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TRANSCRIPT OF AFTERNOON PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

TUESDAY, 30 MARCH 2021

(8th 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

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

1 UPON RESUMING AT 2.17 PM: 02:16:07PM

2 COMMISSIONER: Yes, Mr Lawrie. 02:17:46PM

3 MR LAWRIE: Thank you, Mr Commissioner. 02:17:47PM

4 <MARIA TSAKOPOULOS, recalled: 02:17:47PM

5 <EXAMINED BY MR LAWRY, continued: 02:17:47PM

6 Ms Tsakopoulos, we were talking just before lunch about some 02:17:48PM

7 documents that had been left in your - sorry, that 02:17:51PM

8 Mr Pinder had left in his letterbox for you to pick up at 02:17:54PM

9 the same time that you delivered the phone; do you recall 02:17:57PM

10 that series of questions?---Yes. 02:17:59PM

11 I want to take you, please, to one of the pages from those 02:18:02PM

12 documents, and that is 1057, please. That will come up on 02:18:08PM

13 the screen shortly. Now, this is apparently, at least as 02:18:20PM

14 far as you understand it, something that's been written by 02:18:33PM

15 Mr Pinder, isn't it?---Yes. 02:18:36PM

16 Where he says, 'This is about me, you and Pete.' Did you 02:18:38PM

17 understand who 'me, you and Pete' were?---No, it didn't 02:18:43PM

18 make sense. 02:18:49PM

19 Did you think Pete was Peter Bollas?---Yeah, I believe so, 02:18:50PM

20 yeah. I would think so. 02:18:54PM

21 COMMISSIONER: Counsel is asking you did you realise that at 02:18:58PM

22 the time that the reference to Pete was Pete 02:19:00PM

23 Bollas?---I sort of read this and it didn't really make 02:19:04PM

24 sense to me when I picked it up. So I didn't - I just 02:19:06PM

25 ignored it. 02:19:09PM

26 You did not realise it was Bollas?---I don't know who it was. 02:19:10PM

27 It could have been Peter Bollas. I don't know. I don't 02:19:14PM

28 know. It says 'Pete'. 02:19:17PM

29 Ms Tsakopoulos - - - 02:19:20PM

1 MR LAWRIE: Did you read these pages at the time?---I don't 02:19:24PM  
2 know. I don't remember at the time, sorry. 02:19:27PM  
3 COMMISSIONER: You don't remember at the time whether you 02:19:28PM  
4 realised it was Bollas; is that what you're 02:19:30PM  
5 saying?---That's the only Pete I can assume it was. 02:19:32PM  
6 Yes?---Yeah. 02:19:34PM  
7 MR LAWRIE: Did you read these pages after you picked them 02:19:36PM  
8 up?---I did read them but didn't - yeah, didn't think much 02:19:39PM  
9 of it. I just thought the bloke had lost the plot. 02:19:42PM  
10 So you read them but you say didn't pay any real attention to 02:19:44PM  
11 them?---No. 02:19:47PM  
12 All right?---That's why I just left them there. I didn't think 02:19:49PM  
13 anything of it. 02:19:53PM  
14 Well, you acted on some of these instructions that had been 02:19:54PM  
15 left by Mr Pinder, didn't you?---What do you mean, sorry? 02:19:59PM  
16 Well, he asked you to take the phone away and set it up, didn't 02:20:03PM  
17 he?---Yeah, I did set it up, but - no, I - okay, so - - - 02:20:07PM  
18 Do you see where they say, 'They will try and follow the 02:20:15PM  
19 dollars from you to us. They will have been listening to 02:20:18PM  
20 phones and probably still are . Take this white phone 02:20:24PM  
21 back. Set it up. Put your number and Marie' - is that 02:20:28PM  
22 'Marie' we see there - 'in. Get WhatsApp on all 3 new 02:20:32PM  
23 phones.' Do you see those instructions?---'All 3 new 02:20:38PM  
24 phones'. Yeah, it didn't make sense to me at all when 02:20:45PM  
25 I read this. Nothing - none of it made sense. 02:20:49PM  
26 But it turns out that you in fact did deliver a new phone that 02:20:52PM  
27 Mr Pinder could use, didn't you?---I took a phone to him 02:20:58PM  
28 that night or one of the nights, I can't really remember. 02:21:02PM  
29 It was this white phone that I had that obviously he 02:21:05PM

1           couldn't set up or he didn't know how to set it up or           02:21:13PM  
2           whatever - it was just a crappy phone anyway so I can           02:21:15PM  
3           contact him on. So then after that I just - when I picked           02:21:18PM  
4           up the phone and he had given me this note with it, then           02:21:20PM  
5           I just got two new phones and set them up.                       02:21:24PM  
6 Did you pass on to Mr Haritos the fact that these instructions           02:21:27PM  
7           had been given to you by Mr Pinder?---No.                       02:21:32PM  
8 You didn't tell George about these at all?---No. The note was           02:21:34PM  
9           to me. It wasn't to - he just left it in the letterbox.           02:21:37PM  
10          It didn't make sense, though.                                   02:21:41PM  
11 COMMISSIONER: It's clear, isn't it, these were instructions -           02:21:43PM  
12          - -?---I understand what the instructions that he was           02:21:47PM  
13          saying about the phone, but I never did that. So whatever           02:21:48PM  
14          instructions he gave me I never did that. I never went           02:21:52PM  
15          with that.   02:21:55PM  
16 This is the instructions Mr Pinder was wanting George to               02:21:56PM  
17          follow. This was a note written for George, not for you,           02:22:01PM  
18          hence he refers to you by name in the document?---It just           02:22:04PM  
19          didn't make sense.   02:22:10PM  
20 'Me, you and Pete' is George, James and Peter Bollas, isn't           02:22:11PM  
21          it?---I don't know, Mr Commissioner.                       02:22:18PM  
22 What did you think at the time, Ms Tsakopoulos?---I just read           02:22:20PM  
23          it. I just thought it was a load of crap, like, just -           02:22:22PM  
24          I didn't even know what it was - - -                       02:22:25PM  
25 You just thought it was a load of crap?---I didn't know what he           02:22:25PM  
26          was writing.   02:22:28PM  
27 Is this the truth, is it?---I didn't know what he was writing.           02:22:29PM  
28          It didn't make sense to me.                                   02:22:32PM  
29 It all makes sense to me, Ms Tsakopoulos. I don't understand           02:22:34PM

1 why it wouldn't make sense to you?---It just didn't. 02:22:38PM  
2 I just thought the guy's lost, that he's just probably, 02:22:41PM  
3 you know, throwing things out of what this whole scenario 02:22:44PM  
4 could be about. He didn't know. That's the way I looked 02:22:48PM  
5 at it, because he was lost. 02:22:50PM  
6 He wasn't lost at all, Ms Tsakopoulos. What he was saying to 02:22:51PM  
7 you was, 'Get some new phones. We should use WhatsApp 02:22:55PM  
8 messages, no longer communicate in the old way. Only use 02:22:59PM  
9 the phones outdoors.' Quote: 'This may not end well. 02:23:02PM  
10 Prepare for the worst'?---Because he had something to 02:23:07PM  
11 worry about. I didn't, Mr Commissioner. 02:23:10PM  
12 And I've tried to point out to you in the perhaps vain 02:23:12PM  
13 expectation you might try and be more honest in your 02:23:18PM  
14 testimony that you are in the middle of this. Yes, 02:23:21PM  
15 Mr Lawrie. 02:23:27PM  
16 MR LAWRIE: What did you think he had to be worried about? 02:23:28PM  
17 What did you think Mr Pinder had to be worried 02:23:31PM  
18 about?---Obviously because of the home loan on his behalf 02:23:33PM  
19 at that time. 02:23:35PM  
20 Nothing else? Nothing about - - -?---No. 02:23:37PM  
21 Moneys that he had received from Transclean?---No. 02:23:39PM  
22 Okay. Let's have a look, please, now at p.1054. Again, this 02:23:42PM  
23 is from that same bundle of notes. We see here, first 02:23:50PM  
24 bullet point, 'We met in early 2013 in the Tribeca wine 02:23:57PM  
25 bar in East Melbourne.' Is that where you first met 02:24:02PM  
26 Mr Pinder?---No. 02:24:05PM  
27 Where did you first meet him?---Jim's Tavern. 02:24:06PM  
28 'We became friends (not lovers)'?---That's what I'm saying. 02:24:09PM  
29 I don't understand what he was writing. 02:24:15PM

1 These are instructions to you, I suggest, to get your back 02:24:16PM  
2 story, that is your back story in respect of Mr Pinder and 02:24:20PM  
3 his back story in respect of you, straight. What do you 02:24:24PM  
4 say about that?---Didn't make any sense to me what he was 02:24:29PM  
5 writing here, because I never met him the first time at 02:24:33PM  
6 Tribeca, I met him at Jim's Tavern, and I remember it - - 02:24:38PM  
7 - 02:24:38PM  
8 COMMISSIONER: Precisely. What he was doing, Ms Tsakopoulos, 02:24:43PM  
9 was saying to you, 'I don't want you telling the truth. 02:24:46PM  
10 Here is the story we must present'?---I never looked at it 02:24:50PM  
11 like that because I'm only going to say where I met him. 02:24:53PM  
12 I met him at Jim's Tavern, not Tribeca. 02:24:56PM  
13 Had you ever been lovers?---No, so I can't understand this. 02:24:59PM  
14 Have you never said in your conversations with George anything 02:25:02PM  
15 about the nature of your relationship with 02:25:06PM  
16 Mr Pinder?---I think we made a joke about it. 02:25:08PM  
17 Made a joke about it. What was the joke - - -?---I can't 02:25:09PM  
18 remember. I don't know. Maybe I did. Maybe I didn't. 02:25:13PM  
19 I don't remember. 02:25:16PM  
20 MR LAWRIE: The next bullet point as part of the cover story 02:25:18PM  
21 Mr Pinder says this: 'I lent you 35,000 in late 15. You 02:25:21PM  
22 paid back in early 2017.' I asked you about that this 02:25:26PM  
23 morning. That was a loan that never happened, according 02:25:29PM  
24 to you?---No. 02:25:31PM  
25 But I suggest to you, just to remind you, that that is an 02:25:33PM  
26 attempt to explain away the \$35,000 in cash that we looked 02:25:36PM  
27 at that was taken out in January 2016; you disagree with 02:25:40PM  
28 that, no doubt?---So if he's here in 2016 why am I giving 02:25:44PM  
29 it to him in 2017? 02:25:49PM

1 Well, I'm not suggesting that you've got the dates right 02:25:52PM  
2 precisely, but that's what this cover story was attempting 02:25:55PM  
3 to do, was to provide an explanation for that movement of 02:25:58PM  
4 cash?---No way. 02:26:01PM  
5 Okay. 'You lent me 300K' - 300,000 - 'for the home loan. Now 02:26:02PM  
6 agreed to pay back when sold'?---I don't know what he was 02:26:11PM  
7 talking about. 02:26:15PM  
8 Because it was never a \$300,000 loan, was it?---Yeah, no, it 02:26:16PM  
9 was 320. 02:26:20PM  
10 And you remember I asked you yesterday whether or not there was 02:26:21PM  
11 ever an agreement for 300,000?---No. 02:26:24PM  
12 And you said definitely there was not?---Never seen it. 02:26:27PM  
13 COMMISSIONER: And the agreement, was it ever that he would 02:26:31PM  
14 only repay you when the house was sold or was it that he 02:26:33PM  
15 had to - you had to receive the money - - -?---No, he had 02:26:38PM  
16 said to me back then that if he could get me the money 02:26:42PM  
17 earlier for - he'd sell some property in the UK and he 02:26:46PM  
18 could pay me off earlier. 02:26:48PM  
19 Are we talking now about his proposition - - -?---I don't know 02:26:50PM  
20 what he was writing here. Like, I don't understand what 02:26:54PM  
21 he - what the guy was saying. 02:26:56PM  
22 'Now agreed to pay back' money that you lent him when the 02:26:59PM  
23 property is sold. Was that ever the agreement?---No. 02:27:05PM  
24 No?---That's what I'm saying. This doesn't make sense. Like, 02:27:09PM  
25 I don't know what - the guy was lost. I don't know. 02:27:13PM  
26 MR LAWRIE: And even as you sit here today it doesn't make 02:27:15PM  
27 sense to you?---No. 02:27:18PM  
28 Now, you took the trouble to get to Mr Pinder that second phone 02:27:19PM  
29 so that you could communicate with him, didn't 02:27:23PM

1           you?---Yeah, because - - - 02:27:26PM

2 Did you ever communicate to him about these documents and ask 02:27:27PM

3           him, 'James, what do you mean by this? I don't 02:27:30PM

4           understand'?---No. 02:27:34PM

5 You never had that conversation?---Because he was lost. You 02:27:34PM

6           could tell he was lost. 02:27:38PM

7 So did you have the conversation, 'James, you seem lost. 02:27:39PM

8           You've written a note that I just can't make heads or 02:27:42PM

9           tails of. Please tell me'?---I don't remember having a 02:27:45PM

10          conversation with him. 02:27:48PM

11 Never sought a clarification from him?---Never - I don't 02:27:50PM

12          remember having a conversation - - - 02:27:53PM

13 Did you ever seek a clarification from James Pinder about what 02:27:55PM

14          he meant in this document?---I don't believe so. 02:27:58PM

15 I suggest to you the reason you didn't do it: because it made 02:27:59PM

16          sense to you on its face?---Because I just ignored it. 02:28:03PM

17          Like, it was no big deal. Like, it didn't make sense to 02:28:05PM

18          me. I don't know what he was saying in his head or what 02:28:08PM

19          he was thinking at the time. For me it was just, 'I want 02:28:10PM

20          my money back.'

21          He's a good friend, isn't he?---Yeah, that just lost his 02:28:14PM

22          career. 02:28:18PM

23 No, but he's a good friend that you've known for years?---Yeah. 02:28:18PM

24 Part of the family?---Yeah. 02:28:21PM

25 As you described it?---Not him, no. 02:28:23PM

26 He wasn't part of the family?---I was talking about everyone 02:28:24PM

27          else that we're close - - - 02:28:27PM

28 I thought you described Mr Pinder as part of the family when 02:28:29PM

29          you'd lend cash and you wouldn't document it and that 02:28:31PM

1 didn't trouble you because he was part of the 02:28:34PM  
2 family?---No, I didn't say that he was part of the family. 02:28:36PM  
3 I wasn't talking about him. I was talking about my 02:28:38PM  
4 sister. 02:28:41PM  
5 Okay. You wouldn't regard Pinder as part of your - as part of 02:28:42PM  
6 the family?---No, just a friend. A friend. A friend that 02:28:46PM  
7 I've known. 02:28:52PM  
8 And this friend that you've known for years puts - he asks you 02:28:53PM  
9 to put your - he puts his details in brackets in the 02:29:00PM  
10 second half of that page and he wants your details in 02:29:03PM  
11 return, doesn't he?---Maybe he just - he thinks I - maybe 02:29:07PM  
12 I've forgotten about him or he wants to know more - my 02:29:12PM  
13 details because he's forgotten. I don't know what he 02:29:16PM  
14 meant by this. I never asked him. I never questioned him 02:29:19PM  
15 about it. Like, I don't remember doing that. Like, to 02:29:22PM  
16 me, it was just whatever. I don't know what he was on 02:29:24PM  
17 about. 02:29:27PM  
18 Let's look at the next page, 1055, please. 02:29:27PM  
19 COMMISSIONER: That document is in evidence, is it not? 02:29:35PM  
20 MR LAWRIE: The previous one is part of JP14, Commissioner. 02:29:38PM  
21 COMMISSIONER: Thank you. 02:29:41PM  
22 MR LAWRIE: And the first page that I went to, 1057, is JP15. 02:29:45PM  
23 COMMISSIONER: Thank you. 02:29:50PM  
24 MR LAWRIE: And this one is also part of JP14. And here this 02:29:51PM  
25 is a further instruction from Mr Pinder: 'WhatsApp answers 02:29:54PM  
26 on phone.' In other words, he's asking you to put the 02:30:00PM  
27 details to those - - -?---Yeah. 02:30:04PM  
28 Sorry, the answers to those personal details questions in a 02:30:05PM  
29 WhatsApp answer?---M-hmm. 02:30:08PM

1 Did you do that?---Possibly. I don't remember if I did. 02:30:09PM  
2 You've got no idea whether you sent that list of personal 02:30:15PM  
3 details?---Don't remember. Maybe I did. 02:30:18PM  
4 Maybe you did?---I don't know. I don't remember. 02:30:21PM  
5 And do you see it says, 'Leave with a mask'?---Yes, 'Leave with 02:30:27PM  
6 masks,' yes. 02:30:34PM  
7 No, it says, 'Leave with a mask'?---Well, I took it as masks. 02:30:35PM  
8 What did you take it to mean?---Sorry? 02:30:40PM  
9 Well, you've said, 'I took it that it was to leave with a 02:30:42PM  
10 mask.' What's the 'it'?---Masks. Like, masks. 02:30:47PM  
11 And is the 'it' the phone that you were returning to him after 02:30:50PM  
12 you had set it up?---I believe so, yeah. 02:30:53PM  
13 So you did read that and you did follow the instruction?---But 02:30:56PM  
14 I don't understand. What do you mean I followed the 02:31:02PM  
15 instruction? 02:31:05PM  
16 Well, you've just said that you looked at it - - -?---I've left 02:31:05PM  
17 him a phone. I've left him a new phone with some masks, 02:31:08PM  
18 that's it, so I can communicate with him. 02:31:11PM  
19 Did you set that phone up with everyone's number in it and the 02:31:13PM  
20 WhatsApp platform installed?---I can't remember. 02:31:18PM  
21 COMMISSIONER: And did you use the codes that he 02:31:23PM  
22 specified?---The codes that I put down for him? 02:31:25PM  
23 Did you use those codes that are written down there in that 02:31:30PM  
24 document?---Did I use the codes? 02:31:33PM  
25 Yes?---As the password? 02:31:35PM  
26 Yes?---Yes. 02:31:38PM  
27 MR LAWRIE: Can we go, please, to 1056. This says, 'Tell him 02:31:40PM  
28 to say he got an anonymous WhatsApp message he thought was 02:31:49PM  
29 from me saying I was in trouble and needed some money. 02:31:53PM

1 I said in the message to put it in the car without saying 02:31:56PM  
2 anything.' Did you read that at the time that you picked 02:31:59PM  
3 up this document?---Yes. 02:32:04PM  
4 That's a message from Mr Pinder to Mr Haritos to explain the 02:32:05PM  
5 \$10,000 in cash that was delivered to him by Mr Haritos on 02:32:11PM  
6 19 August 2020, isn't it?---I don't remember this note. 02:32:15PM  
7 Did you pass that message on to Mr Haritos?---I don't believe 02:32:29PM  
8 I did because I don't even remember the note. 02:32:32PM  
9 This was found in your apartment when a search warrant was 02:32:35PM  
10 executed in October of last year, wasn't it?---I don't 02:32:38PM  
11 know what I had there, to be honest with you. 02:32:41PM  
12 Let's really try and focus, please?---Yeah. 02:32:44PM  
13 This was a page in a group of documents that we've already gone 02:32:46PM  
14 through that was collected from Mr Pinder's mailbox by you 02:32:50PM  
15 and then found in your apartment when a search warrant was 02:32:54PM  
16 executed in October last year?---Which probably made no 02:32:58PM  
17 sense. 02:33:01PM  
18 Did you pass that message on to Mr Haritos?---No, I don't 02:33:02PM  
19 believe I did. 02:33:06PM  
20 COMMISSIONER: You remember that, do you? Do you remember - - 02:33:06PM  
21 -?---I don't know if I did. Maybe I did. I don't 02:33:07PM  
22 remember, Mr Commissioner. I don't actually remember this 02:33:10PM  
23 particular note. 02:33:12PM  
24 A very important note, isn't it?---I don't believe it is, 02:33:13PM  
25 because I just think it's whatever he thinks in his own 02:33:18PM  
26 head. I don't know. 02:33:21PM  
27 Sorry, let's just take that last answer: 'I don't believe it is 02:33:22PM  
28 an important note.' What's the note saying, 02:33:26PM  
29 Ms Tsakopoulos?---I just look at this as the man has lost 02:33:29PM

1 his mind, and who knows what he's thinking. That's the 02:33:33PM  
2 way I looked at - - - 02:33:37PM  
3 The only person who it was suggested in evidence until now had 02:33:38PM  
4 lost their mind was you. Mr Haritos's sworn evidence was 02:33:43PM  
5 that you were both panicking and you were paranoid - you. 02:33:45PM  
6 Did you not hear that evidence from Mr Haritos?---No, 02:33:50PM  
7 I don't remember that evidence, no, Mr Commissioner. 02:33:54PM  
8 What does this note say? What is Mr - - -?---Maybe he's coming 02:33:56PM  
9 up with some suggestion of possibly the moneys that he 02:34:02PM  
10 gave him, I don't know, on that day when he got that money 02:34:05PM  
11 that - that's what - I'm reading it now. That's what it 02:34:10PM  
12 seems like. 02:34:14PM  
13 Mr Pinder is saying, 'You should tell George that he got an 02:34:14PM  
14 anonymous WhatsApp message that he'd thought was from 02:34:20PM  
15 me' - from James Pinder - 'saying I was in trouble and 02:34:25PM  
16 needed some money. I said in the message to put it in the 02:34:28PM  
17 car without saying anything'?---He must have just been 02:34:32PM  
18 coming up with things because obviously he just got - you 02:34:36PM  
19 know, got done by IBAC . I don't know. 02:34:38PM  
20 No, this is Mr Pinder wanting you to convey a message to 02:34:40PM  
21 George - - -?---I may have told him about this. 02:34:44PM  
22 Just listen to me. This is a message from Mr Pinder to you to 02:34:46PM  
23 pass on to George as to what he should say by way of 02:34:50PM  
24 explanation for the money that had been given to Mr Pinder 02:34:55PM  
25 on the day the search warrant was executed. You knew 02:34:59PM  
26 that, didn't you?---Possibly, yes. That could have 02:35:03PM  
27 been - would have been, yes. 02:35:06PM  
28 Did you tell George that? Did you pass the message on to 02:35:07PM  
29 him?---I may or may not have. I may have. I may have. 02:35:11PM

1 Right. 02:35:14PM

2 MR LAWRIE: In one of those earlier pages we saw a reference to 02:35:18PM

3 Mr Pinder saying that you had lent him \$300,000 for the 02:35:23PM

4 purchase of the house; do you remember that just a moment 02:35:26PM

5 ago?---Yes. 02:35:29PM

6 Yesterday I asked you whether or not there was ever a loan 02:35:30PM

7 agreement for \$200,000; you recall that question?---Yes. 02:35:36PM

8 And that the substance of your response was this, that it was 02:35:39PM

9 contemplated at that - for a time, a document was produced 02:35:44PM

10 but it was never executed?---No. 02:35:49PM

11 Is that correct? Have I got your evidence correct?---I believe 02:35:52PM

12 so, yeah. That's what I remember. 02:35:55PM

13 And you couldn't recall whether that particular agreement for 02:35:57PM

14 \$200,000 had been kept or it had been thrown away or where 02:36:02PM

15 it was?---I can't remember. 02:36:06PM

16 Have I accurately captured your evidence from 02:36:07PM

17 yesterday?---Yeah. 02:36:10PM

18 Yes?---Yes. 02:36:10PM

19 Now, the reason why that wasn't proceeded with was because it 02:36:11PM

20 quickly became apparent, according to you, that Mr Pinder 02:36:22PM

21 needed more than 200, he needed 320,000; 02:36:25PM

22 correct?---Correct. 02:36:30PM

23 And that's the loan agreement that you say was executed in 02:36:30PM

24 December of - sorry, the loan agreement that was executed 02:36:33PM

25 on 10 December - - - 02:36:41PM

26 COMMISSIONER: I think the witness's testimony ultimately was 02:36:47PM

27 she's not sure about the precise date now on which it was 02:36:49PM

28 executed. It was around about then. 02:36:52PM

29 MR LAWRIE: Now, did you ever speak to anyone about keeping or 02:37:00PM

1 destroying documents relating to the loan that you say you 02:37:02PM  
2 provided to Mr Pinder? 02:37:08PM  
3 COMMISSIONER: You mean the first loan agreement which referred 02:37:12PM  
4 to only \$200,000? 02:37:15PM  
5 MR LAWRIE: Either that or the subsequent one, Commissioner. 02:37:17PM  
6 (To witness) Whether it be the \$200,000 one or the one 02:37:21PM  
7 that you say was subsequently executed for \$320,000, did 02:37:24PM  
8 you ever speak to anyone or communicate with anyone about 02:37:28PM  
9 whether you should keep or destroy any document relating 02:37:31PM  
10 to a loan to Mr Pinder?---Don't remember. 02:37:35PM  
11 COMMISSIONER: I'm sorry?---I don't remember. 02:37:40PM  
12 MR LAWRIE: I want you to think really carefully about this. 02:37:43PM  
13 COMMISSIONER: Can I ask you something general, Ms Tsakopoulos. 02:37:46PM  
14 Can you think of any instances in your life where you have 02:37:52PM  
15 deliberately destroyed a document because you don't want 02:37:58PM  
16 people to see its contents?---No. 02:38:02PM  
17 Have you ever done that?---No, I haven't. 02:38:07PM  
18 Okay. So then the answer, surely, to Mr Lawrie's question was, 02:38:09PM  
19 'No, I've never engaged in a discussion in which I was 02:38:15PM  
20 going to destroy one of these loan agreements'; is that 02:38:20PM  
21 the answer?---I don't remember doing that, no. 02:38:27PM  
22 You don't remember doing that, no. 02:38:29PM  
23 MR LAWRIE: And it's something that is such a significant thing 02:38:31PM  
24 to do, I suggest, that it would be something you would 02:38:33PM  
25 remember if you had done it?---Don't know. 02:38:36PM  
26 It's not something you'd do and then just forget about, is 02:38:41PM  
27 it?---I don't know. 02:38:43PM  
28 Let me be clear: have you ever communicated with anyone about 02:38:45PM  
29 destroying any documents concerning the loan you say you 02:38:51PM



1 privilege if that's the nature of the conversation? 02:40:56PM

2 MR MARCEVSKI: Yes, your Honour. 02:40:59PM

3 COMMISSIONER: You're still wanting her to claim that 02:41:01PM

4 privilege? I just want to be clear, Mr Marcevski. 02:41:07PM

5 MR MARCEVSKI: Yes. 02:41:12PM

6 COMMISSIONER: Would you like me to stand the matter down for a 02:41:12PM

7 moment while you speak to your client? 02:41:14PM

8 MR MARCEVSKI: Yes, yes, Commissioner. 02:41:16PM

9 COMMISSIONER: Very good. We'll adjourn for five minutes and 02:41:18PM

10 you can speak with your solicitor. 02:41:20PM

11 (Short adjournment.) 02:41:23PM

12 COMMISSIONER: Yes, Mr Marcevski. 02:48:01PM

13 MR MARCEVSKI: Thank you, Mr Commissioner. With respect to 02:48:03PM

14 this subject matter there is an application pursuant to 02:48:05PM

15 s.129A(1) given that the proceedings are of a public 02:48:09PM

16 nature to have this portion of the evidence suppressed 02:48:11PM

17 given that it may cause damage to her firm of solicitors' 02:48:14PM

18 reputation. 02:48:21PM

19 COMMISSIONER: Yes. But what about the question of privilege, 02:48:22PM

20 Mr Marcevski? 02:48:27PM

21 MR MARCEVSKI: Mr Commissioner, I have raised the options for 02:48:28PM

22 Ms Tsakopoulos. So we just have to determine how she 02:48:33PM

23 wishes to proceed. Essentially I've given her options in 02:48:36PM

24 relation to the question. 02:48:42PM

25 COMMISSIONER: Very good. (To witness) So he's leaving that to 02:48:44PM

26 you. What's your position in relation to - - -?---I would 02:48:45PM

27 like to claim lawyer's - - - 02:48:49PM

28 You would like to claim privilege?---Very good. 02:48:51PM

29 That conversation won't be played, Mr Lawrie. 02:48:54PM

1 MR LAWRIE: Thank you, Commissioner. 02:48:59PM

2 COMMISSIONER: Perhaps I just might explain for the record that 02:49:00PM

3 the provisions of the IBAC Commission act are such that if 02:49:03PM

4 a witness claims privilege then the matter must be 02:49:08PM

5 referred to the Supreme Court for adjudication. Yes, 02:49:12PM

6 Mr Lawrie. 02:49:16PM

7 MR LAWRIE: Thank you, Commissioner. (To witness) 02:49:17PM

8 Ms Tsakopoulos, on or about 26 August of 2020, that is one 02:49:20PM

9 week after the search warrant at Mr Pinder's address, did 02:49:28PM

10 you destroy a version of a loan agreement that was in 02:49:34PM

11 the - that was in a purported sum of \$300,000?---No, 02:49:41PM

12 I don't believe I did that, no. 02:49:48PM

13 It's not a question of belief. You either did or you didn't, 02:49:49PM

14 I suggest?---I never saw an agreement at 300. 02:49:52PM

15 Did you destroy any loan document on or about 26 August?---No, 02:49:55PM

16 never. No loan agreement document did I destroy. 02:50:05PM

17 COMMISSIONER: We know from your own evidence, Ms Tsakopoulos, 02:50:11PM

18 that there were two loan agreements prepared?---The first 02:50:14PM

19 was a draft, yeah. 02:50:21PM

20 And I thought your evidence was that the first one - - -?---Was 02:50:23PM

21 a draft. 02:50:26PM

22 Was a draft only, was it?---Yeah. 02:50:27PM

23 And we asked you - - -?---Like, as in the copy of the first one 02:50:28PM

24 I had seen. 02:50:32PM

25 Yes?---Which was the 200,000. 02:50:33PM

26 Yes?---Yep. 02:50:35PM

27 And we asked you do you have a copy of that at home, and you're 02:50:36PM

28 not sure?---No, I don't. 02:50:40PM

29 You don't have it?---I didn't. It was in the office when 02:50:41PM

1 I received it. 02:50:44PM

2 So the question that's been put to you is did you destroy that 02:50:45PM

3 original document, the first one?---I may have thrown it 02:50:48PM

4 out, yeah. I didn't need it. 02:50:52PM

5 Did you convey to Mr Pinder that he should destroy his copy of 02:50:55PM

6 that first loan agreement?---No. I don't believe 02:50:58PM

7 Mr Pinder got that document. Only I did. 02:51:03PM

8 Very good. 02:51:05PM

9 MR LAWRIE: I suggest to you in addition to the drafted loan 02:51:09PM

10 agreement that was in the sum of \$200,000 there was in 02:51:14PM

11 circulation a loan agreement in the sum of \$300,000; you 02:51:18PM

12 deny that, do you?---Yes. I don't remember seeing a 02:51:24PM

13 \$300,000 one. 02:51:29PM

14 And I suggest to you that on or about 26 August 2020 you 02:51:31PM

15 destroyed your copy of a fictitious loan agreement in the 02:51:35PM

16 sum of \$300,000; you deny that?---I don't - I don't - 02:51:42PM

17 I never saw a \$300,000 agreement, Mr Lawrie. 02:51:47PM

18 And you asked - you communicated with Mr Pinder to ensure that 02:51:50PM

19 he did the same with his copy of that same fictitious loan 02:51:53PM

20 agreement in the sum of \$300,000?---The only agreement 02:51:58PM

21 I remember that I had in my home was for 320. That's the 02:52:02PM

22 only one I remember. It's the only one that concerned me. 02:52:05PM

23 Did you ever have any communication with anyone about 02:52:09PM

24 destroying documents on or about - - - 02:52:15PM

25 COMMISSIONER: I think, Mr Lawrie, that may well impinge the 02:52:19PM

26 claim that has been made. 02:52:22PM

27 MR LAWRIE: I withdraw the question, Commissioner. All right. 02:52:24PM

28 (To witness) By the time you had picked up these 02:52:34PM

29 documents, these notes, from Mr Pinder's letterbox you 02:52:36PM

1 thought that he was behaving erratically, that he had lost 02:52:38PM  
2 the plot; correct?---On the day I saw him, yes. 02:52:42PM  
3 Do you remember speaking with Mr Haritos about the situation 02:52:46PM  
4 that Mr Pinder was in shortly after the execution of the 02:52:53PM  
5 warrant in August 2020?---I believe I would have said, 02:52:56PM  
6 'The bloke's lost the plot.' 02:53:02PM  
7 I'm going to have played for you now a telephone conversation 02:53:04PM  
8 that takes place at about 11.09 pm on 22 August. Can we 02:53:10PM  
9 queue up, please, telephone call No.21. The transcript is 02:53:17PM  
10 at p.1119. Now, we're going to play this call and one 02:53:21PM  
11 other, Ms Tsakopoulos. Part of the conversation is in 02:53:33PM  
12 Greek and parts in English; okay? As the conversation is 02:53:38PM  
13 played the transcript will appear on the screen in front 02:53:43PM  
14 of you; okay? I ask that you follow it carefully as it 02:53:46PM  
15 scrolls past on the screen in front of you?---Okay. 02:53:54PM  
16 You would have watched Mr Haritos go through these same calls 02:53:56PM  
17 when he gave evidence last year; do you remember 02:54:01PM  
18 that?---I remember the calls that you put to him, but 02:54:03PM  
19 I don't remember, yeah. 02:54:06PM  
20 And you would recall that I invited Mr Haritos at that time to 02:54:07PM  
21 carefully follow the transcript and then state if he had a 02:54:11PM  
22 concern with anything that had been translated from the 02:54:17PM  
23 Greek to English; do you remember that?---I can't remember 02:54:19PM  
24 everything, but yeah. 02:54:25PM  
25 Mr Haritos had no difficulties with the translations that had 02:54:27PM  
26 been written into the transcript; okay? He accepted the 02:54:30PM  
27 accuracy of those translations from Greek to English; all 02:54:35PM  
28 right? But I invite you to carefully follow as these are 02:54:39PM  
29 played as well - - -?---Yep. 02:54:44PM

1 And if you think that something hasn't been transcribed 02:54:45PM  
2 properly - sorry, translated properly you should say 02:54:48PM  
3 so?---Okay. 02:54:51PM  
4 COMMISSIONER: At the end of the conversation rather than 02:54:54PM  
5 interrupt it. 02:54:56PM  
6 MR LAWRIE: At the end?---Okay. 02:54:57PM  
7 Thank you. Can we please play telephone call No.21. 02:54:59PM  
8 (Audio recording played to the Commission.) 02:55:06PM  
9 MR LAWRIE: Stop there, please?---It's a bit of a jumble. 02:57:13PM  
10 Can I just ask the operator to scroll down to the bottom of the 02:57:18PM  
11 page, please?---Is this going to be - where's my 02:57:21PM  
12 solicitor? I don't want this played in public again. 02:57:29PM  
13 Like, it's personal. 02:57:31PM  
14 COMMISSIONER: I beg your pardon?---Can we not play this in the 02:57:33PM  
15 public hearing? My solicitor should have said something 02:57:36PM  
16 now. 02:57:39PM  
17 MR MARCEVSKI: Mr Commissioner, the application is to have this 02:57:41PM  
18 portion of the evidence suppressed on the basis that it 02:57:43PM  
19 may cause harm to Ms Tsakopoulos's reputation and others. 02:57:47PM  
20 WITNESS: My sister. 02:57:54PM  
21 COMMISSIONER: I'm sorry, can you identify the lines, 02:57:55PM  
22 Mr Marcevski, that you're concerned about? 02:58:02PM  
23 MR MARCEVSKI: I have to listen to the duration of the call 02:58:07PM  
24 before I can point to anything in particular. 02:58:09PM  
25 COMMISSIONER: I must say, having read the transcript myself, 02:58:12PM  
26 I'm not sure - - -?---Where I'm swearing about my sister, 02:58:15PM  
27 Mr Commissioner. 02:58:19PM  
28 I'm sorry?---When I'm having a go about my sister, I don't want 02:58:19PM  
29 it played. 02:58:23PM

1 Yes. Well, I must say at present I'm not persuaded that 02:58:25PM  
2 there's any need for suppression of this being played. Is 02:58:32PM  
3 that your understanding, Mr Marcevski, of what your client 02:58:41PM  
4 is concerned about, that she expresses some view about her 02:58:45PM  
5 sister? 02:58:49PM  
6 MR MARCEVSKI: That's correct, and the nature of the 02:58:50PM  
7 conversation involving her sister and her sister's 02:58:52PM  
8 reputation. 02:58:55PM  
9 COMMISSIONER: Well, the conversation with her sister is one 02:58:56PM  
10 thing, and I certainly wouldn't suppress that. If there 02:58:59PM  
11 were some specific answers or comments made by the witness 02:59:04PM  
12 that should be suppressed, I'd be grateful if you took me 02:59:10PM  
13 to them because at the moment I'm not sure what is of 02:59:15PM  
14 concern. 02:59:18PM  
15 MR MARCEVSKI: I hear - - - 02:59:21PM  
16 COMMISSIONER: Do you know what the comments are that are of 02:59:27PM  
17 concern? Mr Marcevski, do you know which of the comments 02:59:30PM  
18 your client is concerned about? 02:59:37PM  
19 MR MARCEVSKI: Not in particular, no. 02:59:40PM  
20 COMMISSIONER: Can you tell me, Ms - - -?---Yes. It's where 02:59:42PM  
21 I'm saying - swearing about my sister. 02:59:45PM  
22 What lines is that on the document?---If you go further up. 02:59:48PM  
23 Actually, don't even worry about it. I really don't care 02:59:56PM  
24 now. Don't worry about it. 02:59:59PM  
25 You understand that there's a quarter of an hour delay between 03:00:00PM  
26 your giving evidence and - - -?---Where I said, 'They can 03:00:04PM  
27 go and get fucked, do you understand, because I don't care 03:00:07PM  
28 what they think.' 03:00:11PM  
29 That's hardly damaging her reputation. It might say something 03:00:12PM

1 about you?---Possibly. 03:00:16PM

2 Yes. Yes, we'll continue, please. 03:00:17PM

3 MR LAWRIE: So if we can just scroll, please, to the bottom 03:00:23PM

4 half of p.2; I think that's where we were up to. Okay, 03:00:27PM

5 and recommence, please. 03:00:39PM

6 (Audio recording played to the Commission.) 03:00:40PM

7 MR LAWRIE: I think that's the end of the call, Commissioner. 03:04:01PM

8 COMMISSIONER: Yes. Is there another call the same day or a 03:04:04PM

9 continuation of this? 03:04:07PM

10 MR LAWRIE: There is another call. 03:04:08PM

11 COMMISSIONER: All right. Very good. 03:04:10PM

12 MR LAWRIE: But before we go there I just wanted to ask some 03:04:12PM

13 questions - - - 03:04:16PM

14 COMMISSIONER: Yes. This is an exhibit already. What's the 03:04:17PM

15 exhibit number? 03:04:20PM

16 MR LAWRIE: This is exhibit GH8, Commissioner. 03:04:20PM

17 COMMISSIONER: So it's already in the public domain. 03:04:26PM

18 MR LAWRIE: Now, you've listened to that and followed the 03:04:30PM

19 transcript?---Yep. 03:04:33PM

20 Correct? On the first page of the transcript, that is p.1119, 03:04:33PM

21 we hear Mr Haritos say, 'No, Marie, let's say they go 03:04:41PM

22 there and ask about the 100,000, why did you give it to 03:04:45PM

23 him? What will he say? What will she say?' That's 03:04:48PM

24 Mr Haritos asking what will Paul Bennett and what will 03:04:54PM

25 Andrea Bennett say about the \$100,000 that went through 03:04:57PM

26 Andrea Bennett's account to James Pinder, isn't 03:05:00PM

27 it?---Correct. 03:05:02PM

28 And then you reply, 'I told you what to say'?---They should 03:05:02PM

29 know what to say. It's very simple. I don't know why 03:05:09PM

1 they panicked. You know, I don't know why they panicked. 03:05:11PM  
2 Obviously because my sister had transferred it to James's 03:05:16PM  
3 real estate, whatever it was, and so they panicked about 03:05:20PM  
4 it, and I couldn't work out why they panicked, what was 03:05:23PM  
5 the big deal. But I understand the big deal at the time 03:05:25PM  
6 because, you know, obviously it was let down, it was a big 03:05:28PM  
7 thing, it's probably the loan and so on and so on. 03:05:32PM  
8 But you didn't have to tell them what to say at all if the loan 03:05:37PM  
9 was a legitimate - if it - - -?---No, I didn't. 03:05:40PM  
10 Was an actual loan?---No, I didn't have to say anything. 03:05:43PM  
11 And you didn't have to tell George what to tell - - -?---I had 03:05:46PM  
12 lost the plot that day, obviously, as you can tell from my 03:05:50PM  
13 voice I'd gotten a little mad, because everything's 03:05:53PM  
14 happening and, you know, my money is with this person, 03:05:58PM  
15 friend of mine, who's been let down. It's just everything 03:06:01PM  
16 was everywhere at the time. Like, no-one knew what was 03:06:05PM  
17 going on, what's going to happen. We didn't know. 03:06:08PM  
18 This is you as the dominant personality, as the facilitator, 03:06:12PM  
19 telling Mr Haritos, 'This is the cover story. Get it 03:06:16PM  
20 straight'?---No, there is no cover story, Mr Lawrie. 03:06:21PM  
21 'Just tell them this'?---There is no cover story. My sister 03:06:24PM  
22 knew exactly why the money went and whose money it was. 03:06:26PM  
23 So I don't know why they were panicking. 03:06:30PM  
24 COMMISSIONER: At line 5 you say to George, 'I told you what to 03:06:34PM  
25 tell her.' Was that the truth?---Because I wasn't - I was 03:06:36PM  
26 not talking to my sister at the time. 03:06:41PM  
27 No, I just want to know - simple question, simple answer - was 03:06:44PM  
28 it correct for you to say to George, 'I told you what to 03:06:48PM  
29 tell her'; that is, to tell your sister?---I don't 03:06:52PM

1 remember saying that, Mr Commissioner. 03:06:56PM

2 It's there?---I understand I've said it, but I don't know why 03:06:58PM

3 I said it. 03:07:01PM

4 Was it the truth?---What do you mean was it the truth? 03:07:02PM

5 Was it the truth that you told George what he was to - - 03:07:04PM

6 -?---I think what I was trying to say is that she already 03:07:08PM

7 knows what to say, there's nothing really to tell her, 03:07:11PM

8 it's just tell her that. Like, this is what - tell them 03:07:13PM

9 the truth. Tell them the truth. Or they can come and see 03:07:16PM

10 me and I will tell them. That was the whole point of that 03:07:19PM

11 conversation, because I wasn't talking to my sister or my 03:07:21PM

12 brother-in-law. 03:07:24PM

13 All right. I see I'm not going to get a simple answer to my 03:07:25PM

14 questions, Ms Tsakopoulos?---I'm just trying to explain 03:07:28PM

15 what I remember. 03:07:35PM

16 Yes, Mr Lawrie. 03:07:35PM

17 MR LAWRIE: At line 23 you say this: 'They'll come to me first, 03:07:36PM

18 you wanker,' and Mr Haritos says, 'Why will they come to 03:07:40PM

19 you'?---Because of the loan. Because of the loan. 03:07:43PM

20 So you perceived at that time that the loan was a problem?---It 03:07:47PM

21 wasn't a problem for me. It was a problem for him. I had 03:07:51PM

22 no problem for it. A problem for James Pinder, let me 03:07:55PM

23 make it clear. It was a problem for him. 03:07:59PM

24 COMMISSIONER: Why was it a problem for him?---Because 03:08:01PM

25 obviously it's a - that's what he said to me. He said, 03:08:03PM

26 'I think it could be the loan that you've done with me.' 03:08:06PM

27 Why do you think it was a problem for him, 03:08:09PM

28 Ms Tsakopoulos?---Obviously because of work. 03:08:12PM

29 And what about work?---Being the CEO of V/Line, I believe. 03:08:14PM

1 Yes?---He panicked. 03:08:19PM

2 If it was a problem for him, why was it not a problem for 03:08:21PM

3 you?---Because I don't think I did anything wrong, 03:08:26PM

4 Mr Commissioner. 03:08:29PM

5 Yes, Mr Lawrie. 03:08:29PM

6 MR LAWRIE: At line 36 Mr Haritos says, 'They want to know what 03:08:36PM

7 to say, and I know what they have to say.' You replied, 03:08:40PM

8 'I told you to tell her' - 'I told you what to tell her to 03:08:45PM

9 say'?---Yes, because Paul had panicked about this whole 03:08:50PM

10 thing, going to George saying, 'What's going on? What are 03:08:54PM

11 we going to say about this money that, you know, Marie's 03:08:57PM

12 given to Andrea?' 'Just tell them the truth. Who cares?' 03:09:01PM

13 Do you ever use that expression in this conversation?---I don't 03:09:06PM

14 recall the whole - every sentence. 03:09:11PM

15 Why wouldn't you just say, 'Why don't the Bennetts just tell 03:09:14PM

16 the truth'?---Because obviously everyone's panicking, 03:09:18PM

17 no-one wants to talk on the phone, like, you know, I don't 03:09:22PM

18 know. I don't know. 03:09:26PM

19 'Everyone's panicking. No-one wants to talk on the phone.' 03:09:28PM

20 Why wouldn't you just say either directly to Andrea 03:09:32PM

21 Bennett or to Paul Bennett or via George - - -?---Because 03:09:35PM

22 I wasn't talking to them. 03:09:39PM

23 'Just get them to tell the truth about the loan'?---I wasn't 03:09:40PM

24 talking to them. 03:09:45PM

25 Okay. Well, why didn't you say to George, 'Just get them to 03:09:46PM

26 tell the truth, tell them the way it was'?---I don't know. 03:09:46PM

27 I think I did in Greek. I think I did. In one of the 03:09:51PM

28 conversations there I remember, 'Just tell them what it 03:09:55PM

29 is.' I said, 'Tell them what it is.' 'What is it?' 03:09:59PM

1 'That's what it is. If they go there, tell them this is 03:10:02PM  
2 what happened. She sent the money in the account and 03:10:04PM  
3 I sent it off.' 03:10:07PM  
4 COMMISSIONER: That would require Mr Haritos to acknowledge 03:10:09PM  
5 that \$120,000 of the money that went to the deposit came 03:10:15PM  
6 from him and Alex?---The what, sorry, Mr Commissioner? 03:10:21PM  
7 \$120,000 - - -?---That I lent off them, yep. 03:10:27PM  
8 That was used as part of the deposit came from Alex and George, 03:10:34PM  
9 didn't it?---No, the 120 is what came to me. The - - - 03:10:37PM  
10 Came from Alex and George?---Yes. 03:10:42PM  
11 To you, not as something they owed you - - -?---They lent it. 03:10:47PM  
12 This was money - what was it? Money they lent you, was 03:10:53PM  
13 it?---The 120 I borrowed. 03:11:01PM  
14 From?---From Alex and George to complete the loan. 03:11:02PM  
15 Is there a loan agreement for that?---No, because we are 03:11:04PM  
16 personal friends. We don't have to. 03:11:08PM  
17 You are not paying any interest to Alex or George, I take 03:11:11PM  
18 it?---No. 03:11:17PM  
19 In relation to that?---No. 03:11:17PM  
20 So that was 120,000 which George knew you were going to give 03:11:18PM  
21 Mr Pinder?---Yes. 03:11:22PM  
22 And having been told by Mr Pinder, 'The money is not to come 03:11:24PM  
23 from you, George'?---I don't know about that discussion, 03:11:28PM  
24 Mr Commissioner. 03:11:32PM  
25 Of course you know about that?---No, I don't. I don't know 03:11:32PM  
26 anything of that discussion between James Pinder and 03:11:35PM  
27 George Haritos. 03:11:38PM  
28 Think about the logic. If George knows that it can't be that 03:11:38PM  
29 he's seen to be contributing any money to Mr Pinder he had 03:11:45PM

1 to make that clear to you that you couldn't do anything 03:11:49PM  
2 that would reveal that. Did he not do that? He didn't 03:11:53PM  
3 tell you that 'you must keep secret' - - -?---No, never. 03:12:01PM  
4 'That there's any money coming from me and Alex'?---Never, 03:12:05PM  
5 never. 03:12:08PM  
6 Never?---I didn't have anything to hide. James did. Maybe I - 03:12:09PM  
7 I - maybe. But I didn't. 03:12:13PM  
8 Well, if James did, then so did George?---But this is - why 03:12:14PM  
9 would George have anything to do with this? 03:12:19PM  
10 Sorry?---Why does George have anything to do with it? Because 03:12:21PM  
11 I borrowed money off George and Alex? 03:12:24PM  
12 Because he gave you \$120,000 to give James?---But he - why does 03:12:26PM  
13 he have to hide that? I don't understand. I'm the one 03:12:31PM  
14 that's borrowing it off them to complete the loan for him. 03:12:35PM  
15 You're giving it to Mr Pinder, and Mr Haritos is giving you the 03:12:37PM  
16 money to give Mr Pinder?---Because I wanted to complete 03:12:42PM  
17 the loan because it went from 200 to 320, Mr Commissioner. 03:12:45PM  
18 Very good. When this conversation took place, Ms Tsakopoulos, 03:12:54PM  
19 had you or George spoken to your sister or her husband at 03:12:57PM  
20 this point of time?---Sorry, say that again, 03:13:00PM  
21 Mr Commissioner. 03:13:04PM  
22 At the time of this conversation that's in front of you?---Yes. 03:13:05PM  
23 Had you or George spoken to your sister or her husband about 03:13:07PM  
24 this problem?---No, because I wasn't talking to them. 03:13:14PM  
25 So no-one had yet spoken to Andrea and Paul Bennett since the 03:13:17PM  
26 search warrants were executed? This is three days after 03:13:24PM  
27 the search warrants - - -?---So what I - from this 03:13:29PM  
28 conversation what I remember is that Paul - they must have 03:13:31PM  
29 seen it on the news or heard it, I can't remember, and 03:13:35PM

1 then they've - Paul's gone to George, saying, 'Andrea's 03:13:40PM  
2 panicking. You know, what's going on with this James 03:13:42PM  
3 Pinder,' blah, blah, blah, whatever they were saying. 03:13:45PM  
4 I don't know. I wasn't there. 03:13:47PM  
5 So someone had spoken to George?---Paul did, yes. 03:13:48PM  
6 I see?---From what I remember, yes. 03:13:51PM  
7 Yes, thank you. 03:13:53PM  
8 MR LAWRIE: Let's have a look at p.3, line 51. George says 03:13:54PM  
9 this: 'How these moneys were found in your account.' You 03:14:02PM  
10 replied, 'To whose,' and then he clarifies by saying, 'In 03:14:08PM  
11 her account.' He's referring to Andrea Bennett's account 03:14:12PM  
12 there, I suggest; do you agree with that?---Can I see the 03:14:14PM  
13 transcript, please? 03:14:18PM  
14 Can we bring up p.1121?---What are we looking at, sorry? 03:14:19PM  
15 Line 51 and following?---Okay. Yeah. That's part of all the 03:14:32PM  
16 panicking that they went through, yep. 03:14:37PM  
17 And then George clarifies by saying, 'In her account.' He's 03:14:40PM  
18 now making it clear that the subject matter of the 03:14:45PM  
19 conversation is how the money was found in Andrea 03:14:47PM  
20 Bennett's account, how it went through that account; do 03:14:50PM  
21 you understand that?---Yes. 03:14:53PM  
22 And you say, 'If you can't say it in Greek, speak in English, 03:14:54PM  
23 wanker, it's the same thing.' And then he says, 'Okay. 03:15:00PM  
24 How the money went into her account.' Again, he's 03:15:05PM  
25 referring to how the 100,000 went into Andrea Bennett's 03:15:09PM  
26 account, isn't it?---Yeah, because that's what Paul wants, 03:15:12PM  
27 an answer as to what - what are they going to say, because 03:15:14PM  
28 that's them panicking for some unknown reason. 03:15:16PM  
29 And then you reply, 'You tell me,' don't you?---Yeah, because 03:15:19PM

1 I'm fired up by this point because I'm trying to say to 03:15:25PM  
2 them, 'Just say the truth. What is the big deal?' 03:15:29PM  
3 And George Haritos says this, 'They came from me'?---Pardon? 03:15:34PM  
4 The conversation is this - - -?---Doesn't make - this 03:15:43PM  
5 conversation doesn't even make sense. 03:15:45PM  
6 Well, I'll tell you how it makes sense in a minute?---Because 03:15:46PM  
7 in Greek - in English it's completely different, to be 03:15:49PM  
8 honest. 03:15:51PM  
9 So you now dispute the translation, do you?---The translation 03:15:52PM  
10 can be translated differently, yes, it can be. So that's 03:15:55PM  
11 why I'm saying in English it doesn't make sense. 03:15:59PM  
12 So at line 55, 'Okay, how the money went into her account,' 03:16:02PM  
13 meaning the \$100,000 that went through Andrea Bennett's 03:16:08PM  
14 account?---That's what Paul wants to know. 03:16:11PM  
15 Yeah?---Yeah. 03:16:13PM  
16 And you say, 'You tell me,' and then Mr Haritos says, 'They 03:16:13PM  
17 came from me'?---See, that translation is different. 03:16:17PM  
18 What he's saying there is that the \$100,000 - - -?---No, it 03:16:22PM  
19 does not say that. 03:16:26PM  
20 Came through him?---No. If you want to play the Greek again? 03:16:27PM  
21 Play it. 03:16:31PM  
22 What do you say it says?---Because it's got nothing to do with 03:16:31PM  
23 me saying 'you tell me' and 'you' - and 'they came from 03:16:34PM  
24 me'. This does not make sense. If you read it in proper 03:16:36PM  
25 English, doesn't make sense. 03:16:40PM  
26 Well, this was played to Mr Haritos. He was invited to quarrel 03:16:42PM  
27 with or take issue with any part of the translation that 03:16:45PM  
28 he didn't think was accurate. He was happy with it. I've 03:16:48PM  
29 asked you to do the same thing - - -?---I'm not happy with 03:16:51PM

1           it. 03:16:54PM

2 Now, what do you say we should understand that to be when 03:16:54PM

3           Mr Haritos says, 'They came from me'?---Because that 03:16:58PM

4           wouldn't - I need to hear it in Greek. 03:17:02PM

5 COMMISSIONER: When you were listening to the conversation, 03:17:05PM

6           Ms Tsakopoulos - - -?---Yes. 03:17:08PM

7 Did George say to you words to the effect - when you said, 'You 03:17:09PM

8           tell me,' did he say words to the effect, 'The money came 03:17:15PM

9           from me'?---No. That does not - that's not what he's 03:17:19PM

10          saying. 03:17:27PM

11 What did he say there?---That's what it says in English, but in 03:17:28PM

12          Greek it's different. 03:17:31PM

13 What did he say in Greek to you?---I don't remember. Play it 03:17:31PM

14          again. 03:17:34PM

15 I'm sorry, I thought you - - -?---I need to listen to that bit, 03:17:34PM

16          if you can. 03:17:38PM

17 I'm sorry, I thought you were saying that you heard that and 03:17:38PM

18          you didn't agree with the translation at the time?---No, 03:17:42PM

19          this - here reading this doesn't make sense. In Greek it 03:17:46PM

20          could be something else. 03:17:49PM

21 All right?---Like, it's differently - I can't explain it but - 03:17:49PM

22          - - 03:17:52PM

23 Is it possible to replay that portion of the conversation, 03:17:52PM

24          Madam Operator? Thank you. From about line 55. 03:17:57PM

25                         (Audio recording played to the Commission.) 03:18:43PM

26 WITNESS: It's very faint. 03:18:57PM

27 Is that the passage?---It's very faint. I can't hear it. 03:18:58PM

28                         (Audio recording played to the Commission.) 03:19:12PM

29 MR LAWRIE: We're at line 41 on p.2. 03:19:32PM

1 COMMISSIONER: All right. Then continue. Thank you. 03:19:35PM  
2 (Audio recording played to the Commission.) 03:19:45PM  
3 COMMISSIONER: All right. You might stop there. That's 03:20:28PM  
4 covered that piece. What does George Haritos say in 03:20:30PM  
5 answer to you saying, 'You tell me'?---All right. Because 03:20:33PM  
6 he said they're - they were stressing over what was 03:20:37PM  
7 happening with James and this, that and the other, and 03:20:40PM  
8 because I asked him to transfer my 100,000 that he owed me 03:20:42PM  
9 to Andrea - - - 03:20:46PM  
10 No, no, no, no, no, I just want you to tell me - I only want 03:20:47PM  
11 you to tell me what is the correct translation of 03:20:50PM  
12 the words you heard George Haritos utter after you said to 03:20:54PM  
13 him, 'You tell me'?---Yes. So he said - - - 03:20:59PM  
14 What did he say?---'I transferred the money to' - in Greek, 03:21:03PM  
15 'this' - 'it came from me' doesn't mean 'it came from me'. 03:21:08PM  
16 Yes - - - 03:21:10PM  
17 What does he say?---That the money that was transferred, the 03:21:10PM  
18 100,000, to my sister, because it came from him. 03:21:16PM  
19 MR LAWRIE: Ms Tsakopoulos - - - 03:21:20PM  
20 COMMISSIONER: Play it again. You say he says it came from him 03:21:23PM  
21 ?---Well, it came from - with the other money that they 03:21:25PM  
22 borrowed from him. 03:21:28PM  
23 No, I don't want your explanation?---Sorry. 03:21:29PM  
24 I just want what you say is the translation?---That's the 03:21:32PM  
25 translation in Greek. 03:21:35PM  
26 That money came from him?---These three, four words are 03:21:36PM  
27 different in Greek in the translation. 03:21:39PM  
28 MR LAWRIE: What do you say those three or four words 03:21:41PM  
29 are?---It's a whole sentence. You've only got three, four 03:21:44PM

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words here.

COMMISSIONER: What was the sentence?

MR LAWRIE: What do you say it is?---He's saying to say - it's saying how - how the money went to her account. I said, 'You tell me,' like, 'Who cares? Tell them that it's come from you to her account, exactly what happened. Exactly what happened.' That's the translation that we're talking in Greek. I've got nothing to hide. 'So what,' I said, 'What happened? Big deal. What's your problem?'

COMMISSIONER: All right, I think we might - - -

WITNESS: Not your problem, sorry, Mr Lawrie. I'm saying to him.

COMMISSIONER: I think we might move on, Mr Lawrie.

MR LAWRIE: Certainly.

COMMISSIONER: It's a waste of time.

MR LAWRIE: Thank you, Mr Commissioner. (To witness) You then go on at line 60, in an emphatic way, I suggest, 'So what happened? Are you a wanker? Stupid? You owe me and I told you to put them there' - - -?---That's right.

'And she'll say I took them from him because my sister told him to put them there'?---That's it.

'And then she told them to send them somewhere else. It's her money and told me what to do. That's it. How hard is it'; do you see that there?---That's correct. It's my money. So how hard is it to tell them the truth?

I suggest what you're doing there is coming up with this convoluted explanation to explain the \$320,000?---No, Mr Lawrie, I'm not. I'm not. Because I was - I had some family issues at the time. I was out of control. I was

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angry with the whole world. So, yeah, I was just trying to say, 'This is what it is. This is what it is. Just tell them what it is, and if they come there tell them to' - 'send them to me and I'll tell them where my money has come from.' That was the whole point. So, you know, if - oh.

At no stage - even though you're getting quite emphatic and frustrated with Mr Haritos in this phone call, at no stage - - -?---It's not Mr Haritos I'm getting annoyed with.

You're getting annoyed with your sister and Paul Bennett?---With my sister and Paul Bennett, yeah, because I've got a lot of family issues.

Okay.

COMMISSIONER: But a problem that you had created for them, Ms Tsakopoulos. That seems to escape your attention?---I didn't create no problem for them.

Okay. Very good.

MR LAWRIE: At no stage do you say in this conversation, 'Look, I've got a loan agreement with him. I've got a document that shows the loan. That's all we've got to show.' You don't mention the loan agreement, do you?---Why would I? We're talking about Paul Bennett freaking out with my sister.

That would be a very large part of the answer, wouldn't it, just to refer to the document that you say was in existence at the time?---No, it wouldn't. Why does it have to be? No. I don't care. That's got nothing to do with them about the loan agreement. What's it got to do

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1 with my sister? 03:24:25PM

2 Well, because \$100,000 of what you say - - -?---I've got the 03:24:26PM

3 loan agreement. It doesn't matter. 03:24:31PM

4 But it's the way in which the funds were delivered to 03:24:32PM

5 Mr Pinder, isn't it, under that loan agreement that you 03:24:36PM

6 say existed?---I just - I didn't transfer my money that 03:24:39PM

7 they owed me. 03:24:43PM

8 See, if the loan agreement, if that document actually existed 03:24:45PM

9 at the time of this conversation, the obvious thing to say 03:24:47PM

10 to George would be, 'Just get - look, I'll give them a 03:24:50PM

11 copy of the agreement'?---Mr Lawrie are you telling me 03:24:54PM

12 that that loan agreement that I had at home was not done 03:24:57PM

13 back then? Is that what you're telling me? 03:25:00PM

14 I'm saying if it was done then why wouldn't you - - -?---Why 03:25:03PM

15 don't you test the paper? Test the pages, test the ink, 03:25:03PM

16 and that will tell you how long that loan agreement has 03:25:06PM

17 been in my property for or how long I've had it for. 03:25:09PM

18 Okay?---Test it. Because I've had it for that long. 03:25:12PM

19 You say you've had it from - - -?---I've had it for a very long 03:25:14PM

20 time. 03:25:18PM

21 From the December date . Okay?---If it was a couple of weeks 03:25:18PM

22 later. But I know that document I've had for a very long 03:25:22PM

23 time. And I made sure I had it before I gave him the 03:25:24PM

24 money. 03:25:27PM

25 Let's have a look at the last page, at line 86, please. At 03:25:29PM

26 p.1122. George Haritos says, 'We must cover our tracks.' 03:25:38PM

27 And you reply, 'That's it'?---Yep. That wasn't him saying 03:25:47PM

28 'cover our tracks'. That's what Paul Bennett was saying 03:25:53PM

29 to him. 03:25:57PM

1 Seriously?---Yeah. 03:25:57PM

2 At no stage does Mr Haritos say, 'Paul Bennett has suggested we 03:26:00PM

3 must cover our tracks'?---Well, the way he would have said 03:26:05PM

4 it to me is, 'They're worried and they're scared and 03:26:08PM

5 whatever it may be.' 03:26:11PM

6 COMMISSIONER: You and George are worried too because 03:26:12PM

7 Mr Haritos says to you - - -?---Because George did send me 03:26:14PM

8 the money, did send to my sister the money. 03:26:17PM

9 Ms - - -?---Sorry, Mr Commissioner. 03:26:19PM

10 You say to George, 'Have they got the right to look into 03:26:22PM

11 something else?' George, 'I know that.' And he says, 03:26:29PM

12 'Hopefully not.' You then say, 'The problem is not you. 03:26:35PM

13 It's those inside'?---M-hmm. 03:26:39PM

14 'I know'?---Yeah. 03:26:42PM

15 'That's it.' George, 'We must cover our tracks'?---M-hmm, 03:26:44PM

16 obviously because he's concerned about me being involved. 03:26:49PM

17 But you don't have to cover your tracks unless you've done 03:26:52PM

18 something that you do not want revealed, 03:26:54PM

19 Ms Tsakopoulos?---I'm just talking jabber, like, there's 03:26:59PM

20 no - - - 03:27:02PM

21 I'm sorry?---There was no substance in it, Mr Commissioner. 03:27:03PM

22 No substance in it?---There wasn't. As you know, we're very 03:27:05PM

23 close friends and he's obviously possibly trying to 03:27:09PM

24 protect me as well. I don't know. 03:27:12PM

25 MR LAWRIE: Protect you from what?---Getting involved 03:27:16PM

26 obviously. You know, obviously this is all over the news 03:27:18PM

27 and this has, you know, become a big issue obviously. So, 03:27:20PM

28 yeah. 03:27:26PM

29 And that's why you must cover your tracks?---I think it's 03:27:28PM

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just - yeah.

I want to take you to another phone call.

COMMISSIONER: If we're moving to the second one we might have a short break.

MR LAWRIE: Thank you, Mr Commissioner.

COMMISSIONER: We've been going for an hour and a quarter now. Have a break for 10 minutes, Ms Tsakopoulos?---Thank you, Commissioner.

And we're going to use our best endeavours to finish today.

(Short adjournment.)

COMMISSIONER: Yes, Mr Lawrie.

MR LAWRIE: Thank you, Mr Commissioner. In this call that we've dealt with you've said a number of times that Paul Bennett and Andrea Bennett were panicking because of the publicity that had been associated with the search warrant executed at James Pinder's address?---I don't even know why they reacted.

I suggest to you that there was nothing in that publicity that would have caused them concern about the loan that you say you lent - the money you say you lent to James Pinder?---There was no concern. But obviously my sister's a stressed person, like, she stresses about everything, and obviously she on my behalf helped me transfer the money to James's real estate, whatever it was, back then.

See, if that's right - - -?---I can't help how people react, Mr Lawrie.

If Paul Bennett and Andrea Bennett were panicking in the way you said they were at the time of this phone call I suggest that that panic comes about because they knew

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1 that their involvement in the transfer of that \$100,000 03:39:54PM  
2 was completely improper, that it wasn't part of loan 03:39:59PM  
3 moneys, it was part of funneling cash to James 03:40:03PM  
4 Pinder?---No, it wasn't. No. 03:40:07PM  
5 And their panic comes out of a consciousness of guilt?---No. 03:40:09PM  
6 COMMISSIONER: They weren't the only ones panicking. You were 03:40:16PM  
7 plainly quite distressed and so was George?---I was 03:40:19PM  
8 distressed because of what's happened to James Pinder. 03:40:22PM  
9 But, Ms Tsakopoulos, just to be clear, at this point of time 03:40:24PM  
10 the only thing that was in the public domain was that the 03:40:27PM  
11 Commission had executed a search warrant on Mr Pinder. 03:40:31PM  
12 The search warrant said nothing about any loan agreements 03:40:36PM  
13 or moneys going to Mr Pinder, and there was no subsequent 03:40:39PM  
14 publicity about it?---No, but James said to me that 03:40:43PM  
15 day - - - 03:40:47PM  
16 The entire discussion that you were having with George, and if 03:40:47PM  
17 he had discussions with Paul, had nothing to do with any 03:40:51PM  
18 publicity; it was only your personal knowledge about facts 03:40:55PM  
19 that gave rise to this level of distress?---No, it's what 03:40:59PM  
20 James - - - 03:41:03PM  
21 Do you follow that?---James said, Mr Commissioner, saying, 03:41:03PM  
22 'This could be because of the loan agreement we did.' 03:41:06PM  
23 That's why. 03:41:09PM  
24 I'm sorry?---Because of James saying to me the day I saw him, 03:41:11PM  
25 he said, 'I think it could be the loan agreement we had 03:41:14PM  
26 done.' 03:41:17PM  
27 Why would he have said that?---The money I had lent him. 03:41:18PM  
28 Did you ask him why he thought that might be the - - -?---No. 03:41:21PM  
29 Obviously I worked out later why it could be an issue for 03:41:25PM

1           him. 03:41:27PM

2 Not the \$10,000 that he says in the note to you you should tell 03:41:28PM

3           George came because he's in need of some money? Do you 03:41:35PM

4           know the note that we showed you earlier?---Yep. No, 03:41:40PM

5           nothing to do with that. 03:41:43PM

6 MR LAWRIE: So Mr Pinder says that the controversy involves the 03:41:48PM

7           loan agreement. Did you pass on that comment to either 03:41:52PM

8           Andrea Bennett or Paul Bennett, that Mr Pinder thinks that 03:41:58PM

9           the loan agreement is in issue and that - - -?---I wasn't 03:42:00PM

10          talking to Andrea and Paul at the time. 03:42:06PM

11 So you never passed that on to them, did you?---I never spoke 03:42:08PM

12          to them about the loan agreement, Mr Pinder - sorry, 03:42:11PM

13          Mr Lawrie. 03:42:14PM

14 That's all right. Okay. We're going to have a look at another 03:42:15PM

15          telephone call on the same evening, call No.22. This 03:42:22PM

16          commences - the transcript commences at 1123. This is 03:42:27PM

17          previously exhibited as GH14, Mr Commissioner. 03:42:31PM

18 COMMISSIONER: This conversation was also played, Mr Lawrie, to 03:42:35PM

19          Mr Haritos? 03:42:39PM

20 MR LAWRIE: To Mr Haritos. And the same process was undertaken 03:42:40PM

21          with Mr Haritos. It's a shorter conversation. There are 03:42:43PM

22          two pages of transcript that I'll ask you to look at as it 03:42:46PM

23          scrolls past. Again Mr Haritos was asked to look at it 03:42:50PM

24          carefully and listen to it as it was played and take issue 03:42:53PM

25          with anything - any of the translations. Do you 03:42:55PM

26          understand that?---Yes. 03:42:59PM

27 He didn't. He didn't take issue with the translation. All 03:43:00PM

28          right? But I'm asking you to do the same thing. The same 03:43:05PM

29          thing that you've done with the call just before the 03:43:08PM

1 break - - -?---Yeah. 03:43:10PM

2 I would like you to do as you carefully review this call, 03:43:10PM

3 please. 03:43:14PM

4 COMMISSIONER: And if I may add, Mr Lawrie, Ms Tsakopoulos, 03:43:15PM

5 I want you to take particular note of the things you say 03:43:19PM

6 and what it reveals in terms of your knowledge of what 03:43:25PM

7 Mr Haritos, Mr Pinder and Mr Bollas had been doing. Do 03:43:31PM

8 you follow?---Yes. 03:43:35PM

9 Very good. 03:43:36PM

10 (Audio recording played to the Commission.) 03:43:45PM

11 MR LAWRIE: That's the end of the call, Mr Commissioner. Now, 03:47:08PM

12 you've listened to that and followed the transcript. Do 03:47:12PM

13 you take issue with any of the translation?---Some of it. 03:47:15PM

14 Some it says different in Greek and different in English. 03:47:18PM

15 But that's okay. Ask me what you want. 03:47:22PM

16 When you refer in that conversation to 'the little one', and we 03:47:26PM

17 see an example of that at line 41?---M-hmm. 03:47:33PM

18 On p.2?---Yes. 03:47:35PM

19 And this is you speaking?---Yes. 03:47:37PM

20 You're referring to James Pinder there, aren't you?---Yes, 03:47:40PM

21 I am. 03:47:44PM

22 And you say, 'The little one is bloodthirsty?---M-hmm. 03:47:45PM

23 What did you mean by that?---Just he's here on his own, you 03:47:50PM

24 know, is always, like, he's going to need someone around 03:47:54PM

25 all the time, like, you know. 03:47:59PM

26 Is that what you mean by bloodthirsty?---Yeah. 03:47:59PM

27 There's a much clearer meaning. He's bloodthirsty because he's 03:48:05PM

28 been on the payroll of Mr Haritos and Transclean for a 03:48:09PM

29 long time?---Payroll? 03:48:13PM

1 Yes. He's been receiving secret payments from Transclean and 03:48:15PM  
2 from George Haritos?---I don't know anything about secret 03:48:18PM  
3 payments, Mr Lawrie. This is just us talking, you know, 03:48:21PM  
4 just having a laugh and trying to work out what's going 03:48:25PM  
5 on, and we're just making a joke out of it all, to be 03:48:27PM  
6 honest. Like, it's late at night. Sounds like I've been 03:48:29PM  
7 drinking, to be honest. 03:48:33PM  
8 'The other one shits himself.' Who were you talking - - - 03:48:35PM  
9 COMMISSIONER: You know that saying, don't you, Ms Tsakopoulos, 03:48:38PM  
10 you say, 'I've been drinking', in vino veritas?---I can 03:48:40PM  
11 tell by my voice - - - 03:48:45PM  
12 You don't suggest it because you were drinking that you were 03:48:47PM  
13 not capable of uttering truths, are you?---No, this is 03:48:49PM  
14 just, you know, we're laughing, we're mucking around, you 03:48:55PM  
15 know. 03:48:58PM  
16 Mucking around identifying which persons were going to sing 03:48:59PM  
17 like a bird?---Sing like a bird, that comment from me was 03:49:02PM  
18 Mr Bollas. 03:49:07PM  
19 What does that mean?---Because Mr Bollas - - - 03:49:09PM  
20 What does that mean?---Well, I've never liked Mr Bollas. 03:49:11PM  
21 No, I'm not interested in now. I'm interested in what you 03:49:15PM  
22 understand by the phrase 'sing like a bird'?---What I was 03:49:18PM  
23 saying about sing like a bird for him because he talks 03:49:22PM  
24 himself up, that's who he is, he talks a lot of crap and 03:49:26PM  
25 that's how I've known Mr Bollas. That's why. 03:49:28PM  
26 What did you mean by the phrase 'sing like a bird'?---Talk a 03:49:31PM  
27 lot of crap. 03:49:34PM  
28 It's not how it's usually meant. It usually means someone's 03:49:35PM  
29 going to spill the beans. Someone's going to tell all. 03:49:41PM

1           They'll be weak - - -?---That's not what - - - 03:49:45PM  
2   And they'll talk about the - - -?---I don't know anything about 03:49:48PM  
3           Peter Bollas, to be honest. I just know the type of 03:49:50PM  
4           person he is. That was just characterising him. 03:49:53PM  
5   That phrase, 'sing like a bird', is that not - - -?---Because 03:49:54PM  
6           he talks and talks and talks - - - 03:49:56PM  
7   Just a moment?---That's how I know him. 03:50:00PM  
8   You know what the phrase means, don't you, 'sing like a 03:50:01PM  
9           bird'?---Oh, I threw the comment, but I didn't 03:50:04PM  
10           specifically mean sing like a bird, because I don't really 03:50:07PM  
11           have anything to do with Mr Bollas, to be honest. 03:50:09PM  
12   So how did you and George know that Mr Pinder and Mr Bollas 03:50:11PM  
13           were capable of saying anything that would get Mr Haritos 03:50:18PM  
14           or you into trouble?---Sorry, say that again, 03:50:22PM  
15           Mr Commissioner? 03:50:26PM  
16   How did you know - let's take Mr Bollas as the weak one, the 03:50:27PM  
17           tall one who would be more vulnerable?---No, what we were 03:50:31PM  
18           saying here is that if - obviously they've both been let 03:50:35PM  
19           down. So we don't know what the hell they've done. 03:50:40PM  
20   You do, I suggest. I think you - you knew exactly what 03:50:43PM  
21           Mr Haritos had done with them?---No, I didn't know, and he 03:50:46PM  
22           hasn't done anything from what I know. 03:50:48PM  
23   And you knew that Mr Bollas was likely to be the person who 03:50:50PM  
24           would sing like a bird?---That's incorrect, 03:50:55PM  
25           Mr Commissioner. That's not what we were saying here. 03:50:57PM  
26   That's exactly what you said?---But what I said and what 03:50:59PM  
27           I meant by it are two different things. 03:51:03PM  
28   One hundred per cent certain, you said, over and over again. 03:51:05PM  
29           And then what happened?---Because we were joking. We were 03:51:09PM

1 mucking around. We were taking the piss out of it. 03:51:12PM  
2 I don't know. 03:51:15PM  
3 And what happened, Ms Tsakopoulos? Who sang like a bird?---Who 03:51:17PM  
4 sang like a bird? 03:51:22PM  
5 Who sang like a bird in the end?---No-one sang like a bird. 03:51:23PM  
6 Who sang like a bird in the end? You know. You watched the 03:51:27PM  
7 Commission evidence. Who sang like a bird?---I wouldn't 03:51:31PM  
8 say he sang like a bird, but I can only suggest what I was 03:51:36PM  
9 saying here is that he talks a lot of crap. 03:51:38PM  
10 No, no, who sang like a bird?---I don't know, Mr Commissioner. 03:51:41PM  
11 I don't know. 03:51:45PM  
12 That's not the truth either, is it, Ms Tsakopoulos? You know 03:51:45PM  
13 that Mr Bollas has fully and frankly admitted to having 03:51:48PM  
14 received these corrupt payments from Mr Haritos. He did 03:51:53PM  
15 what you precisely predicted, didn't he?---What I was 03:51:58PM  
16 predicting is that he talks a lot of crap and big notes 03:52:05PM  
17 himself. 03:52:09PM  
18 And you knew - - -?---And then he - - - 03:52:10PM  
19 You knew 100 per cent certain that he would do that?---Oh, we 03:52:14PM  
20 were just making assumptions. That's all. 03:52:17PM  
21 Yes, Mr Lawrie. 03:52:24PM  
22 MR LAWRIE: You said also in that context that he was - sorry, 03:52:25PM  
23 you refer to him as the tall one, don't you? This is at 03:52:28PM  
24 line 12. Sorry, George Haritos refers to him as 'the most 03:52:31PM  
25 vulnerable one is the tall one'. Do you see that 03:52:36PM  
26 there?---Probably, yeah. If that's what he said, yeah. 03:52:40PM  
27 And you knew by that that he was referring to Peter Bollas, 03:52:42PM  
28 didn't you?---I would think so, yeah. 03:52:45PM  
29 So this is the way you refer to these people: Bollas is the 03:52:48PM

1 tall one, Pinder is the short one; correct?---I don't 03:52:52PM  
2 refer to them like that. This conversation obviously may 03:52:56PM  
3 have referred to that. Yeah. I don't know. 03:52:59PM  
4 Did you still regard Mr Pinder as a friend, a good friend at 03:53:01PM  
5 the time you were having this conversation with 03:53:06PM  
6 Mr Haritos?---Yeah. Still a friend. 03:53:09PM  
7 And that's the same person that you said, 'Not the little one. 03:53:14PM  
8 The little one is bloodthirsty'?---Yeah, because we're 03:53:17PM  
9 just - we're just making assumptions. I was trying to 03:53:21PM  
10 characterise them, you know, who they are. That was it. 03:53:24PM  
11 That was it. We were just having a laugh about it. 03:53:28PM  
12 COMMISSIONER: No, you were saying when discussing who's likely 03:53:30PM  
13 to sing, who's likely to spill the beans, you were saying 03:53:33PM  
14 to George, 'It won't be the little one, it won't be 03:53:37PM  
15 Mr Pinder, because he is bloodthirsty'?---It's not 03:53:41PM  
16 anything to do with anything. It's just me characterising 03:53:46PM  
17 them of what I think of them. That's all. Just that, you 03:53:49PM  
18 know, one talks crap and the other one, sort of, hangs 03:53:52PM  
19 around you, like, you know, he's here on his own, doesn't 03:53:57PM  
20 know anyone else. 03:54:01PM  
21 MR LAWRIE: Do you understand that a person reading this 03:54:04PM  
22 transcript might think that you're just engaging in a 03:54:06PM  
23 version of alternate facts, that words can mean anything 03:54:10PM  
24 according to you?---Say that again, sorry, Mr Lawrie? 03:54:14PM  
25 Well, according to your evidence whatever you say doesn't 03:54:17PM  
26 really mean what those words are?---It probably doesn't. 03:54:20PM  
27 So almost nothing that you say in a telephone call means what 03:54:25PM  
28 the words are?---Who knows at the time what I'm going 03:54:30PM  
29 through? Who knows what I - you know, these are just 03:54:32PM

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conversations that you have in general, you know, like, whether it's my mum, my sister. I don't remember half the stuff I say. Like, you know, I don't. I don't remember every conversation I've said.

No, but you remember this one because it's been played to you - - -?---Yeah, well I'm just remembering that what you've played to me, the Greek, the English, the mixed up stuff, yeah, I'm just trying to - it's just us just trying to - making assumptions of what could have happened and having a joke.

COMMISSIONER: I just ask for your comment, Ms Tsakopoulos.

What do you say to the suggestion that this conversation is a damning indication of your knowledge and Mr Haritos's knowledge that the two persons who were receiving corrupt payments from him were the little one and the big one, namely James Pinder and Peter Bollas?---From what I know, Mr Commissioner, there's been no corruption here. All I know is that I've been pulled in for questions regarding a loan that I did with Mr Pinder. I had nothing to do with Bollas or, you know what I mean. This is all I've been called in to answer your questions regarding a loan that I've given. So there's no corruption here.

Yes, Mr Lawrie.

MR LAWRIE: Well, you had had enough to do with Mr Bollas to categorise him as someone who would talk himself up big?---Yeah, because I had seen him a couple of times, late - in the later days, you know, just talking himself up all the time, talking crap all the time. That's just how he comes across to me.

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03:54:37PM  
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03:56:07PM  
03:56:13PM

1 COMMISSIONER: Ms Tsakopoulos, do you see at line 24, if you 03:56:15PM  
2 can take that, please, and the half dozen lines that 03:56:25PM  
3 follow?---Yeah. 03:56:29PM  
4 Just before that you say, 'One of those two,' Pinder or Bollas, 03:56:32PM  
5 'somebody from all of them will start singing.' George 03:56:37PM  
6 says, 'I know.' You say, 'Not only that, but the other 03:56:40PM  
7 one, the big one who taught them, he'll get in the clique 03:56:46PM  
8 too.' Who are you referring to there? You're not 03:56:50PM  
9 referring to Bollas or Pinder, but you're referring to 03:56:54PM  
10 someone else, presumably someone else that they work with 03:56:57PM  
11 who taught them. Who were you referring to, 03:57:02PM  
12 Ms Tsakopoulos?---I wouldn't have a clue. I don't know 03:57:06PM  
13 the conversations I've had before. I don't really know 03:57:08PM  
14 what that meant. 03:57:12PM  
15 And then you go on at line 29 - - -?---I must have just again 03:57:13PM  
16 jabbering on crap, sometimes I do. 03:57:16PM  
17 Well - - -?---I don't know what I was saying. Just talking to 03:57:19PM  
18 him, making conversation. I don't know. We were just 03:57:22PM  
19 talking. 03:57:26PM  
20 And then you say, 'Yes, he taught them and he must be getting 03:57:26PM  
21 something.' What did you mean there, 03:57:34PM  
22 Ms Tsakopoulos?---I don't know. I don't know. 03:57:39PM  
23 You don't know?---I don't know what conversation and what it 03:57:40PM  
24 was in Greek. I don't know. I actually don't remember 03:57:45PM  
25 this. Makes no sense now. 03:57:48PM  
26 I think it makes great sense, Ms Tsakopoulos?---It's just 03:57:52PM  
27 making assumptions. I don't know. I don't know. We were 03:57:57PM  
28 just having a laugh about it. That was it. 03:58:00PM  
29 MR LAWRIE: Did that laugh include the fact that the 03:58:04PM

1           handicapped child of Mr Bollas was gone?---No. 03:58:07PM

2   According to your characterisation?---No. 03:58:11PM

3   COMMISSIONER: They're both exhibits, aren't they, Mr Lawrie? 03:58:18PM

4   MR LAWRIE: That is exhibit GH14, Mr Commissioner. And the 03:58:22PM

5           previous one was GH8. 03:58:27PM

6   COMMISSIONER: Yes. 03:58:31PM

7   MR LAWRIE: Just before we leave that, 'The big one taught 03:58:35PM

8           them,' what was taught?---I don't know. I don't know what 03:58:40PM

9           I was talking about. I don't know. I really don't know. 03:58:44PM

10   COMMISSIONER: You see what happens here, Ms Tsakopoulos? 03:58:50PM

11           Every time something incriminating is put to you your 03:58:53PM

12           response is, 'I was talking crap'?---I wasn't talking 03:58:56PM

13           crap. I said we were just talking - - - 03:59:01PM

14   How will one ever know when you are talking crap?---I think he 03:59:03PM

15           was talking about some Englishmen, was he not, earlier in 03:59:07PM

16           that conversation? 03:59:11PM

17   I'm wanting you to explain how does one know when you are - - 03:59:12PM

18           -?---I don't even know what he was talking about, 03:59:15PM

19           Mr Commissioner. 03:59:17PM

20   How does one ever know when you're talking crap?---I wasn't 03:59:17PM

21           talking crap. I said we were making assumptions. Or 03:59:22PM

22           I wasn't. You know, obviously George is talking about 03:59:25PM

23           some Englishmen. I don't know who they are. I was just 03:59:27PM

24           going along with the flow, going into the conversation. 03:59:30PM

25   Yes. Yes, Mr Lawrie. 03:59:33PM

26   MR LAWRIE: Thank you, Mr Commissioner. Moving away from those 03:59:38PM

27           telephone conversation for a moment, you would no doubt 03:59:45PM

28           say that you've never been involved in gathering together 03:59:47PM

29           moneys, that is cash moneys, for Mr Haritos to pay either 03:59:49PM

1 Mr Bollas or Mr Pinder?---No. 03:59:55PM

2 Never been involved in anything like that?---I don't know what 03:59:59PM

3 he does with his money, no. 04:00:02PM

4 All right. I'm going to play for you a call now which is call 04:00:04PM

5 No.18. The transcript is found at p.1114. This is 04:00:07PM

6 previously exhibited as JP23, Mr Commissioner. This is a 04:00:12PM

7 telephone call on 17 July of 2020 involving yourself and 04:00:16PM

8 Mr Haritos. 04:00:25PM

9 (Audio recording played to the Commission.) 04:00:40PM

10 MR LAWRIE: Do you remember that call?---Yes, I do. 04:00:54PM

11 Now, when Mr Haritos is talking about Tuesday - - -?---M-hmm. 04:00:56PM

12 We know that's Tuesday, 21 July?---Okay. 04:01:01PM

13 Because it's the Tuesday immediately following date of this 04:01:07PM

14 call, which is 17 July. So just take it that when one 04:01:10PM

15 looks at the calendar that 17 July is a Friday?---Yes. 04:01:13PM

16 And the next Tuesday, 'Peter I'm going to see on Tuesday' is 04:01:16PM

17 21 July; do you understand that?---Yes. 04:01:21PM

18 Now, Mr Haritos says this, 'Peter I'm going to see on Tuesday. 04:01:24PM

19 You think you're going to be able to get some funds 04:01:29PM

20 together for me? Hmm?' 'Yeah.' He replies, 'By Monday, 04:01:31PM

21 because it's Tuesday morning that I'm be having the 04:01:37PM

22 meeting.' 'Yeah.' 'Great'?---Yes. 04:01:41PM

23 That was cash money that you were getting together that 04:01:45PM

24 Mr Haritos could deliver to Mr Bollas, isn't it?---No. 04:01:49PM

25 No, I gave him 20,000 I believe that day. 04:01:51PM

26 For what purpose?---Money I owed him. I don't know who - which 04:01:54PM

27 Peter he saw. All I know is I gave him 20,000 back from 04:02:00PM

28 the moneys that I was owing him. 04:02:04PM

29 So when he refers to Peter in that telephone call you've got no 04:02:06PM

1 idea who he's actually referring to?---From listening, 04:02:09PM  
2 I believe it could have been Peter Kavalaoatas. 04:02:12PM  
3 Who's that?---He's one of the staff members. Also a family 04:02:16PM  
4 friend. 04:02:20PM  
5 That might have been receiving \$20,000 from 04:02:20PM  
6 Mr Haritos?---Sometimes they'd ask for their payments 04:02:23PM  
7 earlier. Depends. 04:02:25PM  
8 Their payments - - -?---I don't know. I don't know what he did 04:02:27PM  
9 with the money, whether he gave it to Peter Kav or 04:02:29PM  
10 whether - I don't know. 04:02:33PM  
11 COMMISSIONER: You just proffered an answer. You don't know 04:02:34PM  
12 who the Peter is, you say, but you've now - - -?---I did 04:02:36PM  
13 hear the - - - 04:02:40PM  
14 Just let me finish?---Sorry. 04:02:41PM  
15 You've now speculated by drawing upon the speculation 04:02:42PM  
16 Mr Haritos advanced in his evidence that the Peter might 04:02:46PM  
17 have been that Peter?---Well, yeah, because I heard the 04:02:49PM  
18 evidence and he said he saw Peter Kavalaoatas on Tuesday. 04:02:52PM  
19 Thank you?---Not Peter Bollas. So what he did with the money 04:02:55PM  
20 I gave him is none of my concern. 04:03:02PM  
21 You wouldn't know?---No. 04:03:05PM  
22 If in fact he paid Peter Bollas a corrupt payment - - 04:03:06PM  
23 -?---I don't believe he would have paid Peter Bollas 04:03:10PM  
24 a - why would he give his hard earnings to these people, 04:03:13PM  
25 Mr Commissioner? I wouldn't. I certainly wouldn't. So. 04:03:17PM  
26 That's just my thoughts on it. Why would I run a business 04:03:23PM  
27 and give these people money? Sorry, I wouldn't do that. 04:03:26PM  
28 I don't think he would either. 04:03:29PM  
29 MR LAWRIE: Let's have a look at the next call. This is 04:03:33PM

1 telephone call No.19, again a call between Mr Haritos and 04:03:35PM  
2 you. It takes place on 19 July 2020 at about 5 pm. The 04:03:38PM  
3 transcript is found at p.1115. This is previously 04:03:45PM  
4 exhibited as GH7, Mr Commissioner. 04:03:50PM  
5 (Audio recording played to the Commission.) 04:04:05PM  
6 MR LAWRIE: Now, you've heard that. Do you recall 04:05:13PM  
7 taking - getting together an amount of \$25,000 or 04:05:18PM  
8 \$30,000 - - -?---20. 04:05:21PM  
9 Sorry?---20, I believe. 04:05:22PM  
10 And you would say of course that that was for Mr Haritos to pay 04:05:24PM  
11 the mothers - the carers of his mother?---That's what he 04:05:27PM  
12 says. And it's money I owed him. 04:05:31PM  
13 On how many occasions - sorry, that was your money that you 04:05:35PM  
14 were giving him?---Yes. 04:05:39PM  
15 That \$20,000?---It's my money. Yes. You can clearly see I've 04:05:41PM  
16 transferred. 04:05:45PM  
17 On how many occasions did you give him money in order to pay 04:05:45PM  
18 the fees to his - the carers of his mother?---The fees, 04:05:49PM  
19 over a couple of months or something I had given him the 04:05:55PM  
20 100,000 - - - 04:05:59PM  
21 No, please listen to the question. On how many occasions did 04:06:00PM  
22 you give money to Mr Haritos to pay for the carers of his 04:06:03PM  
23 mother?---Once. 04:06:08PM  
24 And that was the \$40,000 that came from the sale of your 04:06:11PM  
25 business Monkey Blue, wasn't it?---Well, whether they used 04:06:14PM  
26 it all for the carers or they used it - you know, 04:06:18PM  
27 obviously it was for the carers because they had both 04:06:21PM  
28 parents, you know. 04:06:23PM  
29 COMMISSIONER: That was the only occasion?---No, over 04:06:25PM

1 time - I don't know what they - I wasn't there when they 04:06:28PM  
2 spent the money, was I? But it was the only time I've 04:06:31PM  
3 given them 100,000 in total. I gave Alex and George 04:06:34PM  
4 100,000 in total. 04:06:39PM  
5 MR LAWRIE: I just asked you a simple question on how many 04:06:41PM  
6 occasions did you give Mr Haritos money in order for him 04:06:43PM  
7 to pay carers for his mother?---The first time it was 04:06:46PM  
8 40,000. I gave him another 20. 04:06:50PM  
9 So it's two occasions?---And then I gave him whatever it was, 04:06:52PM  
10 the rest. 04:06:55PM  
11 So when you just said to me 'once' you were referring back, 04:06:56PM  
12 I suggest, to the \$40,000 that you say came from Monkey 04:06:59PM  
13 Blue that you went upstairs on the day you were offered 04:07:03PM  
14 the contract manager's role - - -?---Yeah, I remember that 04:07:06PM  
15 day. 04:07:08PM  
16 And said, 'Hey, fellas, I've got \$40,000. You can have my 04:07:08PM  
17 40,000'?---Correct. 04:07:13PM  
18 That's the once, isn't it?---No, it's not just once. I've 04:07:14PM  
19 given him money before, after that. 04:07:18PM  
20 And this was another occasion?---The total was 100,000. That's 04:07:20PM  
21 why he owed me 100,000. 04:07:24PM  
22 Did you know that the very next day, on the 20th, that 04:07:25PM  
23 Mr Haritos met with Mr Pinder at the V/Line offices in 04:07:33PM  
24 Flinders Street, Melbourne, at 10 am?---No. 04:07:39PM  
25 Did you follow this aspect of the public hearings last 04:07:41PM  
26 year?---I don't remember it. 04:07:45PM  
27 Have you ever spoken to Mr Haritos about that meeting?---No. 04:07:48PM  
28 Why would I talk to him about it? 04:07:53PM  
29 Well, you're the contract manager, aren't you, for 04:07:56PM

1 V/Line?---Yeah. What's that - so? 04:08:00PM

2 And this is a meeting with the CEO of V/Line?---Yeah. 04:08:03PM

3 Happening in the middle of lockdown, the hard lockdown that 04:08:09PM

4 Melbourne was experiencing during COVID?---I was very 04:08:12PM

5 busy, Mr Lawrie. 04:08:16PM

6 Sorry?---I was very busy. 04:08:17PM

7 You were very busy?---I was very busy, yeah, with COVID, 04:08:19PM

8 risking my life day in and day out like all my cleaners 04:08:22PM

9 did. 04:08:26PM

10 I'm sorry, you were risking your life day in and day out, were 04:08:26PM

11 you?---Like all the cleaners were, yeah. When youse all 04:08:31PM

12 said that we weren't spraying the trains, which I'm really 04:08:32PM

13 disappointed about, because I'm the one that set up that 04:08:34PM

14 whole thing and worked 18 hours a day. 04:08:38PM

15 COMMISSIONER: As the conversation played to you a little 04:08:40PM

16 earlier this afternoon shows where you and he were working 04:08:43PM

17 out which of Bollas and Pinder were likely to sing like a 04:08:47PM

18 bird, it's clear, isn't it, that Mr Haritos would have 04:08:51PM

19 confided in you when he was making payments to Pinder and 04:08:55PM

20 Bollas?---Never. 04:09:00PM

21 Yes, Mr Lawrie. 04:09:01PM

22 MR LAWRIE: I'm going to take you now to a call that takes 04:09:07PM

23 place again between you and Mr Haritos on 20 July. So 04:09:09PM

24 this is at 9.52 pm. Can we go, please, to call No.20 and 04:09:14PM

25 the transcript is at p.1117. 04:09:19PM

26 COMMISSIONER: I'm sorry, is this an exhibit, Mr Lawrie? 04:09:24PM

27 MR LAWRIE: This is previously exhibited as GH8, 04:09:26PM

28 Mr Commissioner. 04:09:30PM

29 COMMISSIONER: Thank you. 04:09:30PM

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(Audio recording played to the Commission.)

MR LAWRIE: Now - - -?---That's part of the money I gave him.  
The reference that we see to some unknown person at line 12,  
'Are you leaving some money behind'?---M-hmm.  
Do you see that reference there?---Yeah - - -  
That's obviously not a reference to money being left for carers  
of Mr Haritos's mother, is it?---Sorry? That's just me  
throwing a comment about someone. But I'm not discussing  
it right here, Mr Lawrie.  
Okay. But you're obviously not referring to the  
cleaner - sorry, the carers of Mr Haritos's mother when  
you use language like that?---No.  
You're referring to someone else?---Someone.  
Okay. And we don't ever see in that conversation a reference  
to carers, do we?---So what?  
Okay. Did you understand from watching the hearings last year  
that the very next day, and exactly as spoken about in  
that first phone call on 17 July, that Mr Haritos and  
Steven Kyritsis met with Mr Bollas at the North Melbourne  
yards of the Metro - Metro's North Melbourne  
yards?---Yeah, I do remember seeing that.  
I suggest to you that was a delivery of cash to  
Mr Bollas?---Why are you suggesting it to me, Mr Lawrie?  
And it's cash that you had organised, as we had heard, in those  
three phone calls?---Previously. Yeah, but we've already  
discussed the money I've given him. He's just saying that  
he's counted. I said, 'It's counted. I don't know why  
you're counting it.'  
Because you've already organised it?---I gave him the 20.

04:09:41PM  
04:10:26PM  
04:10:30PM  
04:10:35PM  
04:10:38PM  
04:10:41PM  
04:10:45PM  
04:10:51PM  
04:10:53PM  
04:10:55PM  
04:10:58PM  
04:11:01PM  
04:11:03PM  
04:11:06PM  
04:11:15PM  
04:11:20PM  
04:11:25PM  
04:11:30PM  
04:11:35PM  
04:11:40PM  
04:11:44PM  
04:11:46PM  
04:11:53PM  
04:11:55PM  
04:11:58PM  
04:12:01PM  
04:12:04PM  
04:12:07PM  
04:12:08PM

1 And you were organising this because in the very first phone 04:12:11PM  
2 call he said, 'I'm seeing Peter on Tuesday'?---I don't 04:12:14PM  
3 know who he's seeing and what he wants the money for. How 04:12:17PM  
4 do I know? What do I care? 04:12:21PM  
5 COMMISSIONER: He told you. You knew what he had to pay - - 04:12:22PM  
6 -?---For his carers. 04:12:26PM  
7 You knew what he had to pay Peter. You knew what the payments 04:12:28PM  
8 were - - -?---I don't know what the payments were for 04:12:31PM  
9 Peter. I don't know. I'm just going by what he said in 04:12:33PM  
10 his - what I heard about that he saw Peter that day and 04:12:36PM  
11 gave him some money, which he does help me. He does help 04:12:40PM  
12 them. If they want their money earlier, Mr Commissioner, 04:12:44PM  
13 he'll help them out. He'll give them their money if they 04:12:47PM  
14 ask it before he gets their invoice from them. It's 04:12:50PM  
15 common knowledge around there. Like, it's no big deal. 04:12:55PM  
16 No big deal?---No. It isn't. 04:12:58PM  
17 Yes, Mr Lawrie. 04:13:04PM  
18 MR LAWRIE: You will recall yesterday that I asked you a series 04:13:06PM  
19 of questions about a number of companies that were 04:13:08PM  
20 associated in transactions with Transclean or with the 04:13:11PM  
21 company known as MMGT; do you remember that series of 04:13:17PM  
22 questions?---Yeah, vaguely. 04:13:22PM  
23 We know that one of the companies that was referred to 04:13:24PM  
24 yesterday, APP Group Pty Ltd, the director of that company 04:13:29PM  
25 is Stratos Yiannakakis; that's right?---Yep. 04:13:35PM  
26 He's your former brother-in-law, isn't he?---M-hmm. Yes. 04:13:40PM  
27 Yes?---Yes. 04:13:49PM  
28 TCMT we've already covered. That was - the sole director for 04:13:50PM  
29 that was [REDACTED], wasn't it?---Yes. 04:13:55PM

1 We've heard her in a recording yesterday. STSS Facilities Pty 04:13:57PM  
2 Ltd, the director of that was Stilianos Stamatakis?---Yes. 04:14:03PM  
3 And we know that he was the person who offered his 04:14:09PM  
4 identification up to provide the second secret phone for 04:14:11PM  
5 Mr Pinder?---It wasn't a secret phone. 04:14:15PM  
6 Okay. You don't call it a secret phone, but the second phone 04:14:17PM  
7 that goes to Mr Pinder but registered in his name. These 04:14:21PM  
8 are examples, I suggest to you, of dummy directors in 04:14:25PM  
9 shell companies; what do you say to that?---No, they're 04:14:28PM  
10 not. They're not. They're there to make money, like 04:14:31PM  
11 everyone else works to make money. They're allowed to be 04:14:34PM  
12 subcontractors, Mr Lawrie, and make money just like I did 04:14:36PM  
13 in the past. 04:14:40PM  
14 COMMISSIONER: This was work ultimately for who?---Sorry? 04:14:41PM  
15 What was the sort of work they were doing? Who was it 04:14:44PM  
16 for?---Who was it for? 04:14:48PM  
17 Yes?---Cleaners. 04:14:49PM  
18 They were subcontractors to who?---They were subcontractors to 04:14:50PM  
19 Transclean. I was a subcontractor to another 04:14:54PM  
20 subcontractor in the past. 04:14:56PM  
21 Did the contracts - were these for V/Line or for Metro 04:14:59PM  
22 Trains?---I'm talking about mine was Metro. 04:15:07PM  
23 And did those contracts make any provision prohibiting 04:15:09PM  
24 subcontracting?---Sorry, Mr Commissioner? 04:15:12PM  
25 Did those contracts - - -?---Yes. 04:15:15PM  
26 Including the ones that you were responsible for managing - - 04:15:18PM  
27 -?---Yes. 04:15:21PM  
28 Have provisions which specifically prohibited 04:15:21PM  
29 subcontracting?---I think if, you know, you need extra 04:15:28PM

1 people to fill in, I can't see what the problem is, or to 04:15:31PM  
2 do extra work, yeah. 04:15:36PM  
3 Look, I understand you don't see a lot of the problems that the 04:15:38PM  
4 Commission sees, but I'm just wanting you to answer my 04:15:41PM  
5 specific question?---Yeah. 04:15:43PM  
6 Did the contracts for Metro Trains and V/Line have specific 04:15:45PM  
7 provisions in them which prohibited 04:15:52PM  
8 subcontracting?---I don't know. 04:15:56PM  
9 And you were the manager of the V/Line contract?---I was the 04:15:57PM  
10 contract manager, yeah. I wasn't the owner of Transclean, 04:16:01PM  
11 no. 04:16:04PM  
12 But, in any event, it's your evidence that you were 04:16:05PM  
13 subcontracting works that Transclean had - - 04:16:08PM  
14 -?---I didn't. George did. 04:16:13PM  
15 You were subcontracting works, Transclean was subcontracting 04:16:14PM  
16 works that it had undertaken to perform for V/Line and 04:16:18PM  
17 Metro?---Correct. 04:16:22PM  
18 Do you know why those prohibitions are there in the 04:16:24PM  
19 contracts?---No, I don't. 04:16:28PM  
20 What do you think - - -?---I don't remember seeing them. 04:16:29PM  
21 What do you think the reason would be for V/Line and Metro 04:16:31PM  
22 Trains saying that you do not subcontract the work?---I've 04:16:36PM  
23 never seen it. 04:16:41PM  
24 No idea? So if you've never seen it you say your manager, the 04:16:42PM  
25 general manager or Mr Haritos, never ever explained to you 04:16:48PM  
26 that you were not to subcontract?---No. 04:16:52PM  
27 MR LAWRIE: And we've already covered one transaction, that is 04:17:01PM  
28 the \$68,000 on 5 December of 2016, that went from MML 04:17:05PM  
29 Cleaning Pty Ltd directly into your bank account. You say 04:17:12PM

1 that was work that you were doing for MML; is that 04:17:15PM  
2 right?---It would have to be. There'd have to be invoices 04:17:18PM  
3 or - yeah. 04:17:21PM  
4 And MML was charging Transclean, wasn't it?---I believe so. 04:17:22PM  
5 And so you're getting paid through MML for work that you're 04:17:29PM  
6 doing in administering the contract; is that 04:17:36PM  
7 right?---I was subcontracting. I had staff. I was paying 04:17:41PM  
8 staff. 04:17:43PM  
9 So you were the one paying staff, were you?---We're talking 04:17:44PM  
10 about MML here, yeah, who's a subcontractor? 04:17:50PM  
11 Yes?---So I was subcontracting off MML. 04:17:53PM  
12 I see?---Yeah, so I had staff. I was paying staff, yeah. 04:17:55PM  
13 So the worker that turns up to spray the train or wipe down the 04:18:01PM  
14 touch points on the train is very often paid - their wages 04:18:06PM  
15 are paid by you; is that right?---I'm confused here now, 04:18:12PM  
16 Mr Lawrie. What year are we talking about? Is this when 04:18:16PM  
17 I'm subcontracting, you're saying? 04:18:20PM  
18 Yes?---In 2016 or whenever it was, 2015, yeah? Is that what 04:18:22PM  
19 you're talking about? 04:18:26PM  
20 Yes?---So if I've got - I'm subcontracting off the 04:18:27PM  
21 subcontractor. So, yeah, I had staff that I would pay to 04:18:30PM  
22 do work, yeah, for the stations. 04:18:34PM  
23 COMMISSIONER: This is all work ultimately for 04:18:39PM  
24 Transclean?---For the subcontractor. I was working for 04:18:43PM  
25 the subcontractor. 04:18:46PM  
26 Yes, but it's all work for Transclean?---Yes, for Metro Trains. 04:18:46PM  
27 So that means without getting - - -?---Stations. 04:18:50PM  
28 Without getting bogged down in all the detail of the various 04:18:53PM  
29 companies that were used, Transclean would give money to 04:18:56PM

1 those entities that were subcontracting work and they in 04:18:59PM  
2 turn would pay their staff to perform the work that 04:19:04PM  
3 Transclean had contracted with V/Line or Metro Trains to 04:19:09PM  
4 perform?---Yeah, there was some works that had to be done 04:19:13PM  
5 by subcontractors, yeah. 04:19:16PM  
6 And what's the explanation? Very simply, what is the 04:19:17PM  
7 explanation for why money was going from Transclean to all 04:19:22PM  
8 of these subcontracting companies rather than Transclean 04:19:28PM  
9 employing the staff itself and paying the staff directly? 04:19:33PM  
10 Why was there a movement of money to these various 04:19:39PM  
11 companies?---Because, you know, there would be friends of 04:19:42PM  
12 friends who want to work and, you know, there will be a 04:19:47PM  
13 lot of them that say, 'I don't want to be on the books. 04:19:50PM  
14 I'd rather - I want to be paid through ABN.' So, you 04:19:52PM  
15 know, the works there. We give it to them. So that's it. 04:19:55PM  
16 There's no - yeah. 04:19:58PM  
17 So we have a large number of companies that were doing 04:20:02PM  
18 subcontracting work, all of the funds going from 04:20:06PM  
19 Transclean to them. That's the explanation, is it?---They 04:20:08PM  
20 did work. They got paid. That was it. 04:20:12PM  
21 Yes, Mr Lawrie. 04:20:16PM  
22 MR LAWRIE: Were these subcontracts in writing?---Sorry? 04:20:17PM  
23 Were the subcontracts in writing?---What do you mean 04:20:20PM  
24 subcontracts in writing? I don't understand. 04:20:26PM  
25 When there was a subcontracting arrangement with one of these 04:20:28PM  
26 companies was that a written arrangement?---How do I know? 04:20:30PM  
27 You're the contract manager?---But why would I know that? I'm 04:20:35PM  
28 not the one that got the subcontracting to come on board. 04:20:40PM  
29 George did. That's George's area, not mine. 04:20:43PM

1 Surely you would want to know whether the subcontracting was 04:20:46PM  
2 performing in compliance with its obligations, wouldn't 04:20:49PM  
3 you?---I don't understand your question, Mr Lawrie. 04:20:52PM  
4 They're subcontractors. 04:20:58PM  
5 You're the contract manager for Transclean, are you not?---Yes. 04:20:59PM  
6 At that time. You say that there's - there are a number of 04:21:02PM  
7 companies that would provide subcontracting 04:21:07PM  
8 services?---Correct. 04:21:09PM  
9 My question to you is in the provision of those subcontracting 04:21:10PM  
10 services were there any written agreements between those 04:21:12PM  
11 companies and Transclean?---There would be - there would 04:21:15PM  
12 be documents they would have had to fill out and sign as a 04:21:18PM  
13 subcontractor. 04:21:21PM  
14 Did you see any of these?---I think I may have seen one of 04:21:22PM  
15 them. 04:21:25PM  
16 Who was that between?---I can't remember. I can't remember. 04:21:25PM  
17 But, yeah, I do believe I have seen one in the office. 04:21:34PM  
18 It's like when we went through COVID. I interviewed 150 04:21:38PM  
19 people, Mr Lawrie, for COVID. Trained them and so on and 04:21:42PM  
20 so on. Like, you know, these people worked and they 04:21:46PM  
21 needed to get paid. So whether they were on the books at 04:21:49PM  
22 the time or wanted to subcontract - or be an ABN, it is 04:21:52PM  
23 what it is. We needed the work done at the end of the 04:21:56PM  
24 day. 04:21:59PM  
25 And you trained them personally, did you?---Yes, I did. 04:21:59PM  
26 I spent hours and hours and hours, and I had family 04:22:02PM  
27 running around looking for pumps, looking for PPE for them 04:22:04PM  
28 to make sure they're all protected. Yeah. So no-one can 04:22:08PM  
29 tell me about COVID and us not spraying the trains. 04:22:12PM

1           Because I was at Flinders Street, if you look at the           04:22:15PM  
2           cameras, until 5 am on a Saturday morning and a Sunday           04:22:19PM  
3           morning. So, yeah, I'm the one that trained them all.           04:22:23PM  
4           So, yeah, it's a big soft point for me.           04:22:25PM  
5   And were you applying your usual rigour and conscientiousness           04:22:28PM  
6           in the recruitment and the training of these           04:22:32PM  
7           workers?---Sorry, I don't understand your question,           04:22:37PM  
8           Mr Lawrie. Was I what, sorry?           04:22:38PM  
9   Were you being rigorous and conscientious in the way you           04:22:40PM  
10           approached that task?---What do you mean?           04:22:44PM  
11   Well, to make sure that they were trained in the very best way           04:22:46PM  
12           they could?---Yes.           04:22:49PM  
13   And had the very best PPE they could?---Yes, that's correct.           04:22:49PM  
14           And none of my staff not even not wore a mask or           04:22:53PM  
15           never - they had all their - I made sure they had           04:22:58PM  
16           everything, because they were risking their life out           04:22:59PM  
17           there. Yeah, they were in and out of those trains.           04:23:01PM  
18   And you - - -?---And not one person got COVID from those           04:23:03PM  
19           trains.           04:23:07PM  
20   And you brought your own sense of ethics to that task, didn't           04:23:07PM  
21           you?---What do you mean by that, Mr Lawrie?           04:23:11PM  
22   You looked to your own character and your own sense of ethics -           04:23:13PM  
23           - -?---What's wrong with my character? I want to make           04:23:16PM  
24           sure my staff are good, and their health is important to           04:23:19PM  
25           me.           04:23:22PM  
26   You brought your own sense of ethics to that task; that's what           04:23:22PM  
27           you would say, isn't it?---I don't understand - - -           04:23:26PM  
28   And we should admire you for that?---Okay. I know how hard           04:23:29PM  
29           I worked through that.           04:23:37PM

1 Okay. Mr Commissioner, that concludes the questions I have at 04:23:37PM  
2 this stage. There are a number of questions that would be 04:23:43PM  
3 appropriate to ask, just a short number, in private. 04:23:47PM  
4 COMMISSIONER: In private session. Very well. It's 04:23:50PM  
5 convenient, Mr Lawrie, that Mr Marcevski now in public 04:23:52PM  
6 session ask any questions or cover any matters that have 04:23:56PM  
7 been covered in public. 04:23:59PM  
8 MR LAWRIE: Perhaps before he does, can I just deal with some 04:24:01PM  
9 housekeeping which is some tenders? 04:24:03PM  
10 COMMISSIONER: Yes. 04:24:05PM  
11 MR LAWRIE: I'll provide a list of these, Mr Commissioner, but 04:24:07PM  
12 outstanding is document 48 at p.954. 04:24:10PM  
13 COMMISSIONER: You mean that has not been tendered? 04:24:18PM  
14 MR LAWRIE: That's not been tendered. 04:24:19PM  
15 MR LAWRIE: I'll just read these out and then hand the document 04:24:22PM  
16 to you, sir. 04:24:24PM  
17 COMMISSIONER: Very good. 04:24:25PM  
18 MR LAWRIE: It's an email dated 2 May 2017 from 04:24:26PM  
19 Maria Tsakopoulos to a representative of Bryant & Bryant; 04:24:31PM  
20 document 28, p.859, a company extract for TCMT 04:24:37PM  
21 Group Pty Ltd; document 35 at 893, company extract for 04:24:45PM  
22 MML Pty Ltd; 34 is 890, and that's an extract for APP 04:24:55PM  
23 Group Pty Ltd. 04:25:06PM  
24 COMMISSIONER: You have a list there, do you, Mr Lawrie? 04:25:11PM  
25 MR LAWRIE: Yes. I'm almost there, Mr Commissioner. 04:25:13PM  
26 Document 31, which is MMGT Enterprises. Perhaps if I hand 04:25:22PM  
27 this - perhaps if I hand this up and we can have exhibit 04:25:28PM  
28 numbers appended to it. 04:25:32PM  
29 COMMISSIONER: It's highly desirable that these documents are 04:25:34PM

1 identified at the time they're referred to. Apart from 04:25:36PM  
2 anything else, it makes it difficult later for the 04:25:40PM  
3 transcription writers. 04:25:43PM  
4 MR LAWRIE: My apologies. Document 66 is p.1014, which is a 04:25:46PM  
5 photographic image of the letter signed by Andrea Bennett; 04:26:00PM  
6 74 is p.1040, which is the property campaign report in 04:26:13PM  
7 respect of Yarra Bing Crescent in Burwood; and then 04:26:20PM  
8 finally it's telephone calls No.1 and 2. Can I hand that 04:26:27PM  
9 up? 04:26:33PM  
10 COMMISSIONER: Yes. Are these matters that were referred to 04:26:35PM  
11 yesterday, are they? 04:27:10PM  
12 MR LAWRIE: They are. Telephone calls 1 and 2 were referred to 04:27:11PM  
13 again this morning, Mr Commissioner. 04:27:14PM  
14 COMMISSIONER: All right. We will need to rectify the 04:27:18PM  
15 transcript, the exhibit ledger, to reflect those items 04:27:20PM  
16 from yesterday. We can do that when we adjourn. 04:27:25PM  
17 Mr Marcevski, do you have any questions that you 04:27:30PM  
18 would like to explore with Ms Tsakopoulos or are there 04:27:37PM  
19 additional matters you want her to cover? Is there 04:27:43PM  
20 anything? 04:27:46PM  
21 MR MARCEVSKI: Mr Commissioner, I have no additional matters to 04:27:47PM  
22 raise and no question to ask Ms Tsakopoulos. 04:27:50PM  
23 COMMISSIONER: All right. Very good. Well, I'll say what's 04:27:53PM  
24 necessary to you about your ability to access the 04:28:00PM  
25 transcript and so on when we adjourn at the end of the 04:28:05PM  
26 private session. But we'll now conclude the public 04:28:08PM  
27 sitting. You may remain there, Ms Tsakopoulos. 04:28:11PM  
28 (Short adjournment.) 04:28:23PM  
29 (PRIVATE HEARING FOLLOWS) 04:28:23PM