say this to all witnesses and I'm not 10:15:51AM
4 singling you out here. Counsel assisting will ask you a 10:15:54AM
5 lot of questions, some of which will be what lawyers refer 10:15:58AM
6 to as open-ended questions. No answer is going to be 10:16:02AM
7 suggested in the question; it will just be, 'Did you speak 10:16:08AM
8 to someone on a particular day,' for example. The fact 10:16:11AM
9 that counsel is asking that in an open-ended way doesn't 10:16:15AM
10 mean he doesn't already know the answer to that question. 10:16:19AM
11 So don't be misled by the open-ended nature of questions. 10:16:22AM
12 Your task, and I want to emphasise this to you, your task 10:16:27AM
13 is to ensure you give full, accurate and truthful answers; 10:16:31AM
14 do you follow?---Yep. 10:16:35AM
15 Very good. Yes, Mr Lawrie. 10:16:37AM
16 MR LAWRIE: Thank you, Mr Commissioner. 10:16:40AM
17 <EXAMINED BY MR LAWRIE: 10:16:40AM
18 Mr Kyritsis, can we just start with your full name, 10:16:41AM
19 please?---Steven Kyritsis. 10:16:44AM
20 And what's your work address?---49 Claremont Street, 10:16:45AM
21 South Yarra. 10:16:49AM
22 I want to take you to some preliminary documents?---Yep. 10:16:49AM
23 This is the summons that was served on you?---Yep. 10:16:53AM
24 Together with a number of associated documents. I'll just ask 10:16:55AM
25 you to identify them as they come up, the first of which 10:17:01AM
26 is the summons. This will come up on screen at p.76 and 10:17:07AM
27 it's summons No.SE-3452. What we're going to do rather 10:17:15AM
28 than ask you to read it line by line is just scroll it 10:17:23AM
29 past at a sufficiently slow speed that you can identify 10:17:27AM

1 the document. So we'll do that now. That's dated 10:17:30AM
2 17 March, but you can confirm that that's the summons 10:17:43AM
3 served upon you on 18 March?---Yes, I believe so. 10:17:45AM
4 And then at p.78 you have the statement of rights and 10:17:48AM
5 responsibilities that the Commissioner has briefly 10:17:52AM
6 referred to already; do you see that there?---Yes. 10:17:55AM
7 And if we scroll down there's attached to that a portion of the 10:18:01AM
8 legislation that's applicable to these proceedings?---Yep. 10:18:05AM
9 And then at p.84 we see the confidentiality notice that was 10:18:12AM
10 served on you at the same time as the summons. Can you 10:18:20AM
11 just have a look at that briefly?---Yep. 10:18:25AM
12 And then finally at p.108 we see the covering letter that came 10:18:30AM
13 with the three previously mentioned documents?---Yep. 10:18:37AM
14 And again that was a document that was served on you on 10:18:41AM
15 18 March; is that correct?---That's correct. 10:18:45AM
16 I tender those as a bundle, Mr Commissioner. 10:18:47AM
17 COMMISSIONER: That will be SK1. 10:18:50AM
18 #EXHIBIT SK1 - Bundle of documents served on Mr Steven 10:18:53AM
19 Kyritsis. 10:18:57AM
20 MR LAWRIE: Mr Kyritsis, as at the first half of 2020, that is 10:18:58AM
21 from January to the end of June of 2020, were you the 10:19:01AM
22 account manager for the Metro carriages contract within 10:19:05AM
23 Transclean Facilities Pty Ltd?---Account manager, no. 10:19:09AM
24 What would you describe your role as?---I was there to assist 10:19:12AM
25 in the management of the day-to-day cleaning services. 10:19:16AM
26 For which contract, though?---For Metro. 10:19:21AM
27 Okay?---Yeah. 10:19:23AM
28 So how long have you worked at Transclean for?---It goes back 10:19:24AM
29 to from the day Transclean was conceived. I'm not sure 10:19:31AM

1 when that was. It could have been as far back as 2010. 10:19:36AM
2 How old were you when you joined?---Mid-20s. 10:19:39AM
3 And your uncle is one of the owners of Transclean Facilities, 10:19:47AM
4 isn't he?---Yep. 10:19:52AM
5 That's George Haritos?---Yes. 10:19:53AM
6 And your father is the co-owner of the company as well?---Yeah, 10:19:54AM
7 that's right. 10:19:58AM
8 That's Mr Alex Kyritsis?---Yep. 10:19:58AM
9 And I presume that you had your entree to the job at Transclean 10:20:00AM
10 via either your uncle and/or your father?---Yeah. 10:20:09AM
11 Have you watched any of the public proceedings where your 10:20:14AM
12 father and your uncle have been asked questions?---Yeah, 10:20:18AM
13 I have. Not in their entirety, but I have watched parts 10:20:21AM
14 of it, yeah. 10:20:25AM
15 Did you watch last year, both in October and in November of 10:20:26AM
16 last year, where questions were asked of your 10:20:30AM
17 uncle?---Yeah, yep. 10:20:36AM
18 And did you watch yesterday's proceedings online where 10:20:37AM
19 questions were asked of your father?---Yeah, I did. 10:20:40AM
20 And you understand the general nature of the allegations that 10:20:42AM
21 have been put to both of them; is that right?---Yep. 10:20:46AM
22 Specifically that there's been an arrangement for regular 10:20:51AM
23 payments, that is corrupt payments, to both James Pinder 10:20:55AM
24 at V/Line and to Peter Bollas at Metro; you understand 10:20:59AM
25 that?---Yeah, I understand that. 10:21:03AM
26 When did you first meet Mr Bollas?---I think we first started 10:21:08AM
27 working together in around 2017. I may have met him prior 10:21:15AM
28 to that, so maybe 2016 I'd say. 10:21:20AM
29 If you met him prior to working together, is it possible that 10:21:24AM

1 you met him in a social environment in 2016?---Yeah, it 10:21:27AM
2 was a social environment. 10:21:30AM
3 Do you remember what?---I think it was a dinner that we were 10:21:31AM
4 at. 10:21:34AM
5 Okay. Who else was at that dinner?---As far as I can remember, 10:21:34AM
6 my uncle would have been there, my father, obviously 10:21:41AM
7 myself and I'm not too sure who else may have been. 10:21:45AM
8 In any event, in 2017 you start performing duties that involve 10:21:52AM
9 you working closely with Mr Bollas; is that 10:21:57AM
10 right?---I wouldn't say closely at that point but, yeah, 10:22:01AM
11 we were working on the same contract. 10:22:04AM
12 If you don't characterise it as working closely with him in 10:22:06AM
13 2017, how would you characterise it? Would you meet with 10:22:10AM
14 him weekly, monthly? What was it?---Monthly. Maybe every 10:22:13AM
15 couple of months at that point. 10:22:17AM
16 Can you describe, please, what your role was in 2017?---In 10:22:20AM
17 2017? To assist in the management of that contract, the 10:22:25AM
18 train cleaning contract, alongside Norma and Showa, who 10:22:28AM
19 was head of operations. 10:22:34AM
20 Who was ultimately, leaving aside your uncle and your father as 10:22:36AM
21 directors of the company, from an operational point of 10:22:41AM
22 view who was ultimately responsible for Transclean's 10:22:44AM
23 performance of the Metro contract?---Myself and Norma. 10:22:47AM
24 Okay. But you don't call yourself a contract manager in that 10:22:53AM
25 regard?---I was assisting her in that role. 10:23:00AM
26 Would you answer to Norma?---Yeah, of course. We assisted each 10:23:04AM
27 other. 10:23:06AM
28 What I really want to know is are you assisting each other as 10:23:06AM
29 equals or is one above the other in the chain of 10:23:12AM

1 authority?---As equals, but we had different roles. So 10:23:15AM
2 she was more hands-on dealing with staff and I was on the 10:23:18AM
3 other side of it where I was preparing documentation. 10:23:22AM
4 What about being out in the field? Were you out in the field 10:23:26AM
5 very much?---Not much. Pre-COVID not really. Obviously 10:23:29AM
6 things escalated around that time and, you know, we all 10:23:34AM
7 had to put in our best efforts to make sure the job was 10:23:38AM
8 getting done. 10:23:42AM
9 So the nature of your responsibility, your role and your 10:23:44AM
10 responsibilities and your day-to-day work shifted 10:23:47AM
11 markedly, you would say, with the outbreak of COVID in or 10:23:51AM
12 around February or March of 2020?---Yeah, that's right. 10:23:54AM
13 But prior to that time you were involved mainly in the 10:23:57AM
14 office?---Mainly admin - - - 10:24:03AM
15 In the administration of this contract?---Yep. 10:24:05AM
16 And was Norma mainly in the office doing her duties as 10:24:08AM
17 well?---She would come in, but she was spending a lot more 10:24:12AM
18 time onsite. 10:24:14AM
19 Doing what?---Inspections, audits, dealing with staff, those 10:24:16AM
20 sorts of things. 10:24:23AM
21 And dealing with staff, you're talking about dealing with 10:24:26AM
22 cleaners, aren't you?---Yes, yep. 10:24:29AM
23 Are these cleaners employed by Transclean or Proclean?---I'm 10:24:32AM
24 not too sure about that. 10:24:38AM
25 Or some other subcontractor?---I'm not too sure. We definitely 10:24:39AM
26 had cleaners employed by Transclean because they would 10:24:43AM
27 come in and do their time sheets. There may have been 10:24:46AM
28 cleaners that were used or labour provided to us. But I'm 10:24:50AM
29 not too sure about that, the extent of that. 10:24:54AM

1 COMMISSIONER: Do you know as you're in the job which staff 10:25:01AM
2 were Transclean employees and which staff were employees 10:25:05AM
3 of subcontractors or was that not something that you 10:25:10AM
4 needed to concern yourself with?---It's not something 10:25:15AM
5 I was aware of. 10:25:19AM
6 Sorry?---It's not something I was aware of. 10:25:19AM
7 You're not aware of who was employing who?---Well, staff may 10:25:22AM
8 have been given to us through our subcontractor, as in the 10:25:28AM
9 supplied labour. 10:25:32AM
10 Yes?---And then they were all managed by Transclean. So they 10:25:33AM
11 weren't just delivered to us and sent to a job. 10:25:36AM
12 Everything fell under that Transclean - - - 10:25:39AM
13 So whoever their formal employer was - - -?---Yeah. 10:25:41AM
14 They were managed by Transclean?---Yeah. 10:25:45AM
15 Is that the position?---Yeah. 10:25:48AM
16 MR LAWRIE: And did you work in conjunction with 10:25:53AM
17 Maria Tsakopoulos?---No, we didn't really cross paths. 10:25:56AM
18 What about Paul Bennett?---No. 10:26:01AM
19 So his area of responsibility and Maria Tsakopoulos's area of 10:26:04AM
20 responsibility were quite separate from what you were 10:26:08AM
21 doing day to day?---Yeah, totally separate. Two different 10:26:11AM
22 contracts. 10:26:13AM
23 What was involved? If you take a point of time, let's talk 10:26:14AM
24 about, say, January 2020, the start of 2020, what was 10:26:19AM
25 involved in the performance of Transclean's obligations 10:26:22AM
26 under the Metro carriages contract?---Involved in what 10:26:25AM
27 sense? 10:26:30AM
28 What did that look like day to day?---Basically the delivery of 10:26:31AM
29 cleaning services. 10:26:34AM

1 Where would those cleaning services be provided?---On site 10:26:38AM
2 across, you know, 35 sidings, day and night. 10:26:41AM
3 So you're getting workers generally late at night?---Yep. 10:26:45AM
4 To railway depots and sidings where rolling stock is sitting 10:26:49AM
5 obviously idle for that moment?---Yes. 10:26:54AM
6 And performing interior cleaning?---Yeah. 10:26:58AM
7 And sanitising?---Sanitising only started during COVID. There 10:27:01AM
8 was a basic sanitising involved in the normal regime, but 10:27:06AM
9 that obviously changed completely during COVID. 10:27:10AM
10 COMMISSIONER: Could I just fill in a little gap - - -?---Yeah. 10:27:15AM
11 In the nature of your relationship with Mr Bollas?---Yep. 10:27:18AM
12 You indicated to Mr Lawrie that initially you were only seeing 10:27:22AM
13 him every month or two. Over time did you start seeing 10:27:26AM
14 more of him?---Yeah. 10:27:32AM
15 Say by 2020, were you seeing him more regularly and dealing 10:27:34AM
16 with him more regularly?---Not early 2020. Probably from 10:27:39AM
17 March onwards when things really escalated with COVID and 10:27:43AM
18 the COVID cleaning requirements. 10:27:47AM
19 And how much were you seeing him then?---Daily, almost, yeah. 10:27:49AM
20 Thank you. Yes, Mr Lawrie. 10:27:54AM
21 MR LAWRIE: And as the frequency of your contact with Mr Bollas 10:27:56AM
22 substantially increased during COVID, did he become a 10:28:00AM
23 friend in your mind?---We definitely got closer, got 10:28:04AM
24 together every night. The relationship obviously, yeah, 10:28:10AM
25 we did. We became friendlier. 10:28:13AM
26 And you maintained that friendship throughout 2020, at least 10:28:17AM
27 until October of 2020?---Yep. Yep. 10:28:24AM
28 Have you spoken to him since October of 2020?---No. 10:28:28AM
29 Did you see any of his evidence that he gave in October?---Bits 10:28:31AM

1 and pieces of it. 10:28:36AM

2 You said the nature of the cleaning that the staff were doing 10:28:39AM

3 to the insides of Metro's carriages changed substantially 10:28:45AM

4 because of the outbreak of COVID?---Yep. 10:28:49AM

5 And just so that we're clear, the COVID crisis really emerged 10:28:52AM

6 for Melburnians in late February and then moving into 10:29:00AM

7 March of 2020, didn't it?---Yeah. 10:29:03AM

8 And so what you had to do at that time was respond to the 10:29:05AM

9 department's requirements for a massive increase in 10:29:17AM

10 cleaning and sanitation - sorry, I should say sanitising - 10:29:21AM

11 of the carriages?---Yeah. 10:29:26AM

12 That's right?---Yeah. 10:29:27AM

13 COMMISSIONER: Because these were carriages going out for 10:29:29AM

14 public transport every day?---Yeah, that's right. 10:29:33AM

15 MR LAWRIE: And this is as Melbourne is entering its first 10:29:37AM

16 lockdown?---I believe so. 10:29:40AM

17 But notwithstanding that many Melburnians were entering into 10:29:42AM

18 the first lockdown, you would be aware that there was a 10:29:50AM

19 real emphasis on keeping the public transport system up 10:29:53AM

20 and running?---Yeah. 10:29:56AM

21 And what you were doing you could see was a very important part 10:29:57AM

22 of that?---Of course. 10:30:01AM

23 In your mind?---Yeah. 10:30:02AM

24 And it's in that context that this very significant change to 10:30:03AM

25 what you're doing to those carriages comes about; is that 10:30:10AM

26 right?---That's right. 10:30:13AM

27 So you move from this much lower frequency of sanitising to a 10:30:14AM

28 nightly frequency of sanitising?---Yep. 10:30:26AM

29 Is that right?---Yep. 10:30:28AM

1 And is the aim once we get to March of 2020 to sanitise the 10:30:34AM
2 interior of each and every carriage that is going to be 10:30:37AM
3 operational each day?---Yes, that was the aim. 10:30:42AM
4 It had to be 100 per cent coverage?---Yeah. Well, not 10:30:44AM
5 100 per cent. Whatever the scope was put together, we had 10:30:49AM
6 to run off that. 10:30:51AM
7 COMMISSIONER: Who made the determination as to what the form 10:30:56AM
8 of cleaning should take once you got into that COVID 10:31:00AM
9 regime?---In terms of the scope of work? Obviously that 10:31:06AM
10 was decided I think between us and Metro, from my 10:31:09AM
11 understanding. I don't think - I don't think I had a 10:31:14AM
12 role - - - 10:31:19AM
13 You weren't personally involved - - -?---No. 10:31:20AM
14 In deciding what that regime should be?---No. 10:31:21AM
15 But presumably you were told what it was?---Yeah, at some 10:31:24AM
16 point, because obviously a document would have been 10:31:28AM
17 produced saying, 'This is what you have to do.' 10:31:30AM
18 I see. Yes. 10:31:33AM
19 MR LAWRIE: And we heard from your father yesterday about the 10:31:36AM
20 nature of his duties at Transclean, and it seems from his 10:31:40AM
21 evidence that at least part of what he was doing would be 10:31:43AM
22 to source and deliver cleaning chemicals, cleaning 10:31:46AM
23 products as well as hardware for cleaning, mops, buckets, 10:31:52AM
24 wipes?---Yep. 10:31:57AM
25 Things like that?---Yep. 10:31:59AM
26 Is that correct?---Yep. 10:32:00AM
27 So when you're performing your role as we come into the COVID 10:32:01AM
28 crisis in February and March of 2020, you're significantly 10:32:10AM
29 increasing the number of cleaners and the frequency of the 10:32:16AM

1 cleans; is that right?---Maybe not significantly 10:32:18AM
2 increasing the number of cleaners, but, you know, there 10:32:22AM
3 was more time allocated to it. 10:32:25AM
4 Okay. But significantly increasing the number of cleans or the 10:32:26AM
5 frequency of cleans?---Yeah. 10:32:31AM
6 And the products to do that, all the personal protective 10:32:33AM
7 equipment, all the associated hardware that goes with 10:32:38AM
8 cleaning and the chemicals would be organised by your 10:32:42AM
9 father?---Not just my father. At that time we were 10:32:46AM
10 struggling to get our hands on anything, so there were 10:32:52AM
11 multiple people involved in trying to get everything 10:32:55AM
12 together. There was nothing available. 10:32:58AM
13 But this is also the time when your role goes really from being 10:33:02AM
14 quite office-bound to being very much in the field; is 10:33:06AM
15 that right?---Yeah. 10:33:09AM
16 And would you say that you were in the field on a daily 10:33:10AM
17 basis?---At that point, every night, yeah. 10:33:14AM
18 So I say daily, but we really mean nightly, don't we?---Yeah. 10:33:19AM
19 Okay, and on a nightly basis you'd be speaking face-to-face 10:33:23AM
20 with Peter Bollas?---Yeah. 10:33:27AM
21 Can you help the Commission understand this? How did the 10:33:31AM
22 cleaners in March of 2020 actually perform the clean and 10:33:38AM
23 the sanitising inside the carriages? Is it a physical 10:33:42AM
24 wiping down or do they use fog machine applicators or is 10:33:46AM
25 it both?---It was both at that point. 10:33:50AM
26 Okay. Can you just explain the fog machine, how that 10:33:51AM
27 works?---It was a sprayer, pump sprayer, and that was used 10:33:56AM
28 to mist the interior of the trains. 10:34:00AM
29 So is it designed to allow a mist to settle on a wide surface 10:34:03AM

1 area?---Yeah, so the best coverage. That was my 10:34:07AM
2 understanding of it. 10:34:11AM
3 And that contains I presume some sort of anti-microbial 10:34:13AM
4 agent?---Yeah. 10:34:19AM
5 And that provides the sanitising effect that you're trying to 10:34:19AM
6 achieve?---Yeah. 10:34:22AM
7 And that's used in conjunction with hand wiping particular 10:34:24AM
8 surfaces?---Yep. 10:34:29AM
9 And would the hand wiping be aimed specifically at areas that 10:34:31AM
10 have been identified as high touch points?---High touch 10:34:35AM
11 points and whatever else was on that list. 10:34:38AM
12 Okay?---Yeah. 10:34:41AM
13 And to do all that, what chemical were you using in March of 10:34:43AM
14 2020?---I think it was called Oxivir. 10:34:48AM
15 Okay. And is there another one perhaps called Virex?---Yes, 10:34:56AM
16 I think that fell under the same umbrella. 10:35:01AM
17 But that was the chemical that was being sourced and being used 10:35:03AM
18 by the cleaners who were performing that work for 10:35:06AM
19 Transclean?---Yes. 10:35:11AM
20 Is that spelt O-x-i-v-i-r?---I believe so, yeah. 10:35:11AM
21 Okay. And I take it that Oxivir had been used for some time by 10:35:19AM
22 Transclean?---Only during COVID. 10:35:26AM
23 Okay?---Not prior. 10:35:28AM
24 But it was certainly used at the start of COVID?---Yep. 10:35:29AM
25 That is February/March 2020, and it required - you were having 10:35:33AM
26 to put Oxivir to the carriages, either by way of fogging 10:35:39AM
27 or by hand application on a nightly basis?---Yep. 10:35:45AM
28 In order to get the desired anti-microbial effect?---Yep. 10:35:48AM
29 You understand what I mean by that?---Yeah. 10:35:54AM

1 There was a change, wasn't there, when Metro or those persons 10:35:56AM
2 responsible for such decisions at Metro wanted you to 10:36:05AM
3 trial a new product; do you remember that?---I don't 10:36:08AM
4 believe we ever trialled a new product. 10:36:14AM
5 You didn't trial a new product?---Don't think so. 10:36:16AM
6 Do you remember that there was a trial of a product called 10:36:20AM
7 Zoono?---Yeah. I don't think that's something that we 10:36:23AM
8 used. 10:36:27AM
9 No, it might not have been something that you used, but do you 10:36:29AM
10 remember that it was being trialled?---Yeah, I remember 10:36:32AM
11 hearing about it, yeah. 10:36:35AM
12 Is that the - - - 10:36:37AM
13 COMMISSIONER: Who did you hear it from?---Probably Peter, 10:36:39AM
14 maybe some of the other train presentation officers. 10:36:44AM
15 So you mean employed by Metro?---Yeah. 10:36:48AM
16 Or by Transclean?---Employed by Metro. It might have been 10:36:53AM
17 common knowledge back then. I can't remember who we 10:36:57AM
18 discussed it with. 10:36:59AM
19 So Zoono wasn't being used by Transclean?---No, it wasn't. 10:37:00AM
20 But you heard it was being used by other cleaners?---I don't 10:37:05AM
21 know if it was actually being used. I think there was a 10:37:08AM
22 trial in having it, yeah. 10:37:11AM
23 MR LAWRIE: And so what I suggest to you is this: that in May 10:37:17AM
24 of 2020 this new product Zoono was being trialled at the 10:37:25AM
25 direction of those responsible for such decisions in 10:37:31AM
26 Metro?---Yeah. 10:37:35AM
27 And it was being trialled because of its characteristic that it 10:37:35AM
28 provided a residual microbial protection long after its 10:37:42AM
29 application; did you know that?---Apparently, but - - - 10:37:47AM

1 So perhaps in a little simpler English, you wipe it on and you 10:37:53AM
2 don't have to wipe it on again the very next day?---Yeah. 10:37:56AM
3 Did you understand - - -?---I guess so. I wasn't across that. 10:38:00AM
4 You weren't across that at all? You didn't have any 10:38:04AM
5 appreciation that that was what this product might be able 10:38:07AM
6 to do, provide many days of lasting protection?---Well, 10:38:10AM
7 maybe that was the selling point, but I'm not sure. We 10:38:14AM
8 weren't using it. 10:38:18AM
9 And that's the extent of your knowledge about this trial of 10:38:21AM
10 Zoono, is it, that you'd heard about it from someone but 10:38:26AM
11 that's all you know?---We weren't involved in that trial. 10:38:30AM
12 COMMISSIONER: Mr Kyritsis, do you remember what I said to you 10:38:33AM
13 at the outset about open-ended questions?---Yep. 10:38:36AM
14 Just think very carefully about your answers, okay? 10:38:39AM
15 MR LAWRIE: As part of the trial of Zoono there would be 10:38:47AM
16 testing to see how effective it was at providing 10:38:51AM
17 anti-microbial protection over a longer time period; do 10:38:57AM
18 you understand that?---Yeah. 10:39:02AM
19 Did you ever see that happening?---No. 10:39:04AM
20 Were you ever aware of it happening?---Possibly. 10:39:05AM
21 That is, people with the appropriate qualifications coming and 10:39:12AM
22 taking samples from surface areas to see whether or not, 10:39:17AM
23 'Is this product providing many days worth of protection 10:39:21AM
24 as opposed to 24 hours worth of protection'; were you 10:39:25AM
25 aware of that?---Possibly at the time. I can't remember 10:39:29AM
26 specifically. It wasn't something that we were directly 10:39:32AM
27 involved in. 10:39:37AM
28 There was a significant increase in the revenue that was coming 10:39:39AM
29 to Transclean because of the ramping-up of the frequency 10:39:42AM

1 of cleaning during COVID, wasn't there?---Yeah, yeah. 10:39:47AM
2 And you were applying a product that needed to be applied every 10:39:51AM
3 evening, weren't you?---Yeah, at that stage, yeah. 10:39:55AM
4 And if a product came on line or was insisted upon by Metro 10:39:58AM
5 that could provide equal or better protection that did not 10:40:04AM
6 need to be applied every night, that would represent a 10:40:09AM
7 risk to the increased revenue that Transclean was 10:40:12AM
8 enjoying; isn't that right?---Possibly, yeah. 10:40:14AM
9 Were you aware of that being the landscape, that there was this 10:40:19AM
10 new product on the horizon that might undercut the 10:40:22AM
11 frequency of your cleans?---Not necessarily. Like, 10:40:28AM
12 I remember there were trials taking place, but there was 10:40:30AM
13 never any - yeah. 10:40:34AM
14 COMMISSIONER: I'm not sure what you mean by the answer 'not 10:40:37AM
15 necessarily'. Either you were aware there was a product 10:40:40AM
16 on the horizon being contemplated which - - -?---Yeah, 10:40:45AM
17 but - - - 10:40:50AM
18 Just let me finish the question?---Sorry. 10:40:50AM
19 Either you were aware that there was a product being 10:40:52AM
20 contemplated which if employed at Metro Trains would 10:40:54AM
21 reduce the number of hours that your staff would have to 10:41:00AM
22 apply with consequential loss of revenue, or you weren't. 10:41:04AM
23 Which of the two was it?---I can't - I can't recall. 10:41:10AM
24 Like, I may have been, I may not have been. I don't know 10:41:14AM
25 what came up in discussions. But I can't recall if I was. 10:41:17AM
26 MR LAWRIE: There was a very, very significant increase in 10:41:25AM
27 revenue coming to Transclean - - -?---Yeah. 10:41:27AM
28 From its Metro carriages contract at the outbreak of COVID, 10:41:29AM
29 wasn't there?---Yes. 10:41:34AM

1 And you're using your own product at that time which had to be 10:41:39AM
2 applied nightly?---Yeah. 10:41:42AM
3 And now by the time we get to May, that is two months into the 10:41:43AM
4 crisis, Metro want to trial a new product that does not 10:41:49AM
5 have to be applied nightly. You were aware of those 10:41:54AM
6 trials?---I believe so, yeah. 10:41:58AM
7 That potentially could provide the same or maybe even better 10:42:01AM
8 performance than the product you were using; did you 10:42:05AM
9 understand that?---Yeah. 10:42:09AM
10 And in order to validate this trial, of course, there have to 10:42:12AM
11 be tests, don't there; correct?---Yep. 10:42:16AM
12 That is, you use the new product, you leave it on one area for 10:42:19AM
13 one day, another area for two, three, seven and people 10:42:25AM
14 would come in and test, wouldn't they?---Yeah. 10:42:30AM
15 You were aware of that happening at the time?---No, I'm just 10:42:32AM
16 agreeing with what you're saying, yeah. 10:42:36AM
17 But those features I've described of a testing program, were 10:42:38AM
18 you aware of anything like that going on in May? 10:42:44AM
19 COMMISSIONER: Where do you mean, Mr Lawrie? 10:42:49AM
20 MR LAWRIE: I'm sorry, the testing of surfaces within carriages 10:42:52AM
21 within rolling stock? 10:42:55AM
22 COMMISSIONER: No, I'm sorry, do you mean at Metro Trains 10:42:58AM
23 or - - - 10:43:01AM
24 MR LAWRIE: I'll rephrase the question, Mr Commissioner. 10:43:02AM
25 Testing by people who had been engaged by Metro to come 10:43:04AM
26 and swab surfaces upon which Zoono had been applied inside 10:43:09AM
27 carriages to see whether Zoono was effective or 10:43:16AM
28 not?---I recall something about it, but that wasn't - it 10:43:22AM
29 wasn't something that we were involved in in terms of the 10:43:25AM

1 trial. 10:43:28AM

2 See, I suggest to you this: the trialling of Zoono was a real 10:43:29AM

3 storm cloud on the horizon for Transclean because it could 10:43:34AM

4 seriously undermine the frequency or at least the number 10:43:38AM

5 of hours required for you to sanitise the carriages in the 10:43:41AM

6 midst of COVID. Do you agree or disagree?---Possibly, 10:43:46AM

7 yeah. 10:43:50AM

8 Were you ever involved in any discussions or did you ever take 10:43:52AM

9 any actions to sabotage or attempt to sabotage the trials 10:43:57AM

10 of Zoono?---Not personally, no. 10:44:02AM

11 When you say 'not personally', can I say that suggests to you 10:44:08AM

12 that you knew someone who did?---Yeah, okay. I have a 10:44:12AM

13 recollection now of what you're referring to, yep. 10:44:18AM

14 And what I'm referring to is a deliberate attempt to sabotage 10:44:22AM

15 the trials of Zoono. Would you like to tell us about 10:44:27AM

16 it?---I don't know how it came about, but obviously 10:44:32AM

17 I think Peter had instructed some of our staff members to, 10:44:38AM

18 I don't know, maybe discredit some of the results. 10:44:47AM

19 You mean Peter Bollas?---Yep. 10:44:51AM

20 He works for Metro, doesn't he?---Yeah. 10:44:54AM

21 Or he did at the time?---Yep. 10:44:58AM

22 His pay cheque doesn't depend on whether Zoono is used or 10:45:00AM

23 whether Oxivir is used, does it?---No, I don't think so. 10:45:06AM

24 His pay cheque didn't depend on whether 100 hours of cleaning 10:45:11AM

25 time was required or 1000 hours of cleaning time was 10:45:18AM

26 required, did it?---No. 10:45:21AM

27 On the face of it, he had nothing to win, lose or draw from the 10:45:22AM

28 success of the Zoono trials, did he?---Not sure. I don't 10:45:31AM

29 know what goes on behind the scenes. 10:45:35AM

1 But maybe he did. 10:45:38AM

2 COMMISSIONER: I think counsel assisting's question meant in 10:45:40AM

3 his capacity as an employee of Metro Trains he had nothing 10:45:43AM

4 to lose, whatever the outcome of the trials was with 10:45:50AM

5 Zoono. It didn't matter to his employ and the benefits 10:45:59AM

6 that he would receive from his employ?---Possibly not. 10:46:03AM

7 But, look, I vaguely remember something. They had 10:46:05AM

8 concerns that that product was never going to perform the 10:46:10AM

9 way it was designed to perform and I don't think they were 10:46:14AM

10 confident that an application once a month was safe. 10:46:18AM

11 MR LAWRIE: It's not that. It's not a lack of confidence in 10:46:25AM

12 the public spirit and trying to make sure that things are 10:46:28AM

13 right. This is a conspiracy, I suggest, between you, your 10:46:32AM

14 uncle and Mr Bollas to sabotage these trials so that Zoono 10:46:36AM

15 would not be the chemical that would be used?---I'm not 10:46:44AM

16 sure. 10:46:48AM

17 Do you agree with that?---No, I'm not sure whose suggestion it 10:46:49AM

18 was. I thought it was his suggestion. 10:46:53AM

19 Did you play an active part in this?---I don't recall if I did 10:46:54AM

20 or didn't. 10:47:02AM

21 Now, this is not from years ago, Mr Kyritsis?---Yeah, I know. 10:47:06AM

22 This is last year. You appreciate that?---I understand that. 10:47:11AM

23 But there was also a lot going on last year. 10:47:14AM

24 This is less than 12 months ago?---Yep. 10:47:15AM

25 What I'm suggesting to you is that you were actively involved 10:47:19AM

26 in sabotaging these trials by contaminating surfaces upon 10:47:22AM

27 which Zoono was being trialled. Do you remember 10:47:28AM

28 that?---Not personally, no. 10:47:37AM

29 Do you remember any discussions about a scheme to deliberately 10:47:38AM

1 contaminate the inside of Metro's train carriages?---It 10:47:42AM
2 rings a bell, yeah. I can't remember the - - - 10:47:53AM
3 COMMISSIONER: Just pause for a moment?---Sorry, yeah. 10:47:58AM
4 Mr Kyritsis - - -?---Yep. 10:48:00AM
5 I assume you don't as a matter of habit engage in improper or 10:48:04AM
6 unlawful activities, do you?---No, I don't. 10:48:09AM
7 So presumably if someone above you or from Metro Trains was 10:48:11AM
8 requesting or directing you to do something which you knew 10:48:20AM
9 was dishonest or improper in relation to unfairly 10:48:25AM
10 contaminating the trials that were being conducted, it's 10:48:32AM
11 something you would remember?---I do remember it, but 10:48:37AM
12 I can't remember specifics. I remember it occurring. 10:48:41AM
13 What do you remember?---I think it was Peter that had put 10:48:45AM
14 the - he put it to me and I can't remember the nature of 10:48:52AM
15 the conversations we had, but he wanted us to possibly 10:48:57AM
16 contaminate or - I can't remember if it was surfaces or 10:49:03AM
17 trains, but it was something to that effect. 10:49:08AM
18 Yes, Mr Lawrie. 10:49:12AM
19 MR LAWRIE: So do you say that the whole idea was Peter 10:49:14AM
20 Bollas's idea?---It certainly wasn't my idea. 10:49:17AM
21 Was it your uncle's idea, perhaps?---No idea. No idea. 10:49:20AM
22 You see, Peter Bollas's involvement in this conspiracy to 10:49:27AM
23 contaminate comes about because he was already on the 10:49:33AM
24 payroll of Transclean, he was already receiving secret 10:49:37AM
25 monthly payments in the order of \$10,000 a month. Did you 10:49:41AM
26 know that?---That's the allegation. 10:49:45AM
27 COMMISSIONER: Did you know that, Mr Kyritsis?---No, I didn't. 10:49:49AM
28 No, I didn't. 10:49:52AM
29 At no time did it come to your knowledge that Mr Bollas was 10:49:52AM

1 receiving payments from Transclean?---Never had any sort 10:49:56AM
2 of discussion with him about that, no. 10:50:00AM
3 I'm not asking whether you had a discussion with him about it. 10:50:03AM
4 Just be careful?---Yep. 10:50:06AM
5 At no time did it come to your knowledge that Transclean was 10:50:07AM
6 paying money to Mr Bollas?---It came to my knowledge after 10:50:14AM
7 all of these allegations being put forward, but not 10:50:20AM
8 (indistinct). 10:50:26AM
9 MR LAWRIE: You see, my suggestion to you is that Mr Bollas's 10:50:29AM
10 involvement in this contamination affair is part of 10:50:31AM
11 the services, if you like, that he was rendering for those 10:50:40AM
12 secret payments. This is part of the quid pro quo for the 10:50:43AM
13 money that he's getting from Transclean every month. You 10:50:46AM
14 dispute that no doubt?---I wouldn't have known that. 10:50:50AM
15 I want to ask you again. I want you to really carefully think 10:50:52AM
16 about this before you answer?---Yep. 10:50:56AM
17 Did you have any active involvement in this conspiracy to 10:50:57AM
18 contaminate the carriages and destroy the Zoono trials or 10:51:06AM
19 subvert the Zoono trials?---I can't remember. I may have. 10:51:11AM
20 I may have. I don't know if I physically did anything, 10:51:18AM
21 but obviously there were discussions occurring back then. 10:51:23AM
22 Detailed discussions, I suggest, about how to achieve the 10:51:29AM
23 contamination?---Maybe, yeah. Yeah. 10:51:33AM
24 COMMISSIONER: Mr Kyritsis, I don't understand your answer, 10:51:37AM
25 'I may have.' You've already told us that Mr Bollas 10:51:41AM
26 talked to you about what he wanted to see happen?---Yeah. 10:51:45AM
27 It's not clear in my head. 10:51:49AM
28 So you say?---Yeah. 10:51:52AM
29 You remember him talking to you about it?---I can't remember 10:51:53AM

1 specifics, though. 10:51:59AM

2 So the next question, rather than you may have been involved, 10:51:59AM

3 the next question is did you do anything as a consequence 10:52:02AM

4 of what Mr Bollas discussed with you?---Me personally, no. 10:52:07AM

5 Your staff?---Staff possibly, yeah. 10:52:16AM

6 And how did that come about - - -?---He was putting a lot of 10:52:19AM

7 pressure on us about that at that time. 10:52:23AM

8 And how would your staff have come to do that?---I'm not sure. 10:52:26AM

9 I'm not sure. 10:52:30AM

10 You didn't direct them?---I may have, but I don't remember how 10:52:30AM

11 I would have directed them. 10:52:36AM

12 So you don't remember whether you or at your direction your 10:52:37AM

13 staff engaged in the very task which Mr Bollas encouraged 10:52:44AM

14 you to perform, namely to contaminate the tests?---No, not 10:52:49AM

15 in terms of the specifics of it, no. 10:52:57AM

16 All right. 10:53:00AM

17 MR LAWRIE: I suggest to you that it's not Mr Bollas applying 10:53:03AM

18 any pressure here. The pressure is all coming from 10:53:06AM

19 Transclean, from you and your uncle, because Transclean is 10:53:09AM

20 the one that stands to lose the revenue - - -?---No, 10:53:13AM

21 I don't think that was the case. It was - Bollas had 10:53:16AM

22 brought it up. 10:53:20AM

23 So it's all Peter Bollas. He's the motivator, he's the 10:53:21AM

24 pressure applier and whatever you've done has been in 10:53:26AM

25 response to this situation?---As far as I knew, yeah. 10:53:29AM

26 Is that really your story?---Yeah. 10:53:33AM

27 Okay. Let's go to telephone call No.12, please. This is found 10:53:35AM

28 at p.1090. This is a telephone call between Mr Bollas and 10:53:40AM

29 yourself - - -?---Yeah. 10:53:52AM

1 That takes place - I'm sorry, let me correct myself. Telephone 10:53:53AM
2 call No.8 at 1079. This is a telephone call that takes 10:54:01AM
3 place on 13 May between yourself and your uncle, George 10:54:07AM
4 Haritos, and it takes place, this first call, at 5.29 pm. 10:54:13AM
5 Now, what's going to happen is the audio will be played 10:54:17AM
6 and on your screen will be a transcript?---Yep. 10:54:21AM
7 That will scroll past and you'll be able to follow it as it 10:54:24AM
8 goes past. Can we bring that up now, please. That is 10:54:28AM
9 call No.8, 1079. 10:54:31AM
10 (Audio recording played to the Commission.) 10:54:49AM
11 COMMISSIONER: Just pause there for a moment, 10:56:53AM
12 Mr Lawrie?---Yeah. 10:56:56AM
13 I cautioned you before you commenced your evidence?---Yep. 10:56:56AM
14 I cautioned you again before this particular issue was now 10:57:00AM
15 fully explored with you. Reflecting on what evidence 10:57:05AM
16 you've already given, do you want to say 10:57:10AM
17 something?---Well, that obviously refreshes my memory. 10:57:13AM
18 Yes?---Yep. I wasn't - - - 10:57:16AM
19 So it's clear a number of things that you've said are 10:57:19AM
20 incorrect, isn't that right?---In terms of what 10:57:22AM
21 specifically? 10:57:27AM
22 Well, let's just start with your claim that this all came from 10:57:28AM
23 Peter Bollas - - -?---Yep. 10:57:33AM
24 And you know nothing about your uncle being involved; can we 10:57:34AM
25 start with that?---Okay, I accept that now. 10:57:38AM
26 Anything else you want to correct?---No, not at this stage. 10:57:41AM
27 What about the fact that you may have but couldn't remember 10:57:45AM
28 whether you had any role to play?---Well, I obviously did, 10:57:50AM
29 yeah. 10:57:54AM

1 Anything else you want to correct?---No. 10:57:54AM
2 Yes, Mr Lawrie. 10:58:00AM
3 MR LAWRIE: You don't suffer from any difficulties with your 10:58:01AM
4 memory, do you?---No, I don't think so. 10:58:03AM
5 You appreciate this is 10 months ago, don't you?---Yeah. 10:58:08AM
6 Your inability to remember your involvement at the outset was 10:58:13AM
7 simply a convenient excuse, wasn't it?---No, like, it's 10:58:16AM
8 something that had escaped my mind. We were under a lot 10:58:21AM
9 of pressure back then. 10:58:23AM
10 You honestly say it escaped your mind that you were involved in 10:58:24AM
11 this scheme?---Well, I remember it now, yeah. I do 10:58:30AM
12 remember it now. 10:58:32AM
13 Before I play the other calls - - -?---Yep. 10:58:33AM
14 Can you detail what your level of involvement was in sabotaging 10:58:35AM
15 the Zoono trials?---I might have - probably did contact 10:58:40AM
16 other members of staff and instructed them on what to do. 10:58:50AM
17 Probably or did?---I'm assuming I would have, yes. 10:58:56AM
18 COMMISSIONER: Well, do you remember? Do you remember having a 10:59:00AM
19 conversation with Norma, for example, to explain to her 10:59:02AM
20 what George had suggested to you as to how you might 10:59:06AM
21 contaminate things?---I would have, yeah. Yeah. 10:59:11AM
22 MR LAWRIE: And you actually went and did this, didn't 10:59:17AM
23 you?---I think so, yeah. 10:59:21AM
24 On how many occasions?---I'm not sure. Not sure. 10:59:22AM
25 COMMISSIONER: This is all for the purpose, Mr Kyritsis, you're 10:59:30AM
26 not a fool, this is all for the purpose of ensuring that 10:59:35AM
27 the continuing level of revenue comes to Transclean?---I'm 10:59:40AM
28 not sure, because to me it seemed that Peter was pushing 10:59:46AM
29 it because he didn't want it to go ahead. 10:59:49AM

1 You still say that, notwithstanding a moment ago you've heard 10:59:54AM
2 the emphatic nature of George's direction and the need 11:00:00AM
3 that this has got to happen? You still say that to the 11:00:05AM
4 Commission?---Yeah. 11:00:08AM
5 This is all about protecting family, is it, Mr Kyritsis?---No, 11:00:12AM
6 it's not. 11:00:17AM
7 No matter what the evidence placed in front of you? Why do you 11:00:17AM
8 think your uncle was so emphatic that this has to 11:00:22AM
9 happen?---I'm not sure. 11:00:26AM
10 Well, think about it for a moment if you haven't previously. 11:00:27AM
11 Why do you think George wanted this to happen?---I don't 11:00:32AM
12 know. Maybe he thought it would have a detrimental effect 11:00:40AM
13 to the business. I'm not sure. 11:00:44AM
14 Can you think of any other reason?---Not really, no. 11:00:45AM
15 Did you not think of that at the time? Was it not obvious to 11:00:47AM
16 you then that this is about maintaining revenue?---Well, 11:00:51AM
17 also I do remember other parts of this Zoono discussion 11:00:58AM
18 where it did come in we would have to buy it at a cost of 11:01:04AM
19 something like a million a year. So it was going to cost 11:01:12AM
20 us a lot of money too. So it wasn't just - I don't see 11:01:15AM
21 where the benefit was. 11:01:18AM
22 Whatever the cost or the loss of revenue, you understood what 11:01:21AM
23 was driving George was money?---Possibly, yeah. 11:01:28AM
24 MR LAWRIE: The other thing we hear in this phone call is 11:01:38AM
25 George's instructions to you to get information from Peter 11:01:41AM
26 Bollas about where the touch points are. You heard that, 11:01:46AM
27 didn't you?---Yep, yep. 11:01:49AM
28 Because in order to sabotage the trials you had to know which 11:01:51AM
29 surfaces were being trialled, didn't you?---Yep. 11:01:59AM

1 It would be practically impossible to have a random attack on 11:02:03AM
2 the Zoono trial without knowing which surfaces you needed 11:02:09AM
3 to contaminate; is that right?---Yep. 11:02:13AM
4 And that's the information that George was telling you to get 11:02:15AM
5 from Peter Bollas, wasn't it?---Yep. 11:02:18AM
6 And then he was also giving you suggestions about how to 11:02:22AM
7 transfer a microbial load onto those test surfaces, wasn't 11:02:29AM
8 he?---Yep. 11:02:33AM
9 And, in plain English, how to contaminate them?---Yep. 11:02:34AM
10 And you've got enough wherewithal, I suggest, in that 11:02:40AM
11 conversation to appreciate that if there is a test result 11:02:43AM
12 that's off the chart in terms of a terribly high microbial 11:02:48AM
13 load, that someone's going to realise that it's an 11:03:00AM
14 anomaly; you knew that, didn't you?---It seemed like a 11:03:04AM
15 stupid idea, yeah. 11:03:07AM
16 No, it's not a stupid idea. For this to work you had to have 11:03:08AM
17 the contamination, but the contamination had to be within 11:03:12AM
18 sensible limits, didn't it?---I guess so. 11:03:15AM
19 It had to show a bad high result, but not so high that it would 11:03:18AM
20 be discounted as being some sort of problem?---Yep. 11:03:24AM
21 You know, some sort of testing problem, for example; 11:03:28AM
22 yeah?---(Witness nods). 11:03:33AM
23 You knew that whatever result came in from the biologists that 11:03:33AM
24 are testing, it had to be bad and perhaps very bad, but 11:03:36AM
25 not off the charts because that would attract further 11:03:42AM
26 investigation of the testing, wouldn't it?---Yeah, 11:03:46AM
27 I guess. 11:03:49AM
28 And that's what you talk about at the end of that conversation, 11:03:49AM
29 isn't it?---Yeah. 11:03:53AM

1 To acquire that level of knowledge, did you speak to anyone or 11:03:54AM
2 did you just gather that from your own 11:04:02AM
3 resources?---Probably Peter. 11:04:06AM
4 Probably Peter?---Yeah. Peter was the one that was pushing 11:04:07AM
5 this. 11:04:12AM
6 You still persist with that?---He was. 11:04:13AM
7 What was Peter going to gain out of it?---I've no idea. I'm 11:04:17AM
8 not sure. 11:04:22AM
9 You've been with the company or you had been with the company 11:04:22AM
10 at that stage 10 years?---Yeah. 11:04:25AM
11 You know the business very, very well, I suggest?---Yep. 11:04:28AM
12 You know your major customer, Metro, very well by that stage, 11:04:32AM
13 I suggest?---Yep. 11:04:39AM
14 You knew Peter from 2016, didn't you?---Yep. 11:04:40AM
15 And then very frequently in the early part of 2020 when you 11:04:45AM
16 were working with him on a nightly basis, didn't 11:04:50AM
17 you?---Yep. 11:04:53AM
18 You had become friends, hadn't you?---Yep. 11:04:53AM
19 You knew that Peter's salary was paid by Metro?---Yep. 11:04:55AM
20 He was employed by Metro?---Yep. 11:05:00AM
21 On the face of it, if we ignore for the moment the background - 11:05:02AM
22 - -?---Yep. 11:05:12AM
23 Of corrupt monthly payments from Transclean to Peter Bollas, if 11:05:12AM
24 we ignore that and pretend it's not there for the moment, 11:05:16AM
25 there is nothing for Peter Bollas to gain in whatever 11:05:19AM
26 chemical is used to sanitise these trains; do you 11:05:23AM
27 accept?---I can't accept that, because I don't know what 11:05:29AM
28 he had organised. My understanding is we had to buy it 11:05:31AM
29 through a company that he had nominated and the cost was 11:05:36AM

1 going to be astronomical to us if it went down that way. 11:05:41AM
2 Sorry, Peter Bollas had nominated the company, had he?---Yeah. 11:05:47AM
3 When did he do that?---In some of the discussions that we had. 11:05:50AM
4 No, the question is simple. When?---I'm not sure when. I'm 11:05:55AM
5 not sure when. 11:05:58AM
6 Who was involved in these discussions?---I don't know. He had 11:05:58AM
7 obviously told me. I'm not sure if anyone else was 11:06:06AM
8 involved. 11:06:08AM
9 No, you've just referred to discussions?---It could have been 11:06:08AM
10 between me and Peter. 11:06:11AM
11 I want to back up here for a minute?---Yep. 11:06:12AM
12 This is a product - - -?---Yep. 11:06:15AM
13 That represents a threat to the revenue of Transclean for two 11:06:16AM
14 reasons: it's going to reduce the labour required to 11:06:19AM
15 achieve sanitising of the carriages during COVID; that's 11:06:22AM
16 one, correct?---Yeah. 11:06:25AM
17 And it's going to involve a significant additional cost to 11:06:27AM
18 purchase the product?---Yeah. 11:06:29AM
19 Is that right?---Yeah. 11:06:31AM
20 And for some reason let's assume that Transclean is not going 11:06:33AM
21 to be permitted to pass on to Metro the additional cost of 11:06:36AM
22 that supply; let's accept that for the moment?---Yeah. 11:06:40AM
23 So there's two layers of revenue - two layers by which the 11:06:42AM
24 revenue of Transclean is to be imperilled by the 11:06:51AM
25 introduction of this product?---Yeah. 11:06:53AM
26 Okay. Now, you're in discussions?---Yep. 11:06:56AM
27 Who was involved in those discussions?---Peter, myself, maybe 11:06:59AM
28 George, maybe others. 11:07:06AM
29 Where did they take place?---His office, our office, maybe on 11:07:08AM

1 site, I'm not sure. 11:07:15AM

2 When?---Around that same timeframe. 11:07:16AM

3 May of 2020?---Possibly. I can't remember specifics. 11:07:20AM

4 And was it Peter Bollas telling you, 'I have decided that you 11:07:24AM

5 must use Zoono.' Is that what he said?---No, I don't 11:07:29AM

6 think so. But I think if Zoono was to come in it 11:07:32AM

7 wasn't - we would also - it would increase our workload 11:07:37AM

8 too. 11:07:40AM

9 I want to back up - - -?---Yeah. 11:07:41AM

10 Because you said Bollas - - -?---It's confusing. I can't 11:07:43AM

11 remember. 11:07:46AM

12 No, it's not confusing?---To me it is. 11:07:46AM

13 Well, I'll make it simple?---Yeah. 11:07:49AM

14 You said a moment ago that Peter Bollas was the one who made 11:07:51AM

15 the decision and was insisting that you use Zoono?---It 11:07:53AM

16 must have come from him. It couldn't have come from 11:07:57AM

17 anyone else. 11:07:59AM

18 Really? There was no-one else within Metro that might have 11:08:01AM

19 been making a decision to trial Zoono; is that your 11:08:05AM

20 evidence?---There probably was, yeah, yeah, but in terms 11:08:07AM

21 of our involvement it was only coming from him. 11:08:10AM

22 COMMISSIONER: Mr Kyritsis?---Yeah. 11:08:13AM

23 What we already know - - -?---Yeah. 11:08:15AM

24 From what you've told us - - -?---Yeah. 11:08:17AM

25 Of Bollas's conversation with you and George's conversation 11:08:19AM

26 with you, the objective by Mr Bollas and Mr Haritos was to 11:08:24AM

27 ensure that Zoono was not used; it was to contaminate the 11:08:31AM

28 tests so that you wouldn't be employing Zoono in the 11:08:38AM

29 future?---I think that might have been the initial 11:08:41AM

1 approach to it. But then the discussions were that it 11:08:44AM
2 would be used and we would increase our cleaning in terms 11:08:49AM
3 of our major internal cleanings and it wouldn't have been 11:08:56AM
4 applied on that once a month basis. I think it ended up 11:09:00AM
5 coming down to once a fortnight. So there were other 11:09:04AM
6 implications I can't remember. It was going to increase 11:09:08AM
7 the frequency of our major cleans using that product. 11:09:12AM
8 But at the point of time when we've paused?---Yep. 11:09:16AM
9 Namely Bollas talks to you?---Yep. 11:09:20AM
10 And George talks to you in that conversation?---Yep. 11:09:22AM
11 The objective at that moment in time is to discredit 11:09:25AM
12 Zoono?---At that time, yeah. 11:09:30AM
13 Yes?---Yeah. 11:09:31AM
14 MR LAWRIE: And this is not pressure coming from Bollas, 11:09:36AM
15 I suggest. Bollas is simply the person who's giving you 11:09:38AM
16 the information that Metro has made a decision to trial - 11:09:41AM
17 - -?---There was pressure from him. 11:09:45AM
18 He's giving you information. He's not giving you pressure, 11:09:47AM
19 I suggest?---No, he was pressuring us. 11:09:51AM
20 Okay. Mr Commissioner, I tender call No.8 and the transcript 11:09:52AM
21 commencing at 1079. 11:09:57AM
22 COMMISSIONER: That will be SK2. 11:10:00AM
23 #EXHIBIT SK2 - Telephone call between Mr Steven Kyritsis and 11:10:04AM
24 Mr George Haritos on 13 May 2020, phone call No.8, p.1079. 11:10:04AM
25 COMMISSIONER: He's pressuring you to engage in discrediting 11:10:06AM
26 Zoono?---Yes. 11:10:08AM
27 And he's going to show you the pressure points or the contact 11:10:10AM
28 points in the carriage where you should employ 11:10:13AM
29 contaminants such as that identified by your uncle in 11:10:18AM

1 order to discredit the tests that were to be conducted. 11:10:22AM
2 At that point of time there are two entities that are 11:10:27AM
3 inherently involved in the issue of public safety: Metro 11:10:30AM
4 and you, Transclean?---Yep. 11:10:38AM
5 Correct?---Yep. 11:10:40AM
6 And for all you knew, for all you knew, Zoono was a product 11:10:41AM
7 which, if the tests were not contaminated, would be 11:10:49AM
8 inherently better in terms of public safety?---Not 11:10:51AM
9 necessarily, because it was only something to be applied 11:10:57AM
10 once a month and that might work on a desk that no one 11:10:59AM
11 touches, but in a train environment where you've got 11:11:03AM
12 people coming in and out constantly, it didn't really make 11:11:07AM
13 sense to apply a product monthly as opposed to daily. 11:11:11AM
14 But you didn't know whether or not - you're not an 11:11:17AM
15 expert?---No, I'm not. 11:11:22AM
16 You didn't know whether as a matter of public safety it would 11:11:23AM
17 be better in the long-term to use Zoono?---Not sure. 11:11:26AM
18 No. And yet, notwithstanding that, for revenue reasons you 11:11:31AM
19 were under instructions from your uncle to contaminate 11:11:41AM
20 these tests?---Those instructions came from Peter. 11:11:44AM
21 Did you listen to the phone call?---Yeah, I did. That's just a 11:11:48AM
22 phone call. Obviously it started from Peter. 11:11:51AM
23 When your uncle says to you, 'Make it happen'?---Yes. 11:11:53AM
24 You don't call that an instruction?---Yeah, I do. That was an 11:11:56AM
25 instruction that - - - 11:12:01AM
26 Can we stop this farce, this family protection farce, all 11:12:02AM
27 right? You are under directions from your uncle as to 11:12:09AM
28 what you had to do?---Not only my uncle. Peter too. And 11:12:15AM
29 that's the reality of it. 11:12:18AM

1 MR LAWRIE: I'm going to play you another video?---Yeah. 11:12:23AM
2 Sorry, another audio?---Yeah. 11:12:25AM
3 This is call No.9, so it's another call between yourself and 11:12:28AM
4 your uncle, George Haritos, but it also takes place on 11:12:31AM
5 13 May?---Yep. 11:12:35AM
6 At 6.37, so it's roughly an hour and 10 minutes after the first 11:12:37AM
7 call that we've heard. Do you understand that?---Yep. 11:12:41AM
8 And again you'll have the audio played and you'll be able to 11:12:43AM
9 follow on the transcript. 11:12:47AM
10 (Audio recording played to the Commission.) 11:13:08AM
11 MR LAWRIE: That's the end of that recording, Mr Commissioner. 11:15:08AM
12 Mr Kyritsis, were you able to follow the audio and the 11:15:10AM
13 transcript of that?---Yep. 11:15:13AM
14 So that's the second call that evening between yourself and 11:15:14AM
15 your uncle, George Haritos?---Yep. 11:15:18AM
16 Did you see in that call, or hear in that call I should say, 11:15:20AM
17 the insistence on your uncle finding out information from 11:15:28AM
18 Peter?---Yep. 11:15:31AM
19 And that is because the Metro Trains either comprise six 11:15:32AM
20 carriages or three carriage, don't they ?---Yeah, that's 11:15:41AM
21 true. 11:15:45AM
22 And for the purposes of these trials not all six carriages were 11:15:46AM
23 involved. A single carriage would be selected for the 11:15:50AM
24 surfaces to be trialled; is that right?---Possibly, yeah. 11:15:52AM
25 So not only did you need to know which surfaces you needed to 11:15:55AM
26 contaminate, but you needed to know which carriage those 11:16:00AM
27 surfaces were in, which of the six or three carriages; is 11:16:04AM
28 that right?---Yep. 11:16:08AM
29 Otherwise your task of sabotaging would be very, very 11:16:10AM

1 difficult, if not impossible; is that right?---Yep. 11:16:13AM
2 And it's in that context that your uncle is saying, 'Get this 11:16:18AM
3 information from Peter'; is that correct?---Yep. 11:16:22AM
4 Did you go down that night?---I assume so. 11:16:28AM
5 Did you contaminate the surfaces?---No, no. 11:16:36AM
6 Did you instruct someone else to contaminate the 11:16:40AM
7 surfaces?---Maybe, yeah. 11:16:43AM
8 Who did you instruct?---Possibly Norma. I'm not too sure. 11:16:44AM
9 Why do you use these qualifiers such as 'maybe' and 11:16:50AM
10 'possibly'?---Because I don't have a clear recollection of 11:16:56AM
11 it because it's a long time ago. 11:16:58AM
12 This is not a long time ago, with respect. This is 11:16:59AM
13 10 months?---Yep. 11:17:03AM
14 And this is not day-to-day duties or actions or movements; this 11:17:03AM
15 is something highly unusual, I suggest?---Yep. 11:17:11AM
16 Have you ever been involved in this sort of activity 11:17:14AM
17 before?---No. 11:17:18AM
18 Have you ever been involved in this sort of activity 11:17:18AM
19 since?---No. 11:17:22AM
20 So this is the first time in your life that you've had to 11:17:22AM
21 engage in such subterfuge, is it? 11:17:25AM
22 COMMISSIONER: You'll have to say 'yes'?---Yes, sorry. 11:17:30AM
23 MR LAWRIE: So it's something that I suggest to you would be 11:17:33AM
24 very, very clear in your memory?---In terms of specific 11:17:35AM
25 dates and times - - - 11:17:42AM
26 I'll help you with those?---Yeah, that's fine. 11:17:44AM
27 I will help you with dates and times?---Yep. 11:17:47AM
28 But as to the degree of your involvement, what you did, what 11:17:49AM
29 you saw others do, what you directed others to do, the 11:17:53AM

1 gathering of contaminated rags and the like, these are all 11:17:59AM
2 matters that would sit crystal clear in your memory, 11:18:02AM
3 I suggest?---Yeah, okay. 11:18:05AM
4 So can we start talking about - - -?---I wouldn't say crystal 11:18:13AM
5 clear, but I obviously do now have more of an 11:18:16AM
6 understanding, but it's not crystal clear. 11:18:19AM
7 And that clarity would tell you that the motivator for this 11:18:24AM
8 scheme is your uncle in order to protect the revenue of 11:18:29AM
9 Transclean?---I don't know what the motivator was. 11:18:33AM
10 I can't speak for that. 11:18:36AM
11 Are you prepared to depart from your earlier assertions that 11:18:41AM
12 it's Mr Bollas who's the one who's urging this to happen 11:18:48AM
13 for his own unknown benefit and not Transclean? Can we 11:18:55AM
14 move away from that?---We can, but he was definitely 11:19:00AM
15 pushing it too. 11:19:06AM
16 COMMISSIONER: And it didn't occur to you - forget about the 11:19:07AM
17 payments, the monthly payments which Mr Lawrie said put 11:19:10AM
18 aside for the moment - it didn't occur to you that the 11:19:14AM
19 reason Mr Bollas is working with your uncle to achieve 11:19:17AM
20 this outcome is because Mr Bollas is getting some improper 11:19:22AM
21 benefit from Transclean in order to benefit 11:19:28AM
22 Transclean?---I'm not sure, because Peter was - - - 11:19:32AM
23 No, that's not what I'm asking you, whether you were sure about 11:19:34AM
24 anything?---Yeah. 11:19:37AM
25 I'm asking you whether or not it occurred to you at the time, 11:19:38AM
26 as Mr Bollas is pursuing an objective which is plainly for 11:19:41AM
27 the benefit of Transclean, it didn't occur to you that 11:19:45AM
28 there must be some improper relationship between Bollas 11:19:49AM
29 and your uncle?---Not in that sense, no. 11:19:52AM

1 Not in those terms?---No. 11:19:56AM

2 In what terms did it occur to you?---I don't know. Peter was 11:19:58AM

3 always, you know, Peter would put himself first. So if he 11:20:02AM

4 wanted something done he would have had it done or got it 11:20:08AM

5 done for his own reasons. So I'm not too sure about the 11:20:11AM

6 reasons behind any of this at that time. 11:20:19AM

7 You understood that this example we're looking at at the moment 11:20:21AM

8 is conduct by Mr Bollas that's contrary to his public 11:20:25AM

9 service obligations - - -?---Of course, it was a stupid 11:20:31AM

10 thing to do. 11:20:34AM

11 To his employer. You understood that, didn't you?---Of course, 11:20:35AM

12 and it was stupid for us to get involved in that as well. 11:20:39AM

13 And it didn't occur to you that the reason he was stepping over 11:20:42AM

14 the line doing things that were contrary to his terms of 11:20:45AM

15 employment with Metro Trains was because of some improper 11:20:48AM

16 relationship with your uncle?---No, that didn't occur to 11:20:53AM

17 me. 11:20:58AM

18 It didn't occur to you?---No. 11:20:58AM

19 So what reason do you think Mr Bollas had?---He didn't want to 11:21:00AM

20 be using Zoono for some reason. He thought it was a crap 11:21:03AM

21 product. 11:21:07AM

22 Why do you think your uncle was prepared to go along with that 11:21:07AM

23 and to direct you to assist?---I'm not sure. 11:21:11AM

24 Did you think about that?---No, not at the time. 11:21:13AM

25 You didn't?---No. 11:21:16AM

26 And that's all the truth, is it, Mr Kyritsis, that you sail 11:21:17AM

27 along in this scenario and it never occurs to you that the 11:21:21AM

28 reason that your uncle is directing you as to what to do 11:21:26AM

29 in conjunction with Mr Bollas, who's breaching his 11:21:31AM

1 fundamental obligations as a public servant, was because 11:21:34AM
2 there was an improper relationship between - it never 11:21:38AM
3 occurred to you? 11:21:41AM
4 MR DANN: Excuse me, Mr Commissioner. 11:21:43AM
5 COMMISSIONER: Yes. 11:21:45AM
6 MR DANN: I just wanted to clarify whether this question is 11:21:45AM
7 being put at the time or since. I just think there may be 11:21:52AM
8 some room for confusion. 11:21:56AM
9 COMMISSIONER: I'm happy to do that. I'm talking about at the 11:21:57AM
10 time, Mr Kyritsis?---At the time I had no idea, no. 11:22:03AM
11 I'm just saying it never occurred to you at that time that 11:22:04AM
12 there might be some improper relationship between 11:22:07AM
13 them?---No. 11:22:10AM
14 Yes, Mr Lawrie. 11:22:14AM
15 MR LAWRIE: Thank you, Mr Commissioner. Did you know that your 11:22:15AM
16 uncle had offered Mr Bollas a job at Transclean?---Joked 11:22:17AM
17 about it a few times. 11:22:24AM
18 Was it a joke or was it a discussion of serious 11:22:25AM
19 possibilities?---I'm not sure how serious it was. 11:22:29AM
20 I wasn't part of that discussion. 11:22:31AM
21 How did you come to know about it?---Probably in passing. 11:22:33AM
22 From who?---I'm not - I can't remember, from memory. One or 11:22:38AM
23 the other. 11:22:48AM
24 There's a number of times in this phone call that - sorry, 11:22:48AM
25 I think in this call and the previous call that the 11:22:54AM
26 reference to 'stench' is used. Now, ordinarily 'stench' 11:22:57AM
27 refers to an odour in its usual use; do you accept 11:23:03AM
28 that?---Yep. 11:23:08AM
29 Both you and your uncle seem to have used the word in a 11:23:09AM

1 different way in these calls. What did you mean when you 11:23:13AM
2 referred to 'stench'?---An odour. 11:23:19AM
3 Really?---Can I have a look at that again? 11:23:25AM
4 We'll bring it up. 11:23:29AM
5 COMMISSIONER: Perhaps you might identify the lines, Mr Lawrie. 11:23:35AM
6 MR LAWRIE: I'm just trying to find it now, Mr Commissioner. 11:23:37AM
7 Line 10, if we can bring up p.1082 and have a look at line 11:23:48AM
8 10, 'I think we'll lay off the stench but' - and then 11:23:53AM
9 there's something that's unclear - 'at least put a rag in 11:24:00AM
10 the bin. Maybe the one at your place too. Have you got 11:24:02AM
11 those white rags that we use?' So 'stench' in the sense 11:24:07AM
12 of being an odour is not something that you would apply, 11:24:14AM
13 perhaps. This seems to suggest that you and your uncle 11:24:20AM
14 are using the word 'stench' with some other meaning. Can 11:24:22AM
15 you tell us what you meant by 'stench' or what your uncle 11:24:27AM
16 meant by 'stench'?---No, maybe some sort of agent. I'm 11:24:31AM
17 not sure. But 'stench' obviously refers to a smell. 11:24:38AM
18 Well, you never ask him, 'What do you mean by that, uncle,' do 11:24:46AM
19 you?---No, apparently not. 11:24:51AM
20 What did you understand it to mean at the time?---Probably an 11:24:52AM
21 implication regarding, I don't know, maybe a contaminating 11:24:58AM
22 rag. 11:25:03AM
23 So perhaps heavy contamination of a rag as opposed to a more 11:25:05AM
24 subtle contamination?---I'm not sure if it was heavy or 11:25:11AM
25 subtle, but that's obviously what it was referring to, 11:25:14AM
26 I think. 11:25:16AM
27 And once again I suggest to you that revealed in this 11:25:18AM
28 conversation is your really quite detailed appreciation of 11:25:21AM
29 the need to get the adverse results within a reasonable 11:25:26AM

1 range; do you agree with that?---Yeah. 11:25:30AM

2 We see at line 24 on p.1083 you say this, 'No, they won't need 11:25:36AM

3 much because it, it's just a trace. That's why, if you 11:25:43AM

4 put too much on it will be obvious that it's exploded. 11:25:49AM

5 And they do tests all the time, so they know what's in a 11:25:54AM

6 normal range.' Now, they're your words, aren't 11:25:57AM

7 they?---Yep. 11:26:00AM

8 So you acquired the knowledge somehow about how frequent the 11:26:00AM

9 tests were?---Yep. 11:26:05AM

10 What did you understand about the testing? How frequent was 11:26:08AM

11 it?---I'm not sure how frequent it was. I couldn't give 11:26:12AM

12 you an accurate answer. 11:26:19AM

13 Did you see the testing being performed at any time?---No, 11:26:21AM

14 never. 11:26:25AM

15 COMMISSIONER: It's obvious from these two calls that before 11:26:27AM

16 the first of the calls that was played to you you'd had at 11:26:30AM

17 least one or more previous discussions with your uncle. 11:26:33AM

18 Where did those conversations take place?---If we had 11:26:37AM

19 other discussions, probably in person. 11:26:43AM

20 Where would that have been, Steve?---Probably at the office. 11:26:46AM

21 And apart from your uncle, was there anyone else involved in 11:26:49AM

22 Transclean aware of what you and your uncle were 11:26:53AM

23 proposing?---May have been. Maybe Norma. Maybe some of 11:26:56AM

24 the supervisors. 11:27:03AM

25 Your uncle directs you to talk to Norma about his 11:27:04AM

26 instructions?---Yep. 11:27:10AM

27 Did you comply with that?---I think I may have. 11:27:11AM

28 Yes. And what did Norma do?---I'm not sure what she'd done. 11:27:15AM

29 All right. 11:27:21AM

1 MR LAWRIE: Just before we move on, I'll tender that audio and 11:27:23AM
2 transcript. 11:27:26AM
3 COMMISSIONER: Yes, that will be SK3. 11:27:26AM
4 #EXHIBIT SK3 - Telephone call between Mr Steven Kyritsis and 11:27:29AM
5 Mr George Haritos on 13 May 2020, call No.9, and 11:27:29AM
6 transcript. 11:27:29AM
7 COMMISSIONER: I see the time, Mr Lawrie. At a convenient 11:27:31AM
8 moment we'll break. 11:27:33AM
9 MR LAWRIE: We are probably at a convenient moment now. 11:27:37AM
10 COMMISSIONER: Is this now an appropriate time? 11:27:39AM
11 MR LAWRIE: Thank you, Mr Commissioner. 11:27:41AM
12 COMMISSIONER: So, Mr Kyritsis, you can leave while we break. 11:27:42AM
13 We'll adjourn for 10 minutes?---Yep. 11:27:45AM
14 And you're welcome to speak to your counsel during that time if 11:27:47AM
15 you wish?---Yep. No worries. 11:27:51AM
16 We'll adjourn for 10 minutes?---Thank you. 11:27:52AM
17 (Short adjournment.) 11:27:55AM
18 COMMISSIONER: Are you ready to proceed? Yes, Mr Lawrie. 11:46:48AM
19 MR LAWRIE: Thank you, Mr Commissioner. Mr Kyritsis, shortly 11:46:51AM
20 before the break you were asked a question by the 11:46:53AM
21 Commissioner which included the proposition that the two 11:46:57AM
22 calls that we've heard on 13 May 2020 make clear that 11:47:02AM
23 these are not the first conversations that you've had with 11:47:08AM
24 your uncle about the Zoono trials; remember that being put 11:47:11AM
25 to you just before the break?---Yep, yep. 11:47:16AM
26 And you accept that, don't you?---Yeah. 11:47:18AM
27 That the context shows that there's been previous 11:47:20AM
28 discussions?---Yep. 11:47:23AM
29 I want to show you, please, a still image of a meeting that 11:47:23AM

1 took place that involved you, your uncle Mr Haritos and 11:47:32AM
2 Mr Bollas on 6 May at the Metro depot at Epping. Can we 11:47:38AM
3 please bring up 1137. This is exhibit GH11, 11:47:47AM
4 Mr Commissioner. 11:47:51AM
5 COMMISSIONER: I'm sorry, what was the exhibit number? 11:47:51AM
6 MR LAWRIE: GH11. 11:47:53AM
7 COMMISSIONER: Thank you. What day of the week is that, 11:47:55AM
8 Mr Lawrie, can you tell me? 11:47:57AM
9 MR LAWRIE: Excuse me for one moment. That is a Wednesday. 11:48:03AM
10 COMMISSIONER: Thank you. 11:48:09AM
11 MR LAWRIE: Now, do you see there there's a series of three 11:48:22AM
12 photographs?---Yep. 11:48:25AM
13 And you can identify in the horizontal striped top Peter 11:48:26AM
14 Bollas?---Yep. 11:48:32AM
15 And also in the black bomber jacket and jeans your 11:48:32AM
16 uncle?---Yep. 11:48:36AM
17 And wearing jeans and a black T-shirt is yourself?---Yep. 11:48:36AM
18 And in the third image we see you standing with your hand near 11:48:41AM
19 the driver's door of a black sedan?---Yep. 11:48:49AM
20 Do you remember that meeting?---I don't recall the specifics of 11:48:53AM
21 it. 11:48:59AM
22 There'd be no operational reason for your uncle to have to meet 11:49:00AM
23 with Peter Bollas at that time, would there?---No, there 11:49:04AM
24 were always reasons for them to meet. 11:49:09AM
25 But Peter Bollas by the time we get to May of 2020 - - 11:49:11AM
26 -?---Yep. 11:49:15AM
27 We're deeply into the COVID crisis?---Yep. 11:49:15AM
28 We're approximately a week before the telephone calls that 11:49:20AM
29 we've just heard?---Yep. 11:49:26AM

1 You're seeing Mr Bollas essentially every night now?---Yes. 11:49:27AM
2 In the course of your duties?---Yep. 11:49:35AM
3 And yet this meeting is taking place at midday on Wednesday 6 11:49:37AM
4 May?---Yep. 11:49:44AM
5 Of 2020. What was the purpose of the meeting?---I can't 11:49:44AM
6 remember the purpose, but there was a lot going on. The 11:49:49AM
7 nature of the work was constantly changing. There were 11:49:52AM
8 always things to renegotiate or reconsider. 11:49:59AM
9 Now, your office is in South Yarra, isn't it?---Yeah. 11:50:01AM
10 This meeting is taking place at Epping?---Yep. 11:50:05AM
11 You drove out there?---Yep. 11:50:08AM
12 You drove your uncle out there?---Yep. 11:50:10AM
13 And that's where you met Mr Bollas?---Yep. 11:50:13AM
14 So rather than pick up the phone or text or communicate with 11:50:15AM
15 Mr Bollas in whatever way might have been different, you 11:50:22AM
16 drove from South Yarra to Epping on midday of this day to 11:50:25AM
17 meet there?---Yep. 11:50:31AM
18 Notwithstanding the fact in all likelihood you'd be dealing 11:50:33AM
19 with him that evening?---Yep. 11:50:37AM
20 And in all likelihood you would have dealt with Mr Bollas the 11:50:38AM
21 previous evening?---Yeah, but that's not unusual to be 11:50:41AM
22 going to Epping for a meeting or anywhere else. 11:50:44AM
23 Do you keep a business diary or a diary of any sort?---No. 11:50:48AM
24 How do you keep track of the discussions that you have with 11:50:52AM
25 people in order to perform your role at 11:50:56AM
26 Transclean?---I would have taken notes, but I didn't keep 11:51:02AM
27 a diary as such. 11:51:04AM
28 Let's say you have a significant conversation with a 11:51:06AM
29 supplier?---Yep. 11:51:09AM

1 Or with Peter Bollas about a change to the way trains are to be 11:51:11AM
2 sided - - -?---Yeah. 11:51:17AM
3 You know, put into sidings at night and that might affect the 11:51:18AM
4 way you go about your business. How would you record 11:51:21AM
5 that?---I would have taken notes but maybe not, you know, 11:51:24AM
6 in the context of a notebook or a diary. 11:51:26AM
7 Well, in what context?---A piece of paper. 11:51:29AM
8 That you would destroy or dispose of?---If I had no further use 11:51:31AM
9 for it, dispose of it, yeah. 11:51:37AM
10 What if you had to refer back to something that occurred six 11:51:39AM
11 months ago, would you be able to?---Probably, because by 11:51:43AM
12 then there would have been an email chain or other 11:51:46AM
13 discussions to be able to refer back to. 11:51:49AM
14 Did you have any emails about this meeting?---I couldn't tell 11:51:52AM
15 you. It's a year ago. Don't know. 11:51:57AM
16 I suggest to you that this is a meeting at which cash was 11:52:02AM
17 delivered to Peter Bollas. You dispute that?---Yeah, 11:52:08AM
18 I would. 11:52:14AM
19 COMMISSIONER: You dispute that, do you?---Yeah. 11:52:15AM
20 Why do you do that?---Because I never saw any of that taking 11:52:17AM
21 place. I never saw any cash. I never saw an exchange. 11:52:23AM
22 You mean to say you were in a position where at all times from 11:52:27AM
23 the point that Mr Haritos arrived at the Metro Epping 11:52:33AM
24 yards you were able to observe your uncle and Peter and so 11:52:37AM
25 it was impossible for money to have changed hands; is that 11:52:46AM
26 your evidence?---When you put it like that, then obviously 11:52:50AM
27 I might not have been present, but nothing like that 11:52:55AM
28 occurred in front of me. 11:52:59AM
29 MR LAWRIE: So I just want to clarify this subject?---Yep. 11:53:02AM

1 Focus, please, just on the year of 2020. In 2020 do you say 11:53:05AM
2 that you never saw cash being delivered to either Peter 11:53:14AM
3 Bollas or James Pinder?---No, never. 11:53:20AM
4 You know who I'm talking about when I say James Pinder?---Yeah, 11:53:21AM
5 yeah. 11:53:24AM
6 The former CEO of V/Line?---Yeah. 11:53:24AM
7 You never heard about cash payments to either of those two 11:53:27AM
8 men?---No. 11:53:31AM
9 You never saw anything else that made you suspect that there 11:53:32AM
10 were cash payments from Transclean, your uncle - - 11:53:36AM
11 -?---No. 11:53:39AM
12 Or perhaps your father to either of those two men?---No. 11:53:40AM
13 There was nothing that you saw, heard or heard anyone say that 11:53:44AM
14 led you to think that that might be happening?---No. 11:53:49AM
15 Is that your evidence?---Yes. 11:53:51AM
16 And it follows as a matter of logic that you certainly say you 11:53:54AM
17 never had any personal involvement in cash 11:53:58AM
18 transactions?---Of course not. 11:54:01AM
19 With either of James Pinder or Peter Bollas?---No. 11:54:01AM
20 COMMISSIONER: And you watched your father's evidence yesterday 11:54:06AM
21 as it unfolded, did you, including his ultimate position 11:54:08AM
22 where he acknowledged that he had had discussions with his 11:54:12AM
23 brother-in-law, George, about obtaining money, money which 11:54:18AM
24 was to be passed to Pinder and Bollas?---I heard that. 11:54:23AM
25 You heard that evidence?---Yes, I did. 11:54:30AM
26 You heard the elongated process that was involved before your 11:54:32AM
27 father finally got to that position?---Yep. 11:54:35AM
28 Yes, including the fact that he had money there which was meant 11:54:38AM
29 for Peter Bollas and which Mr Haritos didn't need on that 11:54:43AM

1 day but said, 'I'll have to see Bollas some time next 11:54:49AM
2 week'; you heard that evidence?---Something to that 11:54:53AM
3 effect, yeah. 11:54:56AM
4 And the next week - - -?---Yes. 11:54:56AM
5 Is the day, the day that George then meets with Bollas is the 11:54:59AM
6 day you're present; did you understand that?---I do now, 11:55:02AM
7 yeah. I wasn't aware of it at the time, yeah. 11:55:08AM
8 But all of that doesn't matter? All of that enables you to 11:55:11AM
9 confidently say, until I asked you could you exhaust, was 11:55:15AM
10 there not any opportunity for George to give Mr Bollas the 11:55:20AM
11 money, all of that enabled you to say, categorically, no 11:55:23AM
12 money passed hands?---Well, not that I witnessed, no. 11:55:27AM
13 Yes, Mr Lawrie. 11:55:32AM
14 MR LAWRIE: Thank you, sir. I suggest to you that at that 11:55:38AM
15 meeting that we've just seen stills from, or at least the 11:55:40AM
16 lead-up to it, the sabotaging of the Zoono trials was also 11:55:43AM
17 discussed; do you remember that?---I don't remember that, 11:55:50AM
18 but it's possible. 11:55:52AM
19 Because that would make sense when we now hear the phone calls 11:55:54AM
20 on 13 May that are obviously not the first time that you 11:55:58AM
21 and your uncle have discussed it?---It's possible, but 11:56:01AM
22 I can't recall. 11:56:05AM
23 When was the sabotaging of the Zoono trials first raised with 11:56:07AM
24 you?---Through Peter. I'm not sure when or where. 11:56:13AM
25 Not through your uncle?---No. No. 11:56:24AM
26 You see, I suggest to you that throughout the course of your 11:56:28AM
27 evidence on this subject you're doing one thing very 11:56:32AM
28 obviously, is you're attempting to put Peter Bollas in the 11:56:35AM
29 frame as the architect of this scheme, aren't you?---I'm 11:56:40AM

1 not attempting to put him in the frame. That's what 11:56:43AM
2 happened. 11:56:45AM
3 Because that conveniently provides an exit for your uncle and 11:56:46AM
4 you and your involvement in this scheme, doesn't it?---I'm 11:56:50AM
5 not looking for an exit. That's just what happened. 11:56:55AM
6 We're going to play another recording for a moment. This is 11:56:59AM
7 telephone call No.10. This is a call between you and 11:57:04AM
8 Mr Bollas that takes place on 15 May of 2020 at 8.03 pm. 11:57:10AM
9 It's telephone call 10 and the transcript is at 1085. 11:57:18AM
10 (Audio recording played to the Commission.) 11:57:34AM
11 MR LAWRIE: And that completes that recording, Mr Commissioner. 11:59:35AM
12 You were able to follow the transcript to that? There are 11:59:39AM
13 very small portions that are in Greek?---Yep. 11:59:42AM
14 Which are not translated, but you were able to follow the 11:59:45AM
15 English, obviously?---Yep. 11:59:48AM
16 And obviously the Greek?---Yep. 11:59:49AM
17 Do you see at line 9 on p.1085 where Mr Bollas says, 'I'm 11:59:51AM
18 heading to Macaulay where that unit is, 251/252. Tell you 11:59:59AM
19 guys did what you had to do.' 12:00:07PM
20 COMMISSIONER: There's a word missing there, Mr Lawrie, the 12:00:09PM
21 word 'me'. Mr Bollas says, 'Tell me your guys did what 12:00:12PM
22 you had to do.' 12:00:20PM
23 MR LAWRIE: Thank you, Mr Commissioner. Now, the reference to 12:00:21PM
24 251/252, is that a reference to a particular carriage of a 12:00:26PM
25 train?---Sounds like it. 12:00:31PM
26 It's an ID number, isn't it?---It would be a carriage number. 12:00:33PM
27 Yes, so that permits you with a particular train to zero in on 12:00:37PM
28 which of the six carriages is relevant?---Yep. 12:00:42PM
29 And we know that particular carriage is at the Macaulay 12:00:44PM

1 sidings; is that right?---Yep. 12:00:51PM

2 And that's where you were planning to go and meet Peter Bollas 12:00:53PM

3 that night?---It looks like it, yeah. 12:00:57PM

4 So by the time you have this call at 8 pm on 15 May he's 12:01:00PM

5 providing you this information, I suggest: the location of 12:01:08PM

6 the siding where the testing is to be done; 12:01:12PM

7 correct?---He's just saying that he's heading to Macaulay 12:01:18PM

8 where that unit is. It doesn't mention anything about 12:01:21PM

9 testing. 12:01:24PM

10 Well, if we go later at 24, line 24, sorry, on the second page 12:01:25PM

11 there, 1086, you talk about - he talks about how long he's 12:01:31PM

12 going to get there, and you say, 'What time should I make 12:01:39PM

13 it'?---Yep. 12:01:42PM

14 This is you and Peter Bollas organising a time for you to both 12:01:43PM

15 meet at that location, isn't it?---Yep. 12:01:47PM

16 So that's what you did, isn't it?---Yeah. 12:01:49PM

17 And he says, 'It's going to take me about 40 minutes to get 12:01:53PM

18 there,' and then, 'do the trial,' he estimates about an 12:01:58PM

19 hour, and then he suggests meeting at 9.30?---Yeah. 12:02:06PM

20 And then he tells you, 'It will give you time enough to clean 12:02:09PM

21 up the dirty water.'?---I don't know what he means by 12:02:15PM

22 that. 12:02:19PM

23 Yes, you do, I suggest. That this is time to deal with any 12:02:19PM

24 evidence of deliberate contamination of the test panels or 12:02:22PM

25 the test surfaces?---I never did that. 12:02:27PM

26 You never did that?---No. 12:02:30PM

27 Did you arrange it?---Possibly, but that's why I mean, like, 12:02:32PM

28 'clean up the dirty water', I don't know what he meant by 12:02:38PM

29 that. 12:02:41PM

1 We can hear that you and he are quite jovial with each other in 12:02:43PM
2 this conversation, can't we?---That was the nature of our 12:02:48PM
3 relationship, a lot of banter, a lot of mucking around, 12:02:50PM
4 just carrying on. But when it came to work, work was 12:02:55PM
5 work. 12:02:59PM
6 But you were good friends that could be jovial in this way by 12:02:59PM
7 this time, couldn't you?---Yeah. 12:03:02PM
8 He's not someone that's applying pressure to you, is he?---Oh, 12:03:04PM
9 he would when he needed to, definitely. 12:03:07PM
10 He's someone who is providing you with a very important flow of 12:03:10PM
11 information, I suggest. Do you agree with that?---Yeah. 12:03:13PM
12 Do you agree that it's an important flow of information?---This 12:03:19PM
13 in particular? 12:03:22PM
14 Yeah?---Um - - - 12:03:24PM
15 Can you tell us why you think it is an important flow of 12:03:25PM
16 information?---Because it mentions that train number and 12:03:28PM
17 it says that we'll be meeting at 9.30. 12:03:34PM
18 I'm afraid all you've done is repeat what's there?---Yep. 12:03:36PM
19 You've agreed with me that Mr Bollas in this call is providing 12:03:40PM
20 you with an important flow of information; you've agreed 12:03:43PM
21 with that. I now want you to just explain in a little 12:03:47PM
22 more detail, please, why you think it is important 12:03:52PM
23 information?---Can you go further up to the first page? 12:03:56PM
24 Yes, can we please go back to 1085?---Sorry, what was the 12:04:05PM
25 question again? 12:04:24PM
26 I asked you, if you could, to explain why in your mind this was 12:04:24PM
27 important information from Mr Bollas?---Obviously because 12:04:29PM
28 it specifies a location - - - 12:04:35PM
29 COMMISSIONER: He's not doing that, Mr Kyritsis?---Sorry? 12:04:38PM

1 He's not doing that. He's confirming the units where you've 12:04:41PM
2 already done the contamination. You already knew which 12:04:46PM
3 units, 251 and 252. He's saying, 'I'm heading to those 12:04:51PM
4 units. Tell me you guys did what you had to do'?---Yeah, 12:04:56PM
5 that's what it says there. 12:05:01PM
6 He's just checking to make sure before he does the test that 12:05:03PM
7 you've done what's expected of you; isn't that so?---It 12:05:07PM
8 seems to be that way, but - yeah. 12:05:11PM
9 So I just want to ask you something else that's far more 12:05:14PM
10 important than this particular piece of contamination. 12:05:18PM
11 Perhaps I shouldn't say far more important, but equally 12:05:25PM
12 important. This conversation discloses that Mr Bollas has 12:05:28PM
13 no fear of revealing to you that he is doing improper 12:05:36PM
14 things as an employee of Metro Trains?---Yeah. 12:05:44PM
15 He's quite comfortable about you being in the know about what 12:05:49PM
16 he's doing. When did that first start, that that level of 12:05:55PM
17 comfort occurred so that he was prepared to deal openly 12:06:01PM
18 with you about breaching his obligations as a public 12:06:05PM
19 servant?---I can't remember the exact point in time. 12:06:09PM
20 Approximately?---But I'd say it was around - around this time, 12:06:12PM
21 because we weren't always close. 12:06:18PM
22 So that's an important step, isn't it, that you are viewed by 12:06:21PM
23 him and by your uncle as someone that doesn't need to be 12:06:27PM
24 kept out of the loop in terms of Mr Bollas's breach of his 12:06:34PM
25 duties as a public servant?---It wasn't just us that would 12:06:39PM
26 have known about this. 12:06:43PM
27 Well, it may not be. I'm just concerned with you at the 12:06:44PM
28 moment?---Yeah, but I'm pretty sure he would have had 12:06:47PM
29 similar discussions with other staff from Transclean, 12:06:50PM

1 maybe even Metro. 12:06:55PM

2 He may have. But for present purposes that's an irrelevancy as 12:06:56PM

3 far as I'm concerned. I'm looking at you and your 12:07:01PM

4 knowledge and his comfort - - -?---Yep. 12:07:05PM

5 That he can openly talk to you about conduct which involves 12:07:09PM

6 breach of his duties, and that your uncle can talk openly 12:07:12PM

7 with you about the arrangements your uncle has with him. 12:07:16PM

8 That's significant, isn't it?---It is, and I wish they 12:07:22PM

9 hadn't. 12:07:24PM

10 And if therefore money was to pass hands between your uncle and 12:07:25PM

11 Mr Bollas, there would be no issue there, would there? 12:07:30PM

12 You're already in the know about the fact that Bollas is 12:07:35PM

13 acting improperly and that your uncle knows he's acting 12:07:37PM

14 improperly; you're part of that group, aren't you?---No, 12:07:40PM

15 not necessarily. I'm sure that they were doing things, a 12:07:44PM

16 lot of things behind my back or things that I wasn't even 12:07:47PM

17 aware of. 12:07:51PM

18 They may have been?---They had their own relationship. 12:07:52PM

19 You've just told me that you were made a part of 12:07:55PM

20 the understanding between him and Bollas, your uncle and 12:07:59PM

21 Bollas, about Mr Bollas acting in breach of his 12:08:03PM

22 duties?---Yeah. 12:08:08PM

23 MR LAWRIE: So essentially what we've got here is three people 12:08:12PM

24 inside a circle of trust; do you see that?---Basically, 12:08:16PM

25 yeah. It wasn't just three people. 12:08:20PM

26 COMMISSIONER: Or, putting it another way, you are trusted not 12:08:26PM

27 to squeal or to raise concerns with anyone if you see 12:08:29PM

28 improper conduct occurring between Bollas and your 12:08:33PM

29 uncle?---There were a lot more people involved that knew 12:08:38PM

1 about these things. 12:08:41PM

2 Probably that's right, Mr Kyritsis?---It is right. 12:08:42PM

3 I'm only presently concerned with you?---Yeah, it is right. 12:08:45PM

4 How do you know that?---Because they were part of these same 12:08:49PM

5 discussions. 12:08:53PM

6 Do you want to say in public who those other persons 12:08:53PM

7 were?---No. No, I don't. 12:08:57PM

8 Perhaps we'll deal with that then in private examination. 12:08:58PM

9 MR LAWRIE: Mr Commissioner, I tender telephone call 10, which 12:09:04PM

10 is dated 15 May 2020, and the transcript at 1085. 12:09:08PM

11 COMMISSIONER: That will be SK4. 12:09:14PM

12 #EXHIBIT SK4 - Telephone call between Mr Bollas and Mr Steven 12:09:16PM

13 Kyritsis on 15 May 2020, call No.10, p.1085. 12:09:16PM

14 MR LAWRIE: I want to play you a call now, Mr Kyritsis. This 12:09:20PM

15 is call No.11, a telephone call between you again and 12:09:23PM

16 Mr Bollas at 10.25 pm on 21 May 2020. The transcript is 12:09:27PM

17 found at 1088 and it is call No.11. 12:09:34PM

18 COMMISSIONER: 21 May? 12:09:41PM

19 MR LAWRIE: 21 May, correct, Mr Commissioner. 12:09:42PM

20 COMMISSIONER: Thank you. 12:09:45PM

21 (Audio recording played to the Commission.) 12:09:49PM

22 MR LAWRIE: And that's the end of that call, Mr Commissioner. 12:11:20PM

23 This is again a conversation between you and Mr Bollas 12:11:27PM

24 about the details of how to sabotage this new product 12:11:33PM

25 testing, isn't it?---Yep, looks like that. 12:11:39PM

26 And also revealed in the tone of the conversation is the degree 12:11:42PM

27 of friendship and familiarity that you were enjoying with 12:11:49PM

28 Mr Bollas at the time?---Yep. 12:11:52PM

29 Repeatedly there's the same phrase in Greek that is used 12:11:53PM

1 earlier in the conversation?---Yep. 12:12:05PM

2 What's being said?---Can we go back up? I think the 12:12:06PM

3 translation is basically correct. 12:12:12PM

4 All right, let's have a look. Can we go back to p.1088, 12:12:18PM

5 please. 'They were ridiculed'. You accept that 12:12:24PM

6 translation as being a reasonable translation of the Greek 12:12:34PM

7 phrase?---Yep, basically. 12:12:38PM

8 So what's happening there is the two of you are congratulating 12:12:39PM

9 yourselves about the discrediting of this product, aren't 12:12:48PM

10 you?---Just said it was a controlled environment, yeah, in 12:12:50PM

11 a controlled environment. So they were doing their own 12:12:57PM

12 separate tests and it still failed. So I don't think that 12:12:59PM

13 was relating to anything that we did. 12:13:04PM

14 But it was a test result that was being provided by Mr Bollas 12:13:06PM

15 to you as good news because it fitted nicely with your 12:13:11PM

16 attempts to sabotage the product?---Possibly, yeah, 12:13:18PM

17 I don't know why he was providing it to me. 12:13:21PM

18 Well, that's the reason, isn't it? You're saying, 'Look, 12:13:22PM

19 they've done this other test and it's a bad 12:13:26PM

20 result'?---Yep. 12:13:30PM

21 'And that fits nicely with what we're trying to do.' That is 12:13:30PM

22 essentially what he's saying, isn't it?---You could say 12:13:34PM

23 that, yes. 12:13:37PM

24 There's a reference at the end to involving a homeless person 12:13:42PM

25 perhaps to actively contaminate or unwittingly contaminate 12:13:49PM

26 perhaps a carriage. Do you see that reference?---Yeah, 12:13:54PM

27 yeah, yes. 12:14:01PM

28 Did anything like that happen?---No, no, I don't think so. No, 12:14:02PM

29 it wasn't a carriage. I think that was in relation to a 12:14:07PM

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station.

So this is - for the moment we've been talking about the testing of surfaces inside carriages. But this product testing is also in respect of surfaces at railway stations; is that right? Correct?---Seems to be, yeah.

COMMISSIONER: You didn't understand Mr Bollas to be saying 'find a homeless person'; you understood that was just a throwaway line to say you've got to get someone there to do their bit of contaminating?---Yeah, it's just a stupid comment.

That's what you understood, isn't it?---Yep.

MR LAWRIE: And that was to be hopefully to contaminate the stations, was it?---It appears that way.

Stations where Zoono was being tested?---Looks like it.

COMMISSIONER: So we've moved just from carriages, contaminating the testing on carriages, to the stations as well?---Yep.

MR LAWRIE: There was a degree of uncertainty in your answer, I suggest, when you said whether or not that had actually been followed through. Can I suggest to you this: that if you were to make those arrangements or instruct someone else to make those arrangements, that would be highly unusual?---It would be.

Did it happen?---I can't recall if it happened.

COMMISSIONER: Do you doubt that you did what was expected of you?---I'm not doubting anything after seeing all of this, but I just don't - I don't recall that.

You see, that disturbs me, Mr Kyritsis, that answer. That's why I said to you at the outset of the hearing don't worry

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12:15:53PM

1 about open-ended questions that counsel ask which doesn't 12:15:57PM
2 necessarily convey to you that he already knows the 12:16:01PM
3 answer?---Yep. 12:16:06PM
4 Do your best to tell the truth?---I'm trying to - - - 12:16:06PM
5 We're talking here about you being intimately involved in 12:16:12PM
6 highly improper conduct which potentially threatened 12:16:18PM
7 public safety. You told us you didn't usually do that 12:16:23PM
8 sort of thing. So surely these rare occasions when you 12:16:29PM
9 were being complicit in carrying out Bollas's and your 12:16:34PM
10 uncle's instructions you'd remember. Now, did you do as 12:16:38PM
11 you were requested?---I can't remember and that's - - - 12:16:44PM
12 Do you have any doubt that you did?---I can't say whether I've 12:16:48PM
13 doubted it, and I'm being honest. I can't remember. 12:16:52PM
14 All right. 12:16:57PM
15 MR LAWRIE: A little earlier in your evidence you spoke about 12:17:01PM
16 the likely significant increased cost if Transclean had to 12:17:03PM
17 buy Zoono as a product?---Yep. 12:17:11PM
18 You've mentioned the figure of something like a million 12:17:13PM
19 dollars; is that right?---I wasn't across that side of it. 12:17:19PM
20 You must have got the figure from somewhere?---It would have 12:17:23PM
21 been mentioned . I wasn't sure of the finer details of 12:17:27PM
22 that and what it entailed. 12:17:30PM
23 Well, who might have mentioned the likely cost to 12:17:33PM
24 Transclean?---Possibly Peter. 12:17:36PM
25 COMMISSIONER: You've explained you and Norma were managing the 12:17:43PM
26 Metro Trains contract?---Yep, yep. 12:17:48PM
27 Who was immediately superior to you and Norma?---In that 12:17:51PM
28 contract it would have been George. 12:17:59PM
29 George?---Yep. 12:18:01PM

1 So presumably there must have been some discussion between you 12:18:02PM
2 and Norma and George about what the consequences would be 12:18:06PM
3 to Transclean if a new, more expensive product and one 12:18:15PM
4 which would reduce staffing requirements were 12:18:21PM
5 implemented?---I don't mean to interrupt, but I think the 12:18:27PM
6 way the program was going to be developed it wasn't really 12:18:30PM
7 going to impact on our staffing because with - and 12:18:33PM
8 I didn't have a completely detailed understanding of it, 12:18:37PM
9 but I think if Zoono was going to come into it, it meant 12:18:40PM
10 that the major wash cycle would reduce significantly, so 12:18:43PM
11 that also meant more work for us. But the expense to us 12:18:49PM
12 was using this chemical. So it wasn't just work would 12:18:54PM
13 disappear from us and that would be it. There were two 12:18:57PM
14 sides to that. 12:19:00PM
15 So there wasn't going to be a reduction in staff hours, you 12:19:01PM
16 didn't think?---Not necessarily, but there were going to 12:19:04PM
17 be, like, some things would decrease, other things would 12:19:08PM
18 increase and overall it was to, you know, provide a better 12:19:11PM
19 standard. 12:19:16PM
20 Do you have any reason to think that if Metro said to 12:19:17PM
21 Transclean, 'We're changing your cleaning regime and we 12:19:22PM
22 are directing you that you have to use a more expensive 12:19:28PM
23 product which is going to cost \$1 million that hadn't 12:19:33PM
24 previously been budgeted for,' do you have any doubt that 12:19:38PM
25 that cost would be a cost not borne by Transclean but a 12:19:43PM
26 cost borne by Metro if it was changing the terms of your 12:19:47PM
27 arrangement?---It was my understanding, and I could be 12:19:52PM
28 wrong, that it was going to be a cost that we had to bear. 12:19:55PM
29 I can't imagine that to be so. But all right?---There might be 12:19:58PM

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documentation relating to that.

MR LAWRIE: So there would be no potential, in your mind, in those circumstances for your uncle to negotiate a commercial variation to the contract that Transclean had with Metro?---I'm not sure, because - - -

To accommodate that extra expense?---At that point we were coming up to the end of the contract anyway. It was probably something that was going to be renegotiated down the track. So I'm not sure. I'm not sure about those discussions. It never happened.

Where were you going to have to source this Zoono product from, as you understood it?---Through another contractor.

Who was that?---I think it was [REDACTED]

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

Where do they sit in the industry? Are they a competitor to you?---They were working alongside us, yeah.

When were they working alongside you?---I'm not sure when it first began. Maybe 2017 onwards.

And what sort of role was [REDACTED] performing? What was the nature of their business?---I'm not too sure. I think they might have been involved in window film replacement, internal refurb works. That's about it.

And did they become a competitor of Transclean?---Not so much a competitor, but, yeah, they were working alongside us.

Well, there was no contractual arrangement, no business arrangement between Transclean and [REDACTED], was there?---No.

Well, what do you mean working alongside you? Do you mean working in the same industry performing similar

12:20:02PM
12:20:05PM
12:20:08PM
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12:20:16PM
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12:20:27PM
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12:21:02PM
12:21:06PM
12:21:09PM
12:21:13PM
12:21:19PM
12:21:24PM
12:21:29PM
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12:21:43PM
12:21:46PM
12:21:47PM
12:21:50PM

1 work?---They were performing work that we once did. 12:21:53PM
2 So let's be sensible about this?---Yep. 12:21:58PM
3 They're a competitor?---Not at that point because we weren't 12:22:01PM
4 doing those jobs any more. 12:22:05PM
5 But you might be tendering for them in the future?---They were 12:22:07PM
6 never tendered as far as I was concerned. 12:22:10PM
7 So they're just in the industry, but in an area that doesn't 12:22:12PM
8 overlap with the operations of Transclean?---No. 12:22:15PM
9 Is that what you say?---Not really. 12:22:18PM
10 But nonetheless there was the potential that you would have to 12:22:21PM
11 source this product at a significant expense from 12:22:25PM
12 [REDACTED]?---That was my understanding of it. I could be 12:22:30PM
13 completely wrong. 12:22:32PM
14 Okay. The other matter I want to suggest to you is this. 12:22:33PM
15 You've spoken about the change to the heavier periodic 12:22:39PM
16 cleaning and that really there would be a net benefit to 12:22:43PM
17 the revenue of Transclean or perhaps you'd maintain the 12:22:51PM
18 same revenue. I suggest to you that that was a position 12:22:54PM
19 that was only reached as a plan B after your failed 12:22:57PM
20 attempts to sabotage the Zoono trial?---I've got no idea. 12:23:02PM
21 Okay?---I didn't orchestrate that. 12:23:06PM
22 COMMISSIONER: You do have an idea?---Not in terms of the - - - 12:23:10PM
23 It's already evident from your evidence, Mr Kyritsis, that your 12:23:13PM
24 first objective was contaminate the tests so Zoono's not 12:23:19PM
25 going to be used, and then as time unfolded a different 12:23:23PM
26 plan had to be put in operation?---This was all derived 12:23:28PM
27 from Peter. 12:23:32PM
28 I'm sorry?---This was all derived from Peter. 12:23:33PM
29 Whether it was or it wasn't - - -?---Just following his 12:23:36PM

1 instructions. 12:23:39PM

2 Whether it was or it wasn't - - -?---Yeah. 12:23:40PM

3 I'm just talking about the timeframe, that it involved from 12:23:42PM

4 contaminate Zoono to eventually, 'We have to live with it. 12:23:46PM

5 What's the way out'?---I think the way it unravelled was 12:23:50PM

6 they weren't seeing the results, and I'm not talking about 12:23:57PM

7 any sabotaging or anything like that. They weren't seeing 12:24:01PM

8 the results they were expecting on their own trials and 12:24:04PM

9 then from there it evolved to applying it on a more 12:24:08PM

10 regular basis, which would tie in with additional cleaning 12:24:11PM

11 and it was just going to be linked together and overall 12:24:17PM

12 I think their goal was to bring in cleaning regimes that 12:24:20PM

13 were similar to what are seen overseas, because it's quite 12:24:22PM

14 lacking here compared to what London has, for example. 12:24:28PM

15 MR LAWRIE: Just before I leave this subject, Mr Kyritsis, 12:24:32PM

16 I want to ask you a very straightforward question. On how 12:24:35PM

17 many occasions did you direct or were you involved in the 12:24:39PM

18 contamination of tests of this product?---Once, possibly 12:24:46PM

19 twice. 12:24:52PM

20 No more than that?---I don't think so . It wasn't an ongoing 12:24:54PM

21 thing. 12:25:00PM

22 I suggest to you it was an ongoing thing throughout May, but 12:25:01PM

23 your attempts to derail the trials were 12:25:06PM

24 unsuccessful?---No, I don't think - I don't think it was. 12:25:12PM

25 It wasn't ongoing. 12:25:14PM

26 Have you heard of a company called Greencap?---Yep. 12:25:18PM

27 They're an auditing company, aren't they?---Yep. 12:25:22PM

28 And they would provide services to Metro to audit the 12:25:24PM

29 performance of the cleaning contract, the carriages 12:25:34PM

1 contract, that Transclean had with Metro; is that 12:25:38PM
2 right?---Yep. 12:25:42PM
3 When was the first time you dealt with Greencap?---During this 12:25:42PM
4 same period, so it was during COVID. I couldn't tell you 12:25:46PM
5 the exact month. 12:25:53PM
6 So in the midst of the COVID crisis in May and June - - 12:25:54PM
7 -?---Yep. 12:26:00PM
8 And then into July of 2020 - - -?---Yep. 12:26:00PM
9 Metro introduces a heightened auditing regime; is that 12:26:04PM
10 right?---Yep. 12:26:10PM
11 To make sure that the performance of these additional cleans by 12:26:10PM
12 Transclean is actually happening?---Yep. 12:26:14PM
13 I suggest to you that that is quite a reasonable and sensible 12:26:16PM
14 step to make sure that Victoria's public transport system 12:26:23PM
15 could still operate in the midst of a crisis?---Of course. 12:26:27PM
16 You would appreciate that the purpose of - well, there are two 12:26:33PM
17 types of audits, aren't there? There are audits that are 12:26:36PM
18 announced in advance that you know about and then there 12:26:39PM
19 are surprise audits?---Yep. 12:26:42PM
20 And the purpose of surprise audits is to give an extra level of 12:26:44PM
21 insight into the true performance of contractual 12:26:51PM
22 obligations?---Yep. 12:26:56PM
23 You understand that?---Yep. 12:26:57PM
24 COMMISSIONER: It's to demonstrate whether or not you and your 12:27:04PM
25 staff are cleaning as you should?---Yep. 12:27:06PM
26 MR LAWRIE: And a surprise audit is just that, that auditors 12:27:14PM
27 turn up on site, there are cleaners there, they look at 12:27:19PM
28 what they're doing, they look at the documentation, the 12:27:22PM
29 number of hours expended and those sorts of things; is 12:27:25PM

1 that right?---Basically, yeah. 12:27:28PM

2 Were you involved in liaising with Greencap's personnel in 12:27:29PM

3 respect of any audits, whether they were scheduled or 12:27:38PM

4 surprise?---Yeah, I was. 12:27:41PM

5 When did that start?---During the audits. During the audits. 12:27:43PM

6 Okay. So was it that May of 2020?---Whenever it was, yeah, 12:27:51PM

7 yep. 12:27:57PM

8 On how many occasions did you liaise with Greencap staff for 12:27:57PM

9 that purpose?---I might have sent an email for some 12:28:01PM

10 information they requested and I think there were another 12:28:07PM

11 two or three occasions face-to-face. 12:28:10PM

12 What sort of things were they looking at?---Just processes, 12:28:13PM

13 procedures, monitoring the tasks that the cleaners were 12:28:17PM

14 performing. 12:28:24PM

15 Record keeping?---Not so much. 12:28:25PM

16 Time sheets?---They would have had a glance, but - - - 12:28:28PM

17 They would have had a glance? How do you know that they had a 12:28:32PM

18 glance as opposed to a close look?---Because they were 12:28:36PM

19 more focused on the actual job, the tasks. 12:28:39PM

20 See, I suggest to you that the audits would have encompassed 12:28:43PM

21 things like time sheets to know how many personnel were 12:28:47PM

22 involved in the cleaning efforts?---They may have. 12:28:50PM

23 And the time expended?---From what I saw, it was mainly about 12:28:52PM

24 documentation relating to the data sheets, processes, what 12:28:58PM

25 chemicals we had on site and the nature of the job. 12:29:03PM

26 Also was there the potential to review CCTV footage to watch 12:29:07PM

27 the performance of cleaning teams before the auditors had 12:29:13PM

28 arrived?---I guess so. I'm not sure. 12:29:17PM

29 Were you aware of that?---No idea. 12:29:21PM

1 On any occasion did you receive advanced warnings of audits 12:29:23PM
2 that were meant to be surprise audits?---I received 12:29:28PM
3 knowledge of audits, but it was never made out that they 12:29:32PM
4 were surprise. 12:29:35PM
5 So the only information that you received about audits, you 12:29:36PM
6 understood that they were to be scheduled audits?---Yeah, 12:29:39PM
7 that was my understanding of it. 12:29:44PM
8 As opposed to surprise audits?---Yep. 12:29:45PM
9 So there was nothing in the information that you received that 12:29:48PM
10 you thought was improper; is that what you say?---No, 12:29:52PM
11 I don't think so. 12:29:55PM
12 COMMISSIONER: Who conveyed those messages to you about audits 12:29:57PM
13 which you didn't think were surprise audits?---It was 12:30:01PM
14 openly discussed with everyone we were dealing with at 12:30:06PM
15 Metro that these audits were coming up and they were in 12:30:08PM
16 attendance, I was in attendance, we had supervisors there. 12:30:11PM
17 So it wasn't - if I had to be there, how could it have 12:30:16PM
18 been a surprise? 12:30:18PM
19 So these were meetings where an audit was disclosed?---Maybe 12:30:19PM
20 not meetings, but we were out every night so we were 12:30:23PM
21 running into each other and would have conversations about 12:30:26PM
22 it. 12:30:29PM
23 So who were the people telling you that?---Obviously Peter, a 12:30:29PM
24 couple of other guys at Metro, our staff knew about it. 12:30:35PM
25 I'm not sure who - but it didn't appear to be a secret. 12:30:38PM
26 I see. 12:30:42PM
27 MR LAWRIE: Even if it's a secret audit, there would be a 12:30:44PM
28 reason for you to be there because the auditors arrive, a 12:30:47PM
29 phone call is made or a text is sent saying, 'Can you 12:30:50PM

1 please come down, the audit team's here'?---I had prior 12:30:53PM
2 knowledge, so - - - 12:30:58PM
3 You had prior knowledge of scheduled audits only?---Yeah, what 12:30:59PM
4 I believe to be scheduled. I'm not sure if they were or 12:31:03PM
5 not. 12:31:07PM
6 I just want to give you advance warning?---Yep. 12:31:10PM
7 We've just dealt basically all morning with the Zoono trials 12:31:14PM
8 and I asked you a series of questions before I played 12:31:18PM
9 those four phone calls and showed you that image from the 12:31:21PM
10 meeting earlier in May. I propose to play you another 12:31:25PM
11 sequence of phone calls that you're involved in?---Yep. 12:31:29PM
12 That relate to this topic. I suggest to you that what was 12:31:33PM
13 happening was that you were in receipt of information 12:31:40PM
14 about what were meant to be surprise audits so that you 12:31:45PM
15 could manipulate the situation to meet the auditors' 12:31:50PM
16 requirements. What do you say about that?---How can you 12:31:56PM
17 manipulate? 12:32:00PM
18 I'll answer that question for you?---Yeah. 12:32:03PM
19 For example, you can falsify time sheets?---No, never happened. 12:32:05PM
20 Okay?---I had no reason to. 12:32:08PM
21 Okay. Can we please play - - - 12:32:10PM
22 COMMISSIONER: So, having been alerted by counsel to the fact 12:32:16PM
23 that these conversations are going to be played, it is 12:32:20PM
24 still your sworn evidence that you were never provided 12:32:24PM
25 inside information about surprise audits?---I was provided 12:32:29PM
26 information about audits. It wasn't my knowledge that 12:32:33PM
27 they were surprise, they were meant to be surprise. It 12:32:38PM
28 was openly discussed amongst a lot of people. 12:32:42PM
29 MR LAWRIE: And there was nothing in the context of the 12:32:47PM

1 information that you were given or the conversations that 12:32:49PM
2 you were having that hinted to you that this was something 12:32:52PM
3 that you shouldn't really be knowing?---Not that I can 12:32:55PM
4 recall. 12:33:01PM
5 There's nothing that suggested to you, quite frankly, that this 12:33:02PM
6 was information that was the result of a corrupt 12:33:05PM
7 process?---No, not that - I don't think so. 12:33:10PM
8 Okay. Can we please play telephone call No.12 and the 12:33:13PM
9 transcript is at 1090. 12:33:19PM
10 COMMISSIONER: What is the date of the conversation? 12:33:26PM
11 MR LAWRIE: Sorry, this is 13 July 2020, Mr Commissioner. It's 12:33:28PM
12 a telephone call between Mr Bollas and Mr Kyritsis. 12:33:31PM
13 (Audio regarding played to the Commission.) 12:33:38PM
14 MR LAWRIE: That's the end of that call, Mr Commissioner. What 12:34:51PM
15 I suggest to you is that the 15th and the 17th is a 12:34:58PM
16 reference to 15 July and 17 July of 2020; you accept 12:35:01PM
17 that?---Yep. 12:35:04PM
18 And the references to North Melbourne and Epping are to the 12:35:05PM
19 Metro sidings at those two locations?---Yep. 12:35:10PM
20 These are audits, I suggest, that you were not meant to know 12:35:13PM
21 about in advance; do you agree with that?---I don't agree 12:35:18PM
22 with that. How am I supposed to know if I was meant to 12:35:22PM
23 know about them in advance or not? 12:35:25PM
24 Well, if you were meant to know about them in advance you might 12:35:26PM
25 think that you would be told via an email through official 12:35:30PM
26 channels, through official Metro channels or perhaps 12:35:34PM
27 through official Greencap channels. 12:35:38PM
28 COMMISSIONER: Is this your evidence, is it, Mr Kyritsis, that 12:35:41PM
29 you thought this was a formal notification to you by 12:35:43PM

1 Mr Bollas as something that he was required to disclose to 12:35:46PM
2 you; is that what you're saying?---Well, it was just a 12:35:49PM
3 conversation that we were having. 12:35:53PM
4 No, just grapple with my question?---Yes. 12:35:54PM
5 Are you saying you understood Mr Bollas was making a formal 12:35:58PM
6 communication to you of something he was obliged to let 12:36:01PM
7 you know about?---Quite possibly, yes. 12:36:05PM
8 I give up. 12:36:08PM
9 MR LAWRIE: Page 2?---Yep. 12:36:15PM
10 At line 19, Mr Bollas says this, 'So the spraying, the spraying 12:36:16PM
11 needs to get better.' What's that a reference 12:36:24PM
12 to?---Possibly the spraying in the carriages. 12:36:30PM
13 Why do you say 'possibly'? You're the one speaking with him. 12:36:35PM
14 I suggest you must have known what he was referring to at 12:36:39PM
15 the time?---Well, it doesn't say it specifically, but it 12:36:42PM
16 could have been spraying anything. It could have been 12:36:48PM
17 window cleaner. It could have been anything, yeah. 12:36:50PM
18 You have a benefit over everyone else in the world and that 12:36:53PM
19 benefit is you were the person talking to him?---Yeah. 12:36:55PM
20 You have the entirety of the context available to you when you 12:36:58PM
21 talk to him?---Yep. 12:37:02PM
22 Unlike anyone else in this room; okay? So you can't sensibly 12:37:03PM
23 answer my question with a question, I suggest. It's not 12:37:09PM
24 sufficient for you to throw a question back when you're 12:37:17PM
25 the person who's speaking and he's the person that's 12:37:21PM
26 speaking with you?---Yep. 12:37:24PM
27 Do you understand that?---I understand that. 12:37:26PM
28 So when Mr Bollas says, 'So the spraying, the spraying needs to 12:37:29PM
29 get better,' I've offered you an opportunity to explain 12:37:35PM

1 it. You've declined that. I'll tell you what that means 12:37:39PM
2 and you can agree or disagree. That means a fogging 12:37:42PM
3 application of anti-microbial agents inside the carriages, 12:37:45PM
4 doesn't it?---Well, in this context, yeah, it looks like 12:37:50PM
5 it could be. Spraying is a very broad term. I'm not 12:37:55PM
6 disagreeing with you. I'm agreeing. 12:38:00PM
7 The spraying - - -?---Yeah. 12:38:02PM
8 Is to provide a disinfecting process to the carriages, isn't 12:38:04PM
9 it?---Yes. 12:38:08PM
10 COMMISSIONER: Was there some other spraying process that was 12:38:11PM
11 being used?---They were spraying chemicals. It wasn't 12:38:14PM
12 just a sprayer and you can't really just turn around and 12:38:19PM
13 say because it says spraying that it relates to one thing. 12:38:23PM
14 It could have been one of many things. That's all I'm 12:38:26PM
15 trying to say. 12:38:29PM
16 MR LAWRIE: I suggest to you that the reference to spraying is 12:38:31PM
17 obvious in this. It's talking about the spraying of 12:38:33PM
18 disinfectant chemicals to provide microbial protection 12:38:35PM
19 inside the carriages, isn't it?---Yeah. 12:38:41PM
20 And Mr Bollas says, 'The spraying needs to get better'?---Yeah, 12:38:46PM
21 he does. 12:38:51PM
22 So what we can follow from that is that there's something that 12:38:52PM
23 is substandard about the existing spraying regime; do you 12:38:57PM
24 see that?---Just because he says it needs to get better, 12:39:01PM
25 it doesn't mean it was substandard. 12:39:05PM
26 Well, if he said it needed to get better and it was not 12:39:07PM
27 substandard, wouldn't you say, 'Pete, what are you talking 12:39:12PM
28 about? It's fine?' Wouldn't you say that?---Not really. 12:39:16PM
29 I'm not going to argue with him. 12:39:21PM

1 Seriously?---Yeah. 12:39:23PM

2 So this is your - this is the - your customer, your entire role 12:39:24PM

3 is to look after Metro?---Yep. 12:39:31PM

4 And this is the man that you deal with face-to-face?---Yep. 12:39:33PM

5 Nightly at this stage?---Yep. 12:39:36PM

6 And in this conversation he suggests to you that the 12:39:38PM

7 performance of Transclean's spraying of these carriages is 12:39:41PM

8 substandard?---He doesn't say it was substandard. He says 12:39:48PM

9 it needs to get better. It could have been good and he 12:39:52PM

10 might have wanted it to be better. It doesn't say it was 12:39:55PM

11 substandard. 12:39:58PM

12 Really?---Not really, that's what it says. 12:39:58PM

13 So he wants to go from good to very good; is that what you're 12:40:00PM

14 saying?---He might have wanted to go from very good to 12:40:04PM

15 excellent. 12:40:06PM

16 I suggest to you that it's an indication that what had been 12:40:09PM

17 going on, at least up until that time, was obvious to both 12:40:11PM

18 of you below what was required; what do you say about 12:40:18PM

19 that?---I thought we were doing a good job. 12:40:24PM

20 COMMISSIONER: I'm sorry, what was that?---I thought we were 12:40:27PM

21 doing a good job. 12:40:28PM

22 But whether you were or you weren't in your opinion doing a 12:40:30PM

23 good job, he's tipping you off, isn't he?---He's telling 12:40:35PM

24 me about an audit. 12:40:39PM

25 He's tipping you off about an audit?---Yep. 12:40:40PM

26 And he's not only tipping you off, but he's telling you what 12:40:43PM

27 you need to do the next period before the 15th and the 12:40:46PM

28 17th to make sure that the audit doesn't bring you 12:40:52PM

29 unstuck?---Yep. 12:40:56PM

1 He shouldn't be doing that, should he?---No, but we would have 12:40:57PM
2 had our own processes in place anyway. 12:41:01PM
3 No, but he's telling you to do extra. He's telling you to 12:41:03PM
4 do - he's saying to you, 'You need to do more than you 12:41:07PM
5 would ordinarily do. Get your people in fucking order', 12:41:10PM
6 is his language?---Yep. 12:41:15PM
7 'The spraying needs to get better. The full wipe downs. These 12:41:16PM
8 auditors are independent'?---Yep. 12:41:24PM
9 Do you see that too?---Yeah, I do. 12:41:27PM
10 So he's tipping you off and telling you, 'You've got to make 12:41:29PM
11 sure by the time the audit occurs. They are going to 12:41:33PM
12 catch you out'?---Yeah. 12:41:33PM
13 Well, he shouldn't be doing that, should he?---No, he 12:41:37PM
14 shouldn't. But that doesn't - - - 12:41:38PM
15 And you knew that was improper, didn't you?---Well, it depends 12:41:38PM
16 on the nature of the audit. He shouldn't be - okay, he 12:41:42PM
17 shouldn't have been offering me that advice. 12:41:46PM
18 No?---Yeah - - - 12:41:48PM
19 And again it didn't occur to you that he was doing so because 12:41:49PM
20 he had an improper relationship with Transclean?---No, 12:41:52PM
21 because he wasn't the only one that was talking to us 12:41:55PM
22 about these audits. 12:41:59PM
23 You've told me that there are others that you say were 12:42:01PM
24 involved, and we'll deal with that in private. But that's 12:42:03PM
25 not an answer, that others were involved; you understand 12:42:06PM
26 that, don't you?---I know it's not an answer. 12:42:11PM
27 I'm looking at you at the moment?---Yeah, I know. 12:42:13PM
28 I understand. But it also doesn't just suggest that it 12:42:16PM
29 was Peter telling us to do these things because he had an 12:42:18PM

1 arrangement or whatever with Transclean. 12:42:25PM

2 But it must have been apparent to you at the time, Mr Kyritsis, 12:42:26PM

3 that there was an improper relationship between him and 12:42:30PM

4 Transclean?---It depends on the context of it. We're 12:42:33PM

5 talking about - - - 12:42:40PM

6 In this context - - - ?---We're talking about an audit. 12:42:40PM

7 In this context alone - - -?---Yeah. 12:42:43PM

8 Public servants don't leak inside information about the way a 12:42:45PM

9 contract is going to be audited unless there's a personal 12:42:50PM

10 reason for it?---We both had the same common goal, though. 12:42:54PM

11 Which was what?---Making sure the trains were clean. He had to 12:43:00PM

12 make sure we were doing our job. And, if we were doing 12:43:05PM

13 our job, that he was doing his job. 12:43:07PM

14 Yes, Mr Lawrie. 12:43:12PM

15 MR LAWRIE: Thank you, Mr Commissioner. The reference to 'and 12:43:14PM

16 the full wipe downs' suggests that something less than the 12:43:17PM

17 full wipe downs had been occurring; do you agree?---It 12:43:19PM

18 doesn't suggest that. It's just a comment. 12:43:23PM

19 Okay. I tender that, Mr Commissioner. 12:43:25PM

20 COMMISSIONER: That will be SK6. 12:43:29PM

21 #EXHIBIT SK6 - Telephone call between Mr Bollas and Mr Steven 12:43:32PM

22 Kyritsis on 13 July 2020, call No.12, p.1090, 12:43:32PM

23 MR LAWRIE: Can we move, please, now to clause No.13. This is 12:43:33PM

24 on 14 July 2020. Again it's a conversation between you 12:43:36PM

25 and Mr Bollas. The transcript is found at p.1092. 12:43:40PM

26 (Audio recording played to the Commission.) 12:44:28PM

27 MR LAWRIE: That's the end of that recording, Mr Commissioner. 12:45:09PM

28 Again this call reflects the degree of comfort and 12:45:12PM

29 familiarity you had with Mr Bollas at this stage; do you 12:45:18PM

1 agree?---Yep. 12:45:21PM

2 It's not a situation where he's placing you under pressure that 12:45:21PM

3 you can't act for yourself in some way?---No. 12:45:29PM

4 And even in the tone of voice, I suggest, you can tell that 12:45:31PM

5 this is secret information that's coming to you, 'Write 12:45:38PM

6 this shit down'?---How is that suggesting of it being 12:45:43PM

7 secret? 12:45:46PM

8 Don't you hear it in the conversation? The tone is suggesting 12:45:47PM

9 that, 'Both of us are now talking about something that we 12:45:51PM

10 shouldn't be talking about and here's the inside run, 12:45:55PM

11 here's the inside information'; you disagree?---The tone 12:45:58PM

12 of it? 12:46:02PM

13 M-hmm?---No. 12:46:03PM

14 Okay. Would you persist with your earlier answer that this is 12:46:05PM

15 another instance of an official notification of a 12:46:11PM

16 scheduled audit?---It doesn't mean it's official, but it's 12:46:14PM

17 communication that we had regarding it. 12:46:21PM

18 COMMISSIONER: I'm sorry, I thought you agreed with me a few 12:46:23PM

19 moments ago that you accepted that it was improper that he 12:46:26PM

20 was communicating this to you?---Look, it may have - yeah, 12:46:29PM

21 it may have been improper. If it was meant to be secret, 12:46:32PM

22 yeah, it's improper. But that was never my understanding 12:46:35PM

23 of it, that it was secret, or anyone else's. No-one ever 12:46:37PM

24 said, 'Oh, this is a secret audit.' 12:46:42PM

25 MR LAWRIE: I tender that, Mr Commissioner. 12:46:47PM

26 COMMISSIONER: That will be SK7. That's 14 July, isn't it? 12:46:48PM

27 MR LAWRIE: That's correct. 12:46:52PM

28 #EXHIBIT SK7 - Telephone call between Mr Bollas and Mr Steven 12:46:53PM

29 Kyritsis on 14 July 2020, call No.13, p.1092. 12:46:53PM

1 MR LAWRIE: The next call is a call that takes place between 12:46:55PM
2 you and Mr Bollas on 15 July, which is call No.14. The 12:46:57PM
3 transcript is found at 1094. This is previously exhibited 12:47:04PM
4 at PB2, Mr Commissioner. 12:47:06PM
5 COMMISSIONER: P? 12:47:17PM
6 MR LAWRIE: PB2. 12:47:18PM
7 (Audio recording played to the Commission.) 12:47:25PM
8 MR LAWRIE: That's the end of that recording, Mr Commissioner. 12:52:08PM
9 COMMISSIONER: Yes, that will be SK8. It's already an exhibit? 12:52:12PM
10 MR LAWRIE: It's already exhibited. 12:52:17PM
11 COMMISSIONER: Yes, PB2. 12:52:18PM
12 MR LAWRIE: Mr Kyritsis, I suggest to you that the content of 12:52:21PM
13 that conversation now dispels any doubt about whether or 12:52:25PM
14 not you should have been receiving this 12:52:30PM
15 information?---Yeah, the way that presents it, yeah. 12:52:33PM
16 It's not the way it's presented. It was explicitly stated by 12:52:35PM
17 Mr Bollas in the course of that conversation?---Yeah, 12:52:40PM
18 well, I hadn't - I didn't recall that, and during that 12:52:43PM
19 process, like, it didn't seem apparent that it was meant 12:52:48PM
20 to be a secret. But obviously, you know, seeing that now. 12:52:53PM
21 Well, you remember it at the time too, don't you?---No. 12:52:58PM
22 And it's a two-way flow of information. You've got information 12:53:03PM
23 from Metro - sorry, from Yarra Trams about a recent audit 12:53:06PM
24 and what the scope of that audit was; correct? You have 12:53:11PM
25 to give an audible answer, please?---Yep. Not Yarra 12:53:16PM
26 Trams. Someone who - a contractor. 12:53:22PM
27 A contractor for Yarra Trams?---Yep. Not an employee. 12:53:24PM
28 Okay. Provided you information about the scope of a recent 12:53:27PM
29 audit - - -?---No, we were just comparing notes about work 12:53:33PM

1 and how things are going. 12:53:37PM

2 You pass this information back to Mr Bollas about - - 12:53:38PM

3 -?---Yeah, I mentioned it to him, yeah. 12:53:41PM

4 Hang on. Hang on. Let me finishes, please. About how long 12:53:41PM

5 they were there for?---Yeah. 12:53:45PM

6 And what they were looking at?---Yeah. 12:53:46PM

7 That was information that came to you from one of Yarra Trams's 12:53:48PM

8 contractors?---Yep. 12:53:51PM

9 Who was it?---I don't want to say that publicly. 12:53:52PM

10 All right. And we have a discussion there about time sheets, 12:53:57PM

11 don't we, and documentation?---Yep. 12:54:07PM

12 At line 33 on p.2 you say this, 'Yeah, I've got - I've redone 12:54:09PM

13 all the documentation for north.' By north you mean North 12:54:18PM

14 Melbourne, don't you?---Yep, yep. 12:54:23PM

15 'Refilled, checked it, checked everything last night out at, 12:54:25PM

16 um', and then you finish off?---Yep. 12:54:31PM

17 And then he says, 'The sign on sheets, the sign on sheets, if 12:54:33PM

18 the sign in sheets don't show your people are working 12:54:37PM

19 additional hours', 'Yes', 'You've failed,' 'Yes, yeah.' 12:54:41PM

20 'Do you understand?' And then you say but you don't keep 12:54:45PM

21 your records there on site for months and months?---Yep. 12:54:48PM

22 So have you taken sign-on sheets, basically time sheets for 12:54:53PM

23 cleaners, from North Melbourne, disposed of them and then 12:54:59PM

24 created new ones?---No. No new time sheets were ever 12:55:03PM

25 created. When it mentions I've redone all the 12:55:07PM

26 documentation, that would have been relating to our data 12:55:11PM

27 sheets, processes, all of that stuff. There was no reason 12:55:14PM

28 to - old time sheets were removed and they were replaced 12:55:16PM

29 with fresh sheets. That's all. And the rest of the 12:55:23PM

1 documentation relates to separate things. 12:55:26PM

2 The cleaners that you had working at that time that would go on 12:55:31PM

3 to the trains at night and do what they had to do to 12:55:35PM

4 sanitise the carriages - - -?---Yep. 12:55:40PM

5 How much were they paid an hour?---I've got no idea. 12:55:41PM

6 No idea whatsoever?---No. No idea. 12:55:43PM

7 Did you ever ask anyone at Transclean how much they were 12:55:47PM

8 paid?---It wasn't my area. 12:55:49PM

9 COMMISSIONER: And I think you indicated you don't know whether 12:55:53PM

10 they were actually Transclean employees or - - -?---No. 12:55:55PM

11 Subcontracted employees under your management?---They would 12:56:00PM

12 have been - yeah - - - 12:56:03PM

13 Could have been either?---I can't give an accurate answer; yep. 12:56:05PM

14 MR LAWRIE: At p.4 Mr Bollas says this at line 73, 'And they 12:56:16PM

15 need, they need three different types of fucking um, 12:56:27PM

16 what's it called, uh surface wipes.' 'Yeah, yeah.' And 12:56:31PM

17 then he says, 'They're not going to use the same fucking 12:56:36PM

18 water to do the floors, they have to change the water, 12:56:40PM

19 they have to change the soap'; right?---Yep. 12:56:43PM

20 He's giving you specifics about the required processes for 12:56:46PM

21 cleaning?---That doesn't really make much sense about 12:56:51PM

22 needing three different types of - - - 12:56:56PM

23 I'll tell you why he's giving you those specifics. Because 12:56:59PM

24 that's what the auditors would be looking for and that's 12:57:02PM

25 what was not being done at that time; do you agree?---Not 12:57:06PM

26 necessarily. Because that doesn't make sense to me when 12:57:10PM

27 he's talking about three different types of whatever, 12:57:16PM

28 surface wipes. And then the same water to do the floors, 12:57:21PM

29 like, I don't know what he's referring to there, because 12:57:26PM

1 we weren't using water to wipe down or disinfect, unless 12:57:29PM
2 he's talking about changing mop bucket water or something. 12:57:34PM
3 COMMISSIONER: He is suggesting to you that he has reason to 12:57:37PM
4 think that the same water that's being used to clean the 12:57:39PM
5 floors is being used to doing the wipe downs?---Oh, 12:57:43PM
6 absolutely not. 12:57:47PM
7 That's what he's suggesting?---Well, no chance. It's never 12:57:47PM
8 occurred. Pre-COVID. Post COVID. It does not happen. 12:57:54PM
9 MR LAWRIE: At the very, very least - - -?---Yep. 12:57:59PM
10 What is being suggested by Mr Bollas to you is that whatever's 12:58:01PM
11 happening at that time is not of the standard that will be 12:58:06PM
12 required by the auditor; do you see that?---You could say 12:58:12PM
13 that. But you could also say he just wanted us - wanted 12:58:16PM
14 it to go smoothly and not for us to, you know, stuff it up 12:58:20PM
15 in any way. There's no suggestion that we weren't doing 12:58:23PM
16 it right. 12:58:26PM
17 And that's when he finishes the conversation with this highly 12:58:27PM
18 artificial and politicised statement about supplier and 12:58:33PM
19 contractor working together, not fighting each other and 12:58:37PM
20 moving forward as one?---Yep. 12:58:41PM
21 And then he laughs, doesn't he, and says, 'Stick that in your 12:58:43PM
22 didgeridoo'?---I can't see it on my screen now but, yeah, 12:58:50PM
23 something to that effect. 12:58:53PM
24 Because it's a pre-prepared statement for public consumption 12:58:54PM
25 about how beautifully you're working together compared 12:59:00PM
26 with scheming together to defeat the auditors?---I don't 12:59:02PM
27 know what he meant by that. They're his words. 12:59:05PM
28 And then he says to you, 'They have to do everything mint, do 12:59:09PM
29 you understand?' This is the occasion for to you say, 12:59:15PM

1 'Peter, what we're doing is absolutely fine.' You don't 12:59:19PM
2 say that, do you?---I didn't have to say it to him. I'm 12:59:24PM
3 just agreeing with what he's saying. 12:59:26PM
4 Well, his suggestion to you is that things are not good enough, 12:59:28PM
5 and you say nothing in response?---If that was his concern 12:59:33PM
6 the tone of the conversation would have been completely 12:59:37PM
7 different, trust me, because he wasn't one to hold back. 12:59:39PM
8 And then he says at 88, 'Put an extra person on and that will 12:59:42PM
9 show your extra hours.' And you say, 'Yeah.' What's that 12:59:46PM
10 about?---Nothing. It's a suggestion of his. I'm just 12:59:53PM
11 saying 'yeah', agreeing with him. It doesn't mean I'm 12:59:58PM
12 going to do anything about it or we did anything about it. 01:00:01PM
13 You see, it's quite clear what's gone on in this. You've been 01:00:03PM
14 given advance warning of this audit, you've recreated time 01:00:10PM
15 sheets - - -?---No, we haven't. 01:00:14PM
16 And he's suggesting that on the day of the audit you put an 01:00:16PM
17 extra person on and that will be concordant, that will 01:00:19PM
18 agree with the falsified documents?---No, I won't accept 01:00:23PM
19 that. We didn't recreate any time sheets, and all we had 01:00:26PM
20 done was make sure the necessary - how can you recreate 01:00:29PM
21 time sheets? You can't do that. Just put out the right 01:00:32PM
22 documentation that needed to be there. If it wasn't there 01:00:36PM
23 or if it was missing for any reason or just get shabby, as 01:00:38PM
24 it does, it was just replenished. That's all. Nothing 01:00:43PM
25 was created, not to my knowledge, anyway. 01:00:47PM
26 Over the course of the last few days of hearings we have heard 01:00:52PM
27 a number of high-minded statements that Transclean was 01:00:58PM
28 performing in an exemplary way in a dangerous environment 01:01:01PM
29 during the height of the COVID pandemic. You would have 01:01:11PM

1 followed those statements as they were made?---Who were 01:01:14PM
2 they made by in particular? 01:01:16PM
3 Ms Tsakopoulos?---Didn't hear all of it. 01:01:17PM
4 Your father?---Parts of it, yeah. Most of it. 01:01:23PM
5 High-minded statements about the fine job you were doing. 01:01:26PM
6 I suggest to you that the two topics this morning, the 01:01:30PM
7 deliberate sabotaging of the Zoono trials and now this - - 01:01:34PM
8 -?---Under Peter's direction, yeah. 01:01:38PM
9 And now this - - -?---Again under Peter's direction. 01:01:39PM
10 Which is scheming to defeat the auditors, shows a complete 01:01:42PM
11 contempt for the Victorian public during that 01:01:46PM
12 crisis?---No, not at all. Not at all. 01:01:49PM
13 Is that an appropriate time, Mr Commissioner? 01:01:54PM
14 COMMISSIONER: Yes. We'll adjourn until 2.15, 01:01:56PM
15 Mr Kyritsis?---Thank you. 01:02:00PM
16 Go off, have some lunch, you may speak to your counsel, and we 01:02:00PM
17 will see you at 2.15. All right?---No worries. 01:02:05PM
18 <(THE WITNESS WITHDREW) 01:02:11PM
19 LUNCHEON ADJOURNMENT 01:02:12PM
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