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TRANSCRIPT OF MORNING PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

WEDNESDAY, 28 OCTOBER 2020

(3rd day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH 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

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

1 <JAMES GRAHAME PINDER, recalled:

2 <EXAMINED BY MR LAWRIE, continued:

3 COMMISSIONER: Good morning, Mr Pinder. Are you ready to  
4 proceed?---Yes.

5 Very good. Yes, Mr Lawrie.

6 MR LAWRIE: Thank you, Commissioner. Mr Pinder, do you recall  
7 communicating with Mr Bollas in 2017 about him potentially  
8 taking up a job at V/Line?---No, I don't, Mr Lawrie.

9 Do you recall specifically by text message?---I don't recall,  
10 Mr Lawrie.

11 Do you recall communicating with him by text message or any  
12 other means in 2018 about him potentially taking up a job  
13 at V/Line?---No, Mr Lawrie, I don't recall.

14 Okay?---When I say I don't recall, I'm not saying I didn't do  
15 it, but I may have done. But he never did.

16 He never took up a job at V/Line; that's correct, isn't  
17 it?---That's correct, yes.

18 But you're saying you can't recall whether you ever discussed  
19 or offered him a job?---No, I don't - I don't remember,  
20 Mr Lawrie.

21 Okay. What we will do now, we'll take you to a series of text  
22 messages between you and Mr Bollas that took place on  
23 18 May 2017. If we can go, please, to the book at p.281,  
24 and we'll have three pages of a text exchange between you  
25 and Mr Bollas on 18 May 2017. Now, the green box,  
26 I suggest to you, is a message that's being sent by  
27 Mr Bollas. Have a read of that?---Yes.

28 'Few weeks back you spoke about a job at V/Line. Is that still  
29 a possibility.' The blue box has your name at the top,

1 and I suggest that's your response and you said, 'Yep, of  
2 course.' Do you remember that now?---I don't remember it,  
3 but it's there. So - - -  
4 We'll just go through and see if any of these interchanges  
5 prompt your memory?---It's the sort of thing that I would  
6 have - I don't know. Yes, I don't remember it, but it  
7 says for all to see, so ...  
8 Then you add on, 'For you brother everything is possible  
9 always.' What did you mean by that?---I don't remember  
10 saying it. But people move from Metro to V/Line and  
11 V/Line to Metro all of the time. It's - 15 years ago it  
12 was one company, so it wouldn't be unusual for - but, like  
13 everyone else, he would have to go through a process.  
14 Okay. We'll just scroll down. Let's see the rest of the  
15 exchange. We go over to the next page. He asks you, 'GM  
16 contracts and cleaning?' So he's asking that that would  
17 be the position. And you reply again, 'Whatever you need  
18 brother'?---I think I'm probably being a little bit cheeky  
19 there by the way it's written. But it never happened, did  
20 it, so - - -  
21 No, it didn't come about, but I just want to explore the  
22 negotiation. He replies, 'Don't toy with me.'  
23 COMMISSIONER: No, no, Mr Pinder, this is not something you  
24 should be amused about. What counsel assisting is doing  
25 is seeking to demonstrate the nature of your relationship  
26 with Mr Bollas; do you follow?---Okay. I understand,  
27 Mr Commissioner; thank you.  
28 MR LAWRIE: You reply, 'I'm not toying.' Do you see that in  
29 the bottom left text box?---Yes.

1 We'll just keep going for a minute. He asks, 'Can we please  
2 have a series conversation when I get back.' I suggest to  
3 you that probably was meant to mean serious. Do you  
4 recall that? No, you don't remember it?---I don't  
5 remember it, but it's there, isn't it, so - - -  
6 Okay. We'll just go on to the end - - -?---I accept it.  
7 Okay. You agree with that proposition, you say 'yep', and  
8 I think that's the end of the text exchange. All right.  
9 I tender those three pages, Commissioner, text exchange  
10 between Mr Pinder and Mr Bollas 18 May 2017.

11 COMMISSIONER: That will be JP30.

12 #EXHIBIT JP30 - Text exchange between Mr Pinder and Mr Bollas  
13 18/05/17.

14 MR LAWRIE: The next text exchange on this subject, Mr Pinder,  
15 we see on 22 January, so some six or seven months later,  
16 22 January 2018. Can we please go to p.284. This is you  
17 replying to Mr Bollas. You say, 'Wrong phone brother!  
18 Definitely serious re opportunity. I think it's best that  
19 you deal with Alex in the first instance but he wants  
20 someone to manage all facility type contracts plus freight  
21 customers including all cleaning. Money would be 200 to  
22 250,000 plus.'

23 COMMISSIONER: '25'.

24 MR LAWRIE: Sorry, 225 plus. My apologies. Do you recall  
25 speaking to him in those terms about an offer of  
26 employment?---I think there was an opportunity at that  
27 time that may have suited his skill set. But at the same  
28 time he would have had to apply in the same way as  
29 everybody else did - does.

1 Do you remember this exchange?---Not specifically, but I'm not  
2 surprised by it.

3 You're essentially foreshadowing an offer there, aren't  
4 you?---I'm indicating that there's a role that is  
5 potentially going to be available for somebody with his  
6 skill set and that this would be the sort of - what it  
7 would entail and how much money it would pay.

8 And he would be a suitable candidate presumably amongst other  
9 suitable candidates?---If he was to apply for the role,  
10 which I don't think he did.

11 It was certainly not being offered to him as an opportunity  
12 that, to use a colloquial expression, had a fence around  
13 it for him?---No, no.

14 Okay. Let's go down, please. You reply, '250 was to wind up  
15 PT. 250 isn't going to happen. 225 might.' Do you  
16 recall that negotiation with him?---I don't accept that  
17 this was a negotiation. Whether it was appropriate or  
18 otherwise, I would characterise it as a flippant  
19 conversation.

20 Okay.

21 COMMISSIONER: Mr Pinder, was it appropriate?---As I said,  
22 I think not, Mr Commissioner.

23 Why not?---Because obviously I'm the CEO of an organisation.  
24 It's not the sort of thing that a CEO of an organisation  
25 should be saying to somebody, Mr Commissioner.

26 Yes?---Even if it was in jest.

27 So were you saying this to him because of your special  
28 relationship with him, or are you saying you would engage  
29 in this sort of inappropriate behaviour with anyone who

1 was wanting to speak to you about a possible position?

2 Which of the two is it?---The former, Mr Commissioner.

3 Very good.

4 MR LAWRIE: If we can go down, please, and I think that will

5 take us onto the next page. Mr Bollas says, 'Best we talk

6 in person', and you reply, 'Definitely happy to do that.'

7 Could we go down. I think that's the end of the exchange.

8 Did you talk in person?---I suspect we probably did, and

9 I suspect that probably persuaded him that actually it

10 wasn't really a serious proposition. I don't know.

11 Oh, you do remember that, do you?---Well, no, you asked me

12 whether I could remember. I don't remember. But

13 I suspect that that's - something like would have happened

14 because - okay. I'm only assuming. I shouldn't assume.

15 Sorry.

16 Before we move on, I tender the text exchange, Commissioner,

17 dated 22 January 2018 at pp.284 and 285.

18 COMMISSIONER: That will be JP31.

19 #EXHIBIT JP31 - Text exchange dated 22/01/18 at pp.284 and 285.

20 MR LAWRIE: You were responsible for signing off on the draft

21 report - sorry, draft response to IBAC's

22 Operation Lansdowne which was dated 27 October 2017,

23 weren't you?---Yes.

24 And Operation Lansdowne looked into procurement matters but

25 also recruitment matters, didn't it?---Yes.

26 And specifically focused on nepotism and departure from proper

27 processes in those matters, including recruitment, didn't

28 it?---Yes.

29 Can we have a look, please, at p.50, which is the first page of

1 your response to the IBAC in respect of  
2 Operation Lansdowne dated 27 October 2017. Do you  
3 recognise this document as being the letter you signed off  
4 on?---Yes.

5 Can you have a look at the second paragraph. Do you want to  
6 read that out, please?---Can you make it a bit bigger,  
7 please; thank you. 'V/Line acknowledges that the  
8 Operation Lansdowne findings exposed improper actions and  
9 behaviour of some former senior V/Line staff who failed to  
10 follow recruitment procurement and conflict of interest  
11 processes existing at that time. Such actions and  
12 behaviour are not condoned by V/Line. It is important to  
13 note that no risk to public safety was identified as a  
14 consequence.'

15 I want to direct your attention to one further paragraph,  
16 p.52. Do you see that we have a heading there for  
17 'recruitment'. I just want to go to the last paragraph  
18 under that heading. So this is the concluding paragraph  
19 for the subject matter of recruitment. Can you read that  
20 out, please?---'V/Line's audit program will provide  
21 assurance of the above improvements. I am also assured by  
22 an audit carried out by RSM and reported to the Board  
23 Audit, Finance and Risk Committee in early 2017, that  
24 nothing has come to RSM's attention that would lead them  
25 to believe that systemic issues exist within V/Line with  
26 regards to the controls and processes surrounding employee  
27 recruitment and consultant engagement.'

28 If we go over the page to p.53 we see your final paragraph,  
29 'V/Line's commitment to integrity is genuine and ongoing.

1 V/Line's board and leadership team will continue to focus  
2 on and champion integrity well beyond the completion of my  
3 report to IBAC due by 31 December 2018. Yours sincerely,  
4 James Pinder', and signed; correct?---Yes, correct.

5 Commissioner, I tender that draft response.

6 COMMISSIONER: What was the date of the letter, Mr Lawrie?

7 MR LAWRIE: It's 27 October 2017.

8 COMMISSIONER: That will be JP32.

9 #EXHIBIT JP32 - Draft response by James Pinder to IBAC in  
10 respect of Operation Lansdowne dated 27/1017.

11 MR LAWRIE: Thank you, Commissioner. Mr Pinder, that draft  
12 response that we have just looked at comes five and a half  
13 months after that first text message exchange between you  
14 and Mr Bollas and three months before the second text  
15 message exchange where you go into further detail about  
16 this potential job where you say 'anything for you,  
17 brother'. Did you think in those series of communications  
18 you were departing from proper processes in respect of  
19 recruitment?---Yes.

20 Does it not appear duplicitous to be responding to IBAC in the  
21 way that you did in October when you yourself engaged in  
22 communications which straddled that response, you were  
23 engaging in communications that were the very same  
24 problem?---Yes.

25 COMMISSIONER: Mr Pinder, unfortunately the failings here are  
26 broader than merely your engagement with Mr Bollas about  
27 this potential recruitment. As you've told us, your  
28 asserted gambling syndicate involvement was inappropriate.  
29 Does it mean that you were really only going through the

1 motions of responding to the IBAC Commission when you said  
2 integrity and the maintenance of standards is uppermost in  
3 your mind and that of the board?---No, I don't accept  
4 that, Mr Commissioner, although I can understand how you  
5 would interpret it that way because of this obvious  
6 contradiction of what was in that letter and what was our  
7 intention. The only thing I would say is that every  
8 single person that - to my knowledge, every single person  
9 that's been recruited at V/Line has gone through a full  
10 and proper process. My inappropriate comments to somebody  
11 that I've freely admitted is a friend were inappropriate,  
12 and I accept that wholeheartedly. But I don't think that  
13 that is a reflection on the very hard work that many  
14 people at V/Line, including the board, have done to ensure  
15 that in reality when people are recruited they are  
16 recruited and a proper process is followed, and I say  
17 again I fully accept that my comments were inappropriate,  
18 and I have let the side down. But he didn't get a job and  
19 as far as - so that's all I would add.

20 I tried to focus your attention more broadly, Mr Pinder, than  
21 merely on this recruitment issue. From what you've now  
22 told us over the last two days, your integrity conduct was  
23 inappropriate in a number of respects, which you've  
24 acknowledged. So must one inevitably conclude that this  
25 was not - when you wrote to IBAC saying that you're  
26 addressing any integrity issues and it's uppermost in your  
27 consideration and that of V/Line, that was just window  
28 dressing, wasn't it?---The only thing I would say is that  
29 my comments were not a reflection of the very hard and

1 diligent work that many, many people, including the board,  
2 had done, and to some extent myself, although, you know,  
3 I've in the last two and a bit days very publicly conveyed  
4 that I've acted inappropriately.

5 Well, look, I'm not going to ask the question a third time.

6 I wanted you to address the question in the broad way  
7 I put it. But be that as it may, yes, you proceed,  
8 Mr Lawrie.

9 MR LAWRIE: Thank you, Commissioner. When you signed that  
10 letter, Mr Pinder, did you feel a sense of irony that what  
11 you were talking about about protections against systemic  
12 problems when the CEO, that is you, were engaging in  
13 inappropriate conduct in that regard? Did you feel a  
14 sense of irony when you signed the letter?---I think the  
15 sense I would feel now, Mr Lawrie, is regret.

16 Okay.

17 COMMISSIONER: Before we leave Operation Lansdowne, Mr Pinder,  
18 when the draft report of Operation Lansdowne was provided  
19 to you for comment, you recall a process that is  
20 invariably followed by the Commission as required by the  
21 IBAC Act that after an operation is concluded and a report  
22 is to be published a draft of the report is provided not  
23 only to individuals who might be the subject of any  
24 adverse comment but the report is usually provided to the  
25 CEO of the relevant organisation for comment. From the  
26 time that that draft report was provided to you how was  
27 the approach to rectifying the integrity problems which  
28 IBAC had identified - how was that approach addressed?  
29 Did the board invest you with responsibility for

1 addressing those integrity issues, or did the board take  
2 on a discrete oversight and review function? Could you  
3 just explain how the issue was approached?---So the  
4 responsibility for providing the response to the various  
5 recommendations in the report was placed upon the  
6 executive. The executive, through the governance and risk  
7 department, collated a response on behalf of the rest of  
8 the executive in a kind of an Excel spreadsheet type  
9 format. So every recommendation was pulled out from the  
10 report and a response to each of those recommendations  
11 collated. That spreadsheet was then presented as a  
12 proposal to the, from memory, audit, finance and risk  
13 committee, and endorsed as a response to be further  
14 endorsed by the board at the time, and then the board  
15 endorsed the final version after some - from memory, after  
16 some amendments and some very close attention and  
17 diligence to it from the board, and then I think the  
18 letter was drafted and, from memory, I think there was  
19 something like a year to carry out those recommendations.  
20 I think that year was 2018, from memory.

21 So the task of implementing IBAC's recommendations and the task  
22 of reviewing the findings of IBAC to determine what  
23 internal steps should be taken to address practices and  
24 procedures was first and foremost left to you and your  
25 executive?---Yes. I would say, though, that that  
26 executive was a very different executive that was in place  
27 as compared to the findings from Lansdowne. I'm not  
28 defending, nor have I sought to defend in the last two and  
29 a bit days, my own inadequacies. But what I would like to

1 say is that the issues that were identified with respect  
2 to recruitment and the engagement of consultants in the  
3 Operation Lansdowne report were real instances. To my  
4 knowledge - - -

5 Real instances of what, I'm sorry?---Inappropriate recruitment.

6 You know, there was somebody that was offered a job as a  
7 consultant that ended up earning more money than the CEO  
8 if you aggregated his daily rate over a year. There was  
9 another instance of what Mr Lawrie described as nepotism  
10 where somebody's partner was recruited inappropriately.  
11 To my knowledge, whilst I again fully accept that my text  
12 message exchange with Peter BOLLAS was inappropriate,  
13 those things didn't happen because the recruitment team  
14 and the people team and the procurement team did an  
15 incredible job to tighten up those processes. Now, I'm  
16 taking a chance here because Mr Lawrie may now turn around  
17 and say, 'What about this person,' but, to my knowledge as  
18 I sit here now, those issues that occurred in Lansdowne  
19 have not occurred since we submitted that formal response  
20 to IBAC.

21 Your letter to the Commission highlighted the proposition that  
22 those who had been involved in the previous corrupt  
23 processes were former employees, they were no longer with  
24 V/Line. But you of course excluded yourself, did you not,  
25 when you wrote that letter?---I wasn't an employee either,  
26 Mr Commissioner, at the time of the Lansdowne inquiry.

27 I wasn't - - -

28 No, the letter you wrote conveying the impression to the  
29 Commission that those who were involved in any corrupt

1 activity were no longer associated with V/Line was  
2 therefore misleading because you knew at the time you  
3 wrote the letter that you were engaged in inappropriate  
4 behaviour?---That I accept.

5 Yes, Mr Lawrie.

6 MR LAWRIE: Thank you, Commissioner. Why did you in the second  
7 series of text messages with Mr Bollas correct him about  
8 the phone that he was to be sending the text messages to?  
9 You opened with 'wrong phone, mate'. Why did you do  
10 that?---I think I told you yesterday, Mr Lawrie, that  
11 Peter Bollas was one of the people that I communicated  
12 with on that phone.

13 So you wanted or at least preferred that second conversation to  
14 be taking place on the secret phone, did you?---From what  
15 that text message says, it would appear so, wouldn't it.

16 That's because you realised at the time that it was not an  
17 appropriate communication, I suggest, otherwise there  
18 would be no concern?---I accept now and I accept then that  
19 it was inappropriate, and I think I've done that a couple  
20 of times.

21 All right. On a different subject, do you recall Mr Bollas  
22 speaking to you in February of 2020 about a serious safety  
23 breach that he had encountered at Metro involving  
24 Transclean staff?---I don't recall that, no.

25 No memory of it whatsoever? I want you to think back to a  
26 series of telephone conversations you had with Mr Bollas  
27 on the secret phone where he revealed to you a  
28 very - apparently a very significant safety breach  
29 involving a staff member of Transclean and the potential

1 for electrocution. Do you remember that?

2 COMMISSIONER: Perhaps you can assist him further, Mr Lawrie.

3 MR LAWRIE: Okay. Perhaps we'll just go to the audio. Can we  
4 please bring up telephone call No.7. This goes for a few  
5 minutes, Commissioner, but I think we'll have to go  
6 through the whole lot. It is at p.530 to 539 of the book.

7 COMMISSIONER: What's the date, Mr Lawrie, I'm sorry?

8 MR LAWRIE: Sorry, it's 10 February 2020.

9 (Audio recording played to the Commission.)

10 COMMISSIONER: You're on mute, Mr Lawrie.

11 MR LAWRIE: Commissioner, I tender the transcript and the audio  
12 for call No.7 between Mr Pinder and Mr Bollas dated  
13 10 February 2020.

14 COMMISSIONER: JP33.

15 #EXHIBIT JP33 - Transcript and audio for call No.7 between  
16 Mr Pinder and Mr Bollas dated 10/02/20.

17 MR LAWRIE: We hear reference in that call, Mr Pinder, to a  
18 panto. That's a pantograph, isn't it?---Yes, Mr Lawrie.

19 And a pantograph is that structure at the top of metropolitan  
20 trains that connects the train to 1200 volts of DC power,  
21 doesn't it?---It's actually 1500, Mr Lawrie, yes.

22 1500; thank you. So the context of that safety breach,  
23 I suggest to you, was a Transclean worker moving about the  
24 train when it hadn't been secured to protect him or her  
25 against electrocution in the event that the pantograph was  
26 connected to the overhead?---Sorry, can you say that  
27 again?

28 The whole context of what Mr Bollas was talking about was a  
29 safety breach?---Yes.

1 Where a Transclean worker had been moving around the train  
2 under the coupler?---Yes.

3 In circumstances where the area was not made safe to protect  
4 against potential electrocution; is that right?---Yes.  
5 Yes.

6 So it's as serious a safety breach as might be encountered,  
7 short of actual injury or death?---Yes.

8 Okay. You said this is déjà vu. Did you know of other events  
9 like this where Transclean staff had been involved in  
10 occupational health and safety breaches?---Historically at  
11 Metro, as I said to you before I think, there was some  
12 issues around safety. I think we talked about it either  
13 yesterday or the day before.

14 And you said that they were - you portrayed them as minor  
15 breaches, correct forms not being in place and that sort  
16 of thing. Do you remember that evidence?---I think - yes,  
17 and I think on the first day I said that it was very  
18 difficult to get these things managed properly at the time  
19 and that, as part of the resolution for the litigation,  
20 commitment was made by various people at Transclean that  
21 they would be better at following these procedures.

22 These were not the safety breaches you were talking about in  
23 the context of your involvement in negotiating the  
24 settlement of that litigation. You described them  
25 essentially as minor breaches in your view, didn't  
26 you?---It wasn't the nature of the breaches that was  
27 reminding me, the déjà vu. It was the laissez-faire  
28 attitude to following them up properly. So that's what  
29 I was focusing on, not the significance or otherwise of

1 the potential incident.

2 Now, Mr Bollas in this conversation describes Mr Haritos as an  
3 imbecile. Did you agree with that characterisation of  
4 him?---Well - - -

5 Did you agree? It's a simple question, Mr Pinder. Did you  
6 agree or not with that characterisation by Mr Bollas of  
7 Mr Haritos as an imbecile?---No.

8 You called him duplicitous, though, didn't you? Why did you  
9 call Mr Haritos duplicitous in that conversation?---I was  
10 having a conversation with somebody who was a friend. It  
11 was a throwaway conversation about him and a bad day that  
12 he'd had, and if I'd have thought for one minute that  
13 there were implications for V/Line, which is a completely  
14 different organisation with a completely different set of  
15 arrangements in place for managing this sort of activity,  
16 I would have done so. But I was listening to a friend  
17 blowing off steam. That's what I thought of this phone  
18 conversation.

19 Mr Pinder, I'm afraid that stretches credulity. This is  
20 Mr Bollas telling you about a very, very serious safety  
21 breach on 1 February at the Cheltenham railway station  
22 involving a Metro train and the potential electrocution of  
23 a worker at Transclean, isn't it? That's what it's  
24 about?---Yes.

25 And are you saying you just treated this as a mate blowing off  
26 steam? Is that honestly your answer? Is that your honest  
27 characterisation of this conversation? We've all listened  
28 to it. Is that seriously how you characterise this  
29 conversation: as him blowing off steam and not telling you

1 about a serious safety breach?---Mr Lawrie, I'm not  
2 responsible for what happens at Metro. Peter Bollas,  
3 we've already established, is a friend of mine. I think  
4 the first part of that telephone conversation was, 'I hear  
5 you've had a bad day' - - -

6 Yes. All right. He's a friend of yours who told you how he  
7 was going to try and suppress this incident by attacking,  
8 quite falsely, one of the witnesses and discrediting that  
9 witness on the basis of a delay in the report; do you  
10 remember that part? He told you of his plan to try and  
11 cover up this incident, didn't he?---As I've already said  
12 to you, Mr Lawrie, I - - -

13 No, it's a simple question, Mr Pinder. Did he tell you about  
14 his plan to cover up this incident by suppressing the  
15 evidence?---He says that. I didn't for one minute think  
16 he would mean it.

17 You just thought it was big talk? Didn't concern you at  
18 all?---People say things all the time, don't they, and  
19 I - - -

20 I don't know. Do they?---I felt that he was blowing off steam.

21 Okay. Did you report the matter to anyone within your  
22 organisation as being a potential systemic problem with  
23 Transclean staff and breaches of occupational health and  
24 safety?---No. In fact, I think it was common knowledge,  
25 which is why I knew about it in the first place.

26 It was common knowledge within V/Line that Transclean had  
27 repeated occupational health and safety breaches with  
28 Metro; is that what you're saying?---No, I didn't say  
29 that, did I?

1 Well - - -?---I said if you go back to the top of the - - -  
2 Go?---Can I speak?  
3 Please?---If you go back to the top of the transcript, I'd  
4 already heard about it, hadn't I? So I must have heard  
5 about it another way. So therefore it was out there.  
6 These things from time to time on an operational railway  
7 happen, and people talk about these things. As  
8 I've already said to you, it's lots of very close  
9 relationships in this industry. People talk all the time.  
10 Now, my characterisation of this conversation was I was  
11 talking to a friend at the end of his busy day and he'd  
12 had a bad day and he was blowing off steam. Now, I've  
13 answered that question. I can't answer it another way  
14 because you don't like the answer I've given you.  
15 COMMISSIONER: No, but, Mr Pinder, when you proffered the  
16 comment that Mr Haritos was duplicitous, that wasn't you  
17 responding to something that Mr Bollas was telling you;  
18 this was you narrating your conversation with Mr Haritos  
19 and something he had said to you and where you added your  
20 observation about him being duplicitous. Would you look  
21 again at 44 to 50 of the transcript, please?---Yes.  
22 Mr Pinder, he's asking you - Mr Haritos is asking you to get  
23 the stations sorted; correct?---Yes.  
24 What did he mean by that? What did Mr Haritos mean when he was  
25 saying to you 'get the stations sorted'?---I don't know.  
26 MR LAWRIE: Mr Pinder, can I suggest to you what it might mean?  
27 It might mean, 'getting it sorted', the winning back of  
28 the stations cleaning contract for Metro, for that  
29 contract to be won back for Transclean; is that what it

1 means?---It may do.

2 COMMISSIONER: We played some conversations yesterday in which  
3 you talked about that possibility, that he might get the  
4 contract back for cleaning the stations, and that's what  
5 he was proposing, wasn't he?---The sort of thing that  
6 George would always talk about, and to your question about  
7 duplicitous - - -

8 We'll come to that. We're just asking you now about your  
9 understanding of getting the stations sorted. The way  
10 I read that piece of the conversation, Mr Pinder, what  
11 you're saying to Mr Bollas is that Mr Haritos has said to  
12 you, 'Get the stations sorted, and then three months  
13 thereafter Pete Bollas can come and work for me and manage  
14 all that stuff.'?---Yes. The Metro stations, not the  
15 V/Line stations.

16 And it's in that context that Mr Bollas then says to you that  
17 Haritos wants to speak to him - to him and not to  
18 you - and when Mr Bollas keeps saying, 'No, Mr Pinder can  
19 come along,' Mr Haritos is insistent, 'No, it's just to be  
20 with you, Mr Bollas,' and then you proffer the comment  
21 that you do?---Yes.

22 So this wasn't in response to an assertion by Mr Bollas. This  
23 was something you were saying Mr Haritos told you, and  
24 it's in that context that you say he's duplicitous; is  
25 that not right?---I'm not absolutely sure, Commissioner,  
26 that I follow. But my view is, as I said I think  
27 yesterday, that these two were always at each other. One  
28 would say one thing, the other would say the other thing,  
29 and the truth usually lay somewhere in the middle.

1 What happened with the stations and the cleaning,  
2 Mr Pinder?---Nothing, as far as I'm aware.  
3 So are the stations being cleaned?---The stations are being  
4 cleaned. I believe that they are cleaned by a company  
5 called - this is Metro. It's either ICS or ISS or  
6 something of that nature, Mr Commissioner.  
7 Yes?---So, you know, this is George - George, he says something  
8 but it doesn't mean it happens.  
9 No, but what do you mean 'this is George'? What George is  
10 saying to you - - -?---Well, this is what I mean about the  
11 duplicitous - maybe 'duplicitous' is the wrong word.  
12 Just forgive me. Correct me if this impression is wrong. The  
13 head of Transclean is saying to you, the head of V/Line,  
14 in relation to an ambition which he, the head of  
15 Transclean, has of being able to get the cleaning contract  
16 for Metro stations, that as soon as that - as soon as that  
17 is sorted out, he wants Peter Bollas to come and work for  
18 him?---That's what he's saying, yes.  
19 Now, is that an appropriate conversation for either you or  
20 Mr Bollas to be having with a major contractor to either  
21 of your organisations?---No, Mr Commissioner, it's not.  
22 I accept that, which is why I'm characterising this  
23 conversation as somebody blowing off steam, which is why  
24 there's laughter. It's at the end of the day. I'm not  
25 saying it's appropriate. I've been consistent all the way  
26 through. But people say things all of the time. It  
27 doesn't mean that they happen.  
28 Mr Pinder, are you thinking about what you're saying to me?  
29 Mr Haritos was not blowing off steam. Mr Haritos was

1 pursuing a proposition, a proposition that would procure  
2 further work for Transclean, in exchange for which he  
3 contemplated Mr Bollas would get a new job. This wasn't  
4 hot steam, was it? This was a serious proposition and one  
5 that he was discussing with you?---I didn't take it that  
6 way, Mr Commissioner.

7 Very good. Yes, Mr Lawrie.

8 MR LAWRIE: Thank you, Commissioner. You say at the start of  
9 that conversation that you had met with George earlier  
10 that day anyway, hadn't you, that is 10 February? You met  
11 with Mr Haritos earlier that day, hadn't you?---That's  
12 what it says, yes.

13 Did Mr Haritos speak to you about any other problems? You seem  
14 to indicate that 'he didn't tell me about that  
15 one'?---I don't remember, Mr Lawrie.

16 I know you say the operations are very different between Metro  
17 and V/Line, obviously with the electrification of suburban  
18 trains, but nonetheless did you even have a whisper to  
19 anyone on your team to say, 'Look, I would like you to do  
20 some further occ health and safety audits,' or, 'Can we  
21 just review what the situation is there?' Even if you  
22 didn't report this information directly, did you take any  
23 action of that sort?---I can't say categorically that  
24 I did. But those are the sorts of conversations that  
25 I used to have all of the time, which is why V/Line has an  
26 exceptional safety record. It's got a safety record that  
27 is far superior to what it was four years ago, and it  
28 continues to improve. So the inference that we didn't  
29 take safety seriously is not an accurate one.

1 Well, what other inference are you to draw when you've got  
2 someone who is reporting to you that they plan to suppress  
3 evidence or suppress a report, except that you just don't  
4 take what he says seriously; you think what he's talking  
5 about is just fiction, do you?---With all honesty - well,  
6 he's talking about another organisation that I'm not  
7 responsible for.

8 It doesn't matter. It's railway safety. As you said yourself,  
9 they used to be the one organisation. Surely if you get  
10 information that indicates that there are serious problems  
11 with Transclean from someone - as you say, 'Used to be the  
12 one organisation. We talk about this stuff all the time.'  
13 Now you get this information but you don't believe it, you  
14 think it's just blowing off steam and fiction?---I think  
15 that's what I've said, isn't it?

16 Okay.

17 COMMISSIONER: That will be JP33, conversation of 10 February  
18 20 between Mr Pinder and Mr Bollas.

19 #EXHIBIT JP33 - Conversation of 10/02/20 between Mr Pinder and  
20 Mr Bollas.

21 MR LAWRIE: Thank you, Commissioner. You were required as the  
22 CEO and indeed other senior executives were required to  
23 file an annual declaration of interests whilst you were  
24 with V/Line; do you remember doing that?---Yes.

25 I want to take you to an additional document that's been added.  
26 We've titled it 'New document No.4', and I think that can  
27 come up on screen. This is your declaration for  
28 2019/2020. The handwriting is yours there, isn't  
29 it?---Yes.

1 This is a nine-page document, but I just want to take you to  
2 p.3 of 9 at the very bottom. You would be familiar with  
3 this document? You filled it out at the end of every  
4 financial year, didn't you, while you were with  
5 V/Line?---Yes.

6 If we go down, just down to the bottom of the next page,  
7 please. Under A5, 'Real estate', 'Do you own any real  
8 estate, including a residence?' You have ticked 'yes'.  
9 Well, that's the correct answer. You indicate 50 per cent  
10 ownership of your property in England, and then  
11 50 per cent ownership of your property in Williamstown.  
12 Then you have said 'my home'. That's correct, isn't it?  
13 They are the ownership of your real estate interests at  
14 that time?---Is this being broadcast, Mr Lawrie?

15 We can suppress those addresses?---Thank you. The media was  
16 outside my house this morning.

17 I'm sorry?---That's okay. It's not your fault. It's my fault.

18 Well, perhaps if I can just indicate to those managing the  
19 streaming that - - -?---I'm only concerned about my wife  
20 and my daughter.

21 I understand. So I just want to refer to it as the property in  
22 England and the property in Williamstown. But we're  
23 talking about two residential properties and a 50 per cent  
24 ownership of each. That's a correct statement of your  
25 real estate holdings at that time?---Yes.

26 The next thing we've got, 'Please explain how the ownership of  
27 this property may reasonably raise an expectation of  
28 conflict of interest, or a material interference with your  
29 public duties. Alternatively, please explain why it does

1 not.'

2 COMMISSIONER: Go down, please.

3 MR LAWRIE: If we can scroll down. Sorry, you've answered 'NA'  
4 there for that being not applicable. Sorry, is that on  
5 your screen, Commissioner?

6 COMMISSIONER: Yes, thank you.

7 MR LAWRIE: You've answered 'not applicable' there?---Yes.

8 And of course by that time a significant amount of the purchase  
9 price of your property in Williamstown could be accounted  
10 for through the loan that you say came through Maria  
11 Tsakopoulos in the sum of \$320,000; correct?---Yes.

12 It would have been appropriate at that point of your  
13 declaration of private interests to indicate that you had  
14 at least part of that - the finance for that property  
15 through, as you understood it, an employee of a major  
16 supplier of V/Line, wouldn't it?---Yes.

17 Did you not declare it because you realised at the time that it  
18 was a serious conflict of interest that couldn't be  
19 explained on the form?---I think I - acknowledging that it  
20 was a conflict, it should have been on there, Mr Lawrie.  
21 So yes.

22 What I suggest to you, Mr Pinder, is that when you signed this  
23 on 4 September of 2019 you realised at the time that your  
24 loan arrangement, as you put it, was a serious conflict of  
25 interest; do you agree with that proposition?---Yes.

26 And, rather than being a conflict of interest that may have  
27 simply been apparent but able to be explained or otherwise  
28 validated through a further explanation on the form, you  
29 simply chose to not disclose it; is that correct?---Yes.

1 And on every other instance - I won't take you to the other  
2 forms, but I can if you wish to see them. On every other  
3 instance where you have filled out one of these  
4 declarations, as you were required to do every year,  
5 you've not ever disclosed any conflict arising from the  
6 Tsakopoulos loan to you, have you?---No.

7 You haven't, no, all right.

8 COMMISSIONER: Mr Lawrie, that series of questions you've just  
9 posed is posed on the assumption that Mr Pinder's evidence  
10 is correct that he indeed received those funds by way of a  
11 loan.

12 MR LAWRIE: That is the case, Commissioner. I'm putting it on  
13 the basis that if one accepts for the moment that that is  
14 the source of the money, that it is a loan from Maria  
15 Tsakopoulos based on their friendship, that's a serious  
16 conflict of interest nonetheless.

17 COMMISSIONER: And the alternative that those funds were not  
18 part of a loan but were part of a corrupt arrangement  
19 would equally be one presumably that Mr Pinder would not  
20 want to disclose on his declaration.

21 MR LAWRIE: Is that the case, Mr - well, it's a hypothetical,  
22 I suppose, from your point of view, Mr Pinder, but  
23 obviously if you were receiving money that you ought not  
24 be receiving directly from a major supplier, that's  
25 something that creates - a conflict of interest is perhaps  
26 an understatement?---Correct.

27 But it's something that you wouldn't want to put on the form,  
28 is it?---Yes.

29 All right. I tender additional document No.4, Commissioner.

1 COMMISSIONER: That will be V/Line declaration of interest of  
2 Mr Pinder. Is that the 2020 declaration?

3 MR LAWRIE: It is, and it's signed on 4 September 2019.

4 COMMISSIONER: That's JP34.

5 #EXHIBIT JP34 - 2020 V/Line declaration of interest of  
6 Mr Pinder signed 04/09/19.

7 COMMISSIONER: If it's not clear, I require the suppression of  
8 the addresses that were referred to.

9 MR LAWRIE: Thank you, Commissioner?---Thank you.

10 We spoke yesterday a little bit about the betting syndicate,  
11 Mr Pinder, and your not being aware of the amount of the  
12 dividend that you were due based on the success or  
13 otherwise of the syndicate in the preceding period; do you  
14 remember that series of questions? I can put it again if  
15 you don't remember. You recall that we spoke about cash  
16 amounts of the order of \$10,000 but sometimes less coming  
17 to you as dividends from the successes of the  
18 syndicate?---Yes.

19 You had no idea, though, about the balance of the syndicate  
20 pool or the precise events that had led to successes or  
21 how much you were due to be paid at any one occasion, did  
22 you?---No.

23 And did you also say that you thought Mr Haritos was sometimes  
24 mixing the money between Transclean and your  
25 syndicate?---I don't think I actually said that. I think  
26 I said that it was always cloudy with George where money  
27 was concerned. He was always saying he was skint until he  
28 wasn't, and then he was again.

29 Particularly in times when Transclean was suffering from cash

1 flow difficulties, when he was skint?---Yes.

2 And it was in that context that we spoke about the glitch and  
3 the 'can't do it immediately this time, it might have to  
4 be a little later in May' and the like; it was in that  
5 context, wasn't it, that he may have been using syndicate  
6 funds for Transclean cash flow purposes?---Yes.

7 If you didn't know how much you were due to be paid from the  
8 successes of the syndicate and you had a suspicion at  
9 least that George was using syndicate money from time to  
10 time to help Transclean's cash flow, how could you be  
11 confident that what you were being paid wasn't part  
12 syndicate funds and part Transclean money?---Well, now  
13 that you've put it that way, I can't.

14 So, for example, when you got the \$10,000 on 19 August, which  
15 you say was the syndicate winning, you just don't know  
16 that, do you? You don't know whether the syndicate won,  
17 how much it won, do you?---Well, now you've put it that  
18 way, I wouldn't know for sure, no.

19 No. And that \$10,000 could be all Transclean money, for all  
20 you know?---Well, that wasn't - that wasn't what I was  
21 understanding.

22 They were always round amounts, were they, like, \$2,000, 3,000,  
23 five, 10?---I believe so. I don't remember a time when it  
24 was less than a round amount.

25 I spoke yesterday about some of the meetings that we had, and  
26 we've already dealt with the fact that you met with  
27 Mr Haritos on 10 February, and indeed that conversation  
28 you had with Mr Bollas followed on from your meeting on  
29 10 February 2020, didn't it?---Yes.

1 About the safety breach. You also met him in Williamstown.

2 I can take you to further images that have been taken, if

3 you wish, but you agree that you met him on 22 February

4 outside a cafe at Williamstown, Saturday morning,

5 10 o'clock?---Possibly, yes.

6 Do you remember Peter Bollas being there as well as George

7 Haritos?---Yes.

8 What was the purpose of that meeting? Social? Syndicate?

9 Something else?---I think both.

10 Did you receive money at that meeting from

11 the syndicate?---I think so.

12 How much?---I can't remember.

13 Do you remember meeting George Haritos at the [REDACTED]

14 in - that's the [REDACTED], I think is the name of

15 the establishment, in South Yarra on 20 March 2020 in the

16 afternoon?---I don't know.

17 Don't know. Perhaps if we can bring up image 4, please. On

18 the left there, on the top image we see yourself, don't

19 we? Top image?---Yes.

20 Left, with sunglasses on your head, is you. To the right in a

21 white T-shirt and looking to his left is Steve Kyritsis,

22 isn't it?---Yes.

23 That's the nephew of - is that George's nephew, is

24 it?---Yes - - -

25 By marriage?---I know him as Steve. I didn't know his surname,

26 but I know him as Steve, yes.

27 And the gentleman sitting in between the two of you, is that

28 Alex Kyritsis?---That's Alex, I think, yes.

29 When I was asking you on Monday about the people you knew at

1 Transclean I put Alex Kyritsis's name to you and you  
2 didn't seem to remember him. Do you now remember  
3 him?---I know Alex, but I didn't know his surname, I think  
4 is what I said. I'm not sure.

5 Okay?---It's been a long two and a bit days.

6 I appreciate that. Do you remember Maria Tsakopoulos being at  
7 that meeting as well?---I can't remember.

8 And in the second image what's George holding there? Is that a  
9 \$50 note, is it?---It would appear to be.

10 I tender that image.

11 COMMISSIONER: What's the date of those images, please, and the  
12 location?

13 MR LAWRIE: So that is the cafe at South Yarra on 20 March  
14 2020, and it's image No.4 at 2.30 pm.

15 COMMISSIONER: That will be JP35.

16 #EXHIBIT JP35 - Images taken at South Yarra cafe on 20/03/20.

17 MR LAWRIE: Do you remember meeting Mr Haritos on 3 April of  
18 2020 outside the Transclean offices? I think we spoke  
19 about that yesterday and you said 'yes'?---Yes. Well, if  
20 you say so, yes.

21 All right. We spoke yesterday of course about you meeting him  
22 outside a cafe at Toorak - that is those shots we had of  
23 you near the car - on 2 May 2020. I want to take you  
24 again to another meeting on 22 June at the same cafe in  
25 South Yarra that we've just spoken about. Did you meet  
26 with Mr Haritos yourself?---All of these dates, Mr Lawrie,  
27 I don't have anything in front of me to say yes or no  
28 definitively.

29 All right. It was a Monday, about 11 a.m. We might show you a

1 short sequence of videotape, only a few seconds. Can we  
2 bring up, please, video No.23, and once we've got that  
3 video up can we fast-forward, please, to 10 minutes and  
4 20 seconds. I just want to play from 10 minutes  
5 20 seconds to 11 minutes 9 seconds. Turn the audio up  
6 too, please.

7 (Video recording played to the Commission.)

8 MR LAWRIE: We can pause it there. Having seen that video, do  
9 you recall meeting Mr Haritos on the day I've suggested,  
10 22 June?---Yes.

11 And I appreciate it's very hard to hear, but you seem to be  
12 making an arrangement with him as you finalise your  
13 meeting at that table to meet at an external location  
14 nearby; is that the correct understanding?---I couldn't  
15 really hear what was said, but I believe that's what  
16 happened.

17 And was the purpose of that to receive a dividend, was it, to  
18 receive some money?---It could have been.

19 We know that Mr Haritos withdrew \$10,000 in cash from his  
20 Commonwealth Bank account three days earlier. Do you  
21 remember receiving any money at that meeting?

22 COMMISSIONER: Just to be clear, Mr Lawrie, you mean the  
23 meeting after this meeting here at the cafe?

24 MR LAWRIE: No, at this meeting, sorry, Commissioner. What I'm  
25 suggesting is that it can be demonstrated that Mr Haritos  
26 withdrew \$10,000 cash three days prior to this meeting,  
27 and what I am - I am suggesting to Mr Pinder that he may  
28 have received cash either at this meeting or perhaps five  
29 minutes later outside. Does that prompt your

1 memory?---I don't remember.

2 COMMISSIONER: You can't remember the purpose of the meeting,  
3 Mr Pinder?---Yesterday, Mr Commissioner, you showed an  
4 image of me with some disinfectant in my hand. I don't  
5 know if it was that. I can't remember which meetings  
6 George gave me money from the dividends.

7 And if the money you were getting was from, as you claim, a  
8 gambling syndicate, Mr Pinder, would there be any reason  
9 to be secretive about the payment of those moneys to  
10 you?---Only from my perspective, as I think I said on  
11 Monday, that it wasn't appropriate.

12 What do you mean by that? From the time you commenced  
13 receiving cash moneys from Mr Haritos that you say were  
14 from a gambling arrangement you knew at all material times  
15 that it was improper for you to receive such funds and  
16 therefore you needed to keep the payment of them secret;  
17 is that what you're saying?---No, I think it's not  
18 something that I would, as a CEO of an organisation, be  
19 proud of because - - -

20 We understand that. We're asking now about your thinking that  
21 you needed to keep it secret. So was that always what  
22 drove you to ensure these payments were received in secret  
23 because you didn't want it to be disclosed, knowing that  
24 it was inappropriate?---I believe so, yes.

25 Yes, Mr Lawrie.

26 MR LAWRIE: Thank you, Commissioner. I want to take you to a  
27 meeting on 20 July 2020. This was on a Monday morning at  
28 the offices - at V/Line's offices in Flinders Street,  
29 Melbourne. Do you remember meeting with Mr Haritos

1           there?---Yes.

2   Can we bring up image number 9, please.

3   COMMISSIONER:   We'll make the last video exhibit JP36, the  
4           meeting at the cafe on 22 June.

5   #EXHIBIT JP36 - Video of meeting at cafe on 22/06/20.

6   MR LAWRIE:   What I suggest to you here is that you have met  
7           Mr Haritos at about 10 o'clock in the morning and you've  
8           walked into the foyer of V/Line's offices; is that  
9           right?---Yes, I think he came for a coffee.

10   At that time V/Line's offices were locked down and there were  
11          no staff in attendance because of COVID-19 restrictions;  
12          is that right?---No, the offices never got locked down  
13          until later on, I believe.   There were still some people  
14          working in the offices.

15   Okay.   At 10.40 you come out of the foyer and take another lift  
16          and you go down to the car park; do you remember doing  
17          that?---Yes.

18   And you leave at about 10.43?

19   COMMISSIONER:   I doubt Mr Pinder can remember that time,  
20          Mr Lawrie.

21   MR LAWRIE:   Sorry, do you remember a meeting of about half an  
22          hour or 40 minutes?---That sounds about right.

23   And did you receive any cash from Mr Haritos at that  
24          meeting?---I don't believe so.   I don't know.   I don't  
25          remember.

26   I tender that, Commissioner.

27   COMMISSIONER:   That series of images?

28   MR LAWRIE:   Thank you; series of images for 20 July 2020.

29   COMMISSIONER:   That will be JP37.

1 #EXHIBIT JP37 - Series of images taken on 20/07/20.

2 MR LAWRIE: In respect of that meeting, Mr Pinder, I want to  
3 take you to a flowchart that just pieces together in a  
4 chronological fashion what has been ascertained around  
5 that meeting. Can we please bring up the meeting  
6 flowchart for 20 July 2020. If we can just zoom in a  
7 little bit and move to the left-hand side of the screen.  
8 Can you read that at your end, Mr Pinder?---Yes.

9 So this is a compilation of surveillance information and  
10 surveillance photographs, as well as transactional  
11 investigations, so that we can put on a single page what  
12 we understand to have gone on surrounding this meeting; do  
13 you understand that? I'll take you through it element by  
14 element?---I've looked at it, yes. I get it.

15 So we know that Mr Haritos enters the Commonwealth Bank on that  
16 morning, about 9.32, and withdraws \$8,000. And you call  
17 him at 9.41 to arrange to meet at 452, which are the  
18 offices of V/Line; do you agree that that's what you  
19 did?---Yes.

20 Your car enters the car park at 10 and Mr Haritos - I presume  
21 you didn't see where he parked; is that the case?---That's  
22 right.

23 Yes. In any event you enter the foyer at 10.13. If we can  
24 scroll to the right, please. You both return to the foyer  
25 and take the lift down, as I said, at 10.40, and then you  
26 drive out - you drive Mr Haritos out of the car park of  
27 V/Line's offices at 10.43, and then you separate. Now,  
28 does that assist you with whether or not - going through  
29 that flowchart, does that assist you with the question

1 I asked you whether you received any cash on that  
2 occasion?---It doesn't assist me, but it could well have  
3 been a payment from George and the punters' club.

4 I tender that, Commissioner.

5 COMMISSIONER: Flowchart, 20 July 20 at V/Line premises and car  
6 park.

7 #EXHIBIT JP38 - Flowchart, 20/07/20 at V/Line premises and car  
8 park.

9 MR LAWRIE: We've already spoken briefly about the meeting of  
10 2 May, this is outside the Toorak cafe. Again I'll take  
11 you to a flowchart. Can we please bring up the flowchart  
12 for that. This again - flowchart, please, for 20 May  
13 2020. Sorry, 2 May. That's my fault.

14 COMMISSIONER: Mr Lawrie, we might have a break when  
15 convenient.

16 MR LAWRIE: Commissioner, I can indicate that I've probably got  
17 five minutes and then I'll deal with a number of charts,  
18 but then we'll be done.

19 COMMISSIONER: I'm sure Mr Pinder will be pleased to hear that.  
20 Yes.

21 MR LAWRIE: So we see here again, can you see the left-hand  
22 side of the chart? This relates to what we understand to  
23 be the circumstances surrounding the 2 May 2020 meeting  
24 between you and Mr Haritos. We know that Mr Haritos  
25 withdraws \$12,000 in cash on 30 April, a few days before  
26 the meeting; do you see that there? And that you and  
27 Mr Haritos meet outside a cafe in Toorak at 10.18, and  
28 then as we go to the right we see a photo of you at the  
29 vehicle. Mr Haritos was seen to open the door, lean in,

1 close the door as he was standing close to you, and that  
2 occurred at 10.36. Do you remember that happening?---Yes.  
3 Did you receive a cash payment from Mr Haritos that  
4 day?---I don't remember.  
5 Could you have?---Could have done.  
6 You returned to your vehicle at 10.38, and you separate; do you  
7 agree with that?---Yes.  
8 I tender that flowchart, Commissioner.  
9 COMMISSIONER: The dates covered by that flowchart are?  
10 MR LAWRIE: 28 April through to 2 May.  
11 COMMISSIONER: That will be JP39.  
12 #EXHIBIT JP39 - Flowchart, 28/04/20 to 02/05/20.  
13 COMMISSIONER: Mr Pinder, did you ever tell Mr Haritos that in  
14 your opinion the payments of the proceeds of any gambling  
15 that you were involved in with him, the payment of such  
16 moneys to you would be inappropriate and that - did you  
17 ever tell him that you were concerned that these were  
18 inappropriate payments to be making?---No, I didn't,  
19 Commissioner.  
20 You're sure about that, are you?---I don't believe I did, no.  
21 So what reason would Mr Haritos have for wanting to keep these  
22 payments secret?---I don't know, Mr Commissioner.  
23 Unless the payments were for some purpose other than the  
24 transfer of gambling syndicate money? You do follow what  
25 I'm asking you, don't you, Mr Pinder? I'm asking why  
26 would Mr Haritos think that he needs to conceal the  
27 payment of these moneys to you?---I understand what you're  
28 asking, Mr Commissioner. But I never - I never discussed  
29 that with him.

1 Yes, Mr Lawrie.

2 MR LAWRIE: Thank you, Commissioner. Mr Pinder, I can indicate  
3 we've just got two more charts that we'll deal with  
4 briefly and then we'll have the break, if that's  
5 convenient for the Commission. Can I take you, please,  
6 back to the meeting of 22 June. Can we bring up that  
7 flowchart, please, 22 June 2020. This commences with  
8 information, as we understand it, from 19 June where down  
9 at the bottom left Mr Haritos withdraws \$10,000, and then  
10 on 2 June 2020 at about 10 am he arrives at the bar - at  
11 the cafe and bar at South Yarra. You arrive at about  
12 10.50. Does that accord with your memory or is it  
13 potentially correct according to your memory?---Is this  
14 the same one that we spoke about earlier on?

15 Yes, that's right?---Yes.

16 You leave - and we spoke about potentially making arrangements  
17 to meet around the back. You were seen leaving the bar  
18 and entering a vehicle and then parking at 11.10, and  
19 Mr Haritos indeed doing the same about a minute before.  
20 You meet at 11.13 with Mr Haritos briefly on the street  
21 near the vehicles; do you remember that?---Is this the  
22 same day that you had the photograph of the - - -

23 No, this was the brief video of you inside the cafe making  
24 arrangements as you leave?---Okay.

25 And then you separate?---I don't remember that happening, but  
26 it could have done.

27 Mr Haritos withdrew \$10,000 in cash three days earlier. Do you  
28 recall receiving cash at that meeting?---I don't recall.

29 Is it possible you did?---Yes, it is possible that he would

1 have given me some money from the racing syndicate.

2 Commissioner, I tender that, which is a flowchart in respect of  
3 a meeting on 22 June but commencing 19 June through to  
4 22 June.

5 COMMISSIONER: Yes. I'll add the flowchart as part B of  
6 exhibit JP36. So A will be the video and B will be the  
7 flowchart.

8 #EXHIBIT JP36A - (Amended) Video of meeting at cafe on  
9 22/06/20.

10 #EXHIBIT JP36B - Flowchart, 19/06/20 to 22/06/20.

11 MR LAWRIE: Thank you, Commissioner. Finally, Mr Pinder, I'll  
12 ask you to have a look at a flowchart that was prepared  
13 for the events of 19 August, if that could be brought up,  
14 please. Just zoom that in a little bit. On the left we  
15 see that Mr Haritos called you at 8.01 to arrange to meet.  
16 Do you recall that being the arrangement or how the  
17 arrangement came into being?---I'm sure if you've put that  
18 there it will be accurate.

19 You drive down to the esplanade in Williamstown and park at  
20 about 10 am. That's accurate, as you recall it?---Yes.

21 Surveillance imagery depicts Mr Haritos counting out hundred  
22 dollar notes and putting them in an envelope at 9.20 am,  
23 that is 40 minutes before you meet, and then he  
24 drives - sorry, he arrives in Williamstown at two minutes  
25 to 10. You meet 13 minutes later. Do you remember  
26 meeting at about 10 past 11?---Yes.

27 And of course the events that occur when you arrive home at  
28 10.30 we've already been through?---Yes.

29 Okay. I tender that flowchart, Commissioner, for 19 August

1 2020 but commencing with events at 17 August.

2 COMMISSIONER: Yes, that's JP40.

3 #EXHIBIT JP40 - Flowchart, 17/08/20 to 19/08/20.

4 COMMISSIONER: I have one more question about the events of  
5 19 August, Mr Pinder. If the \$10,000 that you received on  
6 that day were the proceeds of gambling and at no time had  
7 you ever conveyed to Mr Haritos that you wanted the  
8 payment of those moneys to be kept secret, why did you  
9 need to write a note to Mr Haritos telling him to provide  
10 a false explanation for the payment of that money? Do you  
11 recall the handwritten note in which you suggested - -  
12 -?---I do.

13 To Mr Haritos that he should say that he got an anonymous  
14 WhatsApp message, thought it was from you, thought you  
15 might have a problem, and therefore put the money on the  
16 back seat of your car? Why did you need to write a  
17 message like that to him if the truth be this was just  
18 payment of gambling proceeds which he knew were the  
19 proceeds of gambling proceeds and, if asked, would say  
20 so?---Because I was - I think as I said before, rightly or  
21 wrongly, I was panicked and I thought that the fact that  
22 I was in a gambling syndicate with somebody that was a  
23 supplier to V/Line, whilst not necessarily illegal, was  
24 inappropriate. I think that's what I said.

25 You did, and surely, Mr Pinder, what you would have needed to  
26 say in the first line of any secret message to Mr Haritos  
27 was, 'Don't tell them about our gambling syndicate,' if  
28 that's why you were panicking. Did you ever say that to  
29 him?---Not that I remember, Mr Commissioner, either then

1 or since or before.

2 Yes, Mr Lawrie.

3 MR LAWRIE: Thank you, Commissioner. Is that a convenient  
4 time?

5 COMMISSIONER: Yes. What else remains with Mr Pinder,  
6 Mr Lawrie?

7 MR LAWRIE: There are other matters that will be the subject of  
8 ongoing enquiries that will involve Mr Pinder. So I would  
9 ask at this stage that he not be released from the  
10 subpoena.

11 COMMISSIONER: But you've concluded your examination?

12 MR LAWRIE: That's correct.

13 COMMISSIONER: Ms Currie, would you like an opportunity to  
14 speak with your client before - would you like an  
15 opportunity to speak with Mr Pinder before we conclude his  
16 examination?

17 MS CURRIE: I think we're due for a break at about this time  
18 anyway. If it is convenient to take that short break,  
19 I'll speak with him and I'll be able to confirm to you  
20 after the break any - - -

21 COMMISSIONER: Very good.

22 MR LAWRIE: I should indicate, Commissioner, we would be  
23 seeking just a brief private session after the break.

24 COMMISSIONER: Very good. Before Ms Currie examines?

25 MR LAWRIE: Yes. Yes.

26 COMMISSIONER: We'll adjourn for a quarter of an hour.

27 (Short adjournment.)

28 COMMISSIONER: Yes, Mr Lawrie, what is your proposal now,  
29 Mr Lawrie?

1 MR LAWRIE: My proposal now is just to conduct a brief private  
2 session and then perhaps if Ms Currie has questions, if  
3 they could come after that, whether it's in private  
4 session or public session, at her preference.

5 COMMISSIONER: But presumably if she has questions arising out  
6 of the private hearing then those questions should also be  
7 asked in the private hearing?

8 MR LAWRIE: Yes.

9 COMMISSIONER: So might it not be better, if we have concluded  
10 Mr Pinder's public examination, allow Ms Currie to proceed  
11 with any questions she has in relation to that and then go  
12 into private session?

13 MR LAWRIE: Yes, that's appropriate, I think. That's a better  
14 course, Commissioner.

15 COMMISSIONER: Very good. Just so that we understand the  
16 process that's then going to be followed, Mr Lawrie, at  
17 the conclusion of the private examination the next witness  
18 is Mr Bollas. That will be a public examination?

19 MR LAWRIE: That's correct.

20 COMMISSIONER: And when do you expect that will commence?

21 MR LAWRIE: I expect that will commence this afternoon,  
22 hopefully immediately after lunch.

23 COMMISSIONER: Very good. And we would expect to resume at  
24 1.30 in the afternoon?

25 MR LAWRIE: That's correct.

26 COMMISSIONER: Very good. Yes, Ms Currie, do you have  
27 questions you would like to pursue with Mr Pinder now?

28 MS CURRIE: Commissioner, no, I don't wish to examine in  
29 respect of the questioning that's been conducted so far.

1 Obviously we'll deal with the closed session on its own  
2 terms. I'm also conscious of the indication that  
3 Mr Pinder is unlikely to be released from his summons  
4 today and it might be adjourned. In those circumstances  
5 if there was to be further examination in the future then  
6 I would need to revisit the question of examination  
7 following that at that time as well.

8 COMMISSIONER: Of course. So, Mr Pinder, let me deal with the  
9 formal process at the conclusion of your evidence at the  
10 public hearing. As your counsel has been advised, it may  
11 be necessary to recall you for some further evidence as  
12 the investigation further unfolds. So I will not release  
13 you from your summons. We will adjourn your hearing and  
14 of course as soon as it becomes clear whether or not you  
15 would be required we'll let you know, and if you aren't  
16 further required then you'll be advised that the summons  
17 has no further operation. In the meantime, it's  
18 important, Mr Pinder, that to the extent that you are able  
19 you avoid discussion of the evidence that you've had with  
20 those persons that you see as material witnesses. It's a  
21 matter for you of course how your conversations with  
22 others might appear. You're not under a confidentiality  
23 notice in relation to the evidence you've given obviously.  
24 If you want to review any part of the evidence that you've  
25 given you need only advise someone at the Commission and  
26 they'll make arrangements for you to attend. You can look  
27 at a transcript. You can look at your video if that's  
28 what you prefer?---I don't think there will be a  
29 requirement from my perspective to do that,

1 Mr Commissioner, but thank you anyway. So I don't know  
2 whether I should ask you this or ask my counsel, but to be  
3 specific my understanding was that the conditions of my  
4 summons were that the only people I could talk to about  
5 this matter were my wife and my legal team. Are you now  
6 saying that I can speak to others other than people that  
7 are directly involved with these investigations, just so  
8 I'm clear?

9 I would need to look at the terms of your summons for that  
10 purpose?---Okay. I don't want to break any more rules.  
11 No, no, I think it preferable that if you've got any  
12 uncertainty you discuss it with your counsel, and your  
13 counsel can engage with Mr Lawrie or someone instructing  
14 Mr Lawrie if there's any uncertainty about the process  
15 that you can follow hereafter. In the meantime, as I say,  
16 we will not release you from the summons. As soon as it  
17 becomes clear whether or not you're required to attend  
18 again we'll let you know?---Thank you.

19 Very good. I will now adjourn Mr Pinder's public hearing and  
20 we'll go into private session. I'm not quite sure what  
21 process needs to be followed for that purpose. Do you  
22 know, Mr Lawrie? Do we need to adjourn for a few moments?

23 MR LAWRIE: I'll just make a brief enquiry here, Commissioner.  
24 I'm instructed we need a break of about five minutes to  
25 make the - - -

26 COMMISSIONER: Very good. We'll resume as soon as we can,  
27 Mr Pinder?---Yes, Mr Commissioner.

28 (Short adjournment.)

29 (PRIVATE HEARING FOLLOWS)