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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

MONDAY, 29 MARCH 2021

(7th 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 UPON RESUMING AT 2.11 PM: 02:04:23PM
2 COMMISSIONER: Are you ready to proceed?---Yes. 02:11:50PM
3 Good. Yes, Mr Lawrie. 02:11:53PM
4 MR LAWRIE: Thank you, Commissioner. (To witness) A little 02:11:56PM
5 earlier this morning we were talking about the length of 02:11:57PM
6 time you had known James Pinder for and the fact that you 02:11:59PM
7 had socialised with him from time to time. Do you recall 02:12:03PM
8 that series of questions?---Yes, I do. 02:12:06PM
9 What about your sister, Andrea Bennett; did she know James 02:12:09PM
10 Pinder very well?---No. 02:12:13PM
11 Had she met him?---No. 02:12:14PM
12 Now, I was going to take you to a flowchart. Can we bring up 02:12:16PM
13 p.903, please. Just bring that down to - all right. We 02:12:26PM
14 might have to scroll down a little bit. But do you see 02:12:51PM
15 your name there at the centre about one-third of the way 02:12:54PM
16 across the page?---Yes. 02:12:57PM
17 Okay. And to the left of your name, with a few exceptions that 02:13:00PM
18 I'll come to in a minute, we've got funds that are coming 02:13:05PM
19 into your bank account; do you see that there?---Yes. 02:13:08PM
20 And then if we go further left we've got the sources of those 02:13:12PM
21 funds, that is, for example, one source is simply a cash 02:13:16PM
22 deposit. Another source is Derek Sue and Arthur 02:13:23PM
23 Tsouhantaris, Jinacan Pty Ltd, Grattan Heights Pty Ltd, 02:13:28PM
24 Bega Nominees, and indeed all the way on the left is 02:13:32PM
25 Transclean Facilities Pty Ltd; do you see that 02:13:35PM
26 there?---All the way to the left? 02:13:38PM
27 Yes?---Yes. 02:13:40PM
28 So, if we go back the other way, you can see that we can follow 02:13:42PM
29 the money from each of those people or companies as they 02:13:46PM

1 get to your account in the middle about a third of the way 02:13:50PM
2 across the page?---Yes. 02:13:54PM
3 Now, if we go from your name to the right we see how you've 02:13:56PM
4 dealt with that money that came into your account. First 02:14:01PM
5 of all, on 14 January - this is the very middle 02:14:06PM
6 column?---Yes. 02:14:09PM
7 A \$100,000 cheque that's gone to one of James Pinder's 02:14:09PM
8 accounts; do you see that there?---Yes, I do. 02:14:17PM
9 Then on 16 January, another \$100,000 cheque to one of James 02:14:18PM
10 Pinder's accounts?---Yep. 02:14:25PM
11 Correct?---That's correct. 02:14:27PM
12 And between 23 and 29 January, seven transactions by electronic 02:14:28PM
13 funds transfer to a total of \$20,000?---Yes. 02:14:35PM
14 Again to Mr Pinder's bank accounts?---Yes. 02:14:38PM
15 Now, I can take you, if required, to the statements to show the 02:14:43PM
16 account that it's gone from, the account that it's gone 02:14:49PM
17 to; do you understand that?---Yes, I do understand that. 02:14:52PM
18 But do I take it that you don't dispute this overview, that 02:14:55PM
19 that is basically the movement of money from those 02:15:00PM
20 companies to you and then on to James Pinder?---Yes, 02:15:02PM
21 correct. Those people, yep. 02:15:07PM
22 Those people or companies?---Well, I'm looking at Jinacan and 02:15:08PM
23 Grattan, they're companies. 02:15:15PM
24 Yes?---Arthur is a person, obviously. 02:15:17PM
25 Let's take it one at a time. 02:15:19PM
26 COMMISSIONER: You saw this chart when Mr Haritos was giving 02:15:22PM
27 evidence and - - -?---I remember a chart coming up but 02:15:27PM
28 I couldn't see it, not very clear. 02:15:29PM
29 In order to try and save time, Ms Tsakopoulos - - -?---Yep. 02:15:32PM

1 Do you accept that this chart reflects how the money came into 02:15:41PM
2 your possession?---Yes. 02:15:44PM
3 And what you then did with it?---Yes. 02:15:45PM
4 MR LAWRIE: Now I want to ask you about the very top of the 02:15:53PM
5 chart. Do you see there that we've got Andrea Bennett's 02:15:56PM
6 name, that is your sister?---Yep. 02:15:58PM
7 And if we go to the extreme left we see Transclean 02:16:01PM
8 Facilities Pty Ltd made an electronic funds transfer on 02:16:07PM
9 4 December 2018 in the sum of \$123,000; do you see that 02:16:12PM
10 there? It's following the path sort of at the top to 02:16:17PM
11 Andrea Bennett?---It says 125. 02:16:23PM
12 It should say 123, I think you'll see?---It says 125, 02:16:29PM
13 5 per cent deposit or something. 02:16:35PM
14 No, no, no, you need to work further left?---Sorry. 02:16:37PM
15 Go to the very left of the chart?---Yes. Oh, far left. Oh, 02:16:39PM
16 sorry, sorry, yes, okay, yeah, 123, yeah. 02:16:45PM
17 We're just going to take it nice and slowly; all right?---Yes. 02:16:47PM
18 I want you to really focus on the question because it can be a 02:16:50PM
19 bit confusing?---Yes. 02:16:54PM
20 We're going to go to the very left of the chart. Transclean 02:16:55PM
21 Facilities Pty Ltd?---Yes. 02:16:59PM
22 Okay. They're the source of funds. If we take the blue arrow 02:17:00PM
23 up - - -?---Yes. 02:17:05PM
24 \$123,000 electronic funds transfer, 4 December 2018, to Andrea 02:17:05PM
25 Bennett; do you see that there?---Yes, I do. 02:17:12PM
26 And then she sends on \$100,000 of that on 17 December to a real 02:17:14PM
27 estate agent on behalf of James Pinder?---Yes. 02:17:21PM
28 You understood what was going on there, didn't you?---Yes. 02:17:25PM
29 All right. That \$100,000 that she sent on to the real estate 02:17:29PM

1 agent, did you regard that as part of the loan that you 02:17:35PM
2 were making to James Pinder?---What do you mean 'regard 02:17:39PM
3 that as part of the loan'? 02:17:43PM
4 Was that \$100,000 part of the \$320,000 in your mind?---That 02:17:45PM
5 I gave to James? 02:17:49PM
6 Can we be clear?---Yep. 02:17:50PM
7 When you give money as a gift you don't expect it back, do 02:17:52PM
8 you?---As a gift? 02:17:57PM
9 If you provide someone with a gift of money or a gift of 02:17:58PM
10 anything - - -?---Yep. 02:18:02PM
11 You don't expect it to be given back to you, do you?---No, no. 02:18:03PM
12 All right. When you loan someone some money - - -?---Yes. 02:18:07PM
13 You expect it to come back to you?---Yes. 02:18:11PM
14 Don't you?---Correct, yep. 02:18:13PM
15 So I want to differentiate between those two concepts from the 02:18:15PM
16 start. Can we be clear about that, please?---Yep. 02:18:18PM
17 All right. Something is either a gift, where you don't expect 02:18:22PM
18 it to come back and you're never going to ask for it back, 02:18:25PM
19 or something is a loan?---Yes. 02:18:28PM
20 Okay. Now, the \$100,000 that went through Andrea Bennett to 02:18:30PM
21 James Pinder or at least to the real estate agent on his 02:18:38PM
22 behalf?---Yes. 02:18:41PM
23 Was that \$100,000 part of the 320,000 that you were lending to 02:18:42PM
24 James Pinder?---Yes. 02:18:49PM
25 Okay. Now, did George Haritos or Alex Kyritsis or 02:18:49PM
26 Transclean Pty Ltd - sorry, Transclean Facilities Pty Ltd 02:19:01PM
27 owe \$100,000 to your sister?---No. 02:19:06PM
28 Not for wages, not for anything?---No, nothing. 02:19:10PM
29 In fact she didn't work at Transclean, did she?---No. 02:19:15PM

1 Did you understand what that money represented, that 02:19:17PM
2 \$100,000?---Yes. 02:19:23PM
3 What was it?---Money that George and Alex owed me. 02:19:24PM
4 They owed you?---Yes. 02:19:28PM
5 All right. Was this from the sale of the restaurant that 02:19:30PM
6 you - that you had?---Money I had and money from selling 02:19:34PM
7 the restaurant. Not so much - it could have been 02:19:38PM
8 anything. I had cash at home, so. Yes, I did sell the 02:19:40PM
9 restaurant. 120,000 was my share, yeah. 02:19:43PM
10 Are you sure about that? 02:19:46PM
11 COMMISSIONER: Say it again?---120,000 was my share that I sold 02:19:47PM
12 of Monkey Blue, correct. 60,000 went in my account. 02:19:52PM
13 60,000, he gave it back to me over time, like, in cash. 02:19:56PM
14 Sorry, what was the 120,000?---120,000, what I sold my share of 02:20:00PM
15 the business. 02:20:05PM
16 You got \$120,000 for your share?---Yes, Monkey Blue, the 02:20:06PM
17 restaurant, yes. 02:20:12PM
18 Who did you sell your share to?---To Chris, my business 02:20:12PM
19 partner. 02:20:20PM
20 Chris who?---Surname, I can't remember that, his name. 02:20:20PM
21 Your business partner but you can't remember his name?---No, 02:20:25PM
22 can't remember his surname. 02:20:26PM
23 How long had you been in business with him?---It wasn't very 02:20:27PM
24 long at all, six months, then I left. 02:20:31PM
25 And what did you do with - - -?---Ballas his surname is. 02:20:34PM
26 Ballas. 02:20:36PM
27 What did you do with that 120,000?---60,000 went into my 02:20:36PM
28 account that the solicitor paid or gave me a bank cheque 02:20:39PM
29 I believe at the time. 02:20:45PM

1 Yes?---And then 60,000 he gave back to me in cash. 02:20:45PM
2 Right. 02:20:50PM
3 MR LAWRIE: As in folding notes?---Yes. 02:20:52PM
4 Was there some reason you took half in cash and half as a 02:20:54PM
5 transfer of funds?---No, just the way Chris could do it at 02:20:57PM
6 the time. He would give it back slowly, like 20 and 20 02:21:00PM
7 and 20, slowly. 02:21:03PM
8 And was this money that you gave or - sorry, is this money you 02:21:04PM
9 lent to George Haritos, is it?---Money I had given him 02:21:09PM
10 over a couple of months or three months in cash, and Alex, 02:21:13PM
11 both of them. 02:21:18PM
12 \$120,000?---100,000, not 120. 100,000. 02:21:19PM
13 Okay?---Yeah. 02:21:27PM
14 But you say that that came from the sale of your business, 02:21:28PM
15 Monkey Blue, or your share of that business?---I've always 02:21:30PM
16 had money, Mr Lawrie. Like, I don't know if it was 02:21:34PM
17 exactly the money when I sold the business. I do remember 02:21:37PM
18 one of the days they said - George said to Alex, 'We need 02:21:39PM
19 some cash for the carers,' or whatever that day, and we 02:21:44PM
20 were at the coffee shop and I said, 'I've got cash 02:21:47PM
21 upstairs. Do you guys want it?' I went up and I gave 02:21:49PM
22 them \$40,000 in cash, both of them. They were both there. 02:21:52PM
23 So I gave them the 40,000. So that's what I did. And 02:21:55PM
24 then it just went on from there, like any other cash - 02:21:58PM
25 I didn't give them all my money, but I just gave them 02:22:01PM
26 40,000 so they could pay the carers, you know, for his 02:22:03PM
27 parents and - or his mum and Alex's dad. 02:22:10PM
28 Mr Haritos is a wealthy man, isn't he?---I don't know how 02:22:12PM
29 wealthy he is. 02:22:16PM

1 COMMISSIONER: Ms Tsakopoulos, you're a very close friend of 02:22:19PM
2 Mr Haritos?---Yes, I am. But I have never asked how 02:22:22PM
3 wealthy he is. 02:22:25PM
4 You are very open and frank with each other - - -?---Yep. 02:22:26PM
5 About not only business matters affecting Transclean but your 02:22:29PM
6 personal lives?---Not when it comes to their - - - 02:22:34PM
7 Are you saying on your oath that you do not know whether 02:22:37PM
8 Mr Haritos is a wealthy man?---I could presume he is a 02:22:40PM
9 wealthy man. 02:22:44PM
10 Right. And, just to give us some indication, what was the 02:22:44PM
11 gross revenue of Transclean for the work it was doing for 02:22:51PM
12 V/Line in any one of the years whilst you were the 02:22:56PM
13 contract manager? What was the revenue coming to 02:23:00PM
14 Transclean?---I wouldn't know that. 02:23:04PM
15 You don't know?---No, Mr Commissioner, I don't. 02:23:06PM
16 What about for Metro Train? What was the gross revenue coming 02:23:09PM
17 to Transclean?---I don't know that. 02:23:15PM
18 You don't know?---I wasn't involved enough. 02:23:16PM
19 You don't know that it was many millions of dollars?---I could 02:23:18PM
20 presume it would be, but I don't know how much, no, 02:23:21PM
21 I don't. It's not something I spoke about. It's not 02:23:24PM
22 something we spoke about, to be honest. That's the honest 02:23:27PM
23 truth. 02:23:31PM
24 Mr Lawrie. 02:23:31PM
25 MR LAWRIE: Thank you, Commissioner. 02:23:31PM
26 WITNESS: I don't care what he's got, to be honest, like, it's 02:23:33PM
27 not something that we talk about on that sort of level. 02:23:36PM
28 Like, I don't ask, yeah. 02:23:39PM
29 COMMISSIONER: No, no, I was really questioning your assertion 02:23:42PM

1 that you don't know whether he's wealthy?---I presume he's 02:23:45PM
2 wealthy, but I don't know. 02:23:48PM
3 Yes. But he might have to turn to you - - -?---He's got a 02:23:50PM
4 business - - - 02:23:54PM
5 He was so needy that he might need to turn to you for cash for 02:23:54PM
6 his mother's carer?---No, he was not needy. I offered him 02:23:58PM
7 the 40,000 because he wanted - he said to Alex that day, 02:24:02PM
8 'Alex, we need to get some cash out for the carers,' and 02:24:04PM
9 I said, 'Guys, I've got cash upstairs.' 02:24:09PM
10 How do you know he said that to Alex?---Because I was there. 02:24:11PM
11 It was in front of us at the coffee shop, in front of me - 02:24:15PM
12 it was me, Alex - when they offered me the position for 02:24:16PM
13 the contract manager position for V/Line. 02:24:17PM
14 Yes. This is back when you - - - ?---In May. 02:24:20PM
15 This was back when you became the contract manager?---Yeah, 02:24:23PM
16 when they offered me the position that day. From what 02:24:26PM
17 I remember, we were at the coffee shop and they offered me 02:24:28PM
18 the contract manager's position for V/Line. Then in 02:24:31PM
19 conversation, because we're all close, we're all friends, 02:24:34PM
20 and obviously George is a personal friend, and George said 02:24:38PM
21 to Alex, 'Oh, Alex, we need to get some cash,' obviously 02:24:40PM
22 from the bank, 'to sort out the carers,' and I said, 'If 02:24:43PM
23 you guys need cash, I've got cash upstairs.' I went and 02:24:47PM
24 got him 40,000 in cash, and I gave it to him. That's what 02:24:50PM
25 I remember. That's all I can recall. 02:24:54PM
26 MR LAWRIE: But it's more than one occasion according to your 02:24:59PM
27 evidence. You say that you would frequently, it seems - - 02:25:01PM
28 -?---It wasn't frequent. 02:25:06PM
29 Advance in cash?---It wasn't frequent. 02:25:07PM

1 Well, enough to get to \$120,000, or \$100,000?---Yes, but it's 02:25:10PM
2 really not that much. I'd given him 40, and then I would 02:25:15PM
3 have given him another 20, another, you know, 30. 02:25:17PM
4 How much had you given him? By the time we get to December 02:25:20PM
5 2018 how much had you given George, George Haritos? How 02:25:24PM
6 much cash had you given him that was due to come back to 02:25:30PM
7 you?---100,000. That's - - - 02:25:34PM
8 That's it?---What it totalled to, yeah. 02:25:38PM
9 COMMISSIONER: Approximately - - -?---Approximately 100,000. 02:25:42PM
10 Ms Tsakopoulos, approximately when was that conversation at 02:25:44PM
11 which you lent him \$40,000 for his mother's 02:25:49PM
12 carers?---I think it was May 2018. 02:25:54PM
13 And you understood he was going to repay that to you, did 02:25:58PM
14 you?---Yeah, of course. If I ever needed it I could get 02:26:02PM
15 it off him. 02:26:06PM
16 If you ever needed it?---Yeah. 02:26:06PM
17 So this is the arrangement. You spread your money around to 02:26:08PM
18 people, you have no loan agreement with them - - -?---It 02:26:12PM
19 wasn't people; it was just - - - 02:26:14PM
20 No, no, you told us the same thing with him and with 02:26:15PM
21 Mr Tsouhantaris?---Yes. 02:26:19PM
22 You have no repayment schedule, you have no - - -?---No. 02:26:20PM
23 Indication of when you might want the money?---No. 02:26:24PM
24 But suddenly when you need it they are suddenly going to 02:26:26PM
25 accumulate the totality of your lending and repay 02:26:29PM
26 it?---Yes. 02:26:33PM
27 Is that's the way you operate, is it?---That's right. 02:26:33PM
28 It's unbelievable. Unbelievable?---But we always have been 02:26:36PM
29 like that. Even with Chris Mitzia, same thing, like, 02:26:39PM

1 that's just how we are. That's just how it goes, like, 02:26:42PM
2 you know, we lend each other money. 02:26:46PM
3 Is there some other reason why you conduct your affairs so much 02:26:47PM
4 of the time in cash with no record being kept of 02:26:55PM
5 transactions? Is there some underlying reason why you 02:26:57PM
6 might do that?---I've always done that. I've always liked 02:27:02PM
7 to keep cash at home. That's just my thing. That's what 02:27:05PM
8 I've done. And because I buy a lot of diamonds and 02:27:08PM
9 jewellery, I buy and sell a lot. So that's why I've 02:27:11PM
10 always had cash at home too. That's important, because 02:27:14PM
11 it's another side business that I do, yeah. 02:27:18PM
12 Ms Tsakopoulos, it wouldn't have anything to do with avoiding 02:27:20PM
13 tax obligations, would it?---No, it wouldn't, no. 02:27:24PM
14 Have you ever said that you or Mr Haritos have avoided tax 02:27:26PM
15 obligations by dealing in funds in the way in which you 02:27:32PM
16 do? Just think about that. Have you ever told people 02:27:37PM
17 that you and Mr Haritos avoid tax obligations by dealing 02:27:41PM
18 with funds in the way in which you do?---I don't believe 02:27:45PM
19 so, no. I don't think I've ever - - - 02:27:50PM
20 Is that the best you can do: 'I don't believe so'?---I don't 02:27:53PM
21 remember talking about any of that with Mr Haritos. Why 02:27:56PM
22 would I? 02:27:59PM
23 It's not true, is it?---I don't believe it is. 02:28:00PM
24 You don't believe it's true that - - -?---I don't remember 02:28:03PM
25 having a conversation like that about tax. I don't talk 02:28:06PM
26 about tax. I just declared 160,000 in my last financial 02:28:09PM
27 year. So I don't know. I don't have a - my accountant 02:28:12PM
28 does all that. Like, I don't know much about tax stuff. 02:28:16PM
29 It's not my thing. I'm not an accountant. I don't know. 02:28:19PM

1 Sorry. 02:28:22PM

2 Yes, Mr Lawrie. 02:28:23PM

3 MR LAWRIE: Thank you, Commissioner. (To witness) So the last 02:28:24PM

4 financial year or the last personal income tax return you 02:28:26PM

5 put in you declared \$160,000 as your gross income, did 02:28:29PM

6 you?---I believe so, yes. 02:28:35PM

7 And is that roughly the same figure that was declared the 02:28:38PM

8 previous year?---I can't remember what my accountant did. 02:28:42PM

9 Okay. But in any event - - -?---I leave that with him. 02:28:45PM

10 I don't - - - 02:28:51PM

11 You don't worry about that sort of thing?---No, he does. 02:28:51PM

12 That's why I've got an accountant. 02:28:54PM

13 Okay. By the time we get to December of 2018 Mr Tsouhantaris 02:28:55PM

14 owes you \$100,000, and we came to that a little earlier 02:29:01PM

15 this morning?---Yes. 02:29:06PM

16 And we came to the fact that, albeit that you had been 02:29:07PM

17 advancing him money in different amounts, by the time we 02:29:11PM

18 get to December 2018 it's an exact figure of \$100,000; 02:29:14PM

19 that's what you said, isn't it?---Exact figure of how 02:29:20PM

20 much, sorry? 02:29:23PM

21 \$100,000?---From Arthur? 02:29:23PM

22 Correct?---Yes. 02:29:26PM

23 And it so happens that that's the same amount that George 02:29:28PM

24 Haritos owes you?---Yes. 02:29:31PM

25 Even though you've been lending him in dribs and drabs over the 02:29:33PM

26 years, by the time we get to December 2018 it also just 02:29:37PM

27 happens to be \$100,000 on the mark; is that 02:29:41PM

28 correct?---Yes. What do you mean 'lending him'? I don't 02:29:47PM

29 understand. 02:29:50PM

1 Well, you just spoke about the day you got the role of - - 02:29:51PM
2 -?---Well, I gave him - - - 02:29:55PM
3 Hang on, let me finish the question, please. You just spoke 02:29:55PM
4 about the day that you got the role as contract manager at 02:29:58PM
5 Transclean?---Yes. 02:30:01PM
6 And you went upstairs and said, 'Hey guys, I've got 02:30:01PM
7 \$40,000'?---M-hmm. 02:30:05PM
8 'Don't bother mucking around'?---Yeah. 02:30:06PM
9 'I've got it for you.' And on other occasions you've advanced 02:30:08PM
10 money to George Haritos; correct? You've given him 02:30:12PM
11 money?---Yes. 02:30:15PM
12 Or lent him money?---Yes. 02:30:16PM
13 Which one is it: give or lend?---Lend. 02:30:17PM
14 All right. You've lent him money on multiple occasions; 02:30:21PM
15 correct?---Yeah. What I'm trying to say is I don't 02:30:25PM
16 remember those occasions previously when I've given him 02:30:27PM
17 5,000 or he's given me 5,000 back, whatever it may be. 02:30:31PM
18 I don't remember that. Like, I remember it happening but 02:30:34PM
19 I don't know how often it happened. 02:30:36PM
20 My point is it just so happens that by the time we get to 02:30:38PM
21 December 2018 the amount that Mr Haritos owes you back is 02:30:42PM
22 also \$100,000?---No, the 100,000 is - because I know that 02:30:45PM
23 I - from March - sorry, May, when I gave him the first 02:30:51PM
24 40,000, after a couple of months later it added to 100,000 02:30:55PM
25 that I gave him. 02:30:59PM
26 Yes?---And him and Alex. That's what I'm saying. So between 02:31:00PM
27 that time I had given him the 100,000. I've lent him the 02:31:04PM
28 100,000. 02:31:08PM
29 Can you just focus on my question. The point I'm making is 02:31:09PM

1 they owed you an exact amount by December 2018 of \$100,000 02:31:12PM
2 and Mr Tsouhantaris owed you an exact amount of 02:31:16PM
3 \$100,000?---Yes, correct. 02:31:20PM
4 At the same point in time?---Yes. 02:31:21PM
5 According to your evidence?---Well, Tsouhantaris owed me over - 02:31:22PM
6 from 2013. 02:31:27PM
7 Yes?---So this was a very short time when I had sold Monkey 02:31:29PM
8 Blue and I did have 120,000, plus whatever else I had. So 02:31:34PM
9 giving him cash for the carers was no big deal. It was in 02:31:38PM
10 a safe place. It was with George. What do I care? You 02:31:42PM
11 know, sometimes - it's sometimes better it goes to someone 02:31:45PM
12 else and when I need it, I go buy my property or whatever, 02:31:48PM
13 unless - instead of gambling it or, you know, whatever, 02:31:52PM
14 spending it. That's just how I look at things. 02:31:55PM
15 When we come to you lending the \$320,000 to James Pinder 02:31:57PM
16 you call in those amounts to provide the pool of money 02:32:01PM
17 that you're going to lend to James Pinder?---Correct. 02:32:05PM
18 You call in the \$100,000 from Mr Tsouhantaris?---Yes. 02:32:07PM
19 And, according to you at least, you call in the \$100,000 owed 02:32:11PM
20 by George Haritos; yes?---Yes. 02:32:18PM
21 But you don't ask George Haritos to send it to you, do 02:32:19PM
22 you?---They did send it to me. They sent me - the 100,000 02:32:27PM
23 I've asked him to send to my sister. 02:32:30PM
24 Yes. So focus on that for a moment?---Yep. 02:32:32PM
25 The \$100,000 that you say George Haritos owes you - - 02:32:35PM
26 -?---Correct. 02:32:41PM
27 You don't get George to send it to you?---No. 02:32:41PM
28 You get him to send it to your sister?---That's right. 02:32:45PM
29 And then you get your sister to send that to the real estate 02:32:47PM

1 agent for James Pinder?---Correct. 02:32:51PM

2 COMMISSIONER: Just be clear, is it just George that owes you 02:32:53PM

3 the 100,000?---No, George and Alex, both of them. 02:32:56PM

4 It was George and Alex. How much each of them owed you 02:32:59PM

5 100,000?---I don't know what they - - - 02:33:03PM

6 What, it was just it didn't matter?---I don't know what Alex 02:33:05PM

7 used out of that and what George used out of that. I'm 02:33:09PM

8 not sure. Like, it was for the carers that they were 02:33:11PM

9 paying. 02:33:14PM

10 Well, who was going to - if you asked for the money to be 02:33:15PM

11 repaid, how much was Alex going to repay you?---I don't 02:33:18PM

12 know. It was between them two. 02:33:24PM

13 So you always lent them the money together?---For the 120,000 02:33:27PM

14 I'm talking about - - - 02:33:30PM

15 You always lent them that money together, did you? Was it 02:33:31PM

16 always for their mothers' carers?---Carers. That's what 02:33:35PM

17 they needed cash for. 02:33:38PM

18 That was always just for the mother's carer, was it?---I'm not 02:33:39PM

19 quite sure what they - from what I know it was for the 02:33:45PM

20 carers. 02:33:46PM

21 I see. 02:33:47PM

22 MR LAWRIE: I suggest to you that there's no sensible reason 02:33:49PM

23 why the \$100,000 you say George Haritos owes you would be 02:33:51PM

24 sent to your sister to send to Sweeney Real Estate. Can 02:33:57PM

25 you see that?---Yes. It's my money. 02:34:03PM

26 It's your money. But why funnel it through your 02:34:06PM

27 sister?---Because he asked where he wanted me to put the 02:34:09PM

28 money and I said, 'Put it in my sister's account because 02:34:11PM

29 Sophie,' who's my sister's best friend who's her 02:34:14PM

1 solicitor, when James was going to do the settlement he 02:34:17PM
2 asked if I knew of a solicitor and I said, 'Yeah, my 02:34:19PM
3 sister's best friend is a solicitor, Sophie. So you can 02:34:23PM
4 maybe do the settlement through her.' And then when I 02:34:27PM
5 said, 'I want the 100,000 back, send it to my sister's 02:34:30PM
6 account,' then Sophie - I said to my sister, 'Maybe Sophie 02:34:31PM
7 will know what to do with it then for the settlement, 02:34:34PM
8 like, send it to the real estate or it goes to Sophie, the 02:34:37PM
9 solicitor.' So then Sophie and James I believe, you know, 02:34:40PM
10 worked out what they were going to do with the - to settle 02:34:44PM
11 the property. That's why I sent it to my sister. It was 02:34:46PM
12 easy for me. 02:34:50PM
13 COMMISSIONER: That doesn't make any sense, Ms Tsakopoulos. 02:34:51PM
14 None?---Why? 02:34:54PM
15 Because it's got nothing to do with this - - -?---But that's 02:34:57PM
16 what happened. 02:34:57PM
17 It might be what happened, but we know it went to your sister, 02:34:57PM
18 but you didn't have anything to do with your sister in 02:35:01PM
19 arranging for the solicitor, did you?---With my sister? 02:35:04PM
20 You just used your sister as a conduit to send this money, 02:35:08PM
21 didn't you?---No. No. That's incorrect, Mr Commissioner. 02:35:13PM
22 You can see the course of the transaction?---We - - - 02:35:17PM
23 Why did you need to send it to your sister?---Because it was 02:35:21PM
24 just easier for me to have it transferred, and at the time 02:35:25PM
25 I believe that Paul Bennett or her husband or whatever had 02:35:29PM
26 asked them for a loan also, asked George for a loan. So 02:35:33PM
27 he said, 'I'm sending your sister this money.' So I said, 02:35:37PM
28 'Well, then send her the 100,000 because that way Sophie 02:35:42PM
29 can deal with it,' the solicitor who was settling James 02:35:46PM

1 Pinder's property; that was it. 02:35:47PM

2 Sophie is not your sister. Sophie is, as you've explained, a 02:35:49PM

3 solicitor; correct?---Yes, but my sister and Sophie are 02:35:54PM

4 best friends. It was just easier for me. Like, it didn't 02:35:58PM

5 matter where it went to me. 02:36:01PM

6 You understand that your sister has given evidence to the 02:36:01PM

7 Commission, don't you?---I don't know that, no. 02:36:04PM

8 You understand now that she's given evidence to the Commission? 02:36:05PM

9 She had nothing to do with arranging this money to go to 02:36:11PM

10 her or to go elsewhere; this was all your idea?---Correct. 02:36:14PM

11 This was your transaction?---That's right. 02:36:20PM

12 It didn't involve her at all?---No, apart from just I spoke to 02:36:21PM

13 her about it and I said that, 'George will put 100,000 of 02:36:26PM

14 mine in your account and I'll let you know what to do with 02:36:29PM

15 it.' That was it. 02:36:32PM

16 MR LAWRIE: Why would you burden - - -?---It's not like she 02:36:34PM

17 didn't know where it was going. She knew exactly where it 02:36:36PM

18 was going, Mr Commissioner. 02:36:39PM

19 Why would you burden your sister - - -?---Because my 02:36:41PM

20 sister - - - 02:36:43PM

21 Let me finish the question. Why would you burden your sister 02:36:44PM

22 with the task of getting funds to the real estate agent 02:36:46PM

23 acting for James Pinder when she's never met James Pinder; 02:36:50PM

24 she's got nothing to do with him and nothing to do with 02:36:54PM

25 the money that you say you're lending?---Because she's 02:36:57PM

26 helping me, Mr Lawrie. She's helping me at that point. 02:37:00PM

27 Otherwise I would have to go to the bank and try - my 02:37:03PM

28 transfer of when I do transfers is only up to 20,000 a 02:37:06PM

29 day. So I know my sister does larger amounts when she 02:37:09PM

1 pays her petrol bills and whatever else she pays, they're 02:37:14PM
2 larger amounts. So she knew how to deal with it more than 02:37:18PM
3 what I did. That's all it was. I've only got a 20,000 02:37:21PM
4 per day limit. 02:37:24PM
5 If you've got a \$20,000 per day limit, why did you split the 02:37:27PM
6 \$20,000 up? Have a look at the middle column?---Yes. 02:37:31PM
7 The seven electronic funds transfers that go between 23 January 02:37:34PM
8 and 29 January that total \$20,000, why did you split - - 02:37:39PM
9 -?---I - - - 02:37:46PM
10 Hang on. Just let me finish. Why did you split that up seven 02:37:46PM
11 ways?---I don't remember why and I don't think I had 02:37:50PM
12 20,000 at the time. Even the limit. I think it may have 02:37:52PM
13 been 3,000. 02:37:54PM
14 So your bank account was almost dry by then, was it?---What do 02:37:55PM
15 you mean dry? I had other accounts. 02:37:59PM
16 Well, you're saying that you sent that \$20,000 to James Pinder 02:38:01PM
17 in seven different transactions?---Yes. 02:38:04PM
18 Not because of any daily limit problem - - -?---Well, if it was 02:38:07PM
19 day by day it would have been then. I don't quite 02:38:12PM
20 remember it, why I did three by three by three. But, if 02:38:14PM
21 it was each day 3,000, that's probably the limit I would 02:38:18PM
22 have had. 02:38:21PM
23 No, but you - you just said your limit was 20?---What 02:38:21PM
24 I remember is that my limit was \$20,000, not with my 02:38:25PM
25 actual account. I remember with business accounts and 02:38:29PM
26 stuff like that it was 20,000, a limit. But I'm saying 02:38:33PM
27 when it comes to 100,000 I would have to go to the bank or 02:38:37PM
28 I wouldn't have that limit to do. Regardless, even if it 02:38:41PM
29 was 80,000, I still couldn't do it. 02:38:47PM

1 Well, you managed to draw a cheque on your account to go to 02:38:52PM
2 James Pinder on 14 January?---Yes. 02:38:56PM
3 In the sum of \$100,000?---Yes. 02:38:58PM
4 You managed to draw a cheque on your account on 16 January to 02:39:00PM
5 go to James Pinder in the sum of \$100,000?---Yes. 02:39:04PM
6 Didn't you?---Yes. 02:39:07PM
7 And so you could have done precisely the same thing with the 02:39:08PM
8 money that went through your sister?---No, not necessarily 02:39:11PM
9 because Sophie was doing the settlement. 02:39:16PM
10 COMMISSIONER: It had nothing to do with any limitation on the 02:39:20PM
11 way you could operate your account, Ms Tsakopoulos; that's 02:39:23PM
12 the point. The answer you gave a few moments ago 02:39:26PM
13 explaining why you had to send it to your sister was 02:39:28PM
14 false. It has nothing to do with the limitation on your 02:39:32PM
15 ability - - -?---It's just that she was helping me out at 02:39:35PM
16 the time. 02:39:38PM
17 Just let me finish. It had nothing to do with the limitation 02:39:38PM
18 on your account in terms of how much you could 02:39:41PM
19 send?---I just couldn't - I'm trying to remember the event 02:39:46PM
20 of the time, like, why I would have done it. Like, I know 02:39:49PM
21 why, because of Sophie. But, you know, that's - for the 02:39:52PM
22 settlement. 02:39:57PM
23 MR LAWRIE: You keep mentioning Sophie and the fact that it's 02:39:58PM
24 all got to do with the settlement of the property that 02:40:00PM
25 James Pinder is buying; correct?---Well, that's pretty 02:40:03PM
26 much, yeah, I believe he needed that - - - 02:40:06PM
27 I'm afraid - I suggest to you this, that you've actually got 02:40:09PM
28 the timing wrong because the \$100,000 that goes through 02:40:12PM
29 your sister, Andrea Bennett - - -?---Yeah. 02:40:15PM

1 Was paid out by her to the real estate agent acting for James 02:40:18PM
2 Pinder - - -?---Yes. 02:40:24PM
3 On 17 December 2018, not as settlement moneys but to fund the 02:40:24PM
4 deposit on the property; do you understand the 02:40:30PM
5 difference?---Okay, yes. 02:40:34PM
6 So it's got nothing to do with settlement. 02:40:35PM
7 COMMISSIONER: It's got nothing to do with Sophie. It's money 02:40:38PM
8 going directly to the estate agent?---I can't remember 02:40:41PM
9 exactly why. 02:40:44PM
10 But that was your explanation - - -?---All I know is that my 02:40:45PM
11 loan was 320. 02:40:49PM
12 Ms Tsakopoulos, your evidence just a moment ago was emphatic 02:40:50PM
13 that the reason that you did this was because of Sophie's 02:40:53PM
14 involvement. This transaction had nothing - - -?---From 02:40:57PM
15 what I remember, I said. 02:41:00PM
16 This transaction had nothing to do with Sophie, this payment of 02:41:01PM
17 the deposit?---But I believe because he may have been 02:41:06PM
18 sending - lent Andrea and Paul Bennett money at the same 02:41:09PM
19 time I would have said to him, 'Just send the other 100 to 02:41:13PM
20 my sister. It's just easier,' because I knew that Sophie 02:41:17PM
21 was involved or going to be involved with this settlement 02:41:20PM
22 of James Pinder's house. At the time that's what 02:41:22PM
23 I remember. But I don't know. Just that's what it was, 02:41:26PM
24 like as in that's what I remember. 02:41:30PM
25 Just understand you are the architect of all of these 02:41:32PM
26 payments?---Yeah. 02:41:39PM
27 Albeit with Mr Haritos's knowledge and acquiescence, but you're 02:41:40PM
28 the person actually performing all of these acts. It's 02:41:44PM
29 not someone else. You can't look elsewhere for an 02:41:50PM

1 explanation?---I'm not looking for an explanation. 02:41:52PM

2 These are your decisions and these are your acts?---Yep. Yes, 02:41:55PM

3 they are, Mr Commissioner. They are. 02:41:59PM

4 Yes, Mr Lawrie. 02:42:01PM

5 MR LAWRIE: A few minutes ago you'll recall that we spoke about 02:42:03PM

6 the distinction between a loan and a gift; do you remember 02:42:07PM

7 those questions?---Yes. 02:42:13PM

8 Did you ever give any money to James Pinder to help him buy 02:42:14PM

9 that house in Williamstown?---Never. Why would I give him 02:42:22PM

10 money to help him? As a gift? 02:42:31PM

11 As a gift?---No, never. 02:42:34PM

12 That is, money that you don't expect back?---He's a friend. 02:42:35PM

13 He's not family. 02:42:39PM

14 Did you ever tell anyone that you gave him money?---Came up in 02:42:40PM

15 conversation, yeah, that I lent - I didn't give him; 02:42:45PM

16 I lent him money. 02:42:47PM

17 Did you ever write a document or an email or tell anyone that 02:42:49PM

18 you gave as a gift, a non-refundable gift, a 02:42:53PM

19 non-returnable gift, money to James Pinder? Have a very 02:42:58PM

20 careful think, please, before you answer this 02:43:09PM

21 question?---I believe, if I remember, I did fill out some 02:43:14PM

22 forms or something that he needed. 02:43:20PM

23 Did you involve yourself in the preparation of documents to 02:43:24PM

24 assist him gaining finance, that is to assist James Pinder 02:43:28PM

25 gaining finance?---No. 02:43:31PM

26 Never?---No. 02:43:32PM

27 Never signed anything or provided any information to assist him 02:43:34PM

28 with his mortgage broker?---No. Not that I can recall, 02:43:38PM

29 no. I can recall writing something up for him, but - - - 02:43:46PM

1 What was it that you recall writing up for him?---I think it 02:43:50PM
2 was a document about - he rang me and said, 'Oh, I need 02:43:55PM
3 this' - he dictated whatever he wanted me to write on this 02:43:59PM
4 letter, and I signed it on behalf of my sister because 02:44:03PM
5 apparently I couldn't be - he didn't want my name on it 02:44:06PM
6 because I had already given him - it was - I already lent 02:44:09PM
7 him the money. So I've already done a loan agreement with 02:44:12PM
8 him, so he said, 'It can't show your name on it' - - - 02:44:15PM
9 Have you ever - - - 02:44:21PM
10 COMMISSIONER: Just let the witness finish. 02:44:22PM
11 MR LAWRIE: Sorry, Commissioner. 02:44:26PM
12 COMMISSIONER: He wanted you to create some document in your 02:44:27PM
13 sister's name?---No, in another name, and I just put my 02:44:29PM
14 sister's name. 02:44:32PM
15 Because you couldn't use your name - - -?---Yes. 02:44:33PM
16 Because you already had a loan agreement with him?---Yes. 02:44:37PM
17 So what was this for then, Ms Tsakopoulos?---I don't really 02:44:39PM
18 know. I can't even remember. But he rang me, like, in an 02:44:43PM
19 urgency saying, 'Oh, Marie, can you write this letter? 02:44:46PM
20 I need it.' I didn't even know what he needed it for 02:44:50PM
21 because the money I had already given him anyway, so - - - 02:44:52PM
22 Did you do as he asked?---Yeah, pretty much. I just - didn't 02:44:56PM
23 even think twice about it. I just typed it up, printed it 02:45:00PM
24 out and - - - 02:45:03PM
25 Didn't think there might be anything improper associated with 02:45:04PM
26 what he was asking of you?---I just didn't even think at 02:45:07PM
27 the time - - - 02:45:09PM
28 I'm sorry?---I just didn't think twice about it at the time. 02:45:10PM
29 Yes. 02:45:15PM

1 MR LAWRIE: Can we bring up, please, document 54. This is an 02:45:21PM
2 email to [REDACTED]. I take it you haven't seen this 02:46:29PM
3 document before; is that right?---No. 02:46:32PM
4 Is that 54 we've got up? It is. Can we go down, please. 02:46:42PM
5 Keep going, please. And keep going. This is a letter 02:47:05PM
6 written by [REDACTED]. You understood that he was helping 02:47:28PM
7 Mr Pinder organise his finance, organise his loan?---No, 02:47:32PM
8 I don't. I don't know any of that. I've never seen this. 02:47:37PM
9 Okay. That can come off screen for a moment, please. Can we 02:47:44PM
10 bring up document 56. Do you see [REDACTED] is emailing in 02:47:48PM
11 this document at p.983 the National Australia Bank saying, 02:48:54PM
12 'Here is the information you require. I have had a look 02:49:00PM
13 and asked James about transactions from Maria Tsakopoulos 02:49:02PM
14 and Peter Bollas. In regards to Peter - this was owed to 02:49:05PM
15 Peter. In regards to Maria - this is a family friend who 02:49:08PM
16 provide a non-refundable gift letter.' Do you see 02:49:12PM
17 that?---Yeah. 02:49:17PM
18 Did you provide a letter that said you had given money to James 02:49:17PM
19 Pinder that was a non-refundable gift?---From memory, 02:49:23PM
20 yeah, I did fill out some form that he sent to me and he 02:49:26PM
21 said he needed it. But it was well after the - well after 02:49:30PM
22 the - I had done the loan agreement and given him the 02:49:33PM
23 money. 02:49:36PM
24 It was well after the loan agreement, you say?---Pretty sure, 02:49:36PM
25 yeah. That's why it didn't make sense I think at the time 02:49:40PM
26 and - - - 02:49:43PM
27 Why did you agree to it if it didn't make sense?---I don't 02:49:43PM
28 know. Just a friend. 02:49:46PM
29 Are you prepared to basically sign anything that you get asked 02:49:48PM

1 to sign?---I just didn't think it was a big deal, like, 02:49:50PM
2 because the loan had already happened, like, the loan 02:49:54PM
3 agreement, I - - - 02:49:57PM
4 No, the loan that you assert that you say you gave to James 02:49:59PM
5 Pinder - - -?---Yes. 02:50:04PM
6 You say that was subject of an agreement that was signed off in 02:50:05PM
7 December of 2018?---Yeah, and I believe he had already 02:50:09PM
8 purchased the house. 02:50:13PM
9 No, he hadn't?---He hadn't? Okay. 02:50:15PM
10 No, he hadn't yet purchased the house. 02:50:17PM
11 COMMISSIONER: You see the date there, Ms Tsakopoulos?---Yep, 02:50:19PM
12 okay. 02:50:25PM
13 You're sufficiently savvy about commercial affairs to know that 02:50:26PM
14 when a bank is deciding whether or not to lend someone 02:50:30PM
15 money to purchase a house they want to know what other 02:50:33PM
16 liabilities the person has, so, for example, have they 02:50:36PM
17 borrowed money from other people that has to be repaid, 02:50:41PM
18 because if they have and if the house, for example, were 02:50:46PM
19 secured by some other loan or they had other debts, then 02:50:51PM
20 that would place the bank in a more precarious position in 02:50:55PM
21 terms of its own loan. You're familiar with that sort of 02:50:58PM
22 reasoning, aren't you?---Yeah, I'm familiar. 02:51:02PM
23 And so you understand here what the bank was asking is James 02:51:06PM
24 and his broker are showing the bank that money that's come 02:51:11PM
25 from you, and they want to know what's the nature of the 02:51:16PM
26 money that's come from you?---Okay. 02:51:20PM
27 Is it a gift or is it a loan, because if it's a loan that will 02:51:21PM
28 affect the decision by the bank as to how much money it 02:51:25PM
29 will lend?---Okay. 02:51:28PM

1 Do you follow?---Correct, yep. 02:51:30PM

2 MR LAWRIE: Well, let's have a look at document 57, please, 02:51:35PM

3 which is p.996. You see this is an email, 'Please find 02:51:38PM

4 attached a gift letter template for your use. Any 02:51:53PM

5 questions ask us below.' Can we scroll down, please. And 02:51:57PM

6 at p.997 we see a template there?---Yes. 02:52:06PM

7 Have you seen that? I know it's got nothing filled in, but 02:52:10PM

8 have you seen that document before?---Yeah, from memory, 02:52:14PM

9 yes. 02:52:18PM

10 That came to you, did it?---Pretty sure it must have. 02:52:19PM

11 Who gave it to you?---If I filled it out then it would have 02:52:24PM

12 come - given it to me, yeah. 02:52:28PM

13 All right. That can come off screen, please. Can we go to 02:52:30PM

14 document 58. 02:52:35PM

15 COMMISSIONER: Are these documents exhibits? 02:52:36PM

16 MR LAWRIE: No. I'll tender them as a bundle, though, 02:52:39PM

17 Commissioner. 02:52:42PM

18 COMMISSIONER: All right. Very good, as long as you can give 02:52:42PM

19 me the references later, Mr Lawrie. 02:52:44PM

20 MR LAWRIE: Certainly. I'll do this bundle in a moment. 02:52:46PM

21 COMMISSIONER: Yes. 02:52:49PM

22 MR LAWRIE: If we scroll down, please. Keep going. Keep 02:53:06PM

23 going. And more, please. 1003, please. There we go. 02:53:15PM

24 Have a look at that. That's p.1003, document 58, signed 02:53:56PM

25 by you on 1 February, headed 'Confirmation of 02:54:00PM

26 non-repayable gift'?---Yeah. 02:54:06PM

27 Do you agree it says that you've lent - sorry, you've gifted 02:54:10PM

28 \$20,000 to James Pinder?---Yes. 02:54:14PM

29 Because he's a long-term friend?---Yes. 02:54:16PM

1 Was that true?---I didn't gift him 20,000 - - - 02:54:18PM
2 COMMISSIONER: Mr Lawrie, you mean is it true that you lent 02:54:25PM
3 \$20,000 to - - - 02:54:30PM
4 MR LAWRIE: No, sorry, gave?---Gifted. 02:54:30PM
5 Gifted. Is it true that you gifted - - -?---I didn't gift 02:54:32PM
6 20,000. 02:54:35PM
7 You never did. So that document is false?---If that's what you 02:54:35PM
8 want to call it, yes. 02:54:40PM
9 Well, it's not the true state of - - - 02:54:41PM
10 COMMISSIONER: What do you mean by that?---It's false. 02:54:42PM
11 I agree. I agree, sorry. It is false. 02:54:45PM
12 MR LAWRIE: Did that trouble you at the time?---No, not really 02:54:52PM
13 because, I guess, you know, obviously if he's put a 02:54:54PM
14 deposit down for a house over, you know, a \$20,000 gift 02:55:00PM
15 note to lose, you know, the property or not to be able to 02:55:05PM
16 purchase it I guess wasn't really a big deal for me 02:55:10PM
17 because I had my money in there, so. 02:55:13PM
18 It's not a big deal for you, but you understood - - -?---I was 02:55:15PM
19 just helping out James, that's it. Like, he asked me for 02:55:19PM
20 something, and I sort of helped him out. I've given him 02:55:22PM
21 my money, so. 02:55:25PM
22 You understood that he was buying a property and the sale price 02:55:27PM
23 was \$2.5 million?---I wasn't really sure at the time how 02:55:30PM
24 much it was. I did not know. 02:55:35PM
25 And in order to get the deposit together he had to have the 02:55:40PM
26 \$100,000 that came via your sister, Andrea Bennett, didn't 02:55:45PM
27 he?---Can't actually remember. All I know is that I was 02:55:49PM
28 lending him 320. 02:55:54PM
29 So he couldn't even get the deposit together without the moneys 02:55:56PM

1 that were coming through you and through your sister, 02:56:00PM
2 could he?---I don't know, Mr Lawrie. 02:56:02PM
3 Okay. That can come off screen. Commissioner, I tender as a 02:56:04PM
4 bundle documents 56, 57 and 58. 02:56:10PM
5 COMMISSIONER: We'll need to identify them, Mr Lawrie, but that 02:56:21PM
6 will be sufficient for the moment. We'll come back to 02:56:24PM
7 that. 02:56:26PM
8 MR LAWRIE: Thank you. 02:56:28PM
9 COMMISSIONER: They'll be MT3, and we'll return to their 02:56:29PM
10 description later. 02:56:31PM
11 MR LAWRIE: I can say it now, Commissioner. 56 is email dated 02:56:35PM
12 1 February from [REDACTED] to the National Australia Bank; 57 is 02:56:38PM
13 an email dated 1 February from Mr Byrne to Ms Tsakopoulos; 02:56:47PM
14 and 58 is an email dated 1 February from Ms Tsakopoulos to 02:56:56PM
15 Mr Byrne with that attachment. 02:57:03PM
16 COMMISSIONER: And that contains the false document? 02:57:09PM
17 MR LAWRIE: That's correct. 02:57:11PM
18 COMMISSIONER: Very good. 02:57:12PM
19 #EXHIBIT MT3 - Document 56, an email from [REDACTED] to the National 02:56:33PM
20 Australia Bank dated 01/02; document 57, an email from 02:56:37PM
21 Mr Byrne to Ms Tsakopoulos dated 01/02; and document 58, 02:56:51PM
22 an email from Ms Tsakopoulos to Mr Byrne, with attachment, 02:56:58PM
23 dated 01/02. 02:56:59PM
24 COMMISSIONER: I just want to be clear, Ms Tsakopoulos, you 02:57:23PM
25 were asked to do this by Mr Pinder?---Yes, correct. 02:57:26PM
26 And did he give you any reason why you should do something 02:57:30PM
27 which would falsely assert the nature of the money you 02:57:35PM
28 were giving him?---No, never spoke about it, really. 02:57:40PM
29 He didn't give you an explanation and you didn't bother to ask 02:57:44PM

1 him? Yes. 02:57:47PM

2 MR LAWRIE: Now, you mentioned before signing on behalf of your 02:57:53PM

3 sister the letter that was to be used to help James Pinder 02:57:56PM

4 get finance to buy this house; is that right?---Oh, 02:58:03PM

5 I don't know what he wanted it for. He never explained 02:58:07PM

6 it. He just dictated what he wanted on this note thing 02:58:10PM

7 that I did. I just signed it off and sent it back - sent 02:58:13PM

8 a photo of it or something. I can't even remember. 02:58:17PM

9 Were you signing it on behalf of your sister or pretending to 02:58:21PM

10 be your sister?---Signing it on behalf of my sister. 02:58:25PM

11 She gave you instructions to sign it?---No, no. No, she 02:58:30PM

12 didn't. No. 02:58:33PM

13 Okay. Let's be very precise if we can, please?---Yes, sorry. 02:58:33PM

14 You understand what I mean if you sign something on behalf of 02:58:37PM

15 somebody: that they have asked you or given you 02:58:40PM

16 instructions to sign something on their behalf?---No. No, 02:58:42PM

17 she never knew anything about it. 02:58:46PM

18 She never knew anything about it?---No. 02:58:48PM

19 So you signed it pretending to be her?---Yeah. 02:58:51PM

20 COMMISSIONER: You forged her signature?---Correct. 02:58:57PM

21 MR LAWRIE: Let's have a look at that document. 02:58:59PM

22 COMMISSIONER: Are you troubled by this at all, 02:59:10PM

23 Ms Tsakopoulos?---Well, now I am, yeah. At the time 02:59:12PM

24 I didn't think twice. But now, yeah, I am, 02:59:15PM

25 Mr Commissioner. 02:59:17PM

26 MR LAWRIE: Can we bring up document 66, please. No, 66. All 02:59:19PM

27 right. Can we zoom in on the one on the right? And 02:59:52PM

28 forget the one on the left, please. Can you just zoom in 03:00:04PM

29 on the document on the right. There we go. Do you 03:00:07PM

1 recognise that document?---Yes, I do. I don't remember 03:00:21PM
2 it - remember what's in it, but I remember the document. 03:00:27PM
3 Can you perhaps read it out, what it says? 03:00:32PM
4 COMMISSIONER: Well, you can read it, can't you?---Yeah. 03:00:36PM
5 Who typed it up?---Me. 03:00:38PM
6 And on what - did you have some instructions as to what you 03:00:40PM
7 were to put in this document?---Yes, James told me what to 03:00:45PM
8 put in it. 03:00:48PM
9 So this is something you typed up at Mr Pinder's 03:00:48PM
10 instruction?---Correct. 03:00:52PM
11 Yes?---Because I don't know who [REDACTED] is. I didn't know 03:00:54PM
12 who it was. 03:00:57PM
13 He told you the name?---Yes, I didn't know who that was. 03:00:57PM
14 Yes. 03:00:57PM
15 MR LAWRIE: But it must have been obvious to you that this was 03:01:01PM
16 in connection with him arranging finance for the purchase 03:01:05PM
17 of his house?---Look, I mean, obviously, yes, but, you 03:01:08PM
18 know, I believe this one, this letter, was way after I had 03:01:16PM
19 given him the money. 03:01:23PM
20 It's got nothing to do with when you say you gave him the 03:01:26PM
21 money?---Yeah, but - - - 03:01:29PM
22 Can we just leave that concept to one side for a moment; 03:01:31PM
23 okay?---Yeah. 03:01:34PM
24 COMMISSIONER: The assertion is not correct anyway, is it, 03:01:35PM
25 Mr Lawrie, that it's done way afterwards? 03:01:37PM
26 MR LAWRIE: No. 03:01:40PM
27 COMMISSIONER: But leaving that aside?---Yeah. 03:01:40PM
28 Just focus on this. This document proffers an explanation - - 03:01:44PM
29 -?---It didn't make sense to me. 03:01:49PM

1 By you forging your sister's signature - - -?---Yeah. 03:01:51PM
2 For where almost \$200,000 of the money which was to be used for 03:01:54PM
3 the purchase - for the deposit was coming from?---Yeah. 03:01:59PM
4 What is it actually saying? What do you understand this to be 03:02:03PM
5 saying?---Obviously just, you know, where this money's 03:02:08PM
6 coming from so he could purchase the property, like - - - 03:02:13PM
7 Yes, but what's the thrust of it? You are forging your 03:02:17PM
8 sister's signature - - -?---Yeah. 03:02:23PM
9 Saying that this is James Pinder's money that he left with your 03:02:24PM
10 sister?---Yes, correct, which is incorrect. It's not 03:02:30PM
11 correct. It's not what happened. But he just pretty much 03:02:34PM
12 dictated whatever he wanted me to write on this, and it 03:02:39PM
13 couldn't be under my name because I had already done this 03:02:43PM
14 loan to him. But I don't know if this was for the house 03:02:47PM
15 because this was way after he had settled. So I couldn't 03:02:49PM
16 work out what it was. I don't know what he wanted it for, 03:02:53PM
17 to be honest. It didn't make sense. 03:02:56PM
18 MR LAWRIE: When do you say you signed this document?---This - 03:02:58PM
19 I'm sure - this was - he asked for this after, like, 03:03:03PM
20 after - - - 03:03:09PM
21 No, simple question?---I don't remember. 03:03:09PM
22 Simple question, please?---I don't remember. 03:03:11PM
23 You've just suggested that this is way after the - - -?---I do 03:03:13PM
24 remember that, that it was after - - - 03:03:19PM
25 When - - - 03:03:21PM
26 COMMISSIONER: Just pause for a moment. Ms Tsakopoulos, at the 03:03:21PM
27 start of this hearing I cautioned you about the area in 03:03:24PM
28 which you would expose yourself to danger; namely, if you 03:03:29PM
29 give false evidence then your evidence can be used against 03:03:33PM

1 you?---Yes. 03:03:37PM

2 I want to suggest to you you need to start thinking very 03:03:37PM

3 seriously about the explanations that you're giving for 03:03:41PM

4 things; all right?---Yes. 03:03:45PM

5 MR LAWRIE: When do you say you signed this letter?---I don't 03:03:53PM

6 remember. 03:03:57PM

7 You just a moment ago said it was way after or some time after 03:03:59PM

8 the house?---I think it was February. 03:04:07PM

9 It was in February, was it?---End of Feb, March or something 03:04:09PM

10 like that, from memory. 03:04:13PM

11 Well, you understand, don't you, that - - -?---February - - - 03:04:16PM

12 Just let me ask the question. I want to put a date that's nice 03:04:22PM

13 and clear for you to work around; okay? James Pinder 03:04:28PM

14 settled on that house in Williamstown, that is he paid the 03:04:34PM

15 balance of the purchase price and took possession of it, 03:04:38PM

16 on 18 February 2019; do you understand that?---Yes. 03:04:41PM

17 So fix that as a date, please, in your mind. Was this letter 03:04:45PM

18 signed by you after or before 18 February?---I would say 03:04:52PM

19 before. 03:05:00PM

20 You would say before?---Before. But what I remember, 03:05:00PM

21 Mr Lawrie, is that I have given him my money and I've done 03:05:05PM

22 a loan agreement with him. So that's why I remember this 03:05:10PM

23 coming after I had already done all that. Do you 03:05:14PM

24 understand? That's my memory of this letter. That's what 03:05:17PM

25 I'm trying to explain to you. I'm just telling you what 03:05:21PM

26 I remember. 03:05:24PM

27 But you understood the context of this letter, didn't you, 03:05:25PM

28 that James - - -?---Yes. I didn't question him. 03:05:28PM

29 You didn't lend James Pinder the entire amount of money that he 03:05:31PM

1 needed to buy this house, did you?---I lent him 320,000. 03:05:34PM
2 Okay?---That's correct. 03:05:39PM
3 You understood that he was going through a mortgage broker to 03:05:40PM
4 try and finance - - -?---No, I didn't know who he was 03:05:43PM
5 going through. I didn't know. I didn't care. All I know 03:05:46PM
6 is that I was lending him some money for some interest. 03:05:49PM
7 That's all I know, Mr Lawrie. 03:05:51PM
8 COMMISSIONER: Has he paid you any interest?---Yes, he has. 03:05:53PM
9 When?---He's paid me 18,000 up to now. 03:05:56PM
10 When?---Six months - the first six months that I had first lent 03:05:59PM
11 him the money he had given me up to \$11,000 - one time 03:06:04PM
12 5,000, the next time it was 6,000. Then last year, in 03:06:09PM
13 2020, November, he gave me another 7,000. 03:06:14PM
14 MR LAWRIE: In cash?---Yes, correct. 03:06:18PM
15 Did any of those interest payments go through a bank account, 03:06:20PM
16 any of your bank accounts?---No, he gave it back in cash. 03:06:26PM
17 That's how I wanted it. 03:06:29PM
18 He sourced it in cash, paid it in cash?---Correct. 03:06:30PM
19 Did you write him a receipt for receiving those interest 03:06:33PM
20 payments?---No. 03:06:36PM
21 Did you - - -?---I declared it on my tax. 03:06:37PM
22 You declared it on your tax?---Yes, I did. 03:06:40PM
23 What's it called in your tax?---Interest. The accountant 03:06:42PM
24 knows. I've given it all to the accountant. He declared 03:06:47PM
25 it. 03:06:50PM
26 All right. Okay. Whether you call it - - -?---He declared - 03:06:51PM
27 the last financial was when he had given me up to 11 - the 03:06:57PM
28 11,000 that I collected from him is what I declared. My 03:07:00PM
29 next declare will be whatever else I can get off him. 03:07:03PM

1 Is there any document - whether you call it a receipt or 03:07:06PM
2 whatever you call it, is there any document signed by you 03:07:09PM
3 or signed by James Pinder or perhaps signed by both of you 03:07:11PM
4 to acknowledge the payment of interest to you?---No. 03:07:16PM
5 I don't need it. As long as I get my interest. 03:07:23PM
6 COMMISSIONER: And did you understand the significance of this 03:07:26PM
7 document?---Which document, sorry? 03:07:28PM
8 The document that's in front of you in which it is being 03:07:30PM
9 asserted by whoever - - -?---Yeah. 03:07:33PM
10 You, having forged your sister's signature, that James's 03:07:41PM
11 money - \$199,500 of the amount used for the deposit 03:07:46PM
12 belonged to James Pinder; did you understand the 03:07:57PM
13 significance of that?---Yes. 03:08:00PM
14 And did you raise that with James? Did you say, 'James, why 03:08:03PM
15 would you want me to prepare a document like this'?---No. 03:08:08PM
16 'Because I want you to repay me my money, and if I don't have 03:08:13PM
17 something in writing from you that's contrary to this 03:08:19PM
18 I will never be able to establish that I've lent you this 03:08:24PM
19 money, because this says otherwise. This says it's your 03:08:27PM
20 money'?---It doesn't say it's mine. It says it's Andrea 03:08:33PM
21 Bennett. 03:08:39PM
22 Mm?---It says it's Andrea Bennett. 03:08:39PM
23 No, but he's asking you to do this, and you would surely have 03:08:42PM
24 realised this is saying the money that's being produced 03:08:45PM
25 for the deposit is Pinder's money, not 03:08:48PM
26 yours?---This - this - this - what I'm trying to explain 03:08:56PM
27 here, Mr Commissioner, this was just something that I did 03:08:57PM
28 after. I've got a loan agreement between James and 03:09:02PM
29 I - - - 03:09:06PM

1 You keep saying that, and we'll see whether that's true - - 03:09:06PM
2 -?---Correct. 03:09:09PM
3 We'll see in due course whether that's truthful also?---Yes. 03:09:09PM
4 But for the present we're just concerned with this document, 03:09:13PM
5 Ms Tsakopoulos, and the fact that on the face of it you, 03:09:16PM
6 at his instruction, are - does he understand you're going 03:09:19PM
7 to forge your sister's signature?---I don't believe he 03:09:24PM
8 thought that I would do that, but he needed this document 03:09:27PM
9 under not my name. 03:09:30PM
10 What would have - - -?---He wanted it under someone else's name 03:09:35PM
11 because the loan agreement that we had done was under my 03:09:37PM
12 name, which - - - 03:09:40PM
13 It couldn't just be anyone's name. It had to be from the 03:09:42PM
14 person who forwarded the money on to the estate agent, 03:09:46PM
15 didn't it? The first hundred thousand or more for the 03:09:49PM
16 deposit came via Andrea Bennett's account to the estate 03:09:53PM
17 agent. It couldn't just be anyone that would be saying, 03:09:57PM
18 'This is Mr Pinder's money.' It had to be Andrea 03:10:03PM
19 Bennett?---Possibly, yeah. 03:10:06PM
20 And did he know that you would not be consulting your sister 03:10:08PM
21 about this? Or didn't that matter either, 03:10:11PM
22 Ms Tsakopoulos?---I think at the time I just - - - 03:10:18PM
23 Sorry?---It was just a very quick thing that I did that he 03:10:20PM
24 needed. 03:10:24PM
25 Yes, Mr Lawrie. 03:10:25PM
26 WITNESS: I don't remember. I just remember the phone call, 03:10:27PM
27 that's it, and he needed it urgently. 03:10:32PM
28 MR LAWRIE: He dictated it, you typed it, and you forged your 03:10:35PM
29 sister's signature?---Correct. That was it. Never looked 03:10:38PM

1 at it again. 03:10:41PM

2 I suggest to you that it was apparent at the time that this 03:10:43PM

3 would help him with the bank?---Possibly. 03:10:47PM

4 You knew that, didn't you?---Yeah. 03:10:50PM

5 COMMISSIONER: It would help him also conceal the fact that the 03:10:55PM

6 money was coming from you - - -?---But he didn't have to 03:10:59PM

7 conceal - - - 03:11:03PM

8 Just let me finish. It would conceal the fact that the money 03:11:04PM

9 was coming from you, the V/Line contract 03:11:08PM

10 manager?---I don't know - - - 03:11:16PM

11 Didn't occur to you? Didn't occur that it would have that 03:11:17PM

12 effect of concealing the source of the funds?---I don't 03:11:20PM

13 know what concerns he had - - - 03:11:22PM

14 No, you? I'm asking you?---No. 03:11:25PM

15 It didn't occur to you - - -?---No. 03:11:27PM

16 That by doing this you were concealing your role as someone 03:11:29PM

17 employed at Transclean who had a primary role in the 03:11:34PM

18 contract that it would conceal your role as the person 03:11:38PM

19 producing these funds for him?---It wasn't like that. 03:11:41PM

20 Like, I didn't think like that. I just thought of him as 03:11:45PM

21 a friend and he needed help. That was really it. 03:11:48PM

22 Now, tell me, when you said earlier this morning - - -?---I'm 03:11:51PM

23 not the director of Transclean. That's why I think I just 03:11:53PM

24 didn't - really didn't bother me, because I don't own 03:11:56PM

25 Transclean. 03:12:00PM

26 Perhaps we should have got you to qualify your evidence this 03:12:00PM

27 morning. When you said, 'I didn't do anything wrong,' 03:12:03PM

28 right, did you really mean - looking at these various 03:12:07PM

29 transactions that are false, did you really mean 'it 03:12:10PM

1 didn't bother me' rather than 'I didn't do anything 03:12:15PM
2 wrong'?---No, no, no, this is wrong, what I've done. 03:12:18PM
3 I admit that. But what I was trying to say, 03:12:20PM
4 Mr Commissioner, is that giving a loan to someone that 03:12:22PM
5 I knew, I didn't think that was wrong, like, that's how 03:12:24PM
6 I look at it. I don't think that was a bad thing I did. 03:12:28PM
7 But, yes, this is bad. 03:12:31PM
8 Did you recognise you were concealing the source of the 03:12:33PM
9 money?---Sorry, did I? 03:12:37PM
10 Did you recognise in what you were doing you were concealing 03:12:39PM
11 your role as providing the funds?---I just didn't think at 03:12:43PM
12 the time. I just did it, like - - - 03:12:47PM
13 You didn't? I see. Yes. 03:12:48PM
14 MR LAWRIE: You - - -?---I understand this is wrong. Very 03:12:58PM
15 wrong. 03:13:00PM
16 COMMISSIONER: But you must have realised that when George gave 03:13:00PM
17 evidence and Mr Pinder gave evidence - - -?---I was just 03:13:03PM
18 giving him a hand, like, a help, to try and get this 03:13:06PM
19 house - - - 03:13:06PM
20 Just a moment. You saw this document when Mr Pinder gave 03:13:09PM
21 evidence?---I don't remember seeing it when he gave 03:13:13PM
22 evidence, no. 03:13:19PM
23 This is the first time since you've prepared the document that 03:13:19PM
24 you think you've sighted it, do you?---Oh, no, I've seen 03:13:22PM
25 it, but I don't remember if it was at his hearing or 03:13:29PM
26 whatever you're talking about. 03:13:32PM
27 But you forgot about it when you gave evidence this morning 03:13:33PM
28 when you said, 'I don't think I did anything 03:13:35PM
29 wrong'?---When I meant - that is not what I've done here, 03:13:39PM

1 the documents. I was talking about the loan that I've 03:13:41PM
2 given him. I didn't think that was wrong, to give someone 03:13:43PM
3 a loan. I didn't think that was bad. But, yes, this is 03:13:47PM
4 bad. I shouldn't have done this. 03:13:51PM
5 Yes?---I didn't think about it at the time. I just helped him 03:13:53PM
6 out just to help him get this house. That was it. You 03:13:56PM
7 know, he had his family here. I just thought, you know, 03:14:02PM
8 'you're friends'. And not just that; 'I've given him some 03:14:07PM
9 money. I'm making some interest on him.' So to give him 03:14:10PM
10 a hand like that, I just did it. I don't know, I just 03:14:13PM
11 didn't think twice about it. 03:14:15PM
12 It never occurred to you that even if it were true - even if it 03:14:17PM
13 were true that you lent him money, it never occurred to 03:14:22PM
14 you that for someone in your position in Transclean to 03:14:27PM
15 lend the CEO of V/Line money when you're in a contractual 03:14:32PM
16 relationship with him would be improper?---No. 03:14:35PM
17 I just - - - 03:14:43PM
18 Yes, Mr Lawrie. 03:14:43PM
19 MR LAWRIE: Did it occur to you that it would also be improper 03:14:46PM
20 because of your relationship, that is Transclean's 03:14:48PM
21 relationship, with V/Line and James Pinder as the CEO for 03:14:52PM
22 you to prepare a false document for him? 03:14:56PM
23 COMMISSIONER: You'll need to say something. You shaking your 03:15:06PM
24 head won't be recorded, Ms Tsakopoulos?---I don't know. 03:15:08PM
25 I didn't think about it at all, to be honest. I just did 03:15:12PM
26 it. 03:15:16PM
27 MR LAWRIE: Have you spoken to your sister about this 03:15:20PM
28 since?---No. 03:15:22PM
29 Do you speak to your sister now?---No. 03:15:23PM

1 Has your relationship with your sister broken down, has 03:15:27PM
2 it?---Yeah, it has. A long time ago. 03:15:32PM
3 Over this?---No. A long time ago. 03:15:34PM
4 Did it break down before this?---Yep. 03:15:36PM
5 Were you speaking to your sister at that time, at the time you 03:15:40PM
6 signed her name?---I believe so, yeah. From what 03:15:44PM
7 I remember. Yeah. 03:15:48PM
8 So when did your relationship with your sister break down? 03:15:51PM
9 Before or after this letter?---Oh, way after this. About 03:15:54PM
10 a year ago. 03:15:59PM
11 Okay?---Less. 03:16:00PM
12 COMMISSIONER: I see the time. Are you about to go on to 03:16:05PM
13 something else? 03:16:09PM
14 MR LAWRIE: I am, Mr Commissioner. 03:16:10PM
15 COMMISSIONER: We might give you a 10-minute break, 03:16:11PM
16 Ms Tsakopoulos?---Thank you, Mr Commissioner. 03:16:13PM
17 (Short adjournment.) 03:16:16PM
18 COMMISSIONER: Are you ready to proceed? Yes, Mr Lawrie. 03:33:43PM
19 MR LAWRIE: Thank you, Commissioner. Ms Tsakopoulos, just 03:33:46PM
20 before we leave that letter that you signed with your 03:33:49PM
21 sister's name, you'll recall I was asking you about the 03:33:52PM
22 date that that all happened, and I suggest to you that 03:33:55PM
23 that was an image that was taken by your mobile phone and 03:34:00PM
24 it comes on the back of a series of emails on 5 February 03:34:05PM
25 of 2019; you would agree with that, wouldn't you?---If it 03:34:09PM
26 was on my phone, yeah. 03:34:14PM
27 So you took a photo of the document in order to email it and 03:34:15PM
28 you took a photo with your phone, didn't you?---I believe 03:34:21PM
29 so. I would have, yeah. 03:34:25PM

1 And so that's the date of the document we can take to be 03:34:26PM
2 5 February 2019, can't we?---If that's when it was on my 03:34:29PM
3 phone, yeah. 03:34:35PM
4 Commissioner, that's formally been exhibited as JP07. 03:34:35PM
5 COMMISSIONER: Thank you. I meant to ask you, Ms Tsakopoulos, 03:34:41PM
6 [REDACTED] Mr Pinder's finance broker who was putting 03:34:46PM
7 together the funding for the purchase, says he was never 03:34:53PM
8 ever told by Mr Pinder that you had lent Mr Pinder the 03:34:58PM
9 money; do you follow? That was never disclosed to his 03:35:03PM
10 broker. What do you say about that?---I don't know what 03:35:06PM
11 to say. 03:35:12PM
12 M-hmm?---I don't know what to say to that. I don't know what 03:35:13PM
13 James - - - 03:35:16PM
14 Can you think of any reason why if you in fact - if in fact 03:35:17PM
15 this was a bona fide loan from you, why Mr Pinder would 03:35:21PM
16 not want that disclosed?---Possibly because - actually, 03:35:29PM
17 I really don't know why he didn't disclose. 03:35:38PM
18 Well, as an intelligent woman, what reason immediately springs 03:35:41PM
19 to mind for you - - -?---Possibly because I work for 03:35:45PM
20 Transclean. 03:35:48PM
21 Sorry ?---Possibly because I work for Transclean. 03:35:49PM
22 Precisely?---Yeah. 03:35:51PM
23 MR LAWRIE: Now, we've spoken at length or at least you've 03:35:57PM
24 mentioned it repeatedly the loan agreement that you had 03:35:59PM
25 with James Pinder and the fact that it returned 03:36:03PM
26 8.5 per cent on \$320,000 that you advanced to him under 03:36:06PM
27 that agreement; you understand what we're talking 03:36:11PM
28 about?---Yes. 03:36:14PM
29 Now, that was a transaction that you say is recorded in 03:36:15PM

1 writing?---Recorded in? 03:36:20PM
2 It's in a document that's been signed, according to you, isn't 03:36:25PM
3 it?---Yes, a loan agreement was prepared. 03:36:29PM
4 This is unlike any other transaction that you've had with 03:36:30PM
5 Mr Haritos or with Mr Tsouhantaris. Everything else is 03:36:36PM
6 undocumented, but this transaction is; do you agree with 03:36:42PM
7 me?---Correct. Yes. 03:36:46PM
8 You must have regarded - just going back for a moment to the 03:36:49PM
9 letter that you signed pretending to be your sister, you 03:36:54PM
10 must have regarded Mr Pinder as a very good friend, a 03:36:57PM
11 special friend, in order to do that for him, to forge your 03:37:01PM
12 sister's signature?---Like I said, I didn't think about it 03:37:07PM
13 at the time. I just did it. So he was a friend. 03:37:13PM
14 Let's just be logical about this for a moment. This is not 03:37:17PM
15 something you're going to do for just anyone, is 03:37:22PM
16 it?---Well, when I've given my money to someone, yeah, 03:37:25PM
17 I probably would do it for them, yeah. 03:37:31PM
18 To make the money safer, that is to make the money that you 03:37:33PM
19 have lent him safer; is that why?---Not so much safer but, 03:37:36PM
20 yeah, I've given this man money to buy a house. So. 03:37:40PM
21 Well, at the time, as at 5 February when you signed that 03:37:44PM
22 letter, how do you describe your relationship with James 03:37:48PM
23 Pinder?---A friend. 03:37:52PM
24 Like, a really good friend or just - - -?---Just a friend. 03:37:54PM
25 An acquaintance or what?---A friend. A friend that we've gone 03:37:57PM
26 out, had drinks together, have eaten together. Yeah, just 03:38:00PM
27 general friends. Someone that I, yeah, sat down and had 03:38:04PM
28 something to eat with and drank with; yeah. 03:38:11PM
29 How many times would you see him socially?---Oh, seen him, you 03:38:13PM

1 know, we've been - we've had drinks and that at the casino 03:38:19PM
2 even with James. 03:38:23PM
3 Would you catch up with him every week?---Not every week; no, 03:38:23PM
4 not every week. But maybe even one week we've seen each 03:38:27PM
5 other twice, back those days. 03:38:31PM
6 I want to take you to a document which is document 70 at 03:38:34PM
7 p.1026, please. Can we bring that up? This is a two-page 03:38:39PM
8 document. So I'm going to ask you to look at 1026 and 03:38:56PM
9 then 1027. Say if you need more time, but I take it you 03:39:00PM
10 recognise this document?---Yes, I do. 03:39:19PM
11 Can we go over to 1027 and we'll just stop there. Now, this is 03:39:23PM
12 the loan agreement that you've been talking about, isn't 03:39:37PM
13 it?---Correct. 03:39:39PM
14 And we see at paragraph 2 on this second page the sum that you 03:39:40PM
15 assert that you lent to James Pinder of 320,000?---That's 03:39:45PM
16 right. 03:39:50PM
17 With annual interest of 8.5 per cent as at 30 June each 03:39:50PM
18 financial year?---Yeah. 03:39:57PM
19 That's what you say you got some of that in cash?---Yep. 03:39:58PM
20 But it's not recorded anywhere? I'm sorry, you say you 03:40:01PM
21 declared it in your tax return?---I have declared it. 03:40:06PM
22 And it's signed by yourself and James Pinder?---Yes. 03:40:09PM
23 Do you see that?---Yep. 03:40:13PM
24 Dated 10 December of 2018?---Yes. 03:40:14PM
25 Witnessed by [REDACTED] I hope I'm not getting his name 03:40:17PM
26 terribly wrong there. And the address of the witness is 03:40:26PM
27 given as that Burwood address. Yarra Bing Crescent in 03:40:32PM
28 Burwood?---Yeah. 03:40:37PM
29 Do you see that there?---Yeah. 03:40:38PM

1 Now, my question is very straightforward and I don't want you 03:40:44PM
2 to rush the answer. Was that document signed by you on 03:40:47PM
3 10 December 2018?---Could have been. 03:40:55PM
4 Were you with James Pinder when he signed it?---No. 03:41:12PM
5 Were you with [REDACTED] when he put his name to it?---No. 03:41:18PM
6 Where were you when you signed it?---In the office. 03:41:28PM
7 Who was with you?---People around but no-one - no-one saw me 03:41:30PM
8 sign it. It was on my desk. 03:41:37PM
9 How did it come to you?---Eddie gave it to me. 03:41:39PM
10 Who's Eddie?---The accountant for Transclean. 03:41:42PM
11 COMMISSIONER: Eddie Chng?---Yes. 03:41:47PM
12 Mr Haritos had told you, had he not, to get Eddie to draw up a 03:41:49PM
13 loan agreement?---Eddie, sorry? 03:41:53PM
14 According to Mr Haritos's evidence he advised you to get Edwin 03:41:56PM
15 to draw up a loan agreement as the explanation for the 03:42:01PM
16 funds going to Mr Pinder?---He said I can ask Eddie if he 03:42:05PM
17 can do a loan agreement, yes. 03:42:10PM
18 And did you do that?---I asked Eddie, yes. 03:42:12PM
19 MR LAWRIE: And you wanted an agreement in writing with 03:42:16PM
20 Mr Pinder before you forwarded him any of this money that 03:42:18PM
21 you were lending him, didn't you?---Correct. 03:42:21PM
22 Was Mr Pinder's signature already on the document when you 03:42:26PM
23 signed it?---No. 03:42:28PM
24 So you were the first person to sign it, were you?---Yes. 03:42:31PM
25 When did you do that?---From memory, it may have been the date 03:42:35PM
26 it - he brought it into the office and said, 'Here, here's 03:42:41PM
27 the document, the loan agreement, just sign them and leave 03:42:46PM
28 them on Sylvia's desk', from memory, I can't - something 03:42:49PM
29 like that. 03:42:52PM

1 What date was that?---I'm not going to be - I'm not going to 03:42:53PM
2 give you an exact date. I can't. Say it was around the 03:42:56PM
3 10th, maybe two, three days later, somewhere around there, 03:42:59PM
4 when he brought the document in. It could have been the 03:43:03PM
5 10th, though. I didn't physically write the date. I just 03:43:05PM
6 signed it. So he could have brought it in maybe on the 03:43:08PM
7 10th or it could have been the 11th or the 12th. But 03:43:11PM
8 I remember it was around that date. 03:43:15PM
9 The first cheque that you sent to James Pinder was the cheque 03:43:19PM
10 for \$100,000 on 14 January; do you remember that?---Yep. 03:43:25PM
11 From that flowchart?---Yes. 03:43:29PM
12 So whatever the date you might remember you signed this it had 03:43:31PM
13 to be before 14 January?---Correct, yes. 03:43:36PM
14 According to you?---I believe so, yes. 03:43:39PM
15 Because you required this document before you sent any money to 03:43:41PM
16 James Pinder?---I believe so, yeah. 03:43:45PM
17 And so do I understand your evidence correctly that, whilst it 03:43:46PM
18 might not have been 10 December of 2018 that you put your 03:43:50PM
19 signature there, it was within two or three days of 03:43:53PM
20 10 December; is that what you say?---So, hold on a minute. 03:43:56PM
21 So, Mr Lawrie, I don't believe James Pinder received any 03:44:04PM
22 of my money in December. My sister did. 03:44:08PM
23 You need to just listen to my question, with respect?---Yeah, 03:44:11PM
24 but I'm just - - - 03:44:14PM
25 I just want to understand the evidence you've given so 03:44:15PM
26 far?---Yeah. 03:44:19PM
27 Do you say, 'Look, I'm the first person to sign this 03:44:20PM
28 document'?---Yes. 03:44:22PM
29 'There was no handwriting on it before I signed it'?---No. 03:44:23PM

1 'I can't remember whether I signed it on 10 December 2018 or 03:44:26PM
2 not, but if it wasn't the 10th it was within a few days of 03:44:30PM
3 10 December'?---Yes, correct. 03:44:35PM
4 Does that correctly capture your evidence?---Correct, yes. 03:44:36PM
5 That's what I'm saying, yes. 03:44:43PM
6 And you're absolutely positive about it?---I didn't 03:44:44PM
7 say - I can't tell you I signed it on the 10th, Mr Lawrie. 03:44:50PM
8 I said was it on the 10th, was it a few days later, 03:44:52PM
9 I can't exactly remember. But what I do remember is that 03:44:55PM
10 I had that document back before any money went to Mr James 03:44:58PM
11 Pinder. That's what I do remember. 03:45:01PM
12 Okay. And the terms of this loan agreement, for example, 03:45:02PM
13 settling on 8.5 per cent interest, was that an instruction 03:45:10PM
14 that you gave to Eddie?---No. I asked Eddie, 'Can you 03:45:13PM
15 sort out some loan agreement. I'm lending some money to 03:45:19PM
16 James Pinder. Let me know what the interest is on it.' 03:45:23PM
17 Didn't know what the interest was going to be. 03:45:25PM
18 So you just let the person who drew up the agreement set the 03:45:27PM
19 interest rate, did you?---He told me that was as per the 03:45:31PM
20 tax department or something, I can't remember at the time, 03:45:36PM
21 like, that's what it was on the system. So that's what it 03:45:41PM
22 was roughly about - going to be, 8.5 per cent, and I said, 03:45:43PM
23 'Well, yeah, okay, I'm happy with that.' 03:45:47PM
24 And you - - -?---It's better than a bank. 03:45:50PM
25 All right. You knew that this was unsecured, didn't you; that 03:45:52PM
26 it didn't amount to a mortgage on his property?---Correct. 03:45:59PM
27 So that if James Pinder defaulted, if he didn't pay you back - 03:46:03PM
28 - -?---I could sue him or bankrupt him. 03:46:08PM
29 Yeah, but you might not have any assets of his to collect 03:46:10PM

1 And well before the first tranche of money that you sent to 03:48:00PM
2 James Pinder on 14 January, the \$100,000 cheque?---To who, 03:48:04PM
3 sorry? 03:48:08PM
4 Well before you sent the cheque for \$100,000 to James Pinder, 03:48:09PM
5 the first cheque?---Possibly, yeah. It would have been. 03:48:14PM
6 In fact it was before Christmas, according to you, wasn't it; 03:48:22PM
7 before Christmas of 2018?---Before Christmas what? When 03:48:26PM
8 this - - - 03:48:30PM
9 You got this back signed by everyone, signed by - you had 03:48:30PM
10 signed it, James Pinder had signed it and the witness had 03:48:34PM
11 signed it and you got it back?---Yeah. 03:48:37PM
12 Do you say you got it back before Christmas of 2018?---I can't 03:48:40PM
13 remember. 03:48:43PM
14 Well, when did you get it back?---From memory, I remember 03:48:44PM
15 signing it, leaving it on Sylvia's desk. Then obviously 03:48:49PM
16 I don't know when James came in and signed it or whether 03:48:58PM
17 he came in or I would think he came into the office to 03:49:00PM
18 sign it, and then - then I remember seeing it on my desk 03:49:03PM
19 and taking it home. 03:49:11PM
20 Did you have any discussions with James Pinder about the terms 03:49:12PM
21 of this agreement before you signed it?---No, just that it 03:49:15PM
22 was going to be 8.5 per cent on the loan. 03:49:20PM
23 Did you tell him that?---Did I tell him that? Yes, I did. 03:49:24PM
24 In a phone call?---No, when we caught up, I believe. Coffee. 03:49:28PM
25 Coffee at Chadstone?---No, never had coffee at Chadstone. 03:49:34PM
26 Did you ever have a meeting at Chadstone in respect of this 03:49:37PM
27 agreement?---No. No. 03:49:40PM
28 Okay. 03:49:44PM
29 COMMISSIONER: Was the document stamped?---Sorry, 03:49:48PM

1 Mr Commissioner? Stamped? 03:49:51PM
2 Yes. The first term of the agreement is that the borrower will 03:49:53PM
3 undertake to have the document stamped. Do you see 03:50:00PM
4 that?---On the bottom? 03:50:12PM
5 See the borrower undertakes to arrange for the stamping of the 03:50:13PM
6 document?---I can't - I can't remember. I don't remember 03:50:17PM
7 looking at the stamp. 03:50:22PM
8 MR LAWRIE: Excuse me for a moment. Now, you said you put the 03:50:36PM
9 document on Sylvia's desk. Who is Sylvia?---Sylvia works 03:50:49PM
10 for Eddie. 03:50:53PM
11 What's her last name?---Can't remember. 03:50:55PM
12 And is Eddie working at the Transclean office - - -?---Sylvia 03:51:02PM
13 or the other girl, the other girl's name, there are two of 03:51:06PM
14 them. 03:51:06PM
15 I'm sorry?---There are two girls that work for him. 03:51:07PM
16 Okay?---I can't remember - - - 03:51:10PM
17 And do Eddie and Sylvia work in the Transclean office at least 03:51:12PM
18 on some days of the week?---What, sorry? 03:51:17PM
19 Do Eddie and Sylvia work in Transclean's South Yarra office at 03:51:19PM
20 least on some days of the week?---They could come in any 03:51:25PM
21 day, seven days a week - - - 03:51:28PM
22 How often are they in the office? How many times a week, 03:51:30PM
23 roughly?---I don't know. I can't answer that, sorry, for 03:51:34PM
24 them. You'd have to ask them. 03:51:37PM
25 I suggest to you this loan agreement was prepared well into 03:51:43PM
26 2019 and not in December of 2018?---That's incorrect, 03:51:48PM
27 Mr Lawrie. 03:51:53PM
28 You dispute that?---Yeah, I do. I do. 03:51:54PM
29 Because you say you got it back with everyone signing it, the 03:52:01PM

1 witness's details, the witness's address, within a few 03:52:04PM
2 days of 10 December of 2018, don't you?---That's what 03:52:08PM
3 I remember. 03:52:13PM
4 And well in advance of that first money going to James Pinder 03:52:14PM
5 on 14 January of 2019?---I believe so. I can't - it was a 03:52:19PM
6 while ago so, you know - - - 03:52:28PM
7 COMMISSIONER: What does that mean? Do you accept your memory 03:52:30PM
8 might be faulty, that the - - -?---I've been under a lot 03:52:33PM
9 of pressure, Mr Commissioner. I'm trying to do my best by 03:52:38PM
10 answering everything. I can't remember. Like, I'm trying 03:52:42PM
11 to picture days or picture things of what happened. 03:52:45PM
12 That's all I can do. Like - - - 03:52:47PM
13 So I'm just trying to understand then what your state of memory 03:52:50PM
14 is?---Yeah. 03:52:54PM
15 It's obviously something less than certain that it was signed 03:52:55PM
16 within a few days of the date on the document?---Yeah. 03:53:00PM
17 It could have been later than that?---Could have been. Could 03:53:04PM
18 have been. 03:53:07PM
19 Yes?---But I just remember getting the document, you know, and 03:53:08PM
20 signing it, leaving it and then within days later, whether 03:53:11PM
21 it was a few days later when I picked it up, signed it and 03:53:14PM
22 left it to them, then I found it on my desk a few days 03:53:17PM
23 later. 03:53:21PM
24 Could it have been much later? Could it have been a month or 03:53:21PM
25 two later?---I don't think it was that - - - 03:53:25PM
26 Than 11 December?---Unless my memory's that bad, I don't really 03:53:31PM
27 know. 03:53:36PM
28 MR LAWRIE: One thing you were certain about was that it was 03:53:36PM
29 before the first money went to James Pinder?---Well, the 03:53:38PM

1 way I remember is that I would have settled this loan 03:53:43PM
2 agreement before I would have given him any money. 03:53:47PM
3 There's no way you're going to send James Pinder \$100,000, 03:53:50PM
4 according to you, until 14 January - - -?---Can I have a 03:53:54PM
5 look at the transfers that I've done? 03:54:00PM
6 Can we bring up, please, p.903? I've referred a number of 03:54:02PM
7 times now to 14 January. Do you see your name in the 03:54:19PM
8 middle there? And if we go to the right, to the column 03:54:21PM
9 running down the middle, you see a \$100,000 cheque 03:54:26PM
10 14 January 2019 that goes to James Pinder?---Yeah. 03:54:30PM
11 Do you see that there?---Yes. 03:54:33PM
12 As far as I can determine that appears to be the first payment 03:54:35PM
13 that goes directly from you to James Pinder?---Yes. 03:54:41PM
14 Doesn't it?---Yes. 03:54:47PM
15 But of course we've got the Andrea Bennett payment up ahead, up 03:54:49PM
16 the top which goes across on 17 December?---Yes. 03:54:53PM
17 Of 2018?---Okay. 03:54:55PM
18 And that's actually your money, isn't it, going via Andrea 03:54:57PM
19 Bennett, according to you?---Yes. 03:55:02PM
20 Money that was owed to you by George Haritos?---Correct. 03:55:03PM
21 But went via Andrea?---Yes. 03:55:05PM
22 So when that goes on 17 December of 2018 that was really the 03:55:08PM
23 first parcel of money going out to Pinder under this loan 03:55:16PM
24 agreement, wasn't it?---Correct. 03:55:20PM
25 So - - -?---So I believe that would have been signed. I would 03:55:23PM
26 have signed it before then. 03:55:26PM
27 So according to you that loan agreement had to be signed some 03:55:27PM
28 time between the 10th - - -?---It didn't have to be. 03:55:32PM
29 I just remember I wanted it signed. 03:55:35PM

1 You know that you insisted on this document before any money 03:55:36PM
2 went out?---So I wanted the agreement, yeah, an agreement 03:55:39PM
3 in place, yes. 03:55:44PM
4 And I accept that your memory might be imperfect on other 03:55:45PM
5 matters, but it's spot on on this, according to you, that 03:55:48PM
6 you wouldn't let any money go out to Pinder until you had 03:55:51PM
7 that agreement in writing, according to you?---I don't 03:55:54PM
8 believe I would give him money without an agreement. 03:55:58PM
9 That's what I'm saying. 03:56:01PM
10 And that's why I say to you that that leads to the timing of 03:56:02PM
11 the agreement, according to the way you say it happened, 03:56:06PM
12 some time between 10 January - sorry, 10 December, the 03:56:10PM
13 date that we see on the document, and 17 December, which 03:56:15PM
14 is the first money going to Pinder, some time in that 03:56:19PM
15 seven days; correct?---Yes. 03:56:23PM
16 COMMISSIONER: Do you think you would have transferred the 03:56:27PM
17 money to Andrea Bennett's account before the document was 03:56:29PM
18 signed?---I wouldn't have a problem having it in my 03:56:31PM
19 sister's account. That wouldn't bother me. 03:56:38PM
20 MR LAWRIE: But what about going from your sister's account to 03:56:43PM
21 Mr Pinder or at least to his real estate agent on 03:56:45PM
22 17 December? You wouldn't want that to happen without the 03:56:48PM
23 loan agreement being signed, would you?---Look, even if it 03:56:53PM
24 was three, four days difference, I mean, it wouldn't have 03:56:55PM
25 bothered me. As long as I had the agreement signed. That 03:56:58PM
26 was all - I just wanted something to secure - to have 03:57:01PM
27 something to secure my money, and that was it. 03:57:04PM
28 I want to bring up a document for you, please. It's 03:57:08PM
29 document 74. 1040. Do you see this here? This is a 03:57:12PM

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property campaign report from realestate.com.au, and it shows that the address that was used by the witness to the loan agreement, according to you, was first listed for sale on 15 January of 2019, and I suggest to you that the witness didn't own the property at that time, didn't lease the property at that time, he leased it afterwards?---Who are we talking about, sorry?

██████████ who signed the document.

COMMISSIONER: The witness?---Oh, sorry, yep, okay. Okay.

MR LAWRIE: And I can take you to another - - -?---I don't know where he lives. I don't know - - -

Well, you saw the address on the bottom of the loan agreement, didn't you?---Yes, but why would I check that?

No, I'm not asking you - what I'm suggesting to you is this?---Yep.

That ██████████ didn't live at that address until at the very earliest 19 January of 2019?---But I dealt with it in the office. I didn't deal with it at his address. It's not something I checked.

What I'm saying to you is this: he moved into that address in 2019?---Yeah.

Okay? Take it from me. He didn't sign the lease on the property until 24 January of 2019. The property wasn't advertised for lease or wasn't listed until 15 January?---So who's to say, you know, he was going to lease it and knew that maybe he put that address back then and signed it earlier on that address?

Maybe, yes?---Who's to know? How am I going to know?

Have you ever spoken to ██████████?---Do I speak to him? Yeah,

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03:57:47PM
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03:58:57PM
03:58:59PM
03:59:04PM
03:59:10PM
03:59:14PM
03:59:17PM
03:59:19PM
03:59:22PM
03:59:25PM

1 I know Eddie. I've known Eddie for years. 03:59:29PM

2 COMMISSIONER: No, this is not Eddie. 03:59:32PM

3 MR LAWRIE: This is the witness to the loan agreement?---Sorry, 03:59:33PM

4 sorry. Yeah, I don't know. I don't know. 03:59:38PM

5 COMMISSIONER: What counsel is putting to you, Ms Tsakopoulos - 03:59:40PM

6 - -?---Yeah. 03:59:44PM

7 Is that it's clear from the circumstances of the witness 03:59:44PM

8 [REDACTED] - - -?---Yes. 03:59:49PM

9 That she was not living at that address until at the very 03:59:49PM

10 earliest the second half of January, probably later than 03:59:54PM

11 that, and so at the time that the witness put down the 03:59:58PM

12 address it would not have been in December 2018; do you 04:00:02PM

13 follow?---I do follow, but I don't understand it. 04:00:08PM

14 It just means you're in error in saying that the agreement was 04:00:14PM

15 witnessed and the signatures were there some time in 04:00:19PM

16 December?---Because that's what I remember. That's what 04:00:22PM

17 I recall. 04:00:26PM

18 And then the question will arise squarely for the Commission 04:00:26PM

19 when was the first loan agreement actually 04:00:30PM

20 created?---That's when it was - that's when Eddie passed 04:00:39PM

21 me that loan agreement. It was in early December. That's 04:00:42PM

22 when he gave it to me. 04:00:45PM

23 Was this the first loan agreement?---There was one earlier than 04:00:46PM

24 that, yes. There was one for 200,000, the original one. 04:00:50PM

25 Tell counsel about that?---So the first agreement that Eddie 04:00:55PM

26 had put together, because I had asked him, you know, what 04:00:59PM

27 - 'I'm going to lend out 200,000 to James Pinder. Can you 04:01:02PM

28 sort out a loan agreement, work out what the interest is 04:01:07PM

29 going to be?' So he did. That loan agreement, if 04:01:10PM

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I remember, I think - that was left on my desk. I think he sent it through to Glenys in the office. Then after that I got a phone call from James saying, 'Marie, I need 320,000. I've only got 200,000. Can you ask and see if you can, you know, try and get me this other 120 so I can settle this property?' I said, 'Okay, I'll see what I can do. That's when I said to George, 'George, you know, can you speak to Alex? Can you sort out if you guys can lend me 120,000 to put towards this loan for James?' That's what happened. Then I got a new loan agreement with the 320, and that's when Eddie came in and gave me both copies and said, 'Sign these and leave them on Sylvia's desk.' That's what I did. So I went into my office, I don't know what I was doing at the time, there was other people there. Then I remember signing this document, leaving them on my way out on the desk, on Sylvia's desk, and I left. Then a few days later, whenever it was, I've gone back into the office and I've seen one signed agreement by James Pinder and the other signature, whoever witnessed it, because there was a copy of my licence on the back of both agreements and also James Pinder's licence. So Eddie had given me the loan agreement and a copy of our licences on the back of these attached to them. So that's it. That's all I can recall; that's all I can remember. I signed it, signed both, left them on the desk and left.

MR LAWRIE: The agreement that was for \$200,000, did that find itself into a document? Was a document prepared for 200,000?---Document? What do you mean? Similar to what we've just seen for 320?---I believe so, yeah.

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04:01:38PM
04:01:41PM
04:01:43PM
04:01:47PM
04:01:50PM
04:01:56PM
04:02:00PM
04:02:03PM
04:02:05PM
04:02:07PM
04:02:12PM
04:02:16PM
04:02:20PM
04:02:24PM
04:02:29PM
04:02:34PM
04:02:37PM
04:02:42PM
04:02:47PM
04:02:50PM
04:02:53PM
04:02:58PM
04:03:00PM

1 There was a draft or something. 04:03:04PM

2 What happened to that?---Nothing. Didn't need it. Threw it 04:03:05PM

3 out. I don't know what they did. I can't remember. 04:03:11PM

4 Did you ever sign that?---No. 04:03:13PM

5 Was there ever a document prepared for 300,000?---300? 04:03:16PM

6 Yes, 300?---Not that I've seen. 04:03:21PM

7 Are you absolutely sure about that?---Yeah. 04:03:25PM

8 COMMISSIONER: I'm sorry, you didn't sign the original 04:03:29PM

9 \$200,000 - - -?---I didn't, no; I didn't end up signing 04:03:32PM

10 the 200,000, no. 04:03:34PM

11 And you don't know what came of - where is that 04:03:36PM

12 document?---Glenys had given it to me or something on the 04:03:40PM

13 desk and she said, 'Eddie, you know, done this as a draft 04:03:43PM

14 copy of the 200 loan that you're going to' - whatever it 04:03:46PM

15 is. She didn't really - she just said 'from Eddie'. But 04:03:51PM

16 I knew it was for 200 because I had read it. And then 04:03:53PM

17 after - I didn't sign that, because it was just going 04:03:56PM

18 through the document and what exactly it was. And then 04:03:58PM

19 that's when - then I got the phone call saying, 'I need 04:04:04PM

20 320,000.' So I just ditched that one and then I spoke to 04:04:06PM

21 Eddie and I said, 'Eddie, I need a new loan for 04:04:10PM

22 300 - I need a loan agreement for 320. 200 is no longer 04:04:13PM

23 going ahead.' 04:04:17PM

24 I think you've now told us you spoke to George and Alex - - 04:04:18PM

25 -?---Yes, spoke to George - - - 04:04:22PM

26 About lending you the additional 120,000?---Yeah, yeah. 04:04:22PM

27 And they both said they would?---George spoke to Alex in their 04:04:28PM

28 own time. I don't know how. 04:04:31PM

29 So George told you they would?---George said he would speak to 04:04:32PM

1 Alex about giving me the 120. 04:04:36PM

2 You're quite sure it was a loan from George?---Yes, yes. 04:04:38PM

3 MR LAWRIE: And you're quite sure that there was no agreement 04:04:43PM

4 that was drawn up or talk of an agreement for the sum of 04:04:47PM

5 \$300,000?---I don't remember the 300, no. I just remember 04:04:53PM

6 that agreement and I had a copy of it at home, which 04:05:00PM

7 I gave to IBAC. It was in my safe. 04:05:05PM

8 When Mr Pinder came back from the United Kingdom did you 04:05:11PM

9 organise a telephone for him, a mobile phone for 04:05:14PM

10 him?---I gave him a spare phone that I had. 04:05:17PM

11 That was in your name?---I had a prepaid card in it. 04:05:22PM

12 Why did you do that?---Because over dinner he said, 'Does 04:05:26PM

13 anyone have a spare phone so I can call back home in the 04:05:30PM

14 UK so I don't have to use my work phone?' And I said to 04:05:34PM

15 him, 'Yeah, I've got a spare phone. I've got a prepaid in 04:05:37PM

16 it. Just use that. Put money on it and just use it.' So 04:05:40PM

17 that's what I did. 04:05:43PM

18 And you had it with you at the time?---No, no. We met up, 04:05:44PM

19 I don't know, a few days later or something. That's when 04:05:47PM

20 we went to Crown one night, that's when I took him the 04:05:50PM

21 phone. 04:05:53PM

22 When was that?---Oh, early 2016, I think it was. When he came 04:05:53PM

23 back. Not long after or something. Or after the dinner 04:06:00PM

24 that we caught up, and then we went to Crown one night. 04:06:03PM

25 Did you ever involve [REDACTED] in arranging sums of 04:06:11PM

26 cash for George Haritos to use?---For George? 04:06:19PM

27 Yes?---No. No. Why would I do that? 04:06:24PM

28 I don't know?---No. 04:06:29PM

29 So we've already dealt with one company that [REDACTED] 04:06:33PM

1 was - - -?---For a very short time, yeah. 04:06:40PM

2 The director of. That was a company that was incorporated in 04:06:43PM

3 January of 2020; do you remember that?---I'm not a 04:06:46PM

4 director. I wouldn't know. 04:06:52PM

5 Did you advise her or talk to her about the need to form a 04:06:54PM

6 company?---No. 04:06:58PM

7 What did she do at Transclean?---She was my area manager. 04:06:59PM

8 A salaried employee?---Sorry? 04:07:04PM

9 A salaried employee of - - - ?---No, she had - through her 04:07:06PM

10 company, that's - she was invoicing through that. 04:07:13PM

11 She invoiced through her company?---Yeah. 04:07:16PM

12 Did you ever advise her to use that company to shift cash 04:07:18PM

13 around?---Shift cash around? 04:07:22PM

14 Yes?---No. Why would I - - - 04:07:25PM

15 So that it would be less visible?---No. 04:07:27PM

16 All right. Can we please go to telephone call No.1 and at the 04:07:31PM

17 same time can we bring up the transcript? 04:07:41PM

18 COMMISSIONER: What's the date of the conversation? 04:07:46PM

19 MR LAWRIE: Excuse me for a moment, Commissioner. 27 January 04:07:49PM

20 2020. 04:07:54PM

21 COMMISSIONER: Is it a previous exhibit, Mr Lawrie? 04:08:06PM

22 MR LAWRIE: No. No, it's not, Commissioner. 04:08:08PM

23 COMMISSIONER: Thank you. 04:08:10PM

24 MR LAWRIE: What will happen, we'll play audio and then we'll 04:08:19PM

25 have the transcript of what's going on run past you at the 04:08:24PM

26 same time. Do you see it's got your name and then it's 04:08:30PM

27 got 'person A'?---Yes. 04:08:32PM

28 All right. The first thing I'm going to ask you to do is to 04:08:33PM

29 confirm that person A is [REDACTED] - - -?---Okay. 04:08:36PM

1 When you hear the call. 04:08:39PM

2 (Audio recording played to the Commission.) 04:09:39PM

3 WITNESS: Yeah, that's me. 04:10:52PM

4 MR LAWRIE: So that's you and [REDACTED]?---M-hmm. 04:10:54PM

5 Speaking on 27 January 2020; is that right?---Yes, yes. 04:10:59PM

6 I now want to play to you - I'll come back to that in a moment, 04:11:03PM

7 but I want to play to you call No.2. 04:11:07PM

8 COMMISSIONER: Is that the continuation? 04:11:15PM

9 MR LAWRIE: It is, Commissioner. This is at 1060 of 04:11:17PM

10 the transcript. 04:11:27PM

11 COMMISSIONER: Thank you. 04:11:29PM

12 MR LAWRIE: I should say this is the second call an hour later 04:11:41PM

13 or thereabouts. 04:11:44PM

14 (Audio recording played to the Commission.) 04:12:11PM

15 COMMISSIONER: Can the transcript be brought up? 04:12:21PM

16 MR LAWRIE: Can we just stop there. At the same time can we 04:12:22PM

17 bring up the transcript commencing at 1060? 04:12:25PM

18 (Audio recording played to the Commission.) 04:12:31PM

19 MR LAWRIE: That was a conversation that you had with [REDACTED] 04:19:46PM

20 [REDACTED] on 27 January 2020; correct?---Yep. 04:19:50PM

21 And that was eight days after incorporation of TCMT, [REDACTED] 04:19:52PM

22 [REDACTED]'s company?---Yeah. 04:20:02PM

23 Correct?---Yep. 04:20:03PM

24 Those initials are [REDACTED] Maria Tsakopoulos, aren't 04:20:04PM

25 they?---No, that's what she put down. Nothing to do with 04:20:11PM

26 me. 04:20:15PM

27 You didn't speak to her about forming that company?---Not 04:20:15PM

28 forming the company, no. She wanted to do subcontracting, 04:20:18PM

29 yes, so I was trying to help her how to do it. 04:20:22PM

1 Do you remember when I asked you just before we played that 04:20:25PM
2 whether or not you had ever been involved - you had ever 04:20:28PM
3 involved her in moving money around?---Yes. 04:20:31PM
4 To hide the source of the money or - - -?---There was no hiding 04:20:33PM
5 the source of the money. 04:20:39PM
6 Do you want to change your answer now?---No, because there was 04:20:40PM
7 no hiding. 04:20:43PM
8 You said you weren't involved in laundering huge amounts of 04:20:46PM
9 money in that conversation. Do you remember saying 04:20:49PM
10 that?---Sorry, I was laundering? 04:20:53PM
11 Do you remember in that conversation you talked about the fact 04:20:54PM
12 that you weren't laundering huge amounts of 04:20:57PM
13 money?---Laundering? I don't remember saying 04:21:03PM
14 'laundering'. 04:21:08PM
15 Were you reading the transcript?---The transcript is not on my 04:21:09PM
16 computer. 04:21:12PM
17 It wasn't showing up?---No. Oh, sorry, it was on my computer 04:21:14PM
18 before, yeah. 04:21:19PM
19 Were you reading it as it was being played?---I was trying to, 04:21:20PM
20 yeah. Yeah, I have read it, but I don't remember the word 04:21:23PM
21 'laundering' in it. 04:21:26PM
22 Well, we can replay it. 04:21:27PM
23 COMMISSIONER: I don't think you need to do that, 04:21:30PM
24 Mr Lawrie?---Yeah, that's okay. 04:21:32PM
25 If it's relevant, put the words. You have the transcript 04:21:34PM
26 there. 04:21:39PM
27 MR LAWRIE: I will Commissioner, thank you. This is what you 04:21:39PM
28 say, 'We're not laundering money that's out of control.' 04:21:42PM
29 She says, 'M-hmm'. You say, 'It's very little.' She 04:21:47PM

1 says, 'M-hmm'. 'To the tax department. Whereas George, 04:21:51PM
2 his was massive. His was 40 million, you understand?' 04:21:57PM
3 'Yep,' she says. And then you rely, 'And yet again he 04:22:02PM
4 still got away it'?---Okay. So this has got nothing to do 04:22:07PM
5 with George. This has got to do with her making money for 04:22:10PM
6 her company. It's got nothing to do with George or 04:22:13PM
7 myself. 04:22:17PM
8 But in your own mind you were laundering money by - - 04:22:17PM
9 -?---I was just mucking around, to be honest; just talking 04:22:21PM
10 crap. 04:22:25PM
11 Really?---Yeah. I wouldn't have any idea about tax stuff. 04:22:26PM
12 You were advising her to keep the transactions under \$5,000 so 04:22:30PM
13 that they wouldn't show up with the regulator?---I was 04:22:33PM
14 told by someone if you take out under 5,000 it doesn't get 04:22:36PM
15 registered and all this sort of crap, whatever it was. 04:22:39PM
16 I can't remember back then. I was just going from what 04:22:42PM
17 I remember. 04:22:44PM
18 So this is just a flight of fancy - - -?---Yeah, it is. There 04:22:45PM
19 was nothing to it, you know. And she 's got a lot of cash 04:22:49PM
20 that she would like to get rid of because she does some 04:22:52PM
21 other work which I don't want to discuss in public. So, 04:22:54PM
22 yeah, George uses a lot of cash. So do I. 04:22:58PM
23 So why's there the need to funnel [REDACTED]'s cash 04:23:03PM
24 through Transclean?---We weren't doing it through 04:23:09PM
25 Transclean. We weren't funneling any money. I just said 04:23:13PM
26 to her, 'Give me whatever cash you've got.' 04:23:15PM
27 For George?---We were going to America. 04:23:17PM
28 You were saying, 'Because George will use it'?---Well, he would 04:23:19PM
29 use it on his carers, his mum's carers and all that. So 04:23:22PM

1 I'm going away. We were going away together. So I was 04:23:26PM
2 going to leave money behind or leave some cash, whatever. 04:23:29PM
3 She didn't want to leave it in her safe. No big deal. 04:23:33PM
4 She didn't want to leave it. I said not to leave it in 04:23:38PM
5 her safe at home. We'd use it and he'll repay her back. 04:23:40PM
6 He'll pay her back. So if I was to give whatever the 04:23:46PM
7 10,000 - we're talking peanuts here, right? She didn't 04:23:49PM
8 have, like, millions of dollars. She had \$10,000 or 04:23:53PM
9 whatever she had. 04:23:56PM
10 Well, with respect, it depends on how many times you do it 04:23:56PM
11 whether it's peanuts or not?---It was once because we were 04:23:58PM
12 going to America. Do you know what I mean? Like, it 04:24:02PM
13 wasn't an ongoing thing, because I know what sort of work 04:24:05PM
14 she does. So. 04:24:08PM
15 Why was it so important that this cash was moved around in lots 04:24:09PM
16 under \$5,000?---It wasn't moved around. 04:24:13PM
17 That's what you're suggesting here?---I said if she needed to 04:24:17PM
18 pull money out, not to pull, you know, large amounts out 04:24:21PM
19 or whatever it is, not more than - like, 'Just pull out 04:24:25PM
20 four and a half if you're going to pull it out.' 04:24:29PM
21 COMMISSIONER: I see the time, Mr Lawrie. 04:24:32PM
22 MR LAWRIE: Thank you, Commissioner. 04:24:33PM
23 COMMISSIONER: I just wanted to ask you, Ms Tsakopoulos, before 04:24:36PM
24 we go when did you last speak to Mr Haritos about the 04:24:38PM
25 issues that you were going to have to give evidence about 04:24:45PM
26 today?---Sorry, Mr Commissioner? 04:24:49PM
27 When did you last talk to George about the evidence that you 04:24:54PM
28 were going to have to give today?---When did I last speak 04:24:57PM
29 to him about it? 04:25:01PM

1 M-hmm?---That I have to come here to give evidence. 04:25:02PM
2 When is the last occasion - - -?---I see him every day. 04:25:08PM
3 You see him every day?---Yeah. 04:25:11PM
4 And you've talked to him about the - - -?---Yeah. 04:25:13PM
5 And have you seen him today?---Yeah, I've seen him. He's 04:25:15PM
6 downstairs. 04:25:19PM
7 He's downstairs?---Yeah. 04:25:20PM
8 What's he doing downstairs?---With a solicitor. His solicitor. 04:25:21PM
9 Sorry?---He's with the solicitor. He brought me in. He drove 04:25:24PM
10 me in. I don't have a licence at the moment. 04:25:26PM
11 So he brought you in here?---Yeah. 04:25:27PM
12 And you'll go home with him?---Yes. 04:25:30PM
13 Right. And so he's aware of the evidence you're 04:25:33PM
14 giving?---I believe so, yeah. 04:25:36PM
15 How does he - - -?---As in right now? 04:25:37PM
16 How is he following the evidence that you're giving?---I don't 04:25:40PM
17 know. He can't be here. He's not here to follow the 04:25:43PM
18 evidence. 04:25:48PM
19 No, he's not here. But do you believe he's following the 04:25:48PM
20 evidence you're giving?---He could be, yes. 04:25:51PM
21 How is he doing that?---With the solicitor, maybe, possibly. 04:25:53PM
22 I don't know. 04:25:55PM
23 You don't know ?---I don't know what they're doing now, no. 04:25:56PM
24 You have spoken to him in the course of the day, have 04:25:59PM
25 you?---I spoke to him before, when I went downstairs for 04:26:02PM
26 lunch, yes. 04:26:04PM
27 And was it apparent to you that he understood the nature of the 04:26:04PM
28 evidence that you have been giving?---No, he doesn't know 04:26:07PM
29 what evidence - - - 04:26:10PM

1 He doesn't know what evidence you've been giving?---No. But 04:26:10PM
2 he's been watching. I know that him and my 04:26:14PM
3 solicitor - him and his solicitor are watching it. 04:26:17PM
4 That's what I was asking?---Yes, sorry. They're watching it, 04:26:19PM
5 yes. 04:26:22PM
6 Well, might I suggest to you it's entirely a matter for you, 04:26:23PM
7 but if you want to leave the impression that you're doing 04:26:27PM
8 your very best to just give honest, forthright evidence 04:26:32PM
9 it's not ideal for you to be consulting with him all the 04:26:36PM
10 time as to the nature of the evidence you're giving; do 04:26:39PM
11 you follow?---Yes. 04:26:43PM
12 All right. We'll adjourn until 11.30 tomorrow. 11.30 in the 04:26:44PM
13 morning tomorrow?---Back here? 04:26:49PM
14 Yes. I'll see you then. Thank you. 04:26:51PM
15 <(THE WITNESS WITHDREW) 04:26:55PM
16 ADJOURNED UNTIL TUESDAY, 30 MARCH 2021 AT 11.30 AM 04:26:57PM
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