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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

WEDNESDAY, 31 MARCH 2021

(9th day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH AM, QC

Counsel Assisting: Mr Paul Lawrie
Mr Joseph Amin

OPERATION ESPERANCE INVESTIGATION

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

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

1 UPON RESUMING AT 2.25 PM: 02:17:00PM
2 <ALEX KYRITSIS, recalled: 02:25:51PM
3 COMMISSIONER: Are you ready to proceed, Mr Kyritsis?---Yes. 02:25:51PM
4 Yes, Mr Lawrie. 02:25:54PM
5 MR LAWRIE: Thank you, Mr Commissioner. 02:25:55PM
6 <EXAMINED BY MR LAWRIE, continued: 02:25:55PM
7 Mr Kyritsis, shortly before the break I took you to the 02:25:56PM
8 Transclean contract with V/Line, and we're going to bring 02:26:01PM
9 that up on the screen again just briefly. Can we bring up 02:26:04PM
10 document 84, please. You will recall just before the 02:26:07PM
11 break I took you to clause 2.3 and we discussed the 02:26:26PM
12 obligations under the subcontracting restrictions in the 02:26:32PM
13 contract; do you remember that series of questions?---Yes. 02:26:35PM
14 You will also remember that I asked you whether or not you had 02:26:38PM
15 seen this document before and you said 'yes'?---M-hmm. 02:26:41PM
16 And I also asked you whether you had read it and you said 02:26:43PM
17 'no'?---M-hmm. 02:26:48PM
18 That's correct, isn't it?---Yeah. 02:26:48PM
19 Can we go to the last page, please. This is the execution 02:26:50PM
20 page, which is signed by both yourself and Mr Haritos on 02:27:00PM
21 29 May 2018; do you see that there?---Yes. 02:27:06PM
22 Your signature appears on the left of those two, doesn't 02:27:09PM
23 it?---Yes. 02:27:13PM
24 You accept that you signed the contract on that date?---Yes. 02:27:13PM
25 But you say you did so without reading it?---Yeah. 02:27:17PM
26 Did you ask for it to be explained to you by anyone before you 02:27:23PM
27 signed it?---I think George got our solicitor about for 02:27:27PM
28 it. 02:27:33PM
29 Who was that?---Burns, Stephen Burns. 02:27:34PM

1 And was that a long meeting in which he explained the rights 02:27:37PM
2 and obligations under this agreement?---No, I wasn't part 02:27:40PM
3 of it. 02:27:43PM
4 You weren't part - you were not part of that meeting?---No. 02:27:43PM
5 Sorry, I think you might have misunderstood my question or it 02:27:46PM
6 was a bad question. What I wanted to know was whether 02:27:49PM
7 anyone had explained to you the rights and obligations of 02:27:52PM
8 Transclean that would come about because of this 02:27:57PM
9 agreement?---No. 02:28:00PM
10 Okay. So you didn't read it, you had no-one explain it to you 02:28:02PM
11 but you signed it?---Yes. 02:28:05PM
12 And that is consistent, you would say, with the way you 02:28:06PM
13 approached your role to Transclean's 02:28:10PM
14 business?---Basically, when it comes to documents and 02:28:16PM
15 things like that. 02:28:17PM
16 At that time did you appreciate how much revenue was likely to 02:28:22PM
17 be generated from this agreement?---I think it was about 02:28:25PM
18 5 million. 02:28:27PM
19 Commissioner, I just indicated prior to the break to tender 02:28:31PM
20 that contract. I don't know if an exhibit number 02:28:36PM
21 was - - - 02:28:38PM
22 COMMISSIONER: That's AK7. 02:28:39PM
23 MR LAWRIE: Thank you, Commissioner. That can come off screen 02:28:40PM
24 now. (To witness) Earlier this morning I asked you a 02:28:48PM
25 series of questions about whether or not you knew of or 02:28:56PM
26 were involved in any payments of cash to either Mr Pinder 02:28:58PM
27 or Mr Bollas; do you remember that series of 02:29:05PM
28 questions?---Yes. 02:29:08PM
29 And your answer was definitively you weren't?---I wasn't. 02:29:08PM

1 It was a no, wasn't it?---Yep. 02:29:13PM

2 I'm going to play - I'm sorry, I'm going to show you, I should 02:29:17PM

3 say, some bank records that relate to April of 2020; okay? 02:29:20PM

4 First of all, I'm going to show you a page from 02:29:29PM

5 Mr Haritos's bank account. So if we can go, please, to 02:29:38PM

6 p.1340. 02:29:42PM

7 COMMISSIONER: Just for clarity's sake, Mr Kyritsis, so there's 02:29:55PM

8 no misunderstanding, when counsel asks you that question 02:30:00PM

9 'were you involved in any payments', did you understand 02:30:05PM

10 that to mean any payments, whether lawful or 02:30:08PM

11 unlawful?---Yes. 02:30:14PM

12 You've never been party to obtaining moneys for the purpose of 02:30:15PM

13 giving any moneys to Mr Bollas or Mr Pinder?---No, but, 02:30:20PM

14 I mean, I would have given George some money when he asked 02:30:26PM

15 for it. But that's nothing to do with this. 02:30:28PM

16 Yes?---Yep. 02:30:31PM

17 MR LAWRIE: Now, this is the Commonwealth Bank statement for 02:30:33PM

18 Mr Haritos. I take it you haven't seen this before?---No. 02:30:36PM

19 All right. So the purpose for me showing you this is just to 02:30:40PM

20 put into context some questions that will come in a few 02:30:44PM

21 moments. 02:30:48PM

22 COMMISSIONER: Is this an exhibit, Mr - - - 02:30:48PM

23 MR LAWRIE: Not yet, Mr Commissioner. (To witness) So if we 02:30:50PM

24 look three-quarters of the way down the page do you see, 02:30:57PM

25 first of all, an entry for 28 April of 2020?---Yes. 02:31:01PM

26 And the cursor has just been moved next to that now?---Yes. 02:31:10PM

27 And it indicates a deposit or a transfer of funds into 02:31:14PM

28 Mr Haritos's account of \$12,000?---Yes. 02:31:17PM

29 And then immediately above it we see, 30 April 2020, a 02:31:20PM

1 withdrawal from the branch at Toorak in the sum of 02:31:26PM
2 \$12,000?---Yes. 02:31:31PM
3 So that's 12 in and 12 out?---M-hmm. 02:31:32PM
4 Mr Haritos's account in April of 2020?---Yep. 02:31:36PM
5 Okay?---Correct. 02:31:42PM
6 All right. Commissioner, I tender that. That's the 02:31:45PM
7 Commonwealth Bank statement of Mr Haritos for April 2020, 02:31:48PM
8 p.1340. 02:31:53PM
9 COMMISSIONER: That will be AK8. 02:31:56PM
10 #EXHIBIT AK8 - Commonwealth Bank statement of Mr Haritos for 02:31:59PM
11 April 2020 at p.1340. 02:31:51PM
12 MR LAWRIE: That can come down, please, and can we put up on 02:32:01PM
13 screen 1362. Now, this time we're looking at your 02:32:04PM
14 Commonwealth Bank account, I suggest. This is p.4 of 4 of 02:32:25PM
15 a particular statement. So perhaps if we can scroll back 02:32:30PM
16 just to p.1358 so we can see - we might need to go back 02:32:33PM
17 one further to the start. There we go. We can see that 02:32:46PM
18 this is your joint account with your wife; is that 02:32:50PM
19 right?---Correct. 02:32:53PM
20 And it's your Commonwealth Bank joint account?---Correct. 02:32:54PM
21 This is a five-page document, and it's a statement for a period 02:33:01PM
22 that covers April of 2020?---M-hmm. 02:33:05PM
23 You accept that?---Yep. 02:33:08PM
24 COMMISSIONER: Is this a current account, Mr Kyritsis?---It is. 02:33:09PM
25 I'll direct that the account details should be suppressed. 02:33:16PM
26 MR LAWRIE: Thank you, Mr Commissioner. 02:33:19PM
27 COMMISSIONER: I'm sorry, Mr Lawrie, do you know whether 02:33:23PM
28 Mr Haritos's bank statement, AK8, is a current account? 02:33:27PM
29 MR LAWRIE: No, I don't. So I suggest that that should 02:33:32PM

1 be - - - 02:33:34PM

2 COMMISSIONER: I think out of an abundance of caution I will 02:33:34PM

3 also order that those account details be suppressed. 02:33:37PM

4 MR LAWRIE: Thank you. 02:33:40PM

5 MS TITTENSOR: Commissioner, if I might say, perhaps 02:33:45PM

6 Mr Kyritsis's address might also - - - 02:33:48PM

7 COMMISSIONER: Yes. I will also order the suppression of 02:33:53PM

8 Mr Kyritsis's address. 02:33:57PM

9 MR LAWRIE: Now, can we go back to where we started in this 02:34:04PM

10 particular statement at p.1362, and we see there again on 02:34:07PM

11 28 April, that is the same date that \$12,000 goes into 02:34:22PM

12 Mr Haritos's account, we have \$8,000 going into your 02:34:27PM

13 account; do you see that there?---Yes. 02:34:30PM

14 And then on 30 April you withdraw 4,200 from the South Yarra 02:34:32PM

15 branch; is that correct?---Correct. 02:34:42PM

16 And, on 1 May, 3,800 from the Toorak branch; is that 02:34:44PM

17 correct?---Correct. 02:34:52PM

18 And you would have a memory of making those withdrawals or 02:34:55PM

19 not?---Yeah, I've done that a number of times. 02:35:01PM

20 Do you remember the purpose for making those 02:35:03PM

21 withdrawals?---Living expenses for myself and carer's 02:35:08PM

22 expenses for my mother-in-law. 02:35:14PM

23 I see. 02:35:16PM

24 COMMISSIONER: Can you identify which relate to what, 02:35:17PM

25 please?---I would imagine the 4,2 would have been - would 02:35:19PM

26 have gone to the safe. 02:35:23PM

27 I'm sorry?---The 4,200 would have been for the carers. 02:35:24PM

28 For the carers. Just while we are on the carers then, these 02:35:29PM

29 are your mother's carers?---My mother-in-law's. 02:35:34PM

1 Your mother-in-law's carers, sorry, yes. At this time where 02:35:37PM
2 was she being cared for?---She was at home. She had four 02:35:43PM
3 right around the clock. 02:35:50PM
4 And so you were paying for people to be at home with 02:35:51PM
5 her?---Yes. 02:35:54PM
6 Were they individuals or was there a corporate entity that was 02:35:54PM
7 providing that caring service?---No, I believe they were 02:35:59PM
8 individuals, yeah. 02:36:02PM
9 Thank you. 02:36:02PM
10 MR LAWRIE: Did those individuals operate a business with an 02:36:08PM
11 ABN?---No, I don't think so. I personally don't ever pay 02:36:12PM
12 them. It was my wife and George. I doubt whether it 02:36:15PM
13 would be under ABN. 02:36:18PM
14 So to use the vernacular there, a vernacular phrase, they were 02:36:20PM
15 paid in cash under the table for those caring 02:36:26PM
16 services?---Paid in cash. What they did, declare it or 02:36:29PM
17 not, I don't know. 02:36:31PM
18 COMMISSIONER: Sorry, who paid them?---Well, my wife and George 02:36:32PM
19 was paying for them. 02:36:36PM
20 I'm sorry, I don't quite follow that. If this is money for the 02:36:42PM
21 carer, you're paying for it but you give it to your wife 02:36:46PM
22 and she passes it on; is that what you mean?---Well, 02:36:49PM
23 there's a sum there that's been used to pay the carers. 02:36:54PM
24 Yes?---The following week George might have put his share in as 02:36:57PM
25 well. We were both - - - 02:37:03PM
26 No, I'm just looking at the mechanism. You have withdrawn that 02:37:04PM
27 amount?---Yes. 02:37:13PM
28 And what have you done with it?---That 4,2, that would have 02:37:13PM
29 gone straight into the safe. 02:37:18PM

1 And then what?---On other occasions I might have left it at 02:37:20PM
2 home for my wife to - - - 02:37:24PM
3 Then your wife would take it out of the safe?---Yes. 02:37:25PM
4 And then pass it on to the carer?---Yes, yes. 02:37:28PM
5 Thank you. 02:37:30PM
6 MR LAWRIE: And you have a specific memory of that being the 02:37:32PM
7 purpose of the withdrawals on this occasion; is that 02:37:36PM
8 right?---Yes, I would say so, been split up in two. It 02:37:39PM
9 all depends on where we were at as far as the funds were 02:37:45PM
10 concerned. I mean, I always kept money at home as well 02:37:48PM
11 that I used without drawing it. I've always kept money at 02:37:52PM
12 home. 02:37:58PM
13 We've heard from a number of witnesses so far, but particularly 02:37:58PM
14 Mr Haritos and Ms Tsakopoulos, that habitually they would 02:38:01PM
15 conduct daily transactions, even transactions in the order 02:38:08PM
16 of five, 10 or \$20,000 in cash?---M-hmm. 02:38:13PM
17 Is that the way you operated as well?---No, for me this was my 02:38:17PM
18 living expenses, okay, and I withdrew 4,2 simply to go to 02:38:24PM
19 the safe because that's what we agreed on; must have been 02:38:29PM
20 running low. It's not the only expenditure either. I've 02:38:33PM
21 got my dad to look after as well. 02:38:38PM
22 But talking about the way one conducts oneself in 2020, living 02:38:40PM
23 expenses and the like, for example, paying utilities 02:38:45PM
24 bills, that's not something that you pay for in cash, is 02:38:49PM
25 it?---I have. 02:38:52PM
26 You have?---I have. My wife normally pays it in post office or 02:38:55PM
27 what have you. 02:39:03PM
28 So rather than use in 2020 internet banking to pay, for 02:39:04PM
29 example, your power bill you would arrange for cash to 02:39:11PM

1 be - sorry, for an EFT from Transclean to your account, 02:39:15PM
2 take it out in cash and then your wife take the cash to 02:39:19PM
3 the post office to pay the power bill?---It's not unusual. 02:39:22PM
4 I did that many times for my dad's bills. 02:39:26PM
5 Okay?---And his medications and what have you. 02:39:28PM
6 And you would say after careful reflection and searching your 02:39:32PM
7 memory that there was nothing about that deposit into your 02:39:39PM
8 account of \$8,000 and nothing about those two withdrawals 02:39:43PM
9 that had anything to do with payments to either Mr Pinder 02:39:47PM
10 or Mr Bollas; that would be your evidence on oath, 02:39:50PM
11 wouldn't it?---Yes, yes, because I've done this a number 02:39:54PM
12 of times. 02:39:56PM
13 COMMISSIONER: I just want to be sure about this, 02:39:57PM
14 Mr Kyritsis?---Yes. 02:39:59PM
15 Are you speaking from a clear memory of what these funds were 02:40:00PM
16 used for, or are you simply reconstructing that you think, 02:40:07PM
17 'This is what I would have done with those moneys'?---No, 02:40:12PM
18 I recall doing - - - 02:40:16PM
19 You have a clear memory?---Going into the - - - 02:40:18PM
20 Very good. Yes, thank you. 02:40:20PM
21 MR LAWRIE: Commissioner, I don't believe that's been tendered, 02:40:24PM
22 so can - - - 02:40:26PM
23 COMMISSIONER: That will be AK9, will be Mr Kyritsis's 02:40:27PM
24 Commonwealth Bank account. What's the page number of 02:40:31PM
25 that? 02:40:35PM
26 MR LAWRIE: It's 1357 - - - 02:40:36PM
27 COMMISSIONER: Thank you. 02:40:38PM
28 MR LAWRIE: To 1362. 02:40:39PM
29 #EXHIBIT AK9 - Mr Kyritsis's Commonwealth Bank account at 02:40:43PM

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p.1357 to p.1362.

MR LAWRIE: Mr Kyritsis, what I'm going to play for you now is a telephone call that takes place between yourself and Mr Haritos; okay? This is a telephone call on 29 April that takes place at 11.52 am; okay? Up on the screen in front of you will be a transcript that runs to one page, which you'll be able to follow at the same time as you hear the audio for that call?---M-hmm.

Do you understand that?---Yeah.

So, please, as the call is played I want you to listen obviously to the audio but also follow carefully by reading the transcript, if you would. Now, can we bring that transcript up, please, that's p.1071, and can we simultaneously play call No.5.

(Audio recording played to the Commission.)

MR LAWRIE: The reference to 'Glenys', is that Glenys Murray?---Yes.

And so Mr Haritos says that, 'Glenys did the transfer yesterday so do yours today, I'll do mine tomorrow.' You say, 'All right, Uh,' and then he says, 'So eight.' Then you ask the question, 'When are you going to give it to him, today or tomorrow?' Who is the 'him' that you are referring to?---I'm not sure.

I'm sorry?---I'm not sure who it is. There's no name there.

COMMISSIONER: Mr Kyritsis, were you familiar, before you have had this played now, with this conversation, that it had been played to Mr Haritos?---No.

So this is the first time you've turned your mind to this conversation, is it?---Yes, yes. To the best of my

02:40:43PM
02:40:54PM
02:41:00PM
02:41:04PM
02:41:14PM
02:41:22PM
02:41:25PM
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02:41:31PM
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02:41:37PM
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02:43:50PM
02:43:53PM
02:43:54PM
02:44:03PM
02:44:10PM
02:44:16PM
02:44:20PM
02:44:23PM

1 memory, yes. 02:44:27PM

2 Yes. Okay. 02:44:27PM

3 MR LAWRIE: So as you sit there now, remembering that this is a 02:44:33PM

4 little under - this is 11 months ago?--M-hmm. 02:44:38PM

5 And it's your words, you're the one speaking with 02:44:42PM

6 George?---Yes, yes. 02:44:47PM

7 And it relates, I suggest to you, to how \$8,000 is to be dealt 02:44:47PM

8 with by you; do you agree with that?---Yes, yes. 02:44:53PM

9 That when we see 'eight' the only sensible conclusion to draw 02:44:56PM

10 from that is that that means \$8,000; correct?---Yes, yes. 02:45:01PM

11 And that would be the \$8,000 that I've just taken you to that 02:45:06PM

12 was deposited into your account and then you withdrew in 02:45:11PM

13 two lots?---No, not necessarily. 02:45:14PM

14 Not necessarily? Could be a different \$8,000, could 02:45:17PM

15 it?---I have money at home. 02:45:21PM

16 Yeah, all right. 'Glenys did the transfer yesterday'?--M-hmm. 02:45:22PM

17 That's a reference to the \$8,000 having been placed into your 02:45:27PM

18 joint account?---Yes. 02:45:32PM

19 Isn't it?---Yes. 02:45:33PM

20 The same deposit that I've just taken you to. 'Glenys did 02:45:35PM

21 yours yesterday'?---Yes. 02:45:43PM

22 28 April. We just took you to the statement. \$8,000 lands in 02:45:44PM

23 your account on 28 April. George tells you in this 02:45:49PM

24 conversation, 'Glenys did the transfer yesterday.' That's 02:45:52PM

25 what it's referring to, isn't it?---Yes. 02:45:55PM

26 The \$8,000 that lands in your account; yes? 02:45:57PM

27 COMMISSIONER: He agrees with that, Mr Lawrie. 02:46:02PM

28 MR LAWRIE: Then there's the reference to 'eight', and then you 02:46:04PM

29 ask, 'When are you going to give it to him, today or 02:46:07PM

1 tomorrow?' First of all, the 'it' refers to a payment of 02:46:10PM
2 cash, doesn't it?---Yes. 02:46:13PM
3 How much?---Well, it says 'eight'. 02:46:14PM
4 But you'll remember that Mr Haritos has been given or has had 02:46:20PM
5 deposited into his account \$12,000?---Yep, correct, yep. 02:46:25PM
6 I'm trying to recall what - to who. 02:46:32PM
7 Got no idea?---No. No. I don't recall. 02:46:34PM
8 COMMISSIONER: So, even though you remember or you can say that 02:46:40PM
9 the eight's paid into your account, you don't know who the 02:46:47PM
10 him is that you're going to give it to - well, sorry, that 02:46:50PM
11 you're asking Mr Haritos, 'When are you going to give it 02:46:55PM
12 to him, today or tomorrow,' you don't know who that 02:46:59PM
13 is?---I don't know who that is. 02:47:02PM
14 That's doing to the best of your recollection, is 02:47:03PM
15 it?---I cannot - George always asked for money from me and 02:47:06PM
16 he always returned it. So I don't know. 02:47:09PM
17 And then you go on to say, 'All right then I'll do it in two 02:47:12PM
18 bursts'?---Yeah. 02:47:15PM
19 Does that refresh your memory?---No, I knew that was the case, 02:47:17PM
20 I knew, because I had gotten one lot one day and one the 02:47:22PM
21 following or two days. 02:47:26PM
22 Who were you going to do two bursts with?---Well, as I said, my 02:47:28PM
23 memory is, if it serves me, that it went to the safe and 02:47:33PM
24 the rest was maybe spending money. 02:47:36PM
25 But you're not talking to Mr Haritos about your spending money 02:47:40PM
26 and what you're going to do with your spending money. 02:47:43PM
27 You're talking about the dealings with a 'him'?---Yes. 02:47:46PM
28 The two bursts doesn't relate to your private affairs, does 02:47:50PM
29 it?---No, it doesn't. 02:47:54PM

1 No. So what does it relate to?---Well, I don't know. I can't 02:47:55PM
2 really recall who he wanted to give the money to. I know 02:48:01PM
3 I had money at home as well. I would have taken the eight 02:48:05PM
4 from home. I don't know. 02:48:10PM
5 MR LAWRIE: So he's asking you to make arrangements with him to 02:48:12PM
6 give someone money?---M-hmm. 02:48:15PM
7 And it's money that's come from your account?---Yes. 02:48:18PM
8 Totalling \$8,000 in two withdrawals?---Yes. 02:48:22PM
9 And you've got no memory, no idea what this is about?---I've 02:48:25PM
10 got no idea of who he was talking about. 02:48:29PM
11 And is this just another example of you being prepared to take 02:48:32PM
12 George at face value - - -?---No. 02:48:36PM
13 And just do whatever he says?---I trust George. He's my 02:48:38PM
14 brother. I always trusted him. 02:48:41PM
15 COMMISSIONER: Yes, but, Mr Kyritsis, this isn't just about 02:48:44PM
16 Mr Haritos telling you something which you accept. This 02:48:47PM
17 is about instructions to do things which you then are 02:48:49PM
18 going to do?---M-hmm. 02:48:52PM
19 So it's not just about trusting your brother-in-law. You then 02:48:54PM
20 respond to him, 'All right, then I'll do it in two 02:48:59PM
21 bursts.' Then you go on to say when Mr Haritos says, 02:49:04PM
22 'Eight you can do it on one of them.' 'All right, I'll go 02:49:09PM
23 down to South Yarra now.' Surely that refreshes your 02:49:13PM
24 memory as to what it was that you and Mr Haritos arranged 02:49:18PM
25 you were going to do and which you said you would 02:49:23PM
26 do?---'Do to one of them.' I don't know. It just doesn't 02:49:30PM
27 main sense. 02:49:33PM
28 Well, it does if we're talking about Mr Pinder and Mr Bollas, 02:49:34PM
29 doesn't it?---Well, yeah, but that's not my knowledge. 02:49:37PM

1 That's not - I mean, he didn't tell me about Mr Pinder or 02:49:40PM
2 Mr Bollas. 02:49:46PM
3 Who's the 'them' that you're going to do it for one of them? 02:49:47PM
4 Who's the 'them'?---I don't know. I can't recall. 02:49:52PM
5 This was all played, Mr Kyritsis, in public?---I don't recall. 02:50:03PM
6 Presumably you've had some time to think about what possible 02:50:08PM
7 explanation there can be for this?---No - - - 02:50:12PM
8 And that's the best you can do?---Honestly, I cannot recall. 02:50:20PM
9 I've got no memory. 02:50:24PM
10 That's an honest answer, is it, Mr Kyritsis? How many 02:50:25PM
11 times - how many times have you and your brother-in-law 02:50:29PM
12 talked about you drawing money out, you going to pay 02:50:33PM
13 someone something, one or two of them, how many times have 02:50:38PM
14 you dealt with two of them?---It wouldn't have been often, 02:50:44PM
15 but it has happened many times where George would ask for 02:50:49PM
16 some money and I would give it to him. 02:50:52PM
17 I'm not talking about asking you for money. I'm talking about 02:50:54PM
18 this sort of arrangement. I'm trying to understand 02:50:58PM
19 whether you could possibly conceivably be confused as to 02:51:02PM
20 which occasion this might be a reference to doing 02:51:08PM
21 something for one of two of them, or for one of 02:51:11PM
22 them?---I can't - I cannot - - - 02:51:22PM
23 And it just doesn't - - -?---It doesn't register. 02:51:24PM
24 It doesn't help you at all?---Mr Commissioner, 10 years ago 02:51:27PM
25 there was a reason for me to reduce my workload. I'm on 02:51:32PM
26 medication ever since. My memory is not how it used to 02:51:36PM
27 be. I'm trying to, but I just can't work out why. 02:51:41PM
28 Just bear in mind your evidence of a few moments ago where you 02:51:43PM
29 were able to say in relation to particular withdrawals 02:51:51PM

1 from your bank account precisely what they were for and 02:51:53PM
2 that you had a clear memory of them; all right? So let's 02:51:58PM
3 not talk about a faulty memory here?---No, no, it was 02:52:02PM
4 clear. I remember that. 02:52:06PM
5 So I ask you again: what's this a reference to?---George 02:52:11PM
6 wanting some money, but to do with what, I don't know. 02:52:18PM
7 And then, 'Have you caught up with him'?---I would have caught 02:52:25PM
8 up with him, yes. 02:52:30PM
9 No, no, you're asking George, 'Have you caught up with him?' 02:52:31PM
10 That's one of them, presumably. Who are you talking 02:52:36PM
11 about?---If knew that, then I would have known exactly 02:52:46PM
12 where. 02:52:49PM
13 MR LAWRIE: I suggest this, Mr Kyritsis. You obviously knew at 02:52:51PM
14 the time who you were referring to, didn't you?---No, 02:52:53PM
15 I didn't know. How could I have known? 02:52:55PM
16 Well, they're your words: 'Have you caught up with him?' Even 02:52:59PM
17 if your memory is faulty now, it's clear that at the time 02:53:03PM
18 you're referring to a third person who you knew the 02:53:07PM
19 identity of; do you accept that?---Yeah, I can accept 02:53:10PM
20 that. But who that person would be I can't visualise. 02:53:13PM
21 We understand that now you claim that you have no memory of 02:53:17PM
22 what that reference is about. We understand that. My 02:53:20PM
23 question to you is this. From a simple reading of the 02:53:23PM
24 words you uttered, this is clear: at the time of this 02:53:28PM
25 phone call you were referring to a third person and you 02:53:34PM
26 knew the identity of that third person, didn't you?---At 02:53:37PM
27 that time? 02:53:42PM
28 Yes?---But I cannot remember who it was. 02:53:42PM
29 I'm not asking if you can remember now, but what I'm suggesting 02:53:48PM

1 to you is at that time this reveals that you were 02:53:51PM
2 referring to a third person and you knew their 02:53:54PM
3 identity?---No. 02:53:58PM
4 You dispute that? 02:54:00PM
5 COMMISSIONER: I'm sorry - - -?---I don't know. 02:54:03PM
6 It's not only that you don't remember now; you are disputing 02:54:05PM
7 that this conversation reveals that at the time you were 02:54:09PM
8 talking to George you knew who the 'them' was and who the 02:54:13PM
9 person was you were asking him about? You dispute that 02:54:18PM
10 you didn't know then who the person was?---I didn't know 02:54:21PM
11 then and don't know now. 02:54:26PM
12 I'm sorry? You didn't know then?---Yes and don't know now who 02:54:27PM
13 we're talking about. 02:54:32PM
14 I'm sorry, I'm not sure if I'm hearing your answer correctly. 02:54:33PM
15 You agree - are you saying you didn't know then who the 02:54:36PM
16 person was?---Yes. 02:54:39PM
17 You're serious? You read this conversation and say on oath 02:54:42PM
18 that this tells you you didn't know then as you were 02:54:50PM
19 talking to George who the 'them' was or who the 'him' was 02:54:55PM
20 when you asked him, 'Have you caught up with 02:54:58PM
21 him'?---I don't, I honestly don't. I can't remember what 02:55:04PM
22 the - who the people were, who - I don't know. Could have 02:55:07PM
23 been suppliers. Could have been anything. I don't know. 02:55:12PM
24 MR LAWRIE: You pay suppliers in cash, do you?---Oh, I think 02:55:18PM
25 around this time there was a bit of that happening. 02:55:23PM
26 Trying to get masks and what have you was very difficult. 02:55:25PM
27 All right. Now, I want to - do you realise that - excuse me 02:55:32PM
28 for a moment, Mr Commissioner. (To witness) You 02:55:46PM
29 understand that there's been evidence before the 02:55:51PM

1 Commission that Mr Haritos met with Mr Pinder on 2 May 02:55:53PM
2 2020; do you understand that? That is three days after 02:56:02PM
3 this phone call?---Right. 02:56:07PM
4 Did you know that that had happened?---No. 02:56:09PM
5 What I'll do is assist you in that regard. Can we play, 02:56:12PM
6 please, video No.1. 02:56:20PM
7 COMMISSIONER: What was the exhibit number for that 02:56:23PM
8 conversation, Mr Lawrie? 02:56:24PM
9 MR LAWRIE: I think just out of an abundance of caution I'll 02:56:26PM
10 ask for it to be exhibited now. 02:56:29PM
11 COMMISSIONER: I'd be grateful if I know what the exhibit was, 02:56:31PM
12 though, so we know we're dealing with - - - 02:56:34PM
13 MR LAWRIE: We've been looking for it - - - 02:56:37PM
14 COMMISSIONER: All right. 02:56:39PM
15 MR LAWRIE: Mr Commissioner. 02:56:39PM
16 COMMISSIONER: So what's the date of this conversation? 02:56:40PM
17 MR LAWRIE: Is 29 April 2020. 02:56:43PM
18 COMMISSIONER: That will be AK10. 02:56:48PM
19 #EXHIBIT AK10 - Audio recording of call No.5, dated 29 April 02:56:51PM
20 2020, p.1071. 02:56:51PM
21 COMMISSIONER: Mr Kyritsis, I want you to understand something. 02:57:01PM
22 This is your opportunity to provide, if there be an 02:57:07PM
23 innocent explanation for these conversations, that 02:57:15PM
24 explanation. I think you understand enough about what the 02:57:18PM
25 Commission's been doing in this matter to know that it is 02:57:24PM
26 likely the Commission will be making adverse findings 02:57:29PM
27 about some things that your brother-in-law has done with 02:57:34PM
28 Mr Pinder and Mr Bollas. If you don't take the 02:57:38PM
29 opportunity to provide the best explanation that you can, 02:57:43PM

1 You had no idea that that meeting was planned?---No, I can't 03:00:28PM
2 recall. 03:00:33PM
3 Let's try to test your memory a little bit better than that. 03:00:35PM
4 Search your memory as conscientiously as you can, please. 03:00:39PM
5 This is a meeting between Mr Pinder and Mr Haritos at a 03:00:43PM
6 cafe in Toorak on 2 May. Did you know in advance that 03:00:48PM
7 that meeting was to take place?---I cannot recall. 03:00:54PM
8 Did you know after the occurrence of that meeting that it had 03:00:59PM
9 taken place?---I don't know. Can't recall. 03:01:02PM
10 That is, before you've just seen the video now?---No. I can't 03:01:07PM
11 recall. 03:01:10PM
12 COMMISSIONER: That's going to be your stock response now, is 03:01:11PM
13 it, Mr Kyritsis?---Well, I cannot recall this. I mean, 03:01:13PM
14 I wasn't there. 03:01:17PM
15 MR LAWRIE: Now, you'll recall that this is only a matter of a 03:01:21PM
16 couple of days after you've made those two withdrawals 03:01:25PM
17 from your own bank account to a total of \$8,000?---Right, 03:01:27PM
18 yep. 03:01:31PM
19 You understand how it's placed in time?---M-hmm. 03:01:32PM
20 Okay. Commissioner, I tender that, which is video No.1. 03:01:34PM
21 #EXHIBIT AK11 - Video No.1 of meeting between Mr Haritos and 03:01:34PM
22 Mr Pinder on 2 May 2020. 03:01:34PM
23 COMMISSIONER: So on the state of your evidence, Mr Kyritsis, 03:01:43PM
24 this meeting may have been the meeting which your 03:01:45PM
25 brother-in-law alludes to in the conversation of 29 April 03:01:50PM
26 that he's going to have at a future date? You recall, in 03:01:55PM
27 your conversation with George, George says he's going to 03:02:02PM
28 meet later, at a later date?---Yes, yes. 03:02:05PM
29 So, given you don't remember now what it was about, might that 03:02:09PM

1 have been the meeting he was referring to? Does that help 03:02:15PM
2 to refresh your memory about what you were talking about 03:02:19PM
3 with George on 29 April?---Yes, it does give me some sort 03:02:23PM
4 of - - - 03:02:31PM
5 Yes. So what are you now able to say about that 03:02:34PM
6 conversation?---At this stage I still don't understand 03:02:37PM
7 why, why he would meet up with him. 03:02:42PM
8 MR LAWRIE: You're not asking to be - you're not being asked 03:02:45PM
9 that question, with respect. The question you're being 03:02:48PM
10 asked about is this. You've now had an opportunity to see 03:02:50PM
11 the video and to understand that on 2 May that Mr Haritos 03:02:54PM
12 and Mr Pinder met, and that that was - and that meeting 03:02:59PM
13 took place shortly after the telephone call that we've 03:03:03PM
14 just heard between you and Mr Haritos; you understand 03:03:06PM
15 that?---Yes, yes. 03:03:11PM
16 Your earlier evidence, you said, 'I don't remember who I was 03:03:12PM
17 referring to,' as you sit there giving evidence now; 03:03:15PM
18 correct?---Correct. 03:03:19PM
19 And more than that, 'I don't accept that I knew who I was 03:03:19PM
20 referring to at the time'?---Yes. 03:03:24PM
21 That's what you've said essentially, isn't it ?---Yes, yes. 03:03:27PM
22 Having now seen the video, are you able to reflect on that 03:03:30PM
23 telephone call and does it now make sense to you who that 03:03:35PM
24 third person was that seems to be referred to?---It 03:03:41PM
25 doesn't make sense. 03:03:43PM
26 It doesn't?---It does. 03:03:44PM
27 Tell us, please?---Well, that he met up with Mr Pinder. 03:03:46PM
28 So do you accept that in the telephone call that we've just 03:03:52PM
29 heard, that is the telephone call that takes place - sorry 03:03:55PM

1 for a moment - on 29 April that you were referring to 03:04:03PM
2 James Pinder when you talked about 'him'?---Possibly. 03:04:09PM
3 And when you talked about 'them' that James Pinder was one of 03:04:16PM
4 'them'? 03:04:21PM
5 COMMISSIONER: What day of the week, Mr Lawrie, are you able to 03:04:24PM
6 assist me, is 29 April? 03:04:27PM
7 MR LAWRIE: Just one moment, please. Excuse me for one moment. 03:04:32PM
8 COMMISSIONER: It shouldn't be hard to work out. The reason 03:04:44PM
9 I ask is because in response to the witness asking 03:04:52PM
10 Haritos, 'When are you going to give it to him,' Haritos 03:05:03PM
11 replied, 'On the weekend.' 03:05:08PM
12 MR LAWRIE: It's a Wednesday, Commissioner. (To witness) 03:05:11PM
13 29 April is a Wednesday. So that makes this meeting on 03:05:13PM
14 2 May the following Saturday. Do you understand 03:05:21PM
15 that?---Yes. 03:05:26PM
16 So it's consistent with using the phrase 'the 03:05:27PM
17 weekend'?---M-hmm. 03:05:32PM
18 In that telephone call that we've just listened to; do you 03:05:32PM
19 accept that?---Yep. 03:05:35PM
20 So, piecing all this together, does that assist your 03:05:36PM
21 memory?---Yes, it does assist my memory, of course. 03:05:40PM
22 And so do you accept now that you were referring to James 03:05:42PM
23 Pinder in that telephone call?---Yes. 03:05:47PM
24 Having come to that conclusion in your own mind, you now would 03:05:56PM
25 see that at least part of the money that was being spoken 03:06:06PM
26 about in that telephone call is destined for James 03:06:08PM
27 Pinder?---I guess so, but, again, what sort of money? 03:06:14PM
28 What sort of money are we looking at here? 03:06:19PM
29 We've got \$12,000 that's been withdrawn by Mr Haritos and 03:06:22PM

1 \$8,000 that's been withdrawn by you. So we can conclude 03:06:26PM
2 some proportion of that?---My eight - I know where my 03:06:31PM
3 eight went. 03:06:35PM
4 Where did your eight go?---4,2 went in the safe. 03:06:36PM
5 And the other went to pay for carers?---Carers - yeah, 4,2. 03:06:40PM
6 The other was my spending money. 03:06:46PM
7 So 4,2 for the carers and then the rest for spending money. 03:06:47PM
8 There was nothing in that \$8,000 that went into a pool of 03:06:51PM
9 cash to pay either Mr Bollas or Mr Pinder; is that your 03:06:54PM
10 evidence?---I don't understand that. 03:06:57PM
11 I'll put it again. Notwithstanding your review of this 03:07:02PM
12 telephone call and now understanding that there was this 03:07:08PM
13 meeting on the Saturday between Mr Haritos and Mr Pinder, 03:07:10PM
14 you still say that, 'Whatever happened, it didn't involve 03:07:13PM
15 any of my \$8,000'?---Yes. 03:07:16PM
16 Okay. I'm going to play to you another call. I don't think - 03:07:18PM
17 sorry, I wish to tender, please, video - - - 03:07:27PM
18 COMMISSIONER: The video. (To witness) Mr Kyritsis, you 03:07:33PM
19 watched that video?---Which one? 03:07:37PM
20 The one you've just been shown?---Yes. 03:07:39PM
21 For 2 May?---M-hmm. 03:07:42PM
22 And you saw your brother-in-law, George, get very close to 03:07:43PM
23 Mr Pinder?---M-hmm. 03:07:49PM
24 And there appeared to be an exchange of something; do you agree 03:07:49PM
25 with that?---Yes, I do. 03:07:54PM
26 Do you know what it was?---Look, it could have been winnings 03:07:55PM
27 from the races as far as I know. Could have been. 03:08:01PM
28 And you've never asked George what that was about, given that 03:08:03PM
29 it was the subject of public evidence last year?---I can't 03:08:09PM

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even recall this.

Yes?---But again, I mean, George - George is George. He will - he loves his horses, he loves gambling and has been very good at it. To what extent his involvement with Mr Pinder - - -

MR LAWRIE: You listened to the public examination last year where Mr Haritos was cross-examined, didn't you?---Not all of it, but I did, yeah.

Let me put it quite bluntly: this story about a punters club or a gambling syndicate which is fantastically successful - unrealistically fantastically improbably successful - where one puts in \$10,000 into a kitty and never contributes after it but receives a dividend in the order of \$10,000 a month based upon one successful wager after another without ever suffering setback is a complete fiction. Do you understand that that's the position that's being put?---That is the position that you're putting it, but I know what I've seen as well, and I've seen the winning tickets.

You've seen the winning tickets?---Oh, yeah.

Well, that's very interesting?---I have.

Because they were not able to be proffered by Mr Haritos. So if you've seen them - - -?---I have. I mean, even a few weeks ago he showed me this winning ticket.

Wouldn't you have Mr Haritos knocking down the door outside of this room to present them to us?---Well, I don't know.

COMMISSIONER: Mr Kyritsis, I'm not really interested in the gambling syndicate. The conversation from 29 April that you've now acknowledged is a conversation which concerned

03:08:14PM
03:08:22PM
03:08:28PM
03:08:32PM
03:08:38PM
03:08:41PM
03:08:43PM
03:08:48PM
03:08:51PM
03:08:57PM
03:09:03PM
03:09:10PM
03:09:13PM
03:09:17PM
03:09:22PM
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03:09:37PM
03:09:39PM
03:09:42PM
03:09:44PM
03:09:47PM
03:09:53PM
03:09:58PM
03:10:01PM
03:10:05PM
03:10:08PM
03:10:13PM

1 money being given to Mr Pinder - - -?---M-hmm. 03:10:16PM
2 Wasn't concerned with paying him a gambling - some gambling 03:10:19PM
3 proceeds, was it? And you weren't talking about gambling 03:10:24PM
4 proceeds in the context of having to withdraw money out of 03:10:29PM
5 bank accounts?---No. 03:10:32PM
6 Because we know from George that whatever money he made from 03:10:33PM
7 gambling he put in the safe?---Safe. In his pocket. 03:10:37PM
8 So let's not talk about gambling syndicates and proceeds of 03:10:43PM
9 horses. Tell me now what you were talking about when you 03:10:47PM
10 spoke to Mr Haritos about the arrangement to pay Pinder, 03:10:52PM
11 when he was going to do that and what you were going to do 03:10:59PM
12 with your eight? What were you talking about?---I don't 03:11:02PM
13 know what we were talking about. 03:11:07PM
14 It can't be true, can it?---I can't - - - 03:11:09PM
15 That can't be true. You're talking to your co-director of 03:11:13PM
16 Transclean about paying money to the CEO of V/Line and 03:11:18PM
17 some other person, 'them', and you're saying to us that 03:11:25PM
18 you cannot now remember any more detail about that 03:11:30PM
19 conversation?---No, I can't. I can't. 03:11:35PM
20 Yes, Mr Lawrie. 03:11:40PM
21 MR LAWRIE: Thank you, Mr Commissioner. I'm going to have 03:11:44PM
22 played for you now another telephone call. This is 03:11:48PM
23 previously exhibited as GH16, Mr Commissioner. It's 03:11:54PM
24 telephone call No.6. The transcript is at 1072. (To 03:11:57PM
25 witness) This is again a call between you and Mr Haritos. 03:12:05PM
26 It takes place on 2 May; that is, the same date as the 03:12:09PM
27 meeting that we've just seen the video of?---M-hmm. 03:12:13PM
28 And it takes place approximately 10 minutes after that meeting? 03:12:16PM
29 COMMISSIONER: Is this - an exhibit number, Mr Lawrie? 03:12:20PM

1 MR LAWRIE: This is previously GH16, Commissioner. 03:12:22PM
2 COMMISSIONER: Thank you. 03:12:26PM
3 MR LAWRIE: So can we please bring up 1072. 03:12:28PM
4 (Audio recording played to the Commission.) 03:12:41PM
5 MR LAWRIE: Can we just stop, please. 03:12:55PM
6 COMMISSIONER: Just a moment. 03:12:56PM
7 MR LAWRIE: Can we just check we've got 1072, and we need call 03:12:57PM
8 No.6. 03:13:05PM
9 (Audio recording played to the Commission.) 03:13:53PM
10 MR LAWRIE: Can we just scroll the transcript, please? Thank 03:14:06PM
11 you. 03:14:09PM
12 COMMISSIONER: I don't know whether the witness - I'm sorry, 03:14:10PM
13 we'll need to go back, please. The witness can't follow 03:14:13PM
14 the conversation when the transcript wasn't reflecting 03:14:15PM
15 where they were. 03:14:18PM
16 MR LAWRIE: Perhaps if we start from the start, 03:14:20PM
17 Mr Commissioner. Can we go back to the start of call No.6 03:14:22PM
18 and the top of 1072. 03:14:25PM
19 (Audio recording played to the Commission.) 03:14:29PM
20 MR LAWRIE: Now, you're able to follow the audio and the 03:16:14PM
21 transcript?---Yeah, most of it. 03:16:17PM
22 There are portions which are unclear, and they have been 03:16:19PM
23 transcribed in square brackets as 'unclear'; you saw 03:16:24PM
24 that?---M-hmm. 03:16:28PM
25 But can we go, please, to the top of the page; that is, 1072. 03:16:29PM
26 Now, this is a Saturday morning. This is 10 minutes after 03:16:41PM
27 the video that we saw of the meeting between Mr Haritos 03:16:47PM
28 and Mr Pinder?---Yep. 03:16:50PM
29 And a telephone call that takes place between you and 03:16:53PM

1 Mr Haritos; you accept that?---Yes. 03:16:58PM
2 George asks you, 'How are you going?' There's some preliminary 03:17:00PM
3 exchange. Then at line 6 you ask the question, 'Are you 03:17:07PM
4 seeing James today?' Do you see that there?---Yes. 03:17:14PM
5 You introduce the topic, don't you?---Yes. 03:17:20PM
6 And the 'James' that you're referring to is James Pinder, isn't 03:17:22PM
7 it?---Yes. 03:17:27PM
8 George tells you that he's just finished with him; do you see 03:17:28PM
9 that there?---Yep. 03:17:35PM
10 And that makes sense to you as you sit here now because you 03:17:36PM
11 know that this call takes place some 10 minutes or 03:17:40PM
12 thereabouts after their meeting at the cafe in 03:17:44PM
13 Toorak?---Right. 03:17:48PM
14 That makes sense to you, doesn't it?---M-hmm. 03:17:49PM
15 And you say, 'Oh,' and then George says, 'He did,' and then he 03:17:52PM
16 stops himself and says, 'Peter, I'm doing separate.' So 03:17:59PM
17 again we have a reference to 'Peter'. You know who he's 03:18:04PM
18 talking about, don't you?---It would be, I'd say, yeah, 03:18:08PM
19 Peter Bollas. 03:18:12PM
20 It's Peter Bollas, who's the man at Metro?---M-hmm. 03:18:13PM
21 Correct ?---Yep. 03:18:16PM
22 He's the man that your son, Steven Kyritsis, deals with on an 03:18:17PM
23 almost daily basis?---Yeah, they work together most 03:18:24PM
24 nights. 03:18:27PM
25 And he's the man that you've met socially from time to time, 03:18:30PM
26 Peter Bollas?---Yeah, occasionally. Not too often. 03:18:35PM
27 And he's the man that you've spoken with with your son in the 03:18:38PM
28 context of the work that your son does?---Yep. 03:18:42PM
29 He would have mentioned Peter Bollas frequently?---He has 03:18:46PM

1 mentioned, yeah. 03:18:50PM

2 He works with him on a daily basis?---Yeah. 03:18:51PM

3 So George Haritos says, 'Peter, I'm doing separately,' and then 03:18:57PM

4 you reply, 'Oh, okay. Because I've got it here with me.' 03:19:03PM

5 Do you see that there?---What line is this on? 03:19:09PM

6 That is line 10?---Ten. Yep. 03:19:15PM

7 COMMISSIONER: And we know from what you later say in that 03:19:20PM

8 conversation you're talking about the money?---Right. 03:19:22PM

9 You've got in the car with you. Yes?---More than likely, yes. 03:19:26PM

10 MR LAWRIE: Well, it's not more than likely; it's conclusive, 03:19:35PM

11 I suggest. If we go forward to the next page just for a 03:19:38PM

12 moment to line 29 you say this, 'Yeah, by the way if you 03:19:41PM

13 don't want the money because I've got it in the car I'll 03:19:45PM

14 take it back home'; do you see that there?---What line is 03:19:48PM

15 this? 03:19:56PM

16 Line 29 down to line 30?---M-hmm, yep. 03:19:57PM

17 So if we go back to line 10, 'Because I've got it here with 03:20:04PM

18 me', what we've just looked at makes clear that the 'it' 03:20:12PM

19 is cash money; is that right?---Yeah, I would imagine so. 03:20:17PM

20 How much did you have with you on the Saturday morning?---On 03:20:23PM

21 that Saturday morning? 03:20:28PM

22 M-hmm?---I can't remember. 03:20:29PM

23 \$8,000?---No, it wasn't 8,000. 03:20:31PM

24 COMMISSIONER: How much was it?---Half that. 03:20:36PM

25 MR LAWRIE: It was your living expense money, was it?---Yep. 03:20:42PM

26 Why would you be telling George? What conceivable reason would 03:20:45PM

27 you have to tell George that you just happened to have 03:20:52PM

28 cash on your person that was living expense cash? Did 03:20:54PM

29 George need it?---I don't know if he needed it or not. 03:21:00PM

1 COMMISSIONER: No, Mr Kyritsis, you respond 'I've got it here 03:21:05PM
2 with me' immediately in response to your brother-in-law 03:21:12PM
3 saying, 'I'm doing Peter separately'?---Yes. 03:21:18PM
4 You're talking about the money in your possession which he 03:21:23PM
5 needs to do Peter separately?---Yes, yes. 03:21:26PM
6 It's as plain as it can possibly be?---Yes. 03:21:32PM
7 Why did you have money for George to give Peter?---Because 03:21:35PM
8 George asked me to have some money on me. 03:21:41PM
9 Why?---I don't know why. Maybe he owed him. I don't know. 03:21:44PM
10 MR LAWRIE: When did George ask you to have money on 03:21:49PM
11 you?---I don't know when he did. Can't recall. Might 03:21:51PM
12 have been the day before. 03:21:54PM
13 Something has just prompted a memory. Something in either a 03:21:55PM
14 question from the Commissioner or me or reading that 03:21:59PM
15 that's prompted a memory: 'Because George asked me to have 03:22:01PM
16 money on me'?---M-hmm. 03:22:04PM
17 That's a genuine memory, is it, and it's a truthful 03:22:06PM
18 answer?---He always knew that I had money. He always did. 03:22:10PM
19 No, you just - - -?---At home and on me. 03:22:12PM
20 Mr Kyritsis, you just said, 'George asked me to have money on 03:22:13PM
21 me'?---M-hmm. 03:22:17PM
22 Okay? And George is a wealthy man, is he not?---He's doing all 03:22:19PM
23 right. 03:22:26PM
24 Yes. He's not short for cash, is he?---I wouldn't say so. 03:22:26PM
25 No. And you say you're carrying around a portion of that 03:22:30PM
26 \$8,000 that you withdrew a few days earlier which was your 03:22:35PM
27 living expense money?---Yes. 03:22:39PM
28 There's no reason for you to be telling George, 'I'm walking 03:22:45PM
29 around with living expense money, as usual'?---M-hmm. 03:22:48PM

1 It doesn't make sense, does it?---Don't know. 03:22:51PM

2 And in the context - if you want to look at the context for 03:22:58PM

3 this, Mr Kyritsis, I suggest that you need look no further 03:23:02PM

4 than line 9 down to line 10: 'Peter, I'm doing separate.' 03:23:04PM

5 Your immediate response is, 'Oh, okay. Because I've got 03:23:10PM

6 it here with me.' The 'Peter' is Peter Bollas and the 03:23:13PM

7 'it' is the money that you have on you; isn't it?---Yeah, 03:23:19PM

8 that sounds about right. 03:23:22PM

9 So it's money for Peter Bollas, isn't it?---M-hmm. 03:23:24PM

10 You're holding money on your person destined for Peter Bollas, 03:23:29PM

11 aren't you?---Yeah, but what for, though? 03:23:33PM

12 COMMISSIONER: Well, I presume you can tell us, Mr - - -?---No, 03:23:36PM

13 I wasn't told what for. 03:23:40PM

14 MR LAWRIE: Do you just do anything that George Haritos asks 03:23:44PM

15 you? If he asks you to walk to a location, to take money 03:23:46PM

16 out, to deliver money, do you just do anything without 03:23:50PM

17 requiring explanation or it otherwise making sense?---No, 03:23:55PM

18 I have full trust in George over the years. 03:23:58PM

19 COMMISSIONER: That might be in relation to Mr Haritos being a 03:24:03PM

20 reliable person to make money for you and your wife, and 03:24:06PM

21 that you trust him implicitly in not diddling you. But 03:24:11PM

22 I'm talking about Mr Haritos's morality, commercial 03:24:16PM

23 morality, in relation to third parties. Do you 03:24:21PM

24 follow?---Yeah. 03:24:25PM

25 That's what we're interested in?---M-hmm. 03:24:26PM

26 Not how he might deal with you personally as his 03:24:28PM

27 brother-in-law; do you understand the 03:24:31PM

28 distinction?---That's the only side I know. 03:24:33PM

29 MR LAWRIE: Do you understand this, Mr Kyritsis: you're giving 03:24:38PM

1 evidence on oath?---M-hmm. 03:24:41PM

2 About a very serious matter. This is evidence of a corrupt 03:24:43PM

3 payment, I suggest to you, being made from Transclean to 03:24:48PM

4 the CEO of V/Line, and you are part of it. And you say, 03:24:51PM

5 'Well, if I'm part of it, I'm unwittingly a part of it 03:24:59PM

6 because I just do whatever George says'; is that your 03:25:02PM

7 position?---I can't recall the specific requirement for 03:25:05PM

8 some money to be given to James or Peter. 03:25:13PM

9 COMMISSIONER: Mr Kyritsis, you have already indicated to the 03:25:17PM

10 Commission that you have a well-developed instinct for 03:25:20PM

11 what's proper and improper?---M-hmm. 03:25:30PM

12 You've told us about how your immediate reaction was to George 03:25:33PM

13 telling you you're going to lend money to Maria to give to 03:25:38PM

14 Pinder for the purchase of his house, and you've told us 03:25:44PM

15 that didn't sit well with you, you felt uncomfortable 03:25:48PM

16 about that; right?---Yes. 03:25:51PM

17 That was - that was - on your version, that was a loan to 03:25:53PM

18 Pinder via Maria. That didn't sit comfortably with 03:26:00PM

19 you?---No. 03:26:04PM

20 Now, we're now talking about your brother-in-law involving you 03:26:05PM

21 in the payment of cash to Pinder and Bollas. Presumably, 03:26:12PM

22 that didn't sit well with you either?---It didn't - it 03:26:17PM

23 doesn't sit well with me, but how do I know it was going 03:26:21PM

24 to them? How do I know that? He never told me that he 03:26:24PM

25 was doing - - - 03:26:30PM

26 MR LAWRIE: Perhaps I can provide you an answer. You know that 03:26:31PM

27 it was going to them because you refer to them by name, 03:26:33PM

28 James and Peter?---Yeah, but - - - 03:26:38PM

29 And you introduced the subjects of James and then George tells 03:26:39PM

1 you that he's seeing Peter?---For what purpose, though? 03:26:44PM
2 What was the reason for it? That's the other thing. 03:26:48PM
3 Maybe they owed him money. Who knows? 03:26:51PM
4 See, I don't understand, quite frankly, Mr Kyritsis, why you're 03:26:53PM
5 asking me that question when really this is the question 03:26:58PM
6 for you. It's not for me to ponder your imponderables. 03:27:00PM
7 You have a memory of this, I suggest. You have 03:27:08PM
8 Transclean's money come through your account, you take it 03:27:12PM
9 out in two lots as per your conversation with George - 03:27:16PM
10 'I'll take it out in two hits' - and then days later 03:27:21PM
11 there's the meeting, and 10 minutes after the meeting you 03:27:26PM
12 ask, 'Have you seen James?' Can I suggest to you, sir, 03:27:30PM
13 that is a jigsaw puzzle with every single piece in place, 03:27:37PM
14 that you knew precisely what the \$8,000 was that you were 03:27:43PM
15 handling, that it was to go to either James Pinder or 03:27:46PM
16 Peter Bollas?---Never gave them 8,000. 03:27:49PM
17 You mightn't have, but you got that 8,000 at the very least to 03:27:55PM
18 Mr Haritos to deliver to either Pinder or Bollas, didn't 03:28:00PM
19 you?---I don't recall giving George 8,000. 03:28:04PM
20 COMMISSIONER: Mr Kyritsis, leaving aside the precise amount, 03:28:16PM
21 firstly, this wasn't a one-off. This wasn't the only 03:28:19PM
22 occasion where you and George made arrangements to draw 03:28:25PM
23 money out of accounts which then was to be passed to 03:28:29PM
24 Pinder and Bollas. This is just one example of it, isn't 03:28:33PM
25 it?---Honestly, I don't recall ever doing it again. 03:28:36PM
26 You don't?---Ever before, no. I mean, these funds that are in 03:28:41PM
27 our account are funds that we need to - our living 03:28:46PM
28 expenses. 03:28:50PM
29 And with your - as you've said now that this also excited a 03:28:51PM

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level of discomfort, what explanation did George give you
for why he was arranging for money to go to Pinder and to
Bollas?---He didn't give me one.
He didn't give you one?---No.
So are you one of the - you know the story about the three
monkeys? You've seen that about cover their eyes and
cover their ears and so on?---M-hmm.
So is this a case of you deliberately not asking George what's
this all about because you didn't want to know?---I guess
so.
Yes, Mr Lawrie.
MR LAWRIE: Thank you, Commissioner. (To witness) If you don't
recall this happening on any other occasion, certainly the
unusual aspects of what went on over those few days would
stick in your memory, wouldn't they?---Like what? What -
- -
If you assert that you've never been involved in moving cash in
a like manner to what we've just seen from late April
through to 2 May 2020, if you've never done anything like
that before or since, on your evidence, you would accept
that what was happening over those days was unusual for
you?---Unusual that - - -
Yeah, you're being asked to take money that's going to either
James or - either to Mr Pinder or Mr Bollas, and you
didn't - and you just didn't want to know what it was all
about?---The funds that were transferred into my account,
I used them. I used them myself.
So is it your position that you maintain that, whatever was
going on, the \$8,000 that you pulled out of your account

03:28:58PM
03:29:06PM
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03:29:14PM
03:29:20PM
03:29:22PM
03:29:25PM
03:29:30PM
03:29:39PM
03:29:47PM
03:29:51PM
03:29:56PM
03:30:01PM
03:30:05PM
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03:30:11PM
03:30:16PM
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03:30:27PM
03:30:30PM
03:30:34PM
03:30:37PM
03:30:41PM
03:30:50PM
03:30:52PM
03:30:55PM
03:31:01PM
03:31:04PM

1 was not part of it; is that what you're saying?---At least 03:31:09PM
2 half of it was not part of it. 03:31:13PM
3 Okay. So was half of it part of it? Was something like \$4,000 03:31:14PM
4 part of it, according to your memory?---Again, I gave the 03:31:18PM
5 money to George, but - - - 03:31:24PM
6 Oh, okay?---But for what reason - - - 03:31:26PM
7 Can we focus in on that, please. You dispute that you gave 03:31:29PM
8 \$8,000 to George, but you gave perhaps half of it to 03:31:33PM
9 George. When did you do that?---How can I remember that? 03:31:36PM
10 Before or after the meeting at the cafe on the Saturday 03:31:45PM
11 morning? 03:31:56PM
12 COMMISSIONER: Well, I think, Mr Lawrie, just so we can - for 03:31:56PM
13 the sake of expedition, we want to try and finish 03:31:58PM
14 Mr Kyritsis today, you said later in the conversation, 03:32:01PM
15 Mr Kyritsis, at line 29, 'If you don't want the money 03:32:05PM
16 because I've got it in the car I'll take it back home,' 03:32:09PM
17 and George says to you, 'We probably won't need this 03:32:13PM
18 today, on Monday, I probably won't see him until at least 03:32:17PM
19 Monday.' So does that refresh your memory at all about 03:32:20PM
20 when you might have given the money to George?---Well, 03:32:23PM
21 it's indicating Monday. Whether I did or didn't, I can't 03:32:28PM
22 recall. I'm just going by - - - 03:32:34PM
23 MR LAWRIE: But you did give, according to your memory, half of 03:32:35PM
24 that 8,000 or thereabouts to George?---I recall that. 03:32:39PM
25 What you are being asked now is when. The conversation seems 03:32:44PM
26 to indicate the timeline of something like the following 03:32:48PM
27 Monday. Is that when you gave it to him?---I can't 03:32:51PM
28 recall, whether it happened or didn't happen, and what the 03:32:58PM
29 amount was. 03:33:04PM

1 Sorry, you can't recall whether it happened or it didn't 03:33:05PM
2 happen?---M-hmm. 03:33:08PM
3 What are we to make of any of your evidence when in the one 03:33:08PM
4 breath, sir, you say, 'I didn't give the 8,000 to George 03:33:12PM
5 but I gave him half of it,' and then only a matter of a 03:33:15PM
6 minute or two later you say, 'Well, I can't say whether it 03:33:21PM
7 happened or it didn't happen'? What is anyone to make of 03:33:25PM
8 that series of answers?---Well, I knew that the 4,200 03:33:28PM
9 I didn't have. I had there the balance to it, and that's 03:33:32PM
10 what I gave him. 03:33:37PM
11 Can we just focus on my question for a moment. Do you see what 03:33:38PM
12 I'm putting to you, that in one breath you've said you 03:33:42PM
13 gave some of that money to George; do you accept 03:33:47PM
14 that?---Yes, yes. 03:33:51PM
15 This is about 90 seconds ago. And then a few questions later 03:33:51PM
16 you say, 'I can't say whether it happened or it didn't 03:33:57PM
17 happen'?---Or how much it was. 03:34:00PM
18 Or how much it was. So what do we make of your first answer, 03:34:03PM
19 or what do we make of any of that, because you say 03:34:08PM
20 something and then 90 seconds later you cancel it; do you 03:34:11PM
21 see that?---What did I cancel? 03:34:17PM
22 Well, you offered, I suggest, sir, this fact: 'I gave half that 03:34:19PM
23 money approximately to George.' You said that in your 03:34:24PM
24 evidence?---Yes, yes. 03:34:28PM
25 And then moments later you said, 'I can't say whether that 03:34:28PM
26 happened or didn't happen'?---I agree that I did give that 03:34:32PM
27 money to him. 03:34:36PM
28 Do you remember giving it to him?---No, I don't remember. 03:34:40PM
29 Why did you - - -?---I just thought of it - - - 03:34:49PM

1 Why did you offer not in response to - not in response to a 03:34:53PM
2 question of mine, but why did you offer the fact that you 03:34:55PM
3 gave something like half the money to George if you don't 03:34:58PM
4 remember doing that?---Well, obviously I must have because 03:35:01PM
5 he asked for it. 03:35:06PM
6 Are you sitting there conscientiously trying to give the best 03:35:07PM
7 evidence you can?---I am. I am. 03:35:10PM
8 The best and most accurate evidence you can?---Well, at the 03:35:12PM
9 moment my head is just spinning. I'm struggling to think. 03:35:15PM
10 COMMISSIONER: What we might do, we might have a break for a 03:35:19PM
11 few moments, Mr Lawrie, when you've completed this 03:35:23PM
12 conversation. I see the time, Mr Lawrie. We need to give 03:35:27PM
13 him a break. 03:35:30PM
14 MR LAWRIE: Can I say, Mr Commissioner. I've actually 03:35:31PM
15 completed the matters that I wanted to put. So it's an 03:35:33PM
16 appropriate time - - - 03:35:37PM
17 COMMISSIONER: In relation to this conversation? 03:35:38PM
18 MR LAWRIE: No, in the public setting, Commissioner. 03:35:41PM
19 COMMISSIONER: Aren't there some other conversations that are 03:35:46PM
20 to be explored with the witness? 03:35:48PM
21 MR LAWRIE: Well, we'll have a break, but not at this stage. 03:35:51PM
22 COMMISSIONER: All right. We'll adjourn for a few minutes to 03:35:54PM
23 give you a break, Mr Kyritsis?---Thank you. 03:35:58PM
24 (Short adjournment.) 03:36:02PM
25 COMMISSIONER: Ready to proceed, Mr Kyritsis? Yes, Mr Lawrie. 03:53:03PM
26 MR LAWRIE: Thank you, Mr Commissioner. There's just one or 03:53:05PM
27 two brief matters that I wish to put. (To witness) We 03:53:07PM
28 were talking, Mr Kyritsis, about the telephone 03:53:13PM
29 conversation that took place between Mr Haritos and 03:53:15PM

1 yourself on 2 May, which is GH16. Can we just bring that 03:53:18PM
2 up again briefly, please. This is 1072. Do you see at 03:53:25PM
3 line 13, after you say at line 10, 'Okay. Because I've 03:53:43PM
4 got it here with me,' Mr Haritos says, 'Yeah, well, I'll 03:53:51PM
5 probably see him tomorrow' - sorry, 'probably' - I'll 03:53:55PM
6 start again. 'Well, I'll probably see him now probably 03:54:00PM
7 Monday, Tuesday.' Do you see that?---Yeah. 03:54:03PM
8 And you say, 'All right.' Now, you understood that to be a 03:54:06PM
9 reference to Peter Bollas, didn't you?---Is that what it 03:54:11PM
10 says there? 03:54:16PM
11 It doesn't say the word 'Bollas', but you understood at the 03:54:17PM
12 time that Mr Haritos was referring to a pending meeting 03:54:21PM
13 with Peter Bollas, didn't you? 03:54:24PM
14 COMMISSIONER: Because he says at line 9, Mr Kyritsis, 'Uh, 03:54:28PM
15 Peter, I'm doing separate.' You say, 'Because I've got it 03:54:34PM
16 here with me.' 'Yeah, yes,' and then George says, 'Well, 03:54:38PM
17 I'll probably see him now probably Monday, 03:54:45PM
18 Tuesday'?---Yes. 03:54:49PM
19 That's a reference to Peter Bollas, isn't it?---Yes. 03:54:49PM
20 MR LAWRIE: Did you know that there was a meeting between 03:54:53PM
21 Mr Haritos and Mr Bollas in that following week?---No. 03:54:54PM
22 There would be no operational reason for Mr Haritos to meet 03:54:56PM
23 with Mr Bollas, would there?---I don't know. I've never 03:55:04PM
24 gone into those meetings. I don't know what they did. 03:55:07PM
25 Well - - -?---Totally out of there. 03:55:10PM
26 If there was any operational reason, the most likely person to 03:55:13PM
27 be meeting with him would be your son; isn't that the 03:55:16PM
28 case?---Not always. 03:55:20PM
29 Okay?---He's not always been in the meetings, and not always 03:55:22PM

1 has George been in the meetings, if I recollect. 03:55:27PM

2 COMMISSIONER: I'm not clear, Mr Kyritsis. When you say, 03:55:33PM

3 'I don't know of any operational reason,' you had a 03:55:36PM

4 contract with Metro, did you not, at this time?---Yes. 03:55:40PM

5 But what you mean is you don't know what George would be doing 03:55:45PM

6 meeting with Bollas in relation to any operational matter; 03:55:49PM

7 is that what you meant?---No, I meant George wasn't always 03:55:52PM

8 at those meetings, and neither was my son at those 03:55:57PM

9 meetings. 03:56:01PM

10 MR LAWRIE: All right. In any event, what I'll be suggesting 03:56:04PM

11 and I'll be showing you an image shortly is that 03:56:10PM

12 Mr Haritos and Mr Bollas met at the depot, that is the 03:56:15PM

13 Metro depot, in Epping on 6 May?---M-hmm. 03:56:22PM

14 And just to assist you in that regard can we please bring up 03:56:25PM

15 p.1137. This is previously exhibited as GH11, 03:56:31PM

16 Mr Commissioner. 03:56:35PM

17 COMMISSIONER: Thank you. 03:56:36PM

18 MR LAWRIE: Do you see it's time stamped as being shortly after 03:56:54PM

19 midday on 6 May? Having a look at the top frame for a 03:56:57PM

20 moment, do you see three people in the frame?---Yes. 03:57:03PM

21 From left to right can you please identify those 03:57:05PM

22 persons?---Well, there's definitely George there. Peter. 03:57:10PM

23 COMMISSIONER: Which one is Peter?---I haven't seen Peter for a 03:57:15PM

24 long time. 03:57:19PM

25 Which one is Peter?---Has he got a beard? Peter would be the 03:57:19PM

26 one with the striped top, yep. 03:57:27PM

27 MR LAWRIE: So extreme left in the striped top we see 03:57:29PM

28 Mr Bollas; is that correct?---Yes. 03:57:33PM

29 And then immediately as we move our vision to the right we see 03:57:34PM

1 in the dark coloured bomber jacket or similar 03:57:38PM
2 Mr Haritos?---Correct. 03:57:45PM
3 And then if we go further right we see in jeans and a black 03:57:45PM
4 T-shirt your son?---Yes. 03:57:49PM
5 Steven Kyritsis?---Yes, yes. 03:57:51PM
6 I suggest to you that that's a meeting at which cash was passed 03:57:55PM
7 to Mr Bollas as per the indication in the telephone call 03:58:01PM
8 we've just listened to; you would say you know nothing 03:58:08PM
9 about that?---I wouldn't, no. 03:58:12PM
10 COMMISSIONER: Well, you do, because Mr Haritos told you he was 03:58:14PM
11 going to have such a meeting to pass the money to Bollas; 03:58:18PM
12 you know that's what the purpose of the meeting 03:58:22PM
13 was?---I understand. But, whether that happened or not, 03:58:26PM
14 I don't know. 03:58:28PM
15 Right?---I'm not there. 03:58:29PM
16 You mean it may not have happened?---No. 03:58:31PM
17 Even though Mr Haritos said that's what he was going to 03:58:33PM
18 do?---It might not have happened. 03:58:37PM
19 Very good. Yes. 03:58:39PM
20 MR LAWRIE: But having heard - having reviewed that telephone 03:58:40PM
21 call and now seeing that the meeting did eventuate and 03:58:42PM
22 knowing that money was taken out in cash and cash was 03:58:45PM
23 referred to in the telephone call, does any of that 03:58:48PM
24 trouble you, that that may have happened, despite your 03:58:50PM
25 trust in Mr Haritos?---Look, I wasn't there. I don't 03:58:56PM
26 know. 03:59:01PM
27 COMMISSIONER: But never mind the trust in Mr Haritos. What 03:59:01PM
28 about the trust in your son?---Absolutely. 03:59:03PM
29 You raised this issue with your son. He said, 'Dad, nothing to 03:59:06PM

1 worry about.' But you already were seized of the 03:59:10PM
2 knowledge as to the fact that this money was going to be 03:59:13PM
3 paid over. Why didn't you say to him, 'I know, son, that 03:59:17PM
4 can't be true, because I know what George was going to do 03:59:20PM
5 with you on this day'?---No, I can't recall any of that. 03:59:24PM
6 No, I'm sure you can't because you didn't say any of that to 03:59:29PM
7 him, did you? You didn't need to say any of that to him, 03:59:32PM
8 did you?---I didn't need to say anything, like, about 03:59:36PM
9 what? What's the subject? I mean, what am I going to say 03:59:40PM
10 to him? As far as Steve's concerned he was going there on 03:59:43PM
11 a monthly meeting. 03:59:46PM
12 MR LAWRIE: Well, the subject might be this, Mr Kyritsis. You 03:59:49PM
13 would surely be concerned as a father that there was the 03:59:53PM
14 potential that your son was now being used as part of a 03:59:56PM
15 mechanism to funnel corrupt payments to Mr Bollas?---If 03:59:59PM
16 that's the case, very concerned, absolutely concerned. 04:00:05PM
17 But not so concerned that you followed it up in any meaningful 04:00:10PM
18 way either with Mr Haritos or Mr Bollas?---No, no. 04:00:14PM
19 Mr Bollas, haven't spoken to him. 04:00:18PM
20 So you can perhaps better appreciate the true nature of that 04:00:23PM
21 meeting I'll ask you to listen to a phone call that took 04:00:27PM
22 place between Mr Pinder and Mr Bollas two days later on 04:00:32PM
23 8 May. This is call No.7. The transcript is at 1074. 04:00:37PM
24 It's previously exhibited as JP29, Mr Commissioner. 04:00:44PM
25 COMMISSIONER: Thank you. 04:00:48PM
26 (Audio recording played to the Commission.) 04:01:03PM
27 MR LAWRIE: Can we just stop for a minute until we get the 04:01:07PM
28 transcript up, please? So, just before we start, this is 04:01:10PM
29 a conversation two days after the meeting that we've just 04:01:19PM

1 for this sort of stuff. I don't know. How would he have 04:08:00PM
2 done it? 04:08:04PM
3 MR LAWRIE: It's quite simple how he did it. Funds went from 04:08:05PM
4 Transclean to his personal bank account that we just saw 04:08:09PM
5 before the break which were then withdrawn in cash. It's 04:08:12PM
6 quite straightforward, I suggest. Like the \$8,000 that 04:08:17PM
7 you withdrew in cash?---Yeah, but I know what I've done 04:08:21PM
8 with my money. 04:08:24PM
9 And this is the meeting that was foreshadowed in your telephone 04:08:25PM
10 call with Mr Haritos that we played, that was the 04:08:28PM
11 telephone call on 2 May that took place 10 minutes after 04:08:30PM
12 the cafe meeting between Mr Haritos and Mr Pinder. Do you 04:08:33PM
13 accept that, that that telephone conversation foreshadows 04:08:38PM
14 the happening of this meeting?---Yes. 04:08:43PM
15 Sorry, the meeting that we saw on the photo?---M-hmm. 04:08:45PM
16 And now this is one of the participants of that meeting in a 04:08:49PM
17 phone call two days afterwards revealing the true nature 04:08:54PM
18 of that meeting; do you agree with that? The delivery of 04:08:57PM
19 \$10,000?---Well, he mentions a tenner. So I would imagine 04:09:03PM
20 that's what he meant. 04:09:07PM
21 Yes. And, moreover, we can hear that Mr Pinder is checking 04:09:08PM
22 with Mr Bollas that he's being looked after and that he's 04:09:15PM
23 been paid for April; you heard that, didn't you?---I heard 04:09:19PM
24 it. 04:09:23PM
25 And you'll recall my suggestions that this is not something 04:09:23PM
26 that's just happened out of the blue; this was a monthly 04:09:26PM
27 arrangement?---Well, we don't know. 04:09:29PM
28 We don't know?---I don't know that. 04:09:32PM
29 I suggest to you this reveals it. Mr Pinder is keeping track 04:09:34PM

1 on behalf of himself, I suggest, and also on behalf of 04:09:39PM
2 Mr Bollas that the regular monthly payments that are due 04:09:42PM
3 to them, the corrupt payments that are due to them, from 04:09:45PM
4 Transclean are coming through; do you see that?---Look, 04:09:50PM
5 I can't agree to all this because I'm not part of this. 04:09:57PM
6 But you were part of it, sir. Do you know why you were part of 04:10:00PM
7 it? Because you're in that telephone call on 2 May where 04:10:05PM
8 you're talking with George Haritos about this meeting in 04:10:08PM
9 the very near future, and that's at the same time that 04:10:12PM
10 you've got the cash with you, and you're asking whether or 04:10:17PM
11 not he still needs it or whether it should go back or what 04:10:20PM
12 you're to do with it?---No. 04:10:24PM
13 Do you see that now?---No, no, I don't agree with that. No. 04:10:27PM
14 That can come off screen, Mr Commissioner. I further suggest 04:10:33PM
15 to you that the Commission is in possession of material 04:10:42PM
16 which reveals another telephone call between yourself and 04:10:48PM
17 Mr Haritos that takes place on 11 June where you say, 04:10:53PM
18 'I got the money. I should have brought it.' You say 04:11:00PM
19 that to Mr Haritos . And he replies, 'That's all right. 04:11:03PM
20 Grab the next lot. Peter's I've still got here.' And 04:11:07PM
21 this is another reference to you - sorry, this is again 04:11:13PM
22 another instance of you speaking with Mr Haritos but this 04:11:16PM
23 time the next month about cash payments to go both to 04:11:20PM
24 Mr Pinder and Mr Bollas. You dispute that 04:11:26PM
25 characterisation? 04:11:31PM
26 COMMISSIONER: This is a conversation between the two of you 04:11:32PM
27 when you're in the car together?---Right. 04:11:34PM
28 And Mr Haritos opens his glovebox to show you?---I don't 04:11:38PM
29 remember - - - 04:11:47PM

1 And Mr Haritos says that he - - -?---I was in the car with 04:11:47PM
2 George? That doesn't sound - - - 04:11:55PM
3 MR LAWRIE: No memory of that?---No. 04:12:01PM
4 COMMISSIONER: Do you remember saying to Mr Haritos on 11 June, 04:12:06PM
5 'I've got the money. I should have brought it.' And then 04:12:12PM
6 George replies, 'That's all right. Grab the next lot. 04:12:16PM
7 Peter I've still got in here.' And then there's what 04:12:19PM
8 sounds to be the opening of the glovebox compartment and 04:12:24PM
9 Mr Haritos is showing you something there. And then he 04:12:31PM
10 goes on to tell you that he had a meeting last week, he 04:12:35PM
11 forgot to bring the money with him, 'but probably catch up 04:12:39PM
12 with him tomorrow morning'. Does that ring a bell?---It 04:12:43PM
13 doesn't ring the bell me and George in the car together. 04:12:49PM
14 No. 04:12:54PM
15 MR LAWRIE: Let me be quite clear. What we've been looking at, 04:12:57PM
16 I suggest to you, sir, is not a one-off. These are 04:13:00PM
17 instances of what was a monthly arrangement, a monthly 04:13:05PM
18 arrangement to pay cash to both Mr Pinder and Mr Bollas, 04:13:14PM
19 cash from Transclean. You knew nothing about 04:13:20PM
20 that?---I knew nothing about that. I know George - he 04:13:24PM
21 asked for money, but I assumed it was for his gambling or 04:13:27PM
22 whatever, because I knew he would pay me back within days. 04:13:32PM
23 And your assertion that you knew nothing about it, I suggest, 04:13:35PM
24 is a fiction, sir, because your knowledge is revealed in 04:13:38PM
25 those telephone calls that we've just gone through?---No. 04:13:43PM
26 COMMISSIONER: Were you honest in your answer to me earlier 04:13:47PM
27 that you didn't want to know the answer to what George was 04:13:50PM
28 doing with Bollas and Pinder; you refrained from asking 04:13:56PM
29 him? Was that an honest answer to me?---That I didn't 04:14:01PM

1 want to know? 04:14:06PM

2 M-hmm?---In what context, Mr Commissioner? 04:14:07PM

3 You don't remember saying that earlier?---No. In what context? 04:14:16PM

4 You were talking about why George was paying money to Pinder 04:14:28PM

5 and why he was meeting Bollas then to give him - to give 04:14:33PM

6 him the money that you had taken out and which he was 04:14:38PM

7 going to give him the following week, in that context 04:14:42PM

8 I asked you what did George tell you was the reason for 04:14:48PM

9 giving them money, and you said words to the effect, 04:14:55PM

10 'I didn't ask him,' and I asked you, 'Is that because you 04:15:02PM

11 didn't want to know,' and you agreed?---I agreed. 04:15:04PM

12 You reflected on that for a while and then agreed?---Agreed, 04:15:09PM

13 yes. 04:15:12PM

14 Was that the truth?---Yes. Yes. 04:15:12PM

15 MR LAWRIE: Just to return to a separate topic for a moment, 04:15:20PM

16 you will recall a series of questions I asked you about a 04:15:24PM

17 number of companies that you took had to be subcontracting 04:15:27PM

18 companies to Transclean for the purposes of providing 04:15:30PM

19 labour?---M-hmm. 04:15:34PM

20 And also in that same context I asked you about 04:15:34PM

21 Proclean?---Yes. 04:15:39PM

22 I suggested to you that the entirety, it seemed, of the labour 04:15:39PM

23 workforce or at least a large part - and I suggested to 04:15:54PM

24 you initially the entirety, but then that was changed to 04:15:59PM

25 at least a substantial part of the workforce, the cleaning 04:16:01PM

26 workforce, seemed to come from subcontracting agencies; do 04:16:04PM

27 you remember that?---Yeah, I do remember that. It's not 04:16:09PM

28 something that I'm certain of. 04:16:12PM

29 In that same context I took you to the contract with the 04:16:14PM

1 restrictions on subcontracting?---M-hmm. 04:16:18PM

2 And whether or not there have been any authorisations for 04:16:20PM

3 subcontracting?---Yes. 04:16:26PM

4 Just to be completely clear about this, it's been confirmed by 04:16:27PM

5 the chief procurement officer of V/Line that there was 04:16:33PM

6 never in the lifetime of the contract an authorisation for 04:16:37PM

7 subcontracted labour provided to Transclean; does that 04:16:41PM

8 take you by surprise?---It does. 04:16:46PM

9 Does it concern you?---Well, it does concern me. But at the 04:16:48PM

10 same time, as I said earlier, I don't want to mention 04:16:54PM

11 names, but there are major companies out there that work 04:16:57PM

12 on the same basis. Now, how do they do it? 04:16:59PM

13 And, if one company is prepared to engage in that behaviour, do 04:17:04PM

14 you see that as a justification - - -?---No, absolutely 04:17:09PM

15 not. 04:17:12PM

16 For you to behave in the same way?---Absolutely not. 04:17:12PM

17 Why do you raise it?---I guess we've all got to be talking 04:17:15PM

18 apples with apples here. When you're tendering you need 04:17:20PM

19 to be able to be competitive, and if not all are doing the 04:17:23PM

20 same thing it makes it difficult. 04:17:27PM

21 COMMISSIONER: So what you're saying then - don't let me put 04:17:30PM

22 words into your mouth, Mr Kyritsis - is that you weren't 04:17:34PM

23 the only company that was subcontracting staff for the 04:17:39PM

24 purpose of cleaning?---Yes. 04:17:46PM

25 And did that indicate to you that, whoever the government 04:17:48PM

26 agency was that you were contracting with and these other 04:17:53PM

27 companies were contracting with, they weren't properly 04:17:58PM

28 monitoring these contracts? Presumably it wouldn't be all 04:18:01PM

29 that hard for V/Line or Metro Trains to find out who was 04:18:07PM

1 employing the staff, whether - who their employer 04:18:11PM
2 was?---Sure. But, having said that, though, every 04:18:14PM
3 employee would have been inducted through Transclean. 04:18:19PM
4 There would be all records of every employee, even though 04:18:25PM
5 they were working for a subcontractor. They'd be 04:18:27PM
6 inducted. They'd be given uniforms. They'd be shown the 04:18:33PM
7 job of how to do the job. They'd be shown on site how to 04:18:39PM
8 do the job. All that happens with Transclean itself. 04:18:42PM
9 I'm sorry, that confuses me, Mr Kyritsis. Normally if someone 04:18:48PM
10 subcontracts the work the subcontractor is responsible for 04:18:56PM
11 doing that. The subcontractor is responsible for 04:19:01PM
12 providing the staff and equipment. The subcontractor is 04:19:04PM
13 responsible for the training of their staff, ensuring that 04:19:08PM
14 they know how to do the job competently. You're saying 04:19:11PM
15 you were doing that, were you?---We were doing that. 04:19:16PM
16 With the subcontractor's staff?---Yes, yes, or the labour hire 04:19:18PM
17 company staff. 04:19:25PM
18 Do you know why then, if you're doing that with the staff, why 04:19:28PM
19 you didn't just employ them yourself? Why was this 04:19:33PM
20 elaborate creation of companies apparently facilitated by 04:19:36PM
21 Ms Tsakopoulos, why was this elaborate range of companies 04:19:47PM
22 set up to whom Transclean was funneling large amounts of 04:19:51PM
23 money to pay for their staff?---I don't know. 04:19:57PM
24 You don't know? That was never discussed with you?---No, not 04:20:02PM
25 with me. I'm sure it was discussed upstairs. But I guess 04:20:05PM
26 one reason would be to - in order to find labour 04:20:10PM
27 you - especially like last year was very, very difficult 04:20:16PM
28 and you aim towards companies that can provide that labour 04:20:20PM
29 for you. I'm out of that. I wasn't involved in that. 04:20:23PM

1 MR LAWRIE: And who was it at Transclean that was responsible 04:20:30PM
2 for things such as induction training for workers?---Well, 04:20:32PM
3 Marie was one of them. Norma, another supervisor. There 04:20:39PM
4 was Peter Kavalaoatas; he was doing that as well. There 04:20:48PM
5 were a number of them. And they'd go through, they'd get 04:20:52PM
6 IDs, as I said, their uniforms, their training and 04:20:57PM
7 inductions. All that happened at the office. 04:21:01PM
8 COMMISSIONER: Who was monitoring Ms Tsakopoulos's performance 04:21:16PM
9 of her role as the contract manager? To who was she 04:21:20PM
10 answerable? Who was oversighting her role?---It was 04:21:25PM
11 George. 04:21:30PM
12 George. Because when we asked her yesterday any details about 04:21:30PM
13 the contract she couldn't tell us?---M-hmm. 04:21:37PM
14 Does that come as a surprise?---Yes, it does come as a 04:21:44PM
15 surprise. 04:21:51PM
16 MR LAWRIE: Having gone through it in the manner we have, do 04:21:52PM
17 you see that sort of structure as being a problem; that is 04:21:55PM
18 the internal structure of Transclean?---No, I don't see it 04:22:05PM
19 as a problem because everything had happened the way 04:22:11PM
20 I just described before. So, whether there was a labour 04:22:17PM
21 hire company involved or it was just direct employees, all 04:22:20PM
22 the employees had to go through Transclean into the proper 04:22:25PM
23 arrangements for them to be on a specific site. I don't 04:22:31PM
24 think there's a problem there. 04:22:35PM
25 But specifically having Maria Tsakopoulos as the contract 04:22:37PM
26 manager and then her performance being oversighted by 04:22:42PM
27 George Haritos, you didn't see that as a problem?---No. 04:22:47PM
28 You thought between the two of them they would bring 04:22:54PM
29 appropriate conscientiousness to the performance of their 04:22:56PM

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obligations to V/Line?---It was them, it was all the supervisors and leading hands, and myself even.

They are the matters I have, Mr Commissioner.

COMMISSIONER: Very good. Ms Tittensor, I understand that there are some matters that counsel assisting want to pursue in private examination. But before we conclude the public examination are there any matters you wish to explore with Mr Kyritsis during the public hearing before we adjourn to private hearing?

MS TITTENSOR: No, I have no questions, Mr Commissioner.

COMMISSIONER: Very good. We'll adjourn for a few moments and go into private hearing. That concludes the public hearing. We'll resume at 10 o'clock tomorrow with Steve Kyritsis.

MR LAWRIE: Thank you, Mr Commissioner.

COMMISSIONER: Very good.

(Short adjournment.)

(PRIVATE HEARING FOLLOWS)

04:22:59PM
04:23:05PM
04:23:14PM
04:23:16PM
04:23:20PM
04:23:22PM
04:23:26PM
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04:23:34PM
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04:23:45PM
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