
TRANSCRIPT OF MORNING PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

FRIDAY, 6 NOVEMBER 2020

(6th 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 Haritos. I think you're on
2 mute.

3 MR HARITOS: Good morning, Mr Commissioner.

4 COMMISSIONER: Mr Haritos, I'll require you to take the oath
5 again at the commencement of your evidence.

6 <GEORGE HARITOS, recalled:

7 COMMISSIONER: Mr Haritos, just to remind you again of what
8 I said at the outset of the proceedings by way of summary.
9 You must answer all the questions that are asked of you,
10 unless you have a reasonable excuse for not doing so. You
11 must answer the questions truthfully. If you do so, then
12 none of the evidence that you give is admissible against
13 you in a court of law. If you give an untruthful answer,
14 that evidence can be used in a court of law on a charge of
15 perjury. Do you understand that?---I do understand that,
16 Mr Commissioner.

17 Yes. Very good. Yes, Mr Lawrie.

18 MR LAWRIE: Thank you, Commissioner. Perhaps before
19 I recommence with Mr Haritos if I can deal with one matter
20 of housekeeping. Before close of business last Friday
21 there was the playing of call No.9, which was a call on
22 26 February 2020 between Mr Bollas and Mr Haritos.

23 I tender that together with the transcript, Commissioner.

24 COMMISSIONER: That's GH12, Mr Lawrie.

25 #EXHIBIT GH12 - Call No.9 on 26/02/2020 between Mr Bollas and
26 Mr Haritos and transcript.

27 MR LAWRIE: Thank you, Commissioner.

28 <EXAMINED BY MR LAWRIE, continued:

29 Mr Haritos, last week you spoke about your friendship with
30 Mr Pinder, and in that context you said that when he came
31 back to Australia in 2016 you were probably his closest

1 friend; do you remember that?---I do remember that,
2 Mr Lawrie.
3 Were you in a close friendship relationship with him whilst he
4 was at Metro as well?---Well, as I said earlier,
5 I probably met Mr Pinder maybe days or a week after he
6 arrived to Melbourne.
7 For the first time?---For the first time.
8 And you quickly became friends with him whilst he was at Metro,
9 did you?---Yes.
10 And Mr Bollas, when was the first time you dealt with him when
11 he was at Metro?---I probably met Mr Bollas after James,
12 till 2017 on very few occasions.
13 But you became friends with him, didn't you?---I probably see
14 him two, three times a year over meetings and a few phone
15 calls that follow. I wouldn't call it a friendship.
16 So you say the state of your relationship with Mr Bollas was
17 only ever a business relationship; is that what you
18 say?---Correct. And the only time I spent a lot of time
19 in conversations with Mr Bollas, as I said earlier, was
20 the last six months during COVID times. I probably spoke
21 with him five, 10 times more than I would have spoken in
22 the last three or four years, and probably had five, six
23 more meetings than what I would have had during the
24 previous time, pre-COVID.
25 Because it was up to your manager for the Metro carriages
26 contract, Steve Kyritsis, to deal with Mr Bollas, wasn't
27 it?---Metro contract had direct dealings with train
28 presentation officers, which involved Norma, Steven and
29 one of my senior supervisors who were on call 24/7.
30 So the Metro carriages contract, in terms of its management
31 from the Transclean end, would not involve you; is that

1 what you say?---Not involve me?
2 Yes?---I'm not directly involved with most of my contracts.
3 You're the managing director of Transclean, aren't you?---I am.
4 And you've got a structure beneath you which includes contract
5 managers to deal with things such as the Metro carriages
6 contract, haven't you?---I have indeed.
7 And, as I've just stated, for the Metro carriages contract that
8 person was Steve Kyritsis, wasn't it?---No.
9 Who was it?---It's Norma. Norma (indistinct). She's my
10 contract manager. Steven Kyritsis is her assistant.
11 So between Norma and Steve Kyritsis, they managed the Metro
12 carriages contract?---They do.
13 And you would have no reason as the managing director to get
14 involved in the management of that contract, would
15 you?---No, my only involvement would be when a monthly
16 meeting or whenever a meeting was called I would possibly
17 attend as an observer.
18 Is that a monthly meeting within Transclean or between
19 Transclean and Metro?---Between Transclean and Metro,
20 whenever the meeting was held.
21 Would Mr Bollas be at those meetings?---Mr Bollas would be at
22 those meetings. Gary and Mick, the train presentation
23 officers, would be at those meetings as well as Norma,
24 Steven and myself, and on occasion my senior supervisor.
25 So you would meet with Mr Bollas on average once per month in
26 the course of those meetings, would you?---No, I said on a
27 few occasions.
28 Well, that's what I'm trying to understand. You say you go to
29 these monthly meetings and Mr Bollas would be there for
30 Metro. How often did you meet with Mr Bollas?---That's
31 not - that's not been - a misunderstanding, Mr Lawrie.

1 I said I could have monthly meetings, or six-weekly
2 meetings and so forth throughout the course of the year.
3 In a year I may have attended once or twice as an
4 observer. I was not there present at every meeting.
5 All right. So it's only on those once, twice or three times a
6 year occasions when you went to those meetings that you
7 would meet Mr Bollas; is that correct?---That's all I can
8 recall.
9 You have never met him socially; is that what you
10 say?---Socially, no. On one occasion at a restaurant and
11 during the course of the day over a phone call, over a
12 coffee.
13 Did you say over a coffee?---Yes. On maybe one or two
14 occasions.
15 And was that in 2020 or earlier?---No, no, it would have
16 been - it would have been a bit earlier.
17 Have you met him socially this year?---Socially this year
18 I think on one occasion when I was in Altona, and Peter
19 and his family and James and his family were having a
20 coffee in Williamstown and I drove down and had a coffee
21 with them.
22 That would be on 20 February of this year that you met at a
23 cafe in Williamstown, and you met with Mr Bollas and his
24 family, didn't you?---Well, that sounds correct, yes,
25 that's earlier in the year.
26 So you've met his children, have you?---On one occasion.
27 He's got a daughter and a son, hasn't he?---Correct.
28 And you've met his daughter?---Yes.
29 And she's a teenage girl with special needs, isn't she?---Yes,
30 she is.
31 How many times have you met her?---Once that I can recall.

1 And so the way you're describing your interaction with
2 Mr Bollas is that, apart from these odd social
3 interactions over a coffee, really the majority of your
4 meetings are business meetings when you would go as an
5 observer to the monthly meetings between Transclean and
6 Metro; is that what you say?---To my best recollection,
7 that is the case.

8 COMMISSIONER: Could I just ask, Mr Haritos, you said that you
9 might sometimes speak to Mr Bollas on the phone or that
10 you might meet him for a coffee. If your relationship was
11 entirely professional, what was the purpose of speaking to
12 him on the phone or meeting him for a coffee?---Most
13 likely work related, 'Where are you?' 'I'm at the Toorak
14 Village having a coffee.' 'Where are you?' 'I'm going
15 from Westall to,' whatever. 'If you've got time, drop
16 over for a coffee. I'm with Alex,' or whoever the case
17 may be. I think that might have happened once or twice or
18 a few occasions.

19 Yes, but I'm trying to understand why you would need to meet
20 him for such purposes if you have a contract manager and
21 your nephew - - -?---Well - - -

22 Just let me finish. If you have a contract manager and your
23 nephew is the assistant manager who are managing that
24 contract, what was the role for you to play with
25 Mr Bollas?---Just a coffee. If there was a work issue or
26 whatever I would have discussed it. I can't recall
27 any - a phone call, 'Okay, what's happening? All good?'
28 'Yeah, things are great. Where are you?' 'I'm driving
29 from point A to point B.' 'Okay.' "I'm at the village.
30 If you've got time, call over for a coffee. I have Alex
31 here,' or whatever the case may be.

1 I'm sorry?---I said, 'I'm with Alex,' or whatever, you know,
2 'If you have time, call over for a coffee.' That may have
3 happened on one or two occasions.

4 So you have actually met Mr Bollas on occasions when Alex has
5 been with you?---Maybe on one occasion or maybe on two
6 occasions in the last six years, seven, whatever Peter has
7 been with Metro.

8 Yes. Yes, Mr Lawrie.

9 MR LAWRIE: Thank you, Commissioner. So the phone calls
10 that - I'm sorry, I'll rephrase the question. On how many
11 occasions have you had phone calls with Mr Bollas where
12 you have had to deal with issues relating to the Metro
13 carriages contract?---Maybe two, three times a year. Not
14 issues. Whatever point the discussions were, for example
15 shifting the major internal wash crew from Craigieburn to
16 Bayswater.

17 So if Metro was taking a major operational decision, for
18 example where it might be stabling trains, that's
19 something that you might speak to him about, is
20 it?---That's not something I may have talked to him about
21 but it may have been a point of discussion at a particular
22 time. There were no issues with the contract and there
23 was no need for me to discuss with Peter any contractual
24 issues.

25 COMMISSIONER: Do you actually have a memory of discussing any
26 business issue in relation to the contracts with
27 Mr Bollas?---The only - the only time I would have
28 discussed the contract with Mr Bollas was during the
29 tendering process.

30 Otherwise, you have no memory of ever having a need to speak to
31 Mr Bollas about an issue relating to your

1 contract?---Mr Commissioner, as best as I can remember,
2 there was never an issue relating to my contract. The
3 only conversations that I had with Mr Bollas would have
4 been 2017 during the tender process and a few times
5 thereafter regarding my contract for train cleaning, and
6 one particular occasion involved his boss as well, [REDACTED]
7 [REDACTED], because at the particular time I was telling
8 Peter that I was going to pull out from my contract
9 obligations with Metro.

10 Yes. Yes, Mr Lawrie.

11 MR LAWRIE: Thank you, Commissioner. So you say to the best of
12 your memory you haven't had to have these conversations
13 with Mr Bollas. But I'm talking about this year. You
14 say, do you, that there was no issues relating to or
15 problems relating to the performance of the Metro
16 carriages contract this year; is that what you're
17 saying?---That's what I'm saying. There's never been any
18 problems regarding my contract with rolling stock.

19 Nothing that you had to intervene about?---Nothing.

20 Okay?---I mean, you know, Mr Bollas made some comments which
21 I disagree in a rather - we've heard the transcripts - in
22 an irrational manner, and me hearing on the other end sort
23 of brushing it off, and I can give you an example if you
24 like - - -

25 That's different, Mr Haritos, because now what you're saying is
26 that, yes, you did have telephone conversations with
27 Mr Bollas but the complaints he was raising were not
28 valid. Is that what you're trying to say?---We're talking
29 about this year?

30 Yes?---About the telephone, correct.

31 Yes?---Yes, that's what I'm saying.

1 Just before in your evidence you said there were no issues with
2 the Metro carriages contract; do you remember saying
3 that?---Yes.
4 No problems?---Yes, and I'm still saying that. There's never
5 been an issue.
6 Well, there were issues, weren't there, because at least on
7 Mr Bollas's version he's ringing you with substantial
8 complaints about the performance of proper cleaning under
9 that contract?---Can you - - -
10 That's what he's doing, isn't he?---Can you define one example,
11 Mr Lawrie?
12 I'll take you to them in a minute. But you've been following
13 the evidence last week?---I have, I have been following
14 the evidence, yes.
15 You remember at the outset I asked you questions about how much
16 of the feed of the evidence you had been watching, and you
17 said pretty much - - -?---Pretty much - - -
18 Apart from short breaks, you had watched it all, hadn't
19 you?---Yes, I said I probably watched about 90 per cent of
20 it.
21 Yes, and you would have heard what Mr Bollas said about the
22 phone calls that he had with you this year and heard some
23 of those phone calls?---Yes, this is COVID time; correct?
24 Yes, in COVID time?---Yes, I heard the - - -
25 There were significant problems, I suggest to you. Mr Bollas
26 was complaining of your staff not performing their
27 cleaning duties properly. Do you disagree with
28 that?---That's what he was saying, but that's totally
29 unfounded.
30 Whether it's unfounded or not, this was a dispute that was
31 emerging between Mr Bollas and you, wasn't it?---No, it

1 was not a dispute because Mr Bollas's comments were not
2 correct. My train contract is managed by train
3 presentation staff, namely Mick and Gary.
4 And you would have nothing to do with it, Mr Haritos, would
5 you?---Sorry?
6 You would leave it to your underlings, to your subordinates, to
7 sort these problems out, wouldn't you?---If there was a
8 problem, yes.
9 And so why would you be dealing personally with Mr Bollas about
10 these issues in COVID time?---He would ring me.
11 Why didn't you tell him to ring someone else? It's not your
12 job to be dealing with it. It's one of your subordinates'
13 jobs?---Well, he - as I said, he would ring me in an
14 irrational state and make comments that were not true.
15 There was nothing for my management staff to deal with,
16 and I make it quite clear: there was no issues for - that
17 I needed to get involved with. If there were problems,
18 minor whatever, that was dealt with (indistinct).
19 I think Mr Haritos's feed may have frozen, Commissioner
20 ?---Contract management staff. I have never received that
21 email - - -
22 You're back on, Mr Haritos?---Back on. Yes, happy to continue,
23 Mr Lawrie. That's okay. That's okay.
24 Just say what you were saying. You froze for about 15 seconds.
25 What were you saying?---We were talking about the
26 day-to-day running of the Metro contract and in particular
27 Peter's comments on two, three occasions where he would
28 ring me direct in an irrational manner and time, which
29 I disregarded because I knew that there was no issues at
30 all, and if there was any it was minor - - -
31 COMMISSIONER: Mr Haritos, I don't understand why he was

1 ringing you directly. If he was not your friend and you
2 were not dealing with him in relation to business issues,
3 your contract manager and assistant, your nephew, were,
4 why was he ringing you?---He was ringing because in his
5 mind, the way he interpreted it, he thought it was a
6 problem. But he also ring up on one occasion and said my
7 nephew Steven, he is going to be a star. Two weeks later
8 he ring me up and said, 'If I get that' - I won't use the
9 word - 'nephew of yours, I'm going to do this and I'm
10 going to do that.' But, Mr Commissioner, for your
11 benefit, let me take you through to one of Mr Bollas's
12 allegedly complaints that you took personal interest
13 regarding safety. Can you recall that - can you recall
14 that incident? It happened in February or some sort.

15 MR LAWRIE: Mr Haritos, what you're referring to is the railway
16 station safety incident on 1 February this year when a
17 cleaner went under the coupling of the train?---Yes.

18 That's what you're referring to?---Yes.

19 Yes. What do you want to say about that?---Well, if that was
20 so seriously, why did Peter ring me on 14 February?

21 Well, did he ring you beforehand?---No, he didn't.

22 So you say - do you say - first of all, did you gather
23 information about what had happened in that
24 incident?---Yes.

25 It would have been important to you, wouldn't it?---Yes.

26 Did you report it to anyone?---My supervisor reported it in the
27 system.

28 Sorry, did you report it within your own system, did you?---My
29 supervisors do, yes.

30 I'm sorry, I didn't understand your answer?---That incident was
31 reported. There's a process in place where incidents are

1 reported, and we have to reply to that particular
2 incident.

3 Was that incident reported within Transclean?---That incident
4 was reported through Metro to Transclean.

5 All right?---Not to me.

6 Sorry, to you?---Not to me. Peter rings me on 14 February
7 claiming that a cleaner went under the train.

8 Do you say - hang on, I want to understand this. Do you say
9 it's a claim or were you satisfied that it actually
10 happened, or do you say that this is just Mr Bollas being
11 irrational?---Well, in the way he described it, yes. That
12 incident was reported on 1 February, and a response was
13 provided to Metro.

14 Well - - -?---That would have been Mick or Gary - - -

15 You call it a claim, Mr - - -

16 COMMISSIONER: Just a moment. Just pause, both of you.

17 MR LAWRIE: Sorry.

18 COMMISSIONER: Mr Haritos and Mr Lawrie, you've just got to
19 appreciate there's a couple of seconds time lag between
20 what one person is saying and then the other person can
21 speak. So you need to ensure that there's a gap between
22 the end of what some person is saying and the other person
23 speaking, do you follow, otherwise you speak over each
24 other.

25 MR LAWRIE: Thank you, Commissioner.

26 COMMISSIONER: So just slow down a little bit?---Thank you,
27 Mr Commissioner. I wasn't aware of the delay.

28 MR LAWRIE: Mr Haritos, you continue to call this safety breach
29 a claim. Did you satisfy yourself that it had actually
30 occurred?---Yes.

31 All right. And you say it was reported?---If it happened, it

1 was reported and there was an explanation given. An
2 explanation given is not what Mr Bollas was referring to
3 me on 14 April - sorry, 14 February. Had it been as
4 serious as what Mr Bollas was saying, why did it take him
5 two weeks to contact me? Can I on safety - - -
6 No, I'll just ask the next question, if I may, Mr - - -?---No,
7 can we just please focus on the safety for a minute??
8 COMMISSIONER: I'm sorry?---Safety. I said, Mr Commissioner,
9 can we just stay on safety - can I stay on safety for a
10 minute?
11 Yes - - -?---Because I know - on a position I did this last
12 time and so forth.
13 Yes - - -?---Mr Lawrie - am I - can you hear me?
14 You proceed, Mr Haritos?---Mr Commissioner, 130 of my staff
15 enter the rail corridor every day, seven days a week. The
16 rail corridor is the sidings, the train yards. 137, it's
17 about 48,000 times that we enter the rail corridor. My
18 safety incidents for this year, last 12 months, is nine
19 incidents. Nine incidents in - that's 0.045 of
20 a per cent. That's negligible. I would have preferred to
21 be zero. It's not. These are minor incidents: (a) not
22 wearing safety glasses once you enter the rail corridor;
23 not displaying your RAW card because they might have
24 dropped it or left it at home, however on their phone they
25 have a photo of their ID; not having the safety vest
26 zipped up. I am paranoid about OH&S, and there's 10 rules
27 that staff entering the yard must obey. Whilst this - in
28 the publicity regarding this investigation, Mr Bollas
29 featured on a number of photographs in front of a train.
30 We have all seen it. That's in a maintenance depot inside
31 the rail corridor. He is not wearing his safety glasses.

1 That's a major OH&S breach. My OH&S record is impeccable.
2 I have had one injury - if I can continue,
3 Mr Commissioner, I have had one injury in the last three
4 years, reported and dealt with. A female cleaner slipped
5 in the car park, on the ballast, and hurt her arm, head,
6 whatever it was. That's my only incident recorded in
7 Metro. You can check Metro's records in regards to what
8 I have just said.

9 Yes, Mr Haritos, you understand this investigation is not about
10 your safety record, and what you say may or may not be
11 true, but it's not what the Commission is interested in.
12 What counsel assisting was pursuing you about was from
13 time to time have there been issues concerning your
14 contract, and it's all very well for you to say from your
15 perspective an issue which Mr Bollas was raising was not
16 an issue, but a dispute often arises because one party
17 sees that there's an issue and the other doesn't.
18 Nonetheless, it is an issue, isn't it?---Well, the issue
19 has been dealt with on 1 February.

20 Yes. Yes, Mr Lawrie.

21 MR LAWRIE: Thank you, Commissioner. So was Mr Bollas starting
22 to ring you up more frequently in 2020 complaining about
23 things in relation to the performance of the carriages
24 contract?---Mr Bollas never rang me to complain about the
25 carriages contract because, according to the audits
26 performed jointly by Metro and ourselves, we were at
27 98 per cent for the main clean, 100 per cent on the major
28 internal clean and 100 per cent on the graffiti removal,
29 and that's been consistent for the last 20 years.

30 And so you've taken that opportunity to refer back to the
31 performance rating, but my question is this: was Mr Bollas

1 calling you or were you having phone calls with him during
2 2020 where he was complaining about Transclean's
3 performance to you?---He might have, but I ignored it
4 because there was no issues. So I would have
5 ignored - - -

6 No, it's a different answer, with respect, Mr Haritos. Either
7 he was complaining to you in telephone conversations
8 during 2020 or not?---Well, he might have been complaining
9 to me about it. He might have been. But I've got the
10 true picture of what - - -

11 No, Mr - - -?---He might have been complaining to me about it.

12 Mr Haritos, you understand this. I'm not trying to say who is
13 right and who is wrong at this stage about those
14 complaints. All my question is directed to is this, very
15 simply: you had a number of phone calls this year with
16 Mr Bollas where he was very vocal complaining about
17 Transclean's performance; is that correct?---That is
18 correct. That's what I said before.

19 Right?---How many phone calls were there? I can't remember.

20 Maybe two. Maybe three. I can't remember any more. But
21 how did I view those phone calls from my end? I explained
22 to you.

23 You thought that he was being irrational, didn't you?---Well,
24 if the train presentation manager brought it to my
25 attention I would have been concerned because they are
26 running the contract on a daily basis. If my supervisor
27 or my contract manager says, 'We've got an issue here,'
28 I would have been across it. That has never happened.

29 Why were you dealing with him? You thought his complaints were
30 irrational and that he shouldn't have been dealing with
31 you, that he should have been dealing with your

1 subordinates. Why were you engaging with him on these
2 subjects?---Well, he didn't ring me on this subject on two
3 or three occasions. I had a number of discussions with
4 Mr Bollas in the last six months regarding various
5 projects that were happening at the time.

6 Did you ever ask him to cover up for you?---Just to get him off
7 the phone probably, yes.

8 Really? What did you mean when you asked Mr Bollas to cover up
9 for you?---I remember the particular transcript. At 9 or
10 10 o'clock at night - I can't recall the time, but it
11 wasn't that late - Mr Bollas ringing me up about the
12 sanitisation program and saying, 'Well, they're not doing
13 this or they're not doing that,' and carrying on, and,
14 'They are not finishing the job' et cetera et cetera, all
15 sorts of - I said, 'Peter, I've got 30 people waiting to
16 come to the rail corridor. You've got to induct them.
17 That's Metro's responsibility.'

18 What we'll do rather than rely on your memory of the
19 conversation, with respect, Mr Haritos, is we'll play it
20 now. This is the conversation I'm referring to which is
21 on 16 April of this year and it occurred at about 5.30 pm.
22 Can we bring up, please, call No.23? This is exhibit PB4,
23 Commissioner.

24 COMMISSIONER: Yes.

25 MR LAWRIE: And it commences I think at 588. Sorry, 585, my
26 apologies.

27 (Audio recording played to the Commission.)

28 MR LAWRIE: Mr Haritos, the call goes for another eight minutes
29 or so, but I just want to stop it there for a moment and
30 ask you some questions about it. First of all, you
31 remember this conversation, don't you?---Yes, I remember

1 that conversation.

2 And, amongst other things, Mr Bollas is complaining about the
3 fact that the CCTV footage shows that the cleaners are -
4 at least on one instance hadn't sprayed the train as they
5 said they had; do you agree with that?---That's what he
6 makes mention of, yes.

7 And do you say he's being irrational, do you?---What day is he
8 referring to? This is 5 o'clock in the afternoon.

9 You remember the conversation. You know what the subject
10 matter is. Do you say that Mr Bollas was being irrational
11 in this phone call?---Yes, because he's trying to create a
12 problem to me that I'm not doing this when they are
13 letting me down. They are supposed to induct my staff,
14 30, 40 staff members, but they can't go into a yard until
15 Metro inducts them. They are letting me down.

16 Did you believe anything that was said to you in this phone
17 call?---Maybe 30, 40 per cent.

18 See, at one stage, and this is on p.591 - we can go to the
19 transcript, please, at 591 - line 147, you say this,
20 'I get the point, Peter, but you've got to cover off,
21 you've got to cover up for us as well.' Do you remember
22 asking to do that?---I remember saying that, just to get
23 him off the phone. He's been on the phone 15 minutes.

24 Really, that's your answer, is it?---That's my answer.

25 That that was just to get him off the phone?---Correct. Sorry,
26 a lot of the things that Peter is saying to me are not
27 correct, about not doing the trains. There are government
28 auditors out there. What's my score for my sanitisation?
29 100 per cent. It doesn't mean that the cleaner went there
30 at 7 o'clock and didn't spray the train. What's to say
31 they didn't go at one o'clock, two o'clock in the morning?

1 Our operation times are 8 o'clock at night, sometimes till
2 3.30 in the morning, 4 o'clock in the morning.

3 Mr Haritos, quite frankly, it just doesn't make sense. If you
4 think that Mr Bollas is making an unfounded complaint
5 about the performance of your staff, particularly when
6 it's not your job to be dealing with any problems, why
7 didn't you (a) just persist with your version that the
8 staff had performed properly or (b) just terminate the
9 phone call? Why did you suddenly come out with this
10 invitation that he has to cover up for you?---Because
11 I wanted to - I wanted the conversation to turn, and
12 probably the conversation did turn because he was
13 (indistinct) for another eight minutes. The other eight
14 minutes were probably complimentary.

15 You wanted the conversation to turn, so you invited him to
16 suppress problems, did you?---There was no problems for
17 Peter to suppress. How can you suppress a problem when my
18 performance is 100 per cent?

19 COMMISSIONER: Just a moment, Mr Lawrie.

20 MR LAWRIE: Sorry, Mr Commissioner.

21 COMMISSIONER: Mr Haritos, the impression that I got from
22 listening to this conversation was that it was not unusual
23 for you to be speaking to Mr Bollas about issues
24 concerning the performance of your contract; is that
25 right?---There was - yes, there was no issues for me to be
26 talking to Mr Bollas about my problems with my contract,
27 but I would have spoken - - -

28 No, I just want you to grapple with my question. Is it right
29 that this conversation gives the impression that it was
30 not unusual for you to be having discussions with
31 Mr Bollas about aspects of the way your contract was being

1 performed?---Very unusual, because I knew how my contract
2 was being performed.

3 No, I'm not asking you if you knew. I'm asking you whether it
4 was not unusual for you to have such discussions with
5 Mr Bollas?---Very unusual.

6 Very unusual. You heard Mr Bollas say to you in the course of
7 his complaint, 'If you want' - 'If you want me' -
8 Mr Bollas - 'to be pushing the message' - I'm sorry, I'll
9 start again. He said to you, 'I'm helping you develop
10 your brand.' Do you remember him saying
11 that?---I remember him saying that, yes.

12 And was that true?---Peter said that.

13 Was it true that Mr Bollas was helping you to develop your
14 brand?---Honestly, Mr Commissioner, Mr Bollas wanted to
15 come and work for me and he wanted to make changes within
16 the organisation.

17 Yes, and how did you know - how did you know he wanted to come
18 and work for you?---He discussed it with me.

19 Right. Was that in a previous conversation to this one, was
20 it?---It would have been around about the same time, yes.

21 Yes?---And I will tell you what my answer was.

22 Is it true that he was trying to help you to develop your
23 brand?---My brand has been developed for the last
24 35 years, Mr Commissioner.

25 No, no, just - - -?---He wasn't helping me. How could he help
26 me develop my brand?

27 Okay. So you don't agree with what he said to you?---No,
28 I don't agree.

29 Did you say that to him? Did you ask him, 'What on earth are
30 you talking about'?---No, I just let it roll.

31 Right?---I didn't know what brand Mr Bollas was referring

1 to - - -

2 Before he said that to you, you started the conversation by
3 saying words to the effect, 'You' - Mr Bollas - 'have got
4 to push the message to them.' Do you remember saying
5 that?---He was interacting with my staff.

6 No, no, no, you were telling Mr Bollas that you wanted a
7 particular message conveyed to them?---Who is 'them'?

8 Well, I suggest to you if you read - we can go back to that
9 piece of the conversation. I suggest what you're saying
10 to Mr Bollas is that you want him to pass a message up the
11 line to his superiors about what you need from Metro.

12 'Push the message to them' is what you said?---No, I would
13 have said - no, nothing to do with that, Mr Commissioner.

14 As best as I can recall - - -

15 I wonder, Mr Lawrie, perhaps we'd better take Mr Haritos back
16 to that point so he can explain to me, please, what he
17 meant when he said 'push the message to them'.

18 MR LAWRIE: Yes, Commissioner. I'll just find it. I think -
19 586, please. 586, line 26, Commissioner.

20 COMMISSIONER: What did you mean by that, Mr Haritos?---What
21 line are you looking at, Mr Lawrie [sic]?

22 Line 26, what did you mean when you said that to Mr Bollas?

23 Who were you wanting Mr Bollas to push a message to?---To
24 my staff that he was interacting on a daily basis, Norma,
25 Steven and Showa.

26 And why did they need a message?---Why did they need a message?
27 Because in Peter's view they weren't getting the message
28 across, and on a number of occasions Mr Bollas has
29 apologised to Norma over comments that he had made, and I
30 - 'Okay, if you see something or whatever, have a word to
31 them, push the message to them.' I said that. This is to

1 do with my management staff. Peter (indistinct) to talk
2 to them, push the message, ask them this and ask them
3 that. And that has happened.

4 Look, we're not going to dwell on this, Mr Haritos, because
5 there are more important matters to come
6 to?---I understand, Mr Commissioner.

7 But, Mr Haritos, you make it clear in this conversation that
8 you are unhappy with your staff about issues and that you
9 spoke to them about it. Now you're trying to suggest that
10 this is just all in Mr Bollas's mind?---I have never been
11 unhappy with my staff, Mr Commissioner.

12 All right. Yes, Mr Lawrie.

13 MR LAWRIE: Thank you, Commissioner. Mr Haritos, I want to go
14 back to p.591. So this is the same conversation that
15 you're having with Mr Bollas, and I've already taken you
16 to line 147, where you say, 'I get the point, Peter, but
17 you've got to cover off, you've got to cover up for us as
18 well.' And then you say, 'Just say the fucking trains -
19 they may not have been,' and then he interrupts you and
20 says what he says there. But he finishes up with this,
21 Mr Haritos: 'What do you think I fucking do every day
22 George?' And he's talking about covering up for you,
23 isn't he? He says he covers up for you every day, doesn't
24 he?---That's what he's probably implying, yes.

25 And what's your response to that? You say, 'I know you
26 do'?---Yes, to get him off the phone.

27 So your tactic to get him off the phone is to
28 agree - - -?---(Indistinct words).

29 Mr Haritos, can I just finish the question, please. Do you say
30 that your tactic to get him off the phone is to agree with
31 his proposition that he is covering up for you with your

1 agreement every day? That's your tactic?---Yes, because
2 I know there's no issues. There are no issues with my
3 performance of my contract whatsoever.

4 COMMISSIONER: We might move on?---Everything is documented.

5 Mr Lawrie, everything is documented, whatever issues there
6 might be, and we respond to those issues. You've got to
7 realise we have to clean 230 trains every night. We know
8 where 180 trains will end up; we don't know where the
9 other 50 are going to end up. Metro is consistently
10 letting us down.

11 MR LAWRIE: You get paid for that, though, don't - you get paid
12 millions of dollars to do that, don't you, though,
13 Mr Haritos?---When you are referring to millions, what are
14 we referring to - what is the figure?

15 Mr Haritos, you say that Mr Bollas - - -?---Excuse me,

16 Mr Lawrie, I take offence to what you said.

17 Okay. I'll ask the next question?---No, I would like to answer
18 your question. If Metro is paying me millions to clean
19 their trains, why would I want to surrender the contract
20 on financial grounds? That be the good place, and I will
21 - with Peter's superior, [REDACTED], Metro's head
22 office, about November - late November 18, maybe early 19,
23 I instructed my solicitor to look at the contract so I can
24 pull out of the contract. There are implications because
25 I have a security deposit of about 700,000 to perform the
26 contract. So if Metro is paying me millions, they
27 probably are, but all of my expenses are related to the
28 contract. So I do take offence to the comment that you
29 made.

30 COMMISSIONER: Move on, please, Mr Lawrie.

31 MR LAWRIE: Certainly, Commissioner. Mr Haritos, you say that

1 Mr Bollas was being irrational. Did you hear his evidence
2 when he said that on 21 July - and on other occasions, but
3 just on 21 July I'm focusing on - he received a sum of
4 \$20,000 in cash from you in two envelopes? You heard his
5 evidence, didn't you?---I did hear his evidence, yes.
6 Yes. You say on that day you were delivering face masks, don't
7 you?---On that day I said we had a meeting at North
8 Melbourne.
9 Yes?---And I delivered him paperwork and face masks.
10 And face masks?---That's the only thing that I left with
11 Mr Bollas.
12 So you would say that his evidence or his claim that he was
13 delivered by you 10 - sorry, \$20,000 in cash, you would
14 say he's being irrational again?---I'm saying that Peter
15 never asked me for a handout and he was never given a
16 handout.
17 Never given one?
18 COMMISSIONER: I'm sorry, Mr Haritos, you now remember that it
19 was face masks and paperwork that you delivered to
20 Mr Bollas?---Mr Commissioner, I left an envelope with
21 Mr Bollas that contained paperwork that I had worked on
22 the night before to do with a couple of projects, one of
23 them in Nar Nar Goon, and the other could have been
24 Sidekicker program or it could have been relating to
25 operational changes to the contract, reverting from 58
26 major internal clean to a 29-day cycle.
27 Yes, I'm not really interested in what it could have been,
28 Mr Haritos. I'm asking about your memory. Do you
29 now - - -?---(Indistinct words).
30 Just bear with me, please. Do you now say that you actually
31 have a memory that what was contained in those envelopes

1 was face masks and business papers relating to matters
2 concerning the contract?---To the best of my memory,
3 that's what it is, Mr Commissioner.

4 When you were asked about it earlier this week was that your
5 memory or were you simply trying to work out what might
6 have been in the envelopes?---No, I think I said at the
7 outset of this week that the only thing that I would've
8 left with Mr Bollas at that particular meeting after it
9 was concluded or before the meeting or whatever would have
10 been discussion papers and a pack of face masks.

11 And do you recall the conversation - I'm not sure, Mr Lawrie,
12 whether you were intending to take Mr Haritos back to the
13 conversation he had with his nephew before exiting the car
14 or after returning to the car, having handed the envelopes
15 to Mr Bollas. Do you recall the conversation you had with
16 Steve about what Mr Bollas would be able to do following
17 your passing the envelopes to him?---No - - -

18 Do you remember what - do you remember what you and Steve
19 discussed about how Mr Bollas - what Mr Bollas might be
20 able to do?---For?

21 About the motorbike, mobile home, travelling around; do you
22 remember having that conversation with Steve?---I remember
23 Steven talking about that conversation as well, and, as
24 I've said, they often joked about it. Like, Mr Bollas,
25 would say to Steven that he had bought a motorbike or a
26 push bike, et cetera, and, you know, 'We should do this
27 and do that,' jokingly. That's what I said.

28 Yes, but did you think that giving Mr Bollas some face masks or
29 providing him with some business papers would facilitate
30 him travelling, as you discussed with your nephew?---None
31 whatsoever. What's - I mean - - -

1 There wasn't any connection, was there, between face masks or
2 paperwork and what you and Steve talked about that
3 Mr Bollas could do having given him those
4 envelopes?---When we are referring to envelopes,
5 Mr Commissioner, I think I said I left one envelope or
6 package with Mr Bollas. I didn't say left envelopes with
7 him.

8 I'm sorry, I didn't think you disputed that what we see in the
9 surveillance video and what we hear in your conversation
10 that you gave Mr Bollas those two envelopes that we see
11 you putting into your jacket pockets?---No, I never said
12 that. When did I ever say - all I said was I left an
13 envelope - - -

14 All right, you didn't give Mr Bollas those envelopes?---No,
15 I left one envelope with Mr Bollas - a package of face
16 masks and about four, five pages of - that I had written
17 regarding various costings and proposals and alternatives.

18 Yes. Yes, Mr Lawrie.

19 MR LAWRIE: We've just brought up, Mr Haritos, the transcript
20 for your discussion in the car with Steve Kyritsis just
21 before you leave, and specifically at line 10 you say,
22 'That's 10. That's 20.' And Steve Kyritsis says, 'And
23 there's his bike.' And you agree, 'There's his bike.'
24 You recall I put to you that that was \$10,000 and \$20,000
25 you were referring to, and you disputed that or you
26 refuted that, didn't you?---Did I dispute it? I didn't
27 dispute it.

28 Well, I say that when you say 'that's 10, that's 20' we're
29 talking thousands of dollars?---Yes.

30 Well, do you agree with that now, do you?---That's what I said
31 the other day.

1 I thought the other day you said you were referring to the
2 number of face masks you were delivering when you referred
3 to 10 and 20. Is it face masks or thousands of
4 dollars?---I think I made it quite clear, Mr Lawrie, that
5 we were talking about dollars. You asked me was that 10
6 masks or 20 masks, and I said there were \$30,000 that
7 I had in the car that day.

8 Mr Haritos, with respect, it is not at all clear. That's why
9 I'm asking these questions again. I understood from your
10 evidence last week that when I took you to 'That's 10.
11 That's 20' you then spoke about delivering face masks. Do
12 you now agree that you had \$30,000 or \$20,000 with you at
13 that time?---I had 10,000 and \$20,000 in the car before
14 I went - before we went to North Melbourne.

15 And when you arrived at - sorry - - -?---Let me finish, let me
16 finish. Steven obviously is handling the money, and he
17 goes, 'That's 10. That's 20,' and putting it into an
18 envelope.

19 All right?---So 30,000 in the envelope. Somewhere on my
20 driver's seat or on the passenger seat or wherever there
21 is a - let's call it a envelope because, if it wasn't an
22 envelope, then it's a package that resembles an envelope.
23 There's four pages of paperwork that Peter wanted on that
24 day, and a pack of face masks - not the blue ones that you
25 get off the chemist and so forth, the triple wide -
26 whatever they are. That's the two items that I had with
27 me when I left the car. Now, the fact about this 10 is
28 his push bike, 20 is motorbike or whatever, Steven and
29 Peter will often joke amongst themselves. They would be
30 out two, three times a week during COVID times. And they
31 will joke against each other. I can also tell you an

1 occasion where Peter, through me, set Steven up to go and
2 get him some live crabs. And he did.

3 COMMISSIONER: Mr Haritos, we really just want you to grapple
4 with what the conversation shows you are saying to each
5 other. 'That's 10. That's 20.' Then there's a - you've
6 got the transcript there? You can see it,
7 Mr Haritos?---Yes, I can see the transcript. I can see
8 the transcript, Mr Commissioner, plus I heard it during
9 the break as well.

10 And then Steve says, 'Or he's going to put it to his motor
11 home,' and you respond, 'Just got to find an opportunity
12 to give it to him.' You are speaking about Bollas, aren't
13 you?---I could have been - I could have been speaking
14 about Mr Bollas, but to give him what?

15 Well, were you speaking about Mr Bollas or not?---I do not
16 mention Mr Bollas.

17 No. Were you speaking about - who is the 'him'?---What other
18 paperwork that Steven would have been - my - - -

19 Please, Mr Haritos, I really want you to make a genuine effort
20 to answer the questions. Who is the
21 'him'?---Mr Commissioner, I am making a genuine effort to
22 answer the question as best as I can remember. On - in my
23 car, as you probably all know, there's mountains of
24 paperwork. Steven is handling my paperwork. When
25 I say - when I say we've got to find an opportunity to
26 give it to him, it may not relate to Mr Bollas. It may
27 relate to some documents that he needs to pass on for
28 other projects that I'm involved with - - -

29 So you - I just want to be clear. Is it your evidence you
30 can't, as you sit here now, say who the 'him' is that you
31 are referring to?---It could be - it could have been

1 Mr Bollas. It could have been Tom. It could have been -
2 depending what paperwork he is sorting out for me while
3 he's in the driver's seat, and if I look at something
4 and say, 'Well, when you get an opportunity, give it to
5 him.' But that does not necessarily relate to Mr Bollas
6 in this particular occasion. Again, I'm not 100 per cent
7 sure. I think it's to do with some documents relating to
8 some premise that we are dealing with at the time which
9 his brother is involved with. So, 'When you get an
10 opportunity, give it to him.' That's one possibility.

11 Mr Haritos, you then say, 'Maybe leave me alone with him,' and
12 Steven responds, 'He's earned it.' Who are you talking
13 about?---Well, this could possibly be relating to
14 Mr Bollas, but it's not related to the previous one.

15 'Leave me alone' because he may have wanted to discuss
16 some - the paperwork that I submitted him.

17 Yes. Yes, Mr Lawrie.

18 MR LAWRIE: Thank you, Commissioner. Just before we leave this
19 call, at line 5 you say, 'Good payout .' I've got two
20 questions about that phrase. First of all - - -?---Hang
21 on - - -

22 Mr Haritos, I have two questions about that phrase that you
23 say. You say, 'Good payout.' One, who is the payout to,
24 and, two, how much is the payout?---I'm reading point 5.

25 Yes. Have a read of it?---Okay. So what he's doing, he's
26 putting two into - he's putting the 30 in one envelope and
27 'hang onto this'. That's the paperwork.

28 Who were you paying out?---I wasn't paying anyone.

29 What's the reference to 'good payout' mean?---Joking.

30 Just joking again?---Well, the joke started before we entered
31 the car. What were we discussing before we entered the

1 car?

2 Well, you're the one with the memory of it. Can you tell
3 us?---I haven't got a great memory, but it's a joking
4 conversation.

5 COMMISSIONER: All right. You might move on, Mr Lawrie.

6 MR LAWRIE: Thank you. That can come off screen, please.

7 Mr Haritos, you said in your evidence last week that you
8 have never ever made a cash payment to Mr Bollas. Do you
9 remember saying that?---Yes.

10 COMMISSIONER: Is that the truth?---To the best of my
11 knowledge, that is the truth, Mr Commissioner.

12 What do you mean to the best of your knowledge?---I can't
13 remember ever making a payment to Mr Bollas.

14 Did you mean - do you mean to say - are you able to say
15 categorically that you did not ever make a cash payment to
16 Mr Bollas?---Categorically I can say that I have never
17 made a cash payment to Mr Bollas. Mr Bollas never asked
18 me for a payment.

19 Yes.

20 MR LAWRIE: And that was my next question. Just to be clear,
21 not only have you not paid him, he has never asked you for
22 payment of any sort; is that correct?---That is correct.
23 I mean, you've got thousands of transcripts and so forth.
24 Bring me one incident where Mr Bollas has ever referred to
25 a handout, payment or a favour.

26 Okay?---Bring one transcript of that up.

27 I want to take you to a telephone call, Mr Haritos. Can we
28 please play call number 45. This is exhibit PB5,
29 Commissioner, commencing at 668.

30 COMMISSIONER: I'm sorry, what do you say PB5 is, Mr Lawrie?

31 MR LAWRIE: It should be call number 45.

1 COMMISSIONER: What's the date of it, please?

2 MR LAWRIE: And that is 16 July 2020, and it's a call between
3 Mr Haritos and Mr Bollas at about 5.10 pm.

4 (Audio recording played to the Commission.)

5 COMMISSIONER: Mr Lawrie, I notice that in the transcript of
6 course the parts where Mr Bollas and Mr Haritos speak in
7 Greek has been translated and appears in the transcript in
8 bold.

9 MR LAWRIE: That's correct.

10 COMMISSIONER: But perhaps you should ask Mr Haritos whether
11 there are any parts of the Greek conversation that he
12 doesn't agree with in terms of the translation, or at
13 least in those parts you want to take him to anyway.

14 MR LAWRIE: Thank you, Commissioner. Mr Haritos, you heard the
15 Commissioner's enquiry. You've followed the transcript as
16 we've played that call, and you see the bold text is a
17 translation of the Greek to English?---Yes.

18 Is there anything you seriously dispute in the
19 translation?---No, no dispute, Mr Lawrie, word for word.
20 The overall meaning is there.

21 Okay. Thank you. A number of times in the conversation
22 Mr Bollas refers to 'the little one'. Who is that a
23 reference to?---Sorry? 'The little one'?

24 'The little one'?---Probably Steven.

25 Steven Kyritsis?---Yes. He calls him mikró in Greek.

26 This conversation, like some of the earlier ones we have
27 played, reveals a degree of familiarity, I suggest,
28 between the two of you. He calls you 'mate', 'brother' or
29 'Georgie'. Do you agree with that?---Well, I've known
30 Peter for - how many years did I say before - ever since
31 he's been at Metro, and that's his personality and his

1 persona.

2 See, there's a degree of familiarity with him enquiring about
3 the health of your mother and you doing the same in
4 respect of his mother; do you agree with that?---Yes, as
5 I said, I have spoken to Peter in the last six months
6 maybe 10 times more than I would have spoken to him in the
7 previous five or six years.

8 So the relationship is more than just meeting him for the
9 discussion of business matters, isn't it?---Which
10 discussion?

11 Well, your relationship at least by 2020 is a friendly - you're
12 good friends, aren't you?---Not good friends. It's all -
13 all our discussions are work related. He hasn't rang me
14 up for a - to ask me personal questions or whatever the
15 case may be. It's whatever work related matter it was
16 with a comical connotation, and that's Mr Bollas's
17 persona.

18 In this call he's ringing you up to give you forewarning about
19 how you are to pitch a price for the additional
20 government-funded cleaning works in the middle of the
21 COVID response; is that right?---Peter is ringing me to
22 put a proposal together on a project which on previous
23 occasions I've told him, 'All this thing is madness' - you
24 should be able to find a transcript of that - 'Why would
25 the State throw that money away?' And there are
26 transcripts along those lines, Mr Lawrie.

27 Can you - - -?---Sorry?

28 Can you just focus on my question for a moment, please?---Yes.

29 This is to do with a project - - -

30 I don't want to explore other phone calls at the moment.

31 I just want to focus on this one, please. In this phone

1 call Peter Bollas is giving you forewarning about a
2 meeting that he is going to call at Metro in which he
3 wants you to put a price for the additional cleaning; do
4 you agree with that?---No, I've already submit a price
5 months earlier and the project was dead in the water.
6 So when he's talking about you'll 'put a price that will be six
7 months and don't forget you've already put a price to us
8 before', what was that about?---I probably wanted to break
9 it up in three months, six months or 12 months or
10 three-year period. I have already submitted a proposal
11 for this particular project which they did not support.
12 See, I suggest to you that what Mr Bollas is telling you is,
13 'Get ready, there's more work coming your way. Come to us
14 with a price for six months worth of work, but don't
15 forget you've already priced for this kind of work
16 before' - in other words, don't discount. That's what
17 he's saying to you, isn't it?---Well, he's probably
18 refreshing my memory as well because this particular
19 project, it's a new project, and it involves a lot of - a
20 bit of guesswork in order to carry this program through.
21 But this is happy days now for both of you, isn't it? That's
22 the conclusion you reach at the end of the
23 conversation?---Ends up in a jokingly manner, yes.
24 No, it's not a joke. It's both of you agreeing that this
25 situation is going to be beneficial financially. That's
26 what 'happy days' means, doesn't it?---Yes, well, he -
27 yes, probably was said on a joking basis. How do I know
28 if it's going to be beneficial when I have not signed the
29 contract yet?
30 Before on your oath you said that he has never asked you for
31 money, Peter Bollas has never asked you for a payment;

1 correct?---Correct.

2 You heard in that on a number of occasions Mr Bollas asks you,
3 'Will there be any honey for me'?---Jokingly.

4 Mr Haritos, surely there must be some part of this conversation
5 that is not a joke, where you actually intend to say what
6 you actually say? What did you understand Mr Bollas to be
7 referring to when he asked you, 'Will there be any honey
8 for me'?---He is joking and laughing about it.

9 What is he referring to?---Honey.

10 Literally honey that one would put on toast?---Well - - -
11 Is that what you're saying?---He never mentions the word
12 'money'. He's probably referring to money. Maybe he is
13 but - - -

14 Money or honey?---Whatever - whatever - whatever he's asking of
15 me, he is joking and laughing about it. He may be
16 referring to money. He may be referring to something
17 else. He may have another version of what that is.
18 But - - -

19 What did you think he was referring to?---I thought he was
20 joking.

21 Yes, I understand that. But what did you think he was
22 referring to?---Maybe he was referring to money.

23 What did - I just really need to ask you to address the
24 question, please, Mr Haritos. When he
25 said - - -?---(Indistinct words).

26 Please, can I just ask it again so I'm completely clear. When
27 he asked you, 'Will there be any honey for me,' what did
28 you think he meant?---He could have meant hundreds of
29 things. He's interpret to me what does he mean by honey.
30 He was jokingly laughing about it, and so was I. What's
31 honey? Maybe you can take it as a handout. Maybe you can

1 take it as being the first man to Mars. Maybe you can
2 take it whatever - whatever which way you take it. Let's
3 just put it a benefit of some sort - - -
4 No, Mr Haritos, when you say maybe you could it as being the
5 first man to Mars, quite frankly, I want you to try to be
6 more helpful than that. The reason I say that is this.
7 You're the one who is involved in this conversation.
8 You're the one that has all the context and the
9 surrounding circumstances. So you're the one that is best
10 placed to say what you understood. Do you understand that
11 proposition?---Yes.
12 All right. Now, what did you understand him to be referring
13 to, whether joking or not, when he asked for honey?---He
14 was clowning around. I don't know what he meant in his
15 head, Mr Lawrie. He never mentioned the word 'money'.
16 And you said in response, 'No, not honey,
17 sprinkles'?---Yes - - -
18 What did you mean by that?---Joking as well.
19 Okay. You've said so many times that you were joking, and I'll
20 keep coming back to the main question - - -?---That is my
21 answer - - -
22 Whether it is joking or serious, what did you mean by
23 it?---Could have meant anything.
24 What did you mean by it, Mr Haritos?---Sprinkle, call it
25 whatever you like. It was a joke. We're talking about a
26 project. We're talking about a project that may have
27 never have happened or a project that may have not been
28 financially beneficial for me. So why would I commit?
29 That's Peter's - that's how Peter talks. That's how he
30 was talking with Steven, mikró or whatever he calls him,
31 the short one, to do with the bike, push bikes, et cetera.

1 That's how Peter is. There's a - - -
2 Mr Haritos, I suggest to you this. The reference to honey and
3 sprinkles is quite clear. Mr Bollas is asking for a cash
4 payment in advance - sorry, in reward for him advancing
5 Transclean's interests to get this additional work in the
6 middle of the COVID response; do you agree or disagree
7 with that?---Mr Bollas is joking with me. I know very
8 well that the State would have been mad to sponsor this
9 project because it had failed on previous occasions and
10 Peter is wasting my time and I'm trying to get off the
11 phone.

12 Okay. And when you say, 'No, not honey, sprinkles,' what
13 you're saying to him is really this, isn't it: 'You've
14 asked for a big payment. You'll get something but it's
15 not going to be as big as you might think'?---No - - -
16 'You may get a smaller payment than you think'; is that the
17 situation?---No, Mr Lawrie, we're joking. We're joking.
18 We are joking, and you can tell the way he laughs and the
19 way I respond - - -

20 COMMISSIONER: Mr Haritos, you've told us that you followed the
21 evidence that had been given to the Commission when
22 Mr Pinder and Mr Bollas gave evidence to the Commission.
23 You followed all that evidence, didn't you?---Yes.
24 And did you hear a conversation between Mr Pinder and Mr Bollas
25 where they talked about the expression you use of
26 'sprinkles' and in the context of that being additional
27 payment to them? Did you hear that conversation?---I did.
28 Was that true; that is, do you use the word 'sprinkle' when
29 you're talking about making an additional payment to
30 Mr Pinder and Mr Bollas?---That word features in my
31 vocabulary on every day - in everyday situation. That's

1 my joking term.

2 Yes, Mr Lawrie.

3 MR LAWRIE: Thank you, Commissioner. You weren't concerned
4 that even in a joking way Mr Bollas was referring to a
5 cash payment or a bribe from you? That didn't worry
6 you?---No, because I knew Peter was joking, and if you
7 play other conversations you probably find similar.

8 I suggest to you the reason why you're laughing is not because
9 it's a joke; it's because you can see a major financial
10 opportunity emerging in the midst of the COVID
11 response?---No, first, Mr Lawrie, no, I don't see it as an
12 opportunity because I have been against the project from
13 day one because I knew it wasn't going to work, for a
14 start.

15 You were against - do I understand you correctly to say you
16 were against the State government expending additional
17 funds for additional cleaning of rolling stock during the
18 COVID response; is that correct?---No. This was on
19 alternative 2, what we're doing. They trialed the
20 product. It failed miserably, and somehow, some way,
21 someone up the top is pushing for this particular project,
22 and on occasions I will say to Peter, 'This is madness.
23 Why would you take 21' - sorry, '58-day cycle of trains to
24 21 days?' I've got to put six crews on. It's going to
25 cost the government \$4 million, when on the 58-day cycle
26 my performance is 100 per cent. This is madness.' All
27 the transcripts and you will find exactly my words in the
28 conversations that I had with Mr Bollas.

29 At the end of that conversation we hear Mr Bollas just
30 reminding you to have Steve Kyritsis ready for the audit.
31 Do you remember that?---Yes, I remember that.

1 So you'd had these discussions with both Steve Kyritsis and
2 Peter Bollas before, had you, about upcoming audits that
3 were going to be done on Metro's behalf?---Can you - can
4 you repeat your question, Mr Lawrie?

5 Well, you knew that Mr Kyritsis had been warned by Mr Bollas
6 about surprise audits, didn't you?---No, there was never
7 any surprise audit.

8 All the audits were scheduled, were they?---The audits? Yes,
9 Metro would inform us that there's a Greencap audit in one
10 week, two weeks because Transclean had to have a
11 representative to be part of the audit team, to explain
12 the process, to explain the OH&S, to explain what products
13 we are you using and what the purpose of each product is.
14 A representative had to be present.

15 So what I'm talking about, though, are audits that are
16 unscheduled, that are surprise audits to test whether or
17 not systems are being followed. Do you understand
18 that?---No, audits - audits are conducted every night.
19 He's talking about Greencap audits, that I must have a
20 representative present in those audits.

21 Did you ever receive information either from Mr Bollas or via
22 Mr Kyritsis that allowed you to avoid a looming problem
23 with an audit?---Why would I need to avoid a looming
24 problem with an audit?

25 Did you ever think that you had dodged a bullet because of
26 information that had come to you in advance of an
27 audit?---Never. The procedure is the same. Three-stage
28 process for sanitisation. Same for Metro. Same for
29 V/Line. Same procedures. External audits.

30 I'm going to play for you now call number - - -

31 COMMISSIONER: Mr Lawrie, I see the time. We've been going an

1 hour and a half. We might have a 10-minute break to give
2 Mr Haritos a breather.

3 MR LAWRIE: Yes, Commissioner. Thank you.

4 COMMISSIONER: We'll resume at quarter to 12.

5 (Short adjournment.)

6 COMMISSIONER: Yes, Mr Lawrie.

7 MR LAWRIE: Thank you, Commissioner. Mr Haritos, you'll recall
8 before the break I was asking you about whether or not
9 audits were a problem, and you said all the audits that
10 you had were scheduled audits and in fact you had to have
11 someone down there from Transclean; do you recall
12 that?---Yes.

13 And I asked you whether or not you'd ever thought you had
14 avoided major problems or dodged a bullet, to use a
15 colloquial term, in respect of audits, and you said you
16 didn't think that there had been any problems that you had
17 dodged; correct?---At my level, no, nothing was brought to
18 my attention.

19 Okay. So in that context I want to play you this call. This
20 is a call between you and Steve Kyritsis on Friday,
21 17 July 2020, 11.15 am. It's call 46. The transcript
22 commences at 675, please.

23 (Audio recording played to the Commission.)

24 MR LAWRIE: That's the end of that call. Commissioner,
25 I tender that call together with the transcript.

26 COMMISSIONER: GH13.

27 #EXHIBIT GH13 - Call between George Haritos and Steve Kyritsis
28 on Friday, 17/07/2020 at 11.15 am, together with the
29 transcript.

30 MR LAWRIE: Thank you. Do you hear in that call, Mr Haritos,
31 in the context of an audit that had taken place the night

1 before Steve Kyritsis says, 'So we've dodged a
2 bullet'?---He does make that comment.
3 And then you reply 'Mm'. What did you think he was referring
4 to?---He was joking. He laughs, doesn't he?
5 He does laugh?---Yes. 'Dodged a bullet'. I mean, you know,
6 that's how he talks. He laughs about it.
7 Was there a perceived problem that had to be fixed prior to
8 that audit that you're aware of?---Nothing had to be fixed
9 during that particular audit. My audits were - when was
10 the conversation? When was the phone conversation took
11 place, Mr Lawrie? What day was it?
12 Friday, 17 July 2020?---Friday, 17 July?
13 Yes?---Yes. What was my audit score? Greencap will have it.
14 Mr Haritos, it's not about your audit score. This is about
15 Mr Bollas feeding information to Transclean about what
16 were meant to be surprise audits?---No, no, no, no,
17 Mr Lawrie - - -
18 And what I'm suggesting to you is this - - -?---No, what you're
19 suggesting - - -
20 That there was a problem that you avoided because you were
21 forewarned, and that's what Mr Kyritsis is referring to
22 when he says you dodged a bullet?---No, he's laughing. We
23 were never forewarned. We had to be present with
24 the auditors. It was a Greencap government audit.
25 Someone had to be present. As he says - can I - give me
26 one sec. Not only the procedures and so forth, I've got
27 to - all the procedures in the audit was 100 per cent. We
28 dodged a bullet, he laughs, like thinking there might be a
29 problem.
30 So you didn't say to him, 'What do you mean? There was no
31 problem'?---No, he's laughing. So what do I need to ask

1 him about the problem? He's joking.

2 All right?---Dodged a bullet for what?

3 And then later on in that conversation you say, 'And we've got

4 a meeting with Peter on Tuesday'; do you see that?---Yes.

5 There would have been a scheduled meeting, correct, and

6 meeting Gary as well.

7 And that was the meeting that you ended up having with him on

8 21 July, wasn't it?---Well, if it followed on from Friday,

9 on Tuesday that would have been the 21st, yes.

10 And you understand that's the meeting where I suggest to you

11 that you paid Mr Bollas \$20,000 and you deny that. That's

12 that meeting we're talking about; do you understand?---On

13 the 21st, yes, there was a meeting.

14 Yes. See, this is all part of the lead-up to it. Mr Bollas is

15 providing you two important pieces of information about

16 this time. First of all, he's forewarning Transclean via

17 Steve Kyritsis of audits that are meant to be surprise

18 audits, and, secondly, he's giving you forewarning about

19 how to approach Metro with pricing for the additional

20 work. What do you say to that?---Totally incorrect.

21 Absolutely incorrect.

22 And this is all part of Mr Bollas moving - helping to build

23 Transclean's brand?---No way. Makes no sense what you're

24 telling me, Mr Lawrie.

25 Okay?---How could he forewarn us about an audit when we had to

26 be present at the audit? We've got to prepare. I've got

27 to make someone available for four or five hours, whatever

28 the audit takes place. How can it be a surprise audit?

29 How can it be a surprise audit when I've got to have a

30 representative there?

31 What I'm saying to you is that the forewarning allowed you to

1 do or allowed people at Transclean to do certain things,
2 including get rid of problematic time sheets that showed
3 not enough staff were on. That's what I'm suggesting to
4 you?---Your suggestion is wrong, Mr Lawrie. I'm not a
5 labour hire company. I provide a service, and the service
6 is assessed on a percentage term. I don't care how many
7 staff it takes. I'm there to provide a service. I'm not
8 a labour hire company.

9 COMMISSIONER: Mr Haritos, I'm interested in something else.

10 You said earlier today that you didn't have many meetings
11 with Mr Bollas. At one stage I think you might have gone
12 so far as to say you had two or three meetings in the last
13 year. Do you see in this conversation and in the last
14 conversation that was played to you that you're talking
15 about a meeting, a catch-up, with Mr Bollas that was due
16 that week? Do you remember saying to Mr Bollas in the
17 previous conversation that was played to you, 'I know we
18 were supposed to have a catch-up this week'? Do you
19 remember saying that to him?---Your question,
20 Mr Commissioner, has got two parts to it. The first part
21 I said was during the pre-COVID maybe I attended a meeting
22 with Mr Bollas and Metro staff and my staff maybe two,
23 three times a year. Since COVID I've had a number of
24 meetings with Mr Bollas, yes. I can recall saying that on
25 a Monday or whatever there's a forthcoming meeting, yes,
26 that I understand to be correct.

27 What was the purpose of the meeting where you said, 'We're
28 supposed to have a catch-up this week'?---Whatever was on
29 the agenda. There was never a meeting - - -

30 What was on the agenda?---Maybe that time I didn't know, but

31 I never had a meeting with Peter, me and him just present.

1 There was never a personal meeting with me and Peter.
2 No, and Steve is in fact saying to you - in the conversation
3 Mr Lawrie has just played to you, Steve is also alerted to
4 the fact that you've got a meeting coming up?---Correct.
5 He refers to it, doesn't he?---He does, yes.
6 Yes. Yes, Mr Lawrie.
7 MR LAWRIE: Thank you, Commissioner?---Mr Commissioner, all the
8 meetings are sent through as an email, invite meetings.
9 There's never been a meeting with Mr Bollas outside those
10 invited meetings that I get on my - through my email.
11 There's been a number of meetings, yes. If I go through
12 my emails I can give you the exact amount of times
13 that the - and there's always another three or four
14 participants in those meetings.
15 And that's because - sorry, Commissioner.
16 COMMISSIONER: I don't follow that, Mr Haritos. I thought you
17 accepted that the meeting on 22 July, the one involving
18 the two envelopes, there's only you and Steve Kyritsis
19 that are present, and that you step out of the car and
20 meet Mr Bollas?---No, I don't step out of the car to meet
21 Mr Bollas at all, Mr Commissioner. I asked Peter, 'Are
22 you coming to your car, because I'm going to have a
23 cigarette,' and possibly discussed the working papers that
24 I was supposed to give to him, and that relates to the
25 phone call that he had with me that previous day in the
26 afternoon to do with the Zoono project.
27 I'm not going to argue - Mr Haritos, I'm not going to argue
28 with you?---We're not arguing, Mr Commissioner.
29 I thought the video is clear that after you put the envelopes
30 in your jacket you stepped out of the car, and you then
31 met with Mr Bollas?---No.

1 Isn't that correct?---No, it's not correct. I rang Mr Bollas
2 and said, 'Come to your car,' and this is the
3 meeting - I can't recall whatever time it was scheduled,
4 but we had 10 minutes to spare, maybe 15 minutes to spare,
5 I'm having a cigarette, and I said, 'Come to the car for a
6 cigarette. I'm having a cigarette.' I didn't meet
7 Mr Bollas outside - near his car or my car. He couldn't
8 make it and said, 'Bring it with you. Bring it with you,'
9 when I went to the meeting. I wanted to have a discussion
10 with Mr Bollas on three or four pages of discussion papers
11 that I had prepared for him. I needed him to see it
12 before the meeting. In the meeting there were four
13 invitees, if I can remember correctly. Not present,
14 through - online.

15 Yes. I don't follow - I must say, Mr Lawrie, I don't follow
16 any of that. I don't think it accords with the
17 explanation Mr Haritos gave when last he gave evidence,
18 but you might proceed.

19 MR LAWRIE: Thank you, Commissioner. You're aware, of course,
20 that Mr Pinder and Mr Bollas had search warrants executed
21 at their residences on 19 August of this year?---Yes.

22 You know that, don't you?---Yes.

23 You found out about that on the day, didn't you?---I found out
24 regarding Mr Pinder. I wasn't aware of Mr Bollas till the
25 day after maybe.

26 How did you come to be aware of the warrant at Mr Pinder's
27 house?---It was in the media.

28 You saw it on the media; okay. Did you receive any written
29 instructions or written notes from Maria Tsakopoulos after
30 the search warrant was executed at Mr Pinder's
31 house?---Did I receive any notes?

1 Yes?---No, but I remember her telling me about certain notes.
2 Did you read any notes that she had been given by
3 Mr Pinder?---No, she would have told me verbally what the
4 notes were about.
5 I want to show you a document to see if you recall it. Can we
6 please bring up JP14 at - sorry, JP15, I'm sorry, which is
7 p.451. Just take a moment to have a look at that
8 document. Have you seen that document before?---No,
9 Mr Lawrie, I haven't seen this document before, and I'm
10 reading it.
11 Have you finished reading it?---Yes, I have.
12 You say you've never seen it before?---I've never seen it
13 before, but I can recall - - -
14 Did Maria - go on?---She would have told me that all the noise
15 was to do with me, Peter and James.
16 When Mr Pinder was asked about this document he said in essence
17 that he wrote it in the course of panic, that he was
18 panicking. But the first line, 'This is about me, you and
19 Pete', Mr Pinder said that the 'me' referred to him, the
20 'you' referred to you, Mr Haritos, and the 'Pete' referred
21 to Peter Bollas?---Correct.
22 Did you follow that when he gave evidence last week?---I can't
23 recall seeing this in his evidence last week, Mr Lawrie.
24 Well, it might have been - - -?---I did follow about
25 90 per cent of it.
26 Yes. So this might have been a part that you missed?---This
27 may have been the part that I missed.
28 But that's what I'm saying to you now. That is - essentially
29 condensing his evidence about the first line of this note,
30 the 'me' he's referring to is himself, of course?---Yes.
31 But the word 'you' is referring to you, Mr Haritos, and the

1 'Pete' is referring to Peter Bollas; that's what he said
2 in evidence?---Yes, it makes sense, yes.

3 Now, this is a note that was recovered from Maria Tsakopoulos's
4 apartment when a warrant was executed there on 8 October
5 2020; you understand that?---Yes.

6 Were these instructions passed on to you by Maria, either
7 verbally or by showing you this note?---I did not see the
8 note, but she did pass to me verbally that in Mr Pinder's
9 view all this noise and et cetera is to do with himself,
10 me and Peter.

11 And you say 'all this noise and things'. What do you mean by
12 'all this noise'?---All the noise in the media, Mr Pinder
13 being stood down, Mr Bollas being stood down. I could not
14 work out what it was all about, and I've said that on many
15 conversations that you've probably got the transcript of
16 as to who I would have spoken about.

17 Let's be frank, Mr Haritos, this noise, whether you agree with
18 it or not, you know full well what it is about. It is
19 about an allegation that there have been payments on a
20 regular basis from Transclean to both Mr Bollas and
21 Mr Pinder; that's what you understand the principal
22 allegation to be, don't you?---Since - since I got the
23 warrant in October I had an idea, but it was confirmed
24 during the examination of Mr Pinder. I had an idea that
25 it was to do with Transclean, Mr Bollas and Mr Pinder.

26 COMMISSIONER: Mr Haritos, can I just ask you, do you mean to
27 say that before October you had no reason to think that
28 anyone was alleging that you were involved with either
29 Mr Pinder or Mr Bollas in any corrupt arrangement?---That
30 is correct, Mr Commissioner, because there's been no
31 corrupt arrangement. There has never needed - arisen to

1 be so - - -

2 No, just - - -?---Sorry - - -

3 Just focus on my question. You're saying that prior to October
4 you had no reason to think that anyone would be suggesting
5 or alleging that you had a corrupt arrangement with Pinder
6 or Bollas?---Yes, Commissioner, that is the case because
7 I never did have a corrupt arrangement.

8 And I take it you also say you had no corrupt arrangement with
9 anyone else?---There's only Mr Pinder and Mr Bollas
10 involved here.

11 Yes, but I'm just wanting to be clear for the record you don't
12 suggest that you had any corrupt arrangement with any
13 other persons, do you?---Give me an example? I don't know
14 the questions you are referring to. No, I haven't.

15 I just want to be clear about your state of mind. That's all.
16 You had no corrupt arrangements with anyone?---No, not
17 that I can recall, Mr Commissioner. That's a very broad
18 question. I can't recall having any corrupt arrangements
19 at all.

20 You would remember if you had a corrupt arrangement - during
21 2020, if you had a corrupt arrangement with anyone, I take
22 it you would remember?---I'd take it, yes, that's a
23 possibility, yes, I should have been able to remember if
24 it was the case.

25 Thank you.

26 MR LAWRIE: Mr Haritos, do you recall Maria passing on any of
27 the elements of this note, for example, that 'they will
28 try to follow the dollars from you to us'?---I can't
29 recall her passing that information, but I can read it
30 now.

31 Did Maria ever say that to you, that she had received a note

1 from Mr Pinder and Mr Pinder was worried that the
2 investigators would try to follow a trail of payments from
3 you to them - to him?

4 COMMISSIONER: To them.

5 MR LAWRIE: Sorry. To them, sorry?---No, I can't recall her
6 saying that. The only thing that I can recall her saying,
7 that, you know, all this is to do with me, Mr Pinder and
8 Mr Bollas, and I could not work out in my head what - you
9 know, what was going on, and I had - and I would've
10 mentioned it at work and I would've mentioned it I don't
11 know how many times. I had no idea what this was all
12 about.

13 What did Ms Tsakopoulos say to you - sorry, I'll put the
14 question this way.

15 COMMISSIONER: I'm just wondering are you moving on from that
16 note?

17 MR LAWRIE: No, I'm not, Commissioner.

18 COMMISSIONER: Because I did want to ask Mr Haritos whether he
19 took up the suggestion in relation to phones.

20 MR LAWRIE: Certainly. I'll come to that shortly, if I may.

21 What did Ms Tsakopoulos say to you that Mr Pinder was
22 worried about after the warrant?---What would have been
23 the date approximately, Mr Lawrie, where you're referring
24 to this letter?

25 The date of this is some time between the warrant on 19 August
26 and the days following?---Okay. Yes.

27 So what did Ms Tsakopoulos say to you that Mr Pinder was
28 worried about?---I can't recall exactly, but his probably
29 main worry would have been that he had been stood down and
30 maybe losing his job.

31 Yes, but what did Ms Tsakopoulos say to you that was at the

1 heart of that problem, at least according to
2 Mr Pinder?---I can't recall. I can't recall if she said
3 anything as to what the problem may have been. Her only
4 concern at that time was the money that she had lent out.
5 All right. I have to show you another note that was found at
6 the same time. Can we please bring up JP14, which is
7 p.540. Sorry, 450. Have you seen that document
8 before?---No, Mr Lawrie, I haven't seen it.
9 Do you recall Maria Tsakopoulos passing an instruction from
10 Mr Pinder to you about what you were to say about the
11 money that you gave him on 19 August 2020?---I can
12 recall - I can recall a discussion. Yes, she did say to
13 me about the money that he received on - was it 19 August?
14 Correct?---To say that I got some sort of - very vague.
15 I can't understand what the - and I can't - - -
16 I'll put the question again to help you. Did Ms Tsakopoulos
17 pass on an instruction from Mr Pinder about how it was
18 that you were paying him money on 19 August?---I can
19 recall vaguely, yes, that the money that I gave him on
20 19 August to - that he sent me a message along those - he
21 sent me a message for - with instructions of some sort.
22 COMMISSIONER: Yes?---That's as much as I can remember,
23 Mr Lawrie. But I don't remember - I have not seen the
24 note, but I remember saying that in regards to the money
25 that I left for him that he had sent me a message,
26 WhatsApp message or something, with instructions what to
27 do or how to deal with it.
28 That seems to be what the note says, Mr Haritos. Just read the
29 note again?---Yes. I am reading it, Mr Commissioner.
30 This is after the event.
31 MR LAWRIE: Yes?---And I can recall Mr Pinder also saying that,

1 'I was in such a mental state at the time that I don't
2 know' - he could not recall himself why he would write
3 that message, but I can recall Maria saying that the
4 10,000 - that there was a message, anonymous or whatever -
5 it didn't make sense to me either.

6 COMMISSIONER: Mr Haritos, I just want to ask you in relation
7 to Maria, the fact that she's receiving these notes from
8 Mr Pinder rather suggests on its face that not only is she
9 close to you but that Mr Pinder would have regarded Marie
10 as very familiar with your affairs?---Well, I'm not sure
11 how familiar you're referring to, Mr Commissioner.

12 Do you understand what I'm suggesting, that for Mr Pinder to be
13 sending messages to you, right, about what you should say
14 if you're asked about the money payment on 19 August, what
15 you should do in relation to your phones and so on, rather
16 suggests that Ms Marie, in Mr Pinder's eyes, is very close
17 to you and familiar with the arrangements that you,
18 Mr Pinder and Mr Bollas had? What do you say about
19 that?---Totally disagree, Mr Commissioner. Marie was just
20 a messenger. The reason she was in contact with Mr Pinder
21 at that particular time was because she was panicking
22 about the money that she had loaned to Mr Pinder. Marie
23 is just a simple messenger, and that is why she probably
24 could not explain to me in detail what these notes were.
25 I have never seen those notes.

26 So, if there was any corrupt arrangement that you had with
27 Mr Pinder and Mr Bollas, do you say that Marie would have
28 had no knowledge of that and would be none the wiser if
29 you did have any such arrangement?---Marie would have had
30 no knowledge at all because there was no corrupt
31 arrangement, Mr Commissioner.

1 Yes?---Okay. We're going around in circles. What arrangement
2 would I possibly have, use Metro as an example, when
3 I want to give the contract back? It makes no sense.
4 What arrangement would I possibly have, and why would I be
5 doing handouts when I'm losing money from the contract and
6 I want to hand it back? I can't - that's why I said
7 before when all this came about I've got no idea what this
8 is all about.

9 Yes, Mr Lawrie.

10 MR LAWRIE: Mr Haritos, you spoke last week about the phones
11 that you were using, that is the mobile phone you were
12 using to speak with Mr Pinder up until August of 2019 and
13 the fact that you both used a new mobile phone each to
14 speak to each other. Do you recall that series of
15 questions?---I can recall - I can - yes, vaguely, I can
16 recall the series of questions but - - -

17 Do you remember or did you know that Marie was delivering to
18 Mr Pinder a new phone shortly after his original secret
19 phone had been seized?---Yes, and - yes, he said so
20 himself as well, so she could be in contact with him
21 because I think her lawyer at the time needed her to pass
22 a message to him that he will be - he was instructed to
23 prepare documents to put a caveat on the property or along
24 those lines.

25 And she needed to communicate with him to get his permission to
26 put a caveat on his property; that's your understanding,
27 is it?---That's - that's probably my understanding, yes.

28 And she needed to communicate or be able to communicate with
29 him secretly for that purpose; is that your
30 understanding?---Why would it be communicating with him
31 secretly? He didn't have a phone. If he didn't have a

1 phone, how could she contact him?

2 Well, that's an interesting proposition, Mr Haritos, because
3 did you appreciate that Mr Pinder operated a work phone
4 and a personal phone and that his work phone was returned
5 to him by investigators the same day that the warrant was
6 executed on 19 August? Did you appreciate that
7 fact?---I'm not specific on those particular details.

8 See, the only phone that Mr Pinder was deprived of after the
9 warrant was the phone that had been provided to him by
10 Maria in 2016. Did you know that?---I know that Mr Pinder
11 had a second phone going back to 2016. So did I.
12 That was the phone that - sorry, Commissioner.

13 COMMISSIONER: Mr Haritos, it's that phone, the phone which
14 Maria - I'm not sure whether you said it was paid for by
15 Transclean, but the phone which Mr Pinder had from 2016
16 was the phone that you used to communicate with Mr Pinder
17 on?---I used to communicate, yes.

18 And can you tell me, please, did Marie pass on that part of
19 Mr Pinder's message in which he said to Marie that he,
20 Marie and you should all now use a new phone, that you
21 should use WhatsApp messages? Did Marie pass on that
22 message to you?---I never communicated with Mr Pinder,
23 Mr Commissioner, during this particular time. I know
24 Marie did. I don't know what message they passed amongst
25 themselves.

26 Mr Haritos, that's not an answer to my question. Did Marie
27 pass on the message - and I will summarise it. What's
28 being suggested by Mr Pinder to Marie and you is - well,
29 it's a message that's designed to reach you, isn't
30 it?---What's the message, Mr Commissioner?

31 You saw it. The written instructions. Mr Pinder was saying

1 the three of you should acquire new phones and use a
2 WhatsApp messaging process. Did Marie pass that message
3 on to you?---No, she didn't pass the message on to me.
4 I see?---I know Marie was communicating with Mr Pinder. What
5 app they were using, I'm not aware of.
6 So anybody reading that note, Mr Haritos, would say, 'What on
7 earth is it that the three of you want to keep
8 secret'?---Personally, I have nothing to keep secret.
9 Yes. Yes, Mr Lawrie.
10 MR LAWRIE: So, Mr Haritos, you understand, don't you, that you
11 took up a second phone that was connected on 23 August
12 2020 where the account was the name of [REDACTED];
13 that's right, isn't it?---Sorry, Mr Lawrie, what was your
14 question?
15 I suggest to you that on 23 August a new phone for your use was
16 registered in the name of [REDACTED]; do you agree
17 with that?---No.
18 You never changed one of your phones in August of this
19 year?---No. Never changed any of my phones.
20 And I suggest to you that that's the phone that you started
21 using to communicate with Mr Pinder after
22 19 August?---I was never in possession of that particular
23 phone. I think - I think in Mr - correct me if I'm wrong,
24 in Mr Pinder's evidence he said that was Marie's phone.
25 All right?---I've never had a possession - this particular
26 phone was described - there's a description of that
27 particular phone. I've never had possession of that
28 phone.
29 If we can have a look, please, at JP13, which is p.447. Have
30 you seen that document before?---No, I haven't, Mr Lawrie.
31 I haven't.

1 See, the first email, password, phone number and PIN code
2 relates to a second phone that was delivered to Mr Pinder
3 on or about 20 August, after the warrant, and which was
4 subsequently seized from him under a second warrant. Did
5 you know that?---I did know that, yes. That was part of
6 Mr Pinder's evidence, I believe.

7 Did you understand that Ms Tsakopoulos was delivering him a
8 second phone? Did you know that at the time?---If not on
9 the date, I had an idea, yes, because she needed to stay
10 in contact with him because - regarding her loan and for
11 his general wellbeing I think they - - -

12 You don't need a secret phone to enquire about general
13 wellbeing, though, do you?---Well, maybe she didn't have
14 his - maybe he did not give her his phone number.

15 You recall early on in your evidence you spoke about not
16 wanting to put Mr Pinder in a difficult position,
17 particularly because the two of you were involved in what
18 you say was a gambling syndicate; do you remember giving
19 that evidence?---Putting him in a difficult position?

20 You didn't want to put him in a position where it might look
21 like he had a conflict of interest?---Yes, or compromise
22 his position, yes.

23 You didn't want to do anything that might compromise
24 Mr Pinder's position and particularly because you're
25 involved in betting on the horses together; yes?---If
26 I said that.

27 Well, is that the state of your memory, that you were at all
28 times concerned not to put Mr Pinder in a difficult
29 position?

30 COMMISSIONER: Well, again, I'm not sure that that's entirely
31 correct, Mr Lawrie. I think at one stage Mr Haritos said

1 he didn't think that there was any problem with Mr Pinder
2 being in a gambling arrangement with him. At a different
3 point in his evidence he referred to the fact that he
4 didn't want to compromise Mr Pinder's position.

5 MR LAWRIE: Certainly. That can come off screen now, please.

6 What I suggest was happening with these phones, that is
7 the [REDACTED] phone and the [REDACTED]
8 phone, is that they were replacements for the phone that
9 Mr Pinder had taken off on - from him on 19 August and the
10 phone that you had been using up until that time. What do
11 you say about that?---The replacement of phones or phone?

12 Replacing two phones, one for you to use and one for Mr Pinder
13 to use?---I never had a phone.

14 Okay?---I never had a phone.

15 Do you recall last week I asked you some questions about a
16 conversation you had between yourself and Maria
17 Tsakopoulos three days after the warrant, that is on
18 22 August, where you discussed the source of the funds
19 that went to Mr Pinder to purchase his property? Do you
20 remember I touched on some of the things that were said in
21 that conversation?---You might have, but I can't - I can't
22 remember full details.

23 I just want to be clear, even though I think I've asked this.

24 Did you ever discuss with Maria in the days after the
25 warrant on Mr Pinder's property developing a cover story
26 for how the funds went to Mr Pinder to buy his
27 property?---A cover story?

28 Yes, a false story?---A false story of the funds?

29 M-hmm?---The only thing that I can remember her going ballistic
30 about it when Mr Pinder was stood down.

31 So she's upset. But my question is a different question. Did

1 you ever discuss with her or explore generating a false
2 story about the \$320,000 that went towards his
3 home?---I might have - maybe the question of, you know,
4 where the source of money came from. And up until - as of
5 Friday, when you put that chart as to how the source of
6 the money was transferred, if I was to make a guess as to
7 the 120 that came from my entities, I would
8 have - 95 per cent I would have given you a different
9 answer to the actual answer there. She could not
10 comprehend - I think again, Mr Lawrie, as far as she
11 understood and Mr Pinder understood, the money that was
12 used in the loan account was all her money. That's the
13 understanding that I think she had Mr Pinder led to
14 believe. And she was panicking along those lines.
15 I can't really - I can't really recall. I can remember
16 having a number of conversations. I can recall her being
17 totally outraged - - -

18 I'm asking about a particular conversation that you had - -
19 -?---A particular conversation in a particular - I can't
20 recall, Mr Lawrie. But there were conversations. The
21 particulars of which conversations, I can't recall what
22 they were.

23 COMMISSIONER: Mr Haritos, just picking up on that last answer,
24 you used the phrase 'she led Mr Pinder to believe that
25 they were all her loan moneys'?---I think - - -

26 Did you mean to say that?---Sorry?

27 Did you mean to - did you mean to express yourself as you did,
28 that she led Mr Pinder to believe that all of the deposit
29 was her money?---Well, Mr Pinder said to me that he didn't
30 want the money to come to me, and the fact that it did
31 I think she started to panic.

1 You mean he didn't want it - he didn't want the money to have
2 come from you?---Mr Commissioner, my involvement, you
3 know, I did not have - and this is some time ago, and this
4 is something that happened and forgotten until it came
5 now. When Mr Pinder approached me saying that he wants to
6 settle here permanently and he was looking at buying a
7 house and he may need a loan from friends - - -

8 You have told us all that, Mr Haritos - - -?---That's the
9 story. But he did make - he did make specifically that he
10 did not want the money to come from me.

11 Yes. Yes, Mr Lawrie.

12 MR LAWRIE: Mr Haritos, I want to understand your answer,
13 because you hesitated and then went on to another subject.
14 Did you or did you not have a conversation with Maria
15 Tsakopoulos in the days after Mr Pinder had a search
16 warrant executed about generating a false story concerning
17 the \$320,000 that went to Mr Pinder's home?---A false
18 story, Mr Lawrie, no. But maybe various options as to how
19 the 320,000 was loaned to - how did the 320,000 end up in
20 her account.

21 Well, Mr Haritos, it's really a -the situation is this. There
22 are no options. There is the truth and the reality of how
23 those transactions took place and then there are made-up
24 stories about how those transactions took place. Do you
25 agree with that proposition as a matter of logic?

26 COMMISSIONER: I'm not sure, Mr Lawrie - whatever the logic,
27 I'm not sure that - - -?---I'm not either.

28 MR LAWRIE: Do you see what I'm saying, Mr Haritos? It's not a
29 question of options. It's a question of what had actually
30 happened for that money to go to Mr Pinder, isn't
31 it?---I still can't understand your question, Mr Lawrie.

1 Okay. Let's just go to the - I'll put it again - -?---My
2 discussions around the time would have been - Marie could
3 not remember how the 320 went into her account, from what
4 sources. I think that's what the whole discussions would
5 have been. And at that particular time et cetera her
6 mental state, on medication, she was driving me mad. She
7 could not recall - she was various - again she was saying,
8 'Well, no, I think part of it came from a government Vic
9 account or some account. Why did Arthur not give me the
10 100?' I mean, any discussion was that how the 320 went
11 into her account. I couldn't - even at that time, even my
12 120, I thought it had come from a different Commonwealth
13 account. So the discussion was in her head she could not
14 remember how the 320 was made up.

15 All right. What we're going to do now is listen to that
16 conversation that I've been referencing. This is a
17 conversation between you and Ms Tsakopoulos shortly after
18 11 pm on 22 August 2020. Can we please bring up call 47A?
19 This is additional transcript pages, Commissioner, that
20 will come up on screen as well. This is part of that
21 call, Mr Haritos, and again some of it is in Greek and
22 I would ask you to pay attention to the translation,
23 because I'll ask you about that afterwards.

24 (Audio recording played to the Commission.)

25 MR LAWRIE: That's the end of that portion of the conversation,
26 Commissioner. I tender audio 47A together with
27 the transcript, the four pages of transcript.

28 COMMISSIONER: That's GH14.

29 #EXHIBIT GH14 - Audio 47A together with the four pages of
30 transcript.

31 MR LAWRIE: Mr Haritos, the bulk of that conversation is in

1 Greek. I asked you to pay particular attention to the
2 translation. Is there any aspect of the translation that
3 we see in the transcript that you take issue
4 with?---I would like to hear from 80 line down, if
5 I could, Mr Lawrie.

6 From line 80?---Yes, 80.

7 Can we cue to that point, please? That might just take a
8 moment to cue to that point. Mr Haritos, I think that's
9 about the last minute of the conversation?---Can we go
10 back, a further minute back, please?

11 Can we replay the last two minutes, please?

12 (Audio recording played to the Commission.)

13 WITNESS: Yes, I've got the whole picture. The translation is
14 quite similar.

15 (Audio recording played to the Commission.)

16 MR LAWRIE: Can you stop that, please.

17 WITNESS: Mr Lawrie, may I have a bit of a - - -

18 MR LAWRIE: Mr Haritos, is there any part of that translation
19 that is wrong?---Word by word it loses its meaning. But
20 the overall picture is correct, Mr Lawrie.

21 Okay. So at the end of that conversation at line 86 we hear
22 you say this, and this is partly in Greek and partly in
23 English, 'We must cover our tracks'?---Yes.

24 Who were you referring to when you said 'we'?---'We'?

25 'We must cover our tracks'?---Probably me and Marie and the way
26 the money was deposited into her account. Outside that,
27 I'm not exactly sure what I could have been referring to,
28 because it's out of context with the rest of the serving
29 that she's giving me.

30 It's not out of context, I suggest, Mr Haritos. The context of
31 this conversation is quite clear. Let me suggest what it

1 is. This is trying to generate a story about how the
2 funds flow from Transclean or associated entities to
3 Mr Pinder, and particularly how to explain the funds that
4 went via [REDACTED]. That's the context. Now, in
5 that context, what did you mean when you said, 'We must
6 cover our tracks'?---In that context, Mr Lawrie, the only
7 tracks that I could have meant, because it's just a single
8 line, would have been on how the deposit moneys was
9 transferred into her account. You also have got to
10 understand, I mean, you can tell by her erratic behaviour,
11 that probably her - what time did that phone call took
12 place?

13 Ten past 11 pm?---At night.

14 Correct?---Probably earlier during the day she went absolutely
15 ballistic about not remembering how the 200 was put
16 together. There was an issue with her sister at that
17 particular time that - things along those lines.

18 'Covering our tracks.' The only thing that she meant is
19 that, '320, that's 320, and this is how it's made up.'
20 She could not remember - I couldn't either at that
21 particular time - how the source of 320 got to be in her
22 account. And if I - in the context that I've said it,
23 probably said, 'Make sure that the 320, this is how it's
24 happened.' Because you can recall in - in one of her
25 earlier - I think she refers to 120 or 125. Can I - - -

26 The reason why she's agitated is because - - -

27 COMMISSIONER: Just a moment, Mr Lawrie. You wanted to see
28 some other part of the transcript?---Yes, I think she
29 relates to - can we go back to the transfer - the
30 transfer's not here.

31 Mr Haritos, just pause for a moment. I see the time. We'll

1 give you an opportunity over the luncheon break to have a
2 look at that transcript again. I just wanted to ask you
3 this before we adjourn. This woman, Tsakopoulos, is your
4 contract manager; is that correct?---Yes, and a very close
5 personal friend, yes.

6 Right. So she is a personal friend?---Correct.

7 And I asked you earlier and I want you to think about your
8 answer to me that you gave earlier: was Ms Tsakopoulos
9 sufficiently familiar with your personal affairs to know
10 whether or not you were in any corrupt arrangements with
11 Mr Pinder and Mr Bollas?---She knew me well enough, yes,
12 but there was no corrupt activities that you are referring
13 to, Mr Commissioner, that she needed to know because there
14 was nothing.

15 We'll see about that after the luncheon adjournment,
16 Mr Haritos. Could we arrange for Mr Haritos to be able to
17 have access to that transcript, and we'll adjourn until 20
18 past one.

19 MR LAWRIE: Thank you, Commissioner?---Thank you,
20 Mr Commissioner.

21 <(THE WITNESS WITHDREW)

22 LUNCHEON ADJOURNMENT

23

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