
TRANSCRIPT OF AFTERNOON PROCEEDINGS

WARNING - CONTAINS LAWFULLY INTERCEPTED INFORMATION AND INTERCEPTION WARRANT INFORMATION.

These documents contain information as defined within ss 6E and s 6EA of the Telecommunications (Interception and Access) Act 1979 (Cth) (TIA Act). It is an offence to communicate to another person, make use of, or make a record of this information except as permitted by the TIA Act. Recipients should be aware of the provisions of the TIA Act.

WARNING - CONTAINS PROTECTED INFORMATION.

These documents contain 'protected information' within the meaning of s 30D of the Surveillance Devices Act 1999 (Vic) (SD Act). It is an offence to use, communicate or publish this information except as permitted by the SD Act. Recipients should be aware of the provisions of the SD Act.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

THURSDAY, 1 APRIL 2021

(10th 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 2.22 PM: 02:14:02PM

2 COMMISSIONER: Ready to proceed? Yes, Mr Lawrie. 02:22:14PM

3 MR LAWRIE: Thank you, Mr Commissioner. 02:22:17PM

4 <STEVEN KYRITSIS, recalled: 02:22:17PM

5 <EXAMINED BY MR LAWRIE, continued: 02:22:21PM

6 Mr Kyritsis, before the break I asked you relating to documents 02:22:21PM

7 at the North Melbourne sidings for Metro?---Yep. 02:22:25PM

8 That recorded hours worked by cleaning staff in the performance 02:22:29PM

9 of sanitation - sanitising, I should say, of carriages for 02:22:34PM

10 Metro; do you remember that?---Yep. 02:22:40PM

11 And you said that at no stage have you ever been involved in 02:22:45PM

12 the falsification of time sheets to record hours worked by 02:22:48PM

13 cleaners?---No. 02:22:51PM

14 Is that correct? You've never done that?---No, I haven't. 02:22:53PM

15 I haven't rewritten physically myself. 02:22:56PM

16 So you haven't destroyed documents that would record hours 02:22:58PM

17 worked?---Not destroyed. I've discarded old documents 02:23:01PM

18 because sometimes, you know, they had accumulated over 02:23:06PM

19 time and we might have, you know, two, three months worth, 02:23:09PM

20 not necessary. 02:23:13PM

21 There's a distinction, isn't there, between discarding 02:23:13PM

22 documents that are now due to be archived or no longer 02:23:17PM

23 required in the ordinary course of business and then 02:23:20PM

24 deliberately destroying documents that you think would be 02:23:22PM

25 required for audit purposes; do you appreciate the 02:23:26PM

26 distinction?---Yeah. 02:23:29PM

27 And you would say, would you, that you've never destroyed 02:23:31PM

28 documents in order to frustrate an audit?---No, not 02:23:34PM

29 really. If they were old and they'd served their purpose, 02:23:38PM

1 there was no longer a reason for them to be there. 02:23:42PM
2 I'm talking about current documents that the auditors would be 02:23:44PM
3 likely to look at?---Look, I can't remember. Like, 02:23:47PM
4 if - I don't know if we left, you know, the last week or 02:23:54PM
5 so in there or we, you know, put new ones in. I can't 02:23:57PM
6 remember that. I can't even remember if I did that 02:24:03PM
7 myself. 02:24:05PM
8 You just said 'put new ones in'. What did you mean by 02:24:05PM
9 that?---As in blank papers to be filled in. 02:24:09PM
10 COMMISSIONER: The thrust of Mr Bollas's advice to you - - 02:24:12PM
11 -?---Yep. 02:24:18PM
12 Was that you need to create a working sheet which shows an 02:24:18PM
13 additional member of staff there - - -?---No, we never did 02:24:21PM
14 that. 02:24:24PM
15 That's what he was saying to you?---That's what he was saying. 02:24:26PM
16 And you said 'yeah'?---I was just going along with what he 02:24:29PM
17 said. 02:24:33PM
18 I see. Good. 02:24:34PM
19 MR LAWRIE: We're going to play another telephone call between 02:24:36PM
20 you and Mr Bollas. This is now 16 July 2020. It's call 02:24:39PM
21 No.15. The transcript is found at p.1100. This is 02:24:45PM
22 previously exhibited as PB3, Mr Commissioner. 02:24:52PM
23 (Audio recording played to the Commission.) 02:27:37PM
24 MR LAWRIE: That's the end of that recording, Mr Commissioner. 02:27:41PM
25 Mr Kyritsis, you followed the transcript as that was 02:27:43PM
26 played?---Yep. 02:27:45PM
27 And what is apparent at line 23 and then line 24 is this. 02:27:47PM
28 Well, let me read it out first of all. Mr Bollas says, 02:27:55PM
29 'The sign-off sheets, did you take off the sign-off 02:27:58PM

1 sheets,' and you said, 'I got rid of all the old ones, 02:28:01PM
2 there's' - he interrupts 'yep' and you say 'just a couple 02:28:06PM
3 of days left.' Do you see that there?---Yeah. 02:28:10PM
4 That's a reference to you destroying the sign-off sheets except 02:28:12PM
5 for the last few days worth of sign-off sheets for that 02:28:19PM
6 location, isn't it?---It's just a reference to removing 02:28:22PM
7 the old ones and from memory there were quite a few there 02:28:26PM
8 that had accumulated, so it could have been two, three 02:28:31PM
9 months worth that didn't need to be there. 02:28:34PM
10 And this is as the auditors are coming in?---Yep. 02:28:36PM
11 And so you created a situation with the documents so that there 02:28:40PM
12 would be but a few days worth of sign-on, sign-off sheets 02:28:43PM
13 available for the auditors to inspect?---Yep. 02:28:48PM
14 Is that right?---Yep. 02:28:50PM
15 And you took the decision immediately in advance of the audit 02:28:52PM
16 to discard the balance of the sign-off sheets except for 02:28:56PM
17 the last few days?---Yeah, which is normal practice. 02:29:00PM
18 Is that really normal practice, is it?---Well, you don't need 02:29:04PM
19 them there for a long period of time. 02:29:07PM
20 How many days did you leave for the auditors to have a look 02:29:09PM
21 at?---I can't remember. I can't remember. 02:29:12PM
22 And is that a serious answer, that it's normal practice for you 02:29:15PM
23 to discard or destroy documents immediately in advance of 02:29:19PM
24 the arrival of auditors?---Not - - - 02:29:22PM
25 Is that serious answer?---Not in a sense of an audit, but once 02:29:25PM
26 they've served their purpose then they're no longer 02:29:28PM
27 relevant. Like, if we wanted to put new time sheets every 02:29:30PM
28 day we could have, because once they've signed in and 02:29:34PM
29 signed out, then they've served their purpose. 02:29:37PM

1 Have they really? You knew that the auditors, one of the 02:29:40PM
2 things they were doing was looking at the number of staff 02:29:43PM
3 that were involved in cleaning operations?---Yep. 02:29:45PM
4 And the hours engaged by those staff. You knew that, didn't 02:29:48PM
5 you?---Yeah, apparently. 02:29:52PM
6 Well, there's no apparently about it. You knew that one of the 02:29:55PM
7 things the auditors were looking at was how many cleaners 02:29:58PM
8 you had employed at a particular site and how long they 02:30:02PM
9 were engaged in cleaning?---Yep. 02:30:05PM
10 And one of the crucial pieces of material that they'd be 02:30:07PM
11 looking at are the sign-off sheets for those same 02:30:10PM
12 cleaners?---Yep. 02:30:14PM
13 And so what you do in advance of the audit is get rid of 02:30:16PM
14 everything except for the last few days?---Yeah, but they 02:30:19PM
15 were still accurate. They were still there to be 02:30:24PM
16 reviewed. 02:30:26PM
17 But not the ones more than a few days old?---No. It could have 02:30:27PM
18 been a few weeks old. I can't remember what was left. 02:30:32PM
19 You say at line 26, 'Just a couple of days left'?---Okay, well, 02:30:37PM
20 yeah, just a couple of days then, yeah. 02:30:42PM
21 You also talk about putting an extra person on?---Yeah. 02:30:47PM
22 Or Mr Bollas asks you that question at line 29?---Yep. 02:30:50PM
23 And that's because you've put an extra cleaner on for the 02:30:54PM
24 occasion on which the auditors are going to visit?---It 02:30:58PM
25 alludes to that, but I can't confirm whether that happened 02:31:03PM
26 or not. 02:31:06PM
27 And then at line 34 you say that that person is not an extra 02:31:06PM
28 person, 'it's the same as always,' and you laugh at the 02:31:11PM
29 end of that comment?---Yep. 02:31:14PM

1 Because it wasn't the same as always; it was a ruse to make it 02:31:15PM
2 look like there were four staff members or four cleaners 02:31:22PM
3 at the time the auditors visited and to make it look like 02:31:25PM
4 that had always been the situation. What do you say about 02:31:28PM
5 that?---Possibly, but I wasn't involved in that either, in 02:31:31PM
6 the sense that I didn't know how many people were 02:31:36PM
7 required, I didn't organise the staff for that, and 02:31:39PM
8 I can't remember off the top of my head how many people we 02:31:41PM
9 had on that site, and I'm just agreeing with him there. 02:31:44PM
10 So whether it happened or not, I'm not sure. 02:31:48PM
11 COMMISSIONER: But, Mr Kyritsis, you may not have been involved 02:31:51PM
12 in organising how many staff were meant to be on duty, but 02:31:54PM
13 you were arranging to misrepresent to the auditors how 02:31:59PM
14 many were on duty?---I was asked to. I'm not sure whether 02:32:05PM
15 we did because whatever staff we needed we had. 02:32:12PM
16 Listen, where do you draw the line in terms of your own moral 02:32:15PM
17 responsibility? Is it so long as Mr Bollas asks you to do 02:32:22PM
18 something or your uncle George Haritos asks you to do 02:32:27PM
19 something, you'll do it regardless of whether it's 02:32:33PM
20 immoral, improper, unlawful, is that your answer?---Well, 02:32:36PM
21 it seems like things did occur that shouldn't have. 02:32:40PM
22 But why is that?---Don't know. Don't know. Maybe I just 02:32:44PM
23 wanted things to run smoothly and just went with it at the 02:32:49PM
24 time. 02:32:53PM
25 Is it the position you wanted to please the people around 02:32:53PM
26 you?---I guess so. 02:32:57PM
27 All right. Yes, Mr Lawrie. 02:32:58PM
28 MR LAWRIE: Thank you, Commissioner. That call has previously 02:33:06PM
29 been tendered as PB5. 02:33:10PM

1 COMMISSIONER: Yes. 02:33:12PM

2 MR LAWRIE: Later that day there's a telephone call that occurs 02:33:17PM

3 between your uncle, Mr Haritos, and Mr Bollas, again in 02:33:21PM

4 connection with dealing with this impending audit. Did 02:33:28PM

5 you ever have any conversations with your uncle about how 02:33:32PM

6 to manage the audit process?---I may have, but I can't 02:33:35PM

7 recall anything specific. 02:33:39PM

8 All right. I'll play for you telephone call No.16. This is at 02:33:41PM

9 transcript 1104, previously exhibited as PB5, 02:33:49PM

10 Mr Commissioner. Again this is a call on 16 July 2020. 02:33:53PM

11 Sorry, before we play it can we just pause for a minute, 02:34:07PM

12 sorry. A proportion of this call is in Greek?---Yep. 02:34:09PM

13 It's been translated into English?---Yep. 02:34:13PM

14 And that appears in the transcript?---Yep. 02:34:15PM

15 So particularly I ask you to follow closely and if you've got 02:34:17PM

16 any issue with the translation you can point that out at 02:34:21PM

17 the end?---Yep. 02:34:25PM

18 Okay. Thank you. 02:34:26PM

19 (Audio recording played to the Commission.) 02:34:36PM

20 MR LAWRIE: That's the end of that call, Mr Commissioner. Now, 02:43:08PM

21 Mr Kyritsis - - -?---Yep. 02:43:14PM

22 At the very end of that call you can hear Mr Bollas reminding 02:43:16PM

23 your uncle that you need to be ready for the audit that 02:43:22PM

24 night?---Yep. 02:43:25PM

25 Did you get a communication from your uncle reminding you to be 02:43:27PM

26 ready for the audit that night?---I may have. 02:43:30PM

27 And in the same call we hear a lot of discussion about how 02:43:35PM

28 Zoono is going to be used by Transclean as part of the 02:43:40PM

29 major cleans?---Yep. 02:43:44PM

1 I suggest to you that that was the plan B that I was talking 02:43:45PM
2 about before lunch, that even with the attempts to 02:43:49PM
3 sabotage Zoono, even after they had failed, that is the 02:43:53PM
4 sabotage attempts had failed, this was Transclean's plan 02:43:59PM
5 B?---I'm not aware of any plan A, plan B, plan C and as 02:44:04PM
6 I mentioned earlier there were controlled tests that also 02:44:10PM
7 failed. So I don't want to go into that, anyway. It's 02:44:14PM
8 not relevant to me. 02:44:18PM
9 COMMISSIONER: The net result, Mr Kyritsis, of the testing was 02:44:20PM
10 that although Zoono was thereafter to be used, there were 02:44:24PM
11 reservations held about how effective it would be so that 02:44:32PM
12 it was decided the same sort of number of cleans would 02:44:37PM
13 still have to take place?---Yeah, I'm not sure about that. 02:44:41PM
14 So in the end the contamination process was effective, wasn't 02:44:45PM
15 it?---Not sure. 02:44:49PM
16 MR LAWRIE: You also hear in that call Mr Bollas asking whether 02:44:55PM
17 there's going to be 'any honey for me' at line 97, and 02:44:59PM
18 your uncle says, 'not honey but sprinkled'; you heard 02:45:03PM
19 that, didn't you?---Yep. 02:45:08PM
20 And it's obvious, I suggest to you, that Mr Bollas is referring 02:45:10PM
21 to a financial reward, a financial payment from your uncle 02:45:12PM
22 or from Transclean for this information, for his 02:45:16PM
23 assistance with Zoono and for the information about 02:45:20PM
24 the audits?---Possibly, but - - - 02:45:22PM
25 COMMISSIONER: Yes, I'm not sure the witness can really - - 02:45:25PM
26 -?---I can't answer that. 02:45:28PM
27 Comment on that. 02:45:29PM
28 MR LAWRIE: Did your uncle ever mention the notion of honey or 02:45:31PM
29 sprinkles going to Peter?---No. 02:45:34PM

1 Lastly, I want to play you a call between yourself and your 02:45:37PM
2 uncle - - -?---Yep. 02:45:44PM
3 Mr Haritos, on 17 July. This is telephone call 17?---Yep. 02:45:45PM
4 The transcript is at p.1111. It's previously exhibited as 02:45:52PM
5 GH13, Mr Commissioner. 02:45:57PM
6 (Audio recording played to the Commission.) 02:46:22PM
7 MR LAWRIE: That concludes that call, Mr Commissioner. 02:47:53PM
8 COMMISSIONER: Yes. 02:47:55PM
9 MR LAWRIE: Mr Kyritsis - - -?---Yep. 02:47:57PM
10 This call on 17 July, it's in the context of audits, obviously, 02:48:00PM
11 isn't it?---Yep. 02:48:07PM
12 And I think you know what the obvious question is. 'Dodged a 02:48:08PM
13 bullet,' your words?---My words. 02:48:15PM
14 What was the bullet you dodged?---Nothing. It's just a figure 02:48:17PM
15 of speech. Like any - any time you're going through an 02:48:21PM
16 audit process, no matter how confident you are in your 02:48:26PM
17 processes or procedures, you're never going to know the 02:48:29PM
18 result. We could have had confidence in what we were 02:48:33PM
19 doing. It doesn't mean an auditor could come through and 02:48:35PM
20 agree with us. Like, it was - you're not - you're never 02:48:38PM
21 going to be aware of what someone else is going to think 02:48:45PM
22 or pick up in your work. 02:48:47PM
23 Precisely?---Yeah. 02:48:49PM
24 So when you use the phrase 'dodged a bullet', it means exactly 02:48:51PM
25 the opposite, I suggest - - -?---No - - - 02:48:56PM
26 No, let me finish the question?---Yep. 02:48:58PM
27 It means that you know about a pre-existing problem and you've 02:49:00PM
28 avoided it, it hasn't come home to roost. That's what it 02:49:07PM
29 means?---No, it doesn't. That doesn't mean there was a 02:49:12PM

1 pre-existing problem at all. 02:49:15PM

2 When you use the phrase 'So we've, um, dodged a bullet,' and 02:49:18PM

3 then you laugh, you say that is not a reference to some 02:49:26PM

4 perceived pre-existing problem with your processes?---No, 02:49:30PM

5 just a figure of speech, a throwaway comment. Our 02:49:33PM

6 processes were there to be scrutinised nightly, not just 02:49:39PM

7 on this particular audit. There were people - there were 02:49:43PM

8 people out checking what we were doing every night. So 02:49:47PM

9 it's not like, you know, we had to perform on this one 02:49:50PM

10 night and that was it. We always had to perform. And one 02:49:53PM

11 auditor is one auditor. Metro is a massive organisation. 02:49:56PM

12 Our work, if it wasn't up to standard, would have been 02:50:02PM

13 made very obvious to a lot of people. 02:50:05PM

14 The reason why it might not have been so obvious is because 02:50:09PM

15 just before the audits - first of all, you're tipped off 02:50:12PM

16 about what are meant to be surprise audits by Mr Bollas; 02:50:15PM

17 do you agree or disagree with that?---My knowledge at the 02:50:18PM

18 time was that they weren't surprise, but - - - 02:50:22PM

19 In response to that information you embark on a course of 02:50:24PM

20 conduct which involves the destruction of relevant 02:50:28PM

21 documents to the audit?---I wouldn't say destruction. It 02:50:30PM

22 was just - everything was just brought up to date and old 02:50:33PM

23 documents removed. 02:50:37PM

24 And you also create a false situation on the night by putting 02:50:38PM

25 on extra - an extra person?---I don't know if we did that. 02:50:43PM

26 And pretending as though that extra person had always been 02:50:47PM

27 employed?---I'm not sure we did that. 02:50:51PM

28 And that links back to the reason for the destruction of the 02:50:53PM

29 historical time sheets?---No, I'm - look, I can't answer 02:50:56PM

1 that. I'm not sure what happened that night. I can't. 02:51:00PM
2 Well, that's the means by which you defeat an audit, isn't it, 02:51:03PM
3 Mr Kyritsis?---No, because the job still has to get done. 02:51:08PM
4 You could have 20 people there. You could have two people 02:51:10PM
5 there. At the end of the day the job still has to get 02:51:12PM
6 done. 02:51:17PM
7 And you dodged a bullet because of the information that has 02:51:17PM
8 been funneled to you from Mr Bollas?---No, the dodging of 02:51:20PM
9 a bullet is a throwaway comment. 02:51:22PM
10 All right?---You can't really take too much out of it. They 02:51:25PM
11 were still doing their job. 02:51:30PM
12 COMMISSIONER: Your uncle seems to recognise that a bullet had 02:51:33PM
13 been dodged because he says to you at line 21, 'Perfect. 02:51:37PM
14 Well make sure they pick up their game again tonight.' 02:51:42PM
15 What does that suggest his thinking was?---Maybe just to 02:51:46PM
16 keep on top of everyone, our staff, make sure they didn't 02:51:49PM
17 drop off. 02:51:49PM
18 'Pick up their game again tonight'?---We were always 02:51:54PM
19 maintaining pressure on our staff to do the right thing, 02:51:58PM
20 always. That was always the direction taken - - - 02:52:03PM
21 Then he didn't need to say anything to you, did he?---No, but 02:52:05PM
22 he might have - - - 02:52:09PM
23 This conveys the impression you need to be doing something 02:52:09PM
24 special at the moment?---Possibly, yeah. I can't speak on 02:52:13PM
25 his behalf. 02:52:17PM
26 Yes, Mr Lawrie. 02:52:21PM
27 MR LAWRIE: Thank you, Mr Commissioner. Leaving the subject of 02:52:22PM
28 the audits for a moment, I asked you earlier this morning 02:52:25PM
29 whether or not you knew of or had been involved in any way 02:52:30PM

1 with cash payments to Mr Bollas; do you remember that 02:52:35PM
2 series of questions?---Yep. 02:52:39PM
3 And what is your answer again?---No. 02:52:40PM
4 You've thought carefully, you've searched your own 02:52:45PM
5 mind?---Yeah. 02:52:48PM
6 You've searched your memory?---Yeah. 02:52:49PM
7 And that's your honest answer?---I've never seen anything to 02:52:51PM
8 that effect. 02:52:54PM
9 Or never seen anything to cause you to think that that might be 02:52:54PM
10 happening?---No. 02:52:57PM
11 COMMISSIONER: What about now? What's your state of mind now, 02:53:04PM
12 Mr Kyritsis, about having regard to all the evidence that 02:53:10PM
13 you've seen, is it not apparent to you that you must have 02:53:14PM
14 been blind not to recognise something was going on between 02:53:17PM
15 your uncle and Mr Bollas?---Possibly. But if something 02:53:21PM
16 was going on, it was between them and didn't involve me. 02:53:25PM
17 MR LAWRIE: Are you serious? You're the one that's got 02:53:31PM
18 day-to-day interactions with Mr Bollas at this time. 02:53:35PM
19 Wouldn't it concern you if your uncle was in a corrupt 02:53:37PM
20 arrangement with him?---Well, I had day-to-day 02:53:40PM
21 interactions but it had nothing to do with that. 02:53:46PM
22 You're an important part of Transclean, aren't you? You've 02:53:49PM
23 been there for 10 years?---Yeah. 02:53:51PM
24 You're close to your father obviously?---Yep. 02:53:53PM
25 And you're close to your uncle?---Yep. 02:53:54PM
26 Would it not be of grave concern to you if it turned out that 02:53:58PM
27 your uncle was in a corrupt relationship with 02:54:02PM
28 Mr Bollas?---Yeah, it would. 02:54:04PM
29 COMMISSIONER: You've already acknowledged, I think, in your 02:54:09PM

1 favour that from what's already been discussed this 02:54:12PM
2 morning and this afternoon you appreciated that Bollas was 02:54:17PM
3 doing things that were improper and that your uncle was 02:54:24PM
4 and that you were in the middle and probably trying to 02:54:28PM
5 please both of them. Why did it not occur to you that 02:54:31PM
6 what you were doing or what you were seeing was improper 02:54:38PM
7 by then as the result of corrupt payments going from your 02:54:42PM
8 uncle to him?---Because that's not something I was ever 02:54:49PM
9 made aware of. 02:54:51PM
10 All right. Yes, Mr Lawrie. 02:54:54PM
11 MR LAWRIE: Can I play you a series of videos that will appear, 02:54:58PM
12 together with a transcript on a split screen. So you'll 02:55:03PM
13 have the benefit of the audio - - -?---Yep. 02:55:08PM
14 The video image and also the transcript. And these relate to 02:55:10PM
15 activities on 21 July of 2020 and specifically a meeting 02:55:15PM
16 at the Metro yards in North Melbourne where you travel 02:55:22PM
17 there with your uncle, Mr Haritos, and he meets with Peter 02:55:30PM
18 Bollas. Now, having been given that overview, before 02:55:37PM
19 I play these videos, do you want to reconsider the answer 02:55:44PM
20 that you've given about knowledge or involvement in cash 02:55:49PM
21 payments to Peter Bollas?---No, I had no knowledge or 02:55:52PM
22 involvement. 02:55:57PM
23 Okay. 02:55:57PM
24 COMMISSIONER: You've seen this material before, haven't 02:55:59PM
25 you?---I believe so, yeah. 02:56:02PM
26 And you've come prepared to deal with it, haven't you?---More 02:56:05PM
27 or less, yeah. 02:56:08PM
28 Because you know you're in the car with Mr Haritos this 02:56:09PM
29 time?---Yeah, yeah. 02:56:12PM

1 Mr Lawrie, are you going to deal with the events concerning the 02:56:15PM
2 May payment to Mr Bollas? 02:56:21PM
3 MR LAWRIE: I am, but I might deal with this first. 02:56:24PM
4 COMMISSIONER: Very good. 02:56:27PM
5 MR LAWRIE: I appreciate it's going backwards in time. 02:56:27PM
6 COMMISSIONER: That's all right. 02:56:29PM
7 MR LAWRIE: Thanks, Mr Commissioner. So I'll take you to 02:56:31PM
8 another instance in May in a little bit, but let's deal 02:56:35PM
9 with this instance on 21 July?---Yep. 02:56:38PM
10 Okay? So we'll play video No.5. The transcript is at 1130 and 02:56:41PM
11 it's previously exhibited as GH3. Just for your 02:56:50PM
12 reference, this commences at 9.34 am. Just while that's 02:56:56PM
13 being queued, Mr Commissioner, I should say we're just 02:57:13PM
14 playing from 1 minute 10 to the end because the previous 02:57:16PM
15 minute and 10 seconds is just fumbling about - - - 02:57:18PM
16 COMMISSIONER: All right. 02:57:22PM
17 MR LAWRIE: And of no particular import. 02:57:22PM
18 (Video recording played to the Commission.) 02:57:57PM
19 MR LAWRIE: We're just queueing forward to 1 minute 10?---Yeah. 02:58:06PM
20 (Video recording played to the Commission.) 02:58:10PM
21 MR LAWRIE: Now, you were able to follow the transcript at the 02:59:32PM
22 same time?---Yep. 02:59:34PM
23 That's your uncle in the driver's seat, isn't it?---Yep. 02:59:34PM
24 And that's you in the passenger seat?---Yep. 02:59:40PM
25 And we see him hand over to you - - - 02:59:43PM
26 COMMISSIONER: Could you just leave that transcript up? Thank 02:59:47PM
27 you. 02:59:49PM
28 MR LAWRIE: We see him hand over to you a white 02:59:51PM
29 envelope?---Yep. 02:59:54PM

1 And you say, 'Which one's heavier?' You know that those 02:59:58PM
2 envelopes contain cash, don't you?---No, I don't. I never 03:00:07PM
3 saw the contents of that. 03:00:10PM
4 What did you think they contained?---I didn't ask. 03:00:11PM
5 You didn't ask?---No. 03:00:14PM
6 COMMISSIONER: You've heard your uncle's explanation, haven't 03:00:17PM
7 you?---Yeah, but can't remember - I can't remember what he 03:00:20PM
8 had said. Heard it back then. 03:00:26PM
9 Then I won't remind you. 03:00:30PM
10 MR LAWRIE: Your uncle says, 'Put the two into that. Hang on 03:00:34PM
11 to this.' And that's referring to one of the envelopes 03:00:39PM
12 that he's handed you, isn't it?---Possibly, yeah. 03:00:43PM
13 'At some point, at some stage we've got to give him, we've got 03:00:46PM
14 to give him both. Good payout.' The 'him' who is being 03:00:50PM
15 referred to there is Peter Bollas, isn't it?---Could be. 03:00:55PM
16 COMMISSIONER: Just pause there. I'm not going to sit through 03:01:02PM
17 a lot of ridiculous evidence, Mr Kyritsis. Have you any 03:01:05PM
18 doubt as to who at this moment in time you're about or 03:01:10PM
19 your uncle was about to meet?---No, but - - - 03:01:14PM
20 All right?---It doesn't mean that - - - 03:01:19PM
21 So you're being told by your uncle, 'At some point we've got to 03:01:21PM
22 give him, we've got to give him both.' He's referring to 03:01:27PM
23 the envelopes, correct?---Yep. 03:01:32PM
24 And that's Peter Bollas, isn't it?---I'm not sure. 03:01:33PM
25 What are you uncertain about? Was there someone else that you 03:01:36PM
26 were going to meet at that time as well, were you?---It 03:01:40PM
27 doesn't - not necessarily, but I can't remember the 03:01:42PM
28 context of this conversation and what we were talking 03:01:46PM
29 about prior, and I have seen the footage multiple times. 03:01:49PM

1 As I said, I'm not going to sit here and listen to ridiculous 03:01:55PM
2 explanations?---Well - - - 03:01:59PM
3 You're sitting in the car?---Yeah. 03:02:00PM
4 You've just acknowledged that you're about or your uncle is 03:02:03PM
5 about to meet Peter Bollas?---Yeah. 03:02:06PM
6 And he's referring to the two envelopes he's just taken out of 03:02:07PM
7 the glove box; correct?---Well, wherever he pulled them 03:02:10PM
8 from, yeah. Yep. 03:02:15PM
9 'We've got to give him both.' Who is he referring to?---I'm 03:02:16PM
10 not sure. It could be Peter. It could be someone else. 03:02:21PM
11 Yes, Mr Lawrie. 03:02:24PM
12 MR LAWRIE: Mr Kyritsis - - -?---Yep. 03:02:26PM
13 You appreciate that in this public hearing you're in a special 03:02:27PM
14 position in that the evidence that you give you enjoy a 03:02:33PM
15 privilege against self-incrimination; you appreciate 03:02:38PM
16 that?---Yep. 03:02:41PM
17 So that that gives you a real opportunity to give truthful and 03:02:41PM
18 frank evidence, don't you?---Yep. 03:02:47PM
19 And on a number of occasions in advance of presenting this 03:02:48PM
20 material to you I've given you a specific opportunity to 03:02:53PM
21 truthfully answer about your involvement?---Yep. 03:03:00PM
22 In these transactions?---Yep. 03:03:03PM
23 Do you agree with that?---Yep. 03:03:06PM
24 And I've directed you to the specific instance that I would be 03:03:07PM
25 talking about?---It doesn't mean I can recall it or I was 03:03:10PM
26 part of it. 03:03:14PM
27 Okay?---I don't know what else I'm meant to say. I'm not going 03:03:15PM
28 to make something up to suit an agenda. If I don't 03:03:19PM
29 remember, I don't remember. 03:03:23PM

1 COMMISSIONER: You've listened to the entirety of this?---Yeah. 03:03:30PM
2 So no one is asking you to take one line out of context. 03:03:34PM
3 You've read the entirety of the conversation about those 03:03:39PM
4 two envelopes, their content, what it means to the 'him', 03:03:43PM
5 that 'it's for his bike or he's going to put it to his 03:03:50PM
6 motor home', so it's clear you understood who you were 03:03:56PM
7 talking about. Who was it?---Yeah, but we could have been 03:04:00PM
8 joking. I'm not sure what we were talking - - - 03:04:04PM
9 Who was it you were talking about?---I'm not sure. It could 03:04:06PM
10 have been Peter. It could have been someone else. 03:04:08PM
11 Do you know someone else that at that moment of time you might 03:04:11PM
12 have been contemplating as the person who was going to get 03:04:17PM
13 10 or 20 that would go to his bike?---I don't know. 03:04:20PM
14 I didn't give it much thought at the time. 03:04:22PM
15 I'll ask the question again?---Yep. 03:04:24PM
16 Did you know someone at that moment in time - - -?---Probably 03:04:25PM
17 not, no. 03:04:29PM
18 Who was going to get 10 or 20 and that it might go to his bike 03:04:29PM
19 or to a motor home?---Probably not. 03:04:33PM
20 No. Who was the only person you knew to whom that might 03:04:36PM
21 go?---Possibly Peter, but at the same time the 10 and 20, 03:04:40PM
22 I don't know what that was referring to. 03:04:44PM
23 Yes?---I never saw the contents of these envelopes. 03:04:47PM
24 Yes. Yes, Mr Lawrie. 03:04:49PM
25 MR LAWRIE: Thank you, Mr Commissioner. So you are completely 03:04:51PM
26 clueless as you sit there in the front seat with your 03:04:54PM
27 uncle, you're completely clueless about the contents of 03:04:56PM
28 the envelopes, who the 'him' is and what the envelopes are 03:05:00PM
29 about; is that your honest answer?---From what I can 03:05:02PM

1 recall, yeah. 03:05:05PM

2 Okay?---I never saw the contents of it. 03:05:06PM

3 'That's 10, that's 20,' I suggest to you is a reference quite 03:05:10PM

4 plainly to 'That's 10,000, that's 20,000'; would you 03:05:16PM

5 accept that?---It could have been, but I can't confirm 03:05:19PM

6 that. 03:05:21PM

7 And what makes that completely crystal clear is your response, 03:05:22PM

8 'And there's his bike.' You've got a good idea what 03:05:29PM

9 Mr Bollas might spend that payment on, haven't you?---We 03:05:35PM

10 were joking around. 03:05:40PM

11 Is anything you say serious? Is there any word here that we 03:05:41PM

12 can say means what it apparently means or is it just a 03:05:46PM

13 world where words can mean anything?---Well, I wasn't 03:05:50PM

14 aware of such an arrangement, so it's hard for me to 03:05:54PM

15 conclude these things. 03:05:57PM

16 All right. What did you mean by 'He's earnt it'?---I'm not 03:05:58PM

17 sure. 03:06:04PM

18 Who's the 'he'?---I'm not sure. Possibly Peter, but what could 03:06:04PM

19 he have earnt? 03:06:10PM

20 You see, I'm amazed, quite frankly, that I keep being asked the 03:06:11PM

21 questions. I receive answers which are questions. You're 03:06:15PM

22 the person who answers the questions, with 03:06:22PM

23 respect?---Yeah, and I've answered. 03:06:24PM

24 And my question, I'll put it again because it's very 03:06:25PM

25 straightforward because they're words uttered by 03:06:27PM

26 you?---Yeah. 03:06:31PM

27 In the front seat sitting next to your uncle?---Yep. 03:06:31PM

28 'He's earnt it'?---Yep. 03:06:34PM

29 Now, think carefully because this is not that long ago?---But 03:06:37PM

1 it is a long time ago. It wasn't yesterday. It's a long 03:06:41PM
2 time ago. 03:06:45PM
3 Who's the 'he'?' 03:06:46PM
4 COMMISSIONER: Mr Kyritsis, it wouldn't matter whether this 03:06:50PM
5 conversation was last week, last year or 10 years ago. 03:06:51PM
6 We're only asking you to exhaust your understanding, which 03:06:56PM
7 should flow obviously from the content of this 03:07:02PM
8 conversation and the fact that you knew you were arranging 03:07:05PM
9 to meet Peter Bollas. You don't need to know anything 03:07:09PM
10 else, do you?---I didn't know anything else. 03:07:13PM
11 No, and you, you are in the middle of a serious corrupt 03:07:19PM
12 arrangement?---I don't believe so. 03:07:25PM
13 You know that, don't you?---No. Because I never saw 03:07:28PM
14 any - I never saw money, I never saw money changing hands, 03:07:33PM
15 I wasn't involved in any arrangements, I never had those 03:07:36PM
16 discussions with Peter. 03:07:41PM
17 MR DANN: Excuse me, Mr Commissioner. Excuse me, sir. 03:07:44PM
18 COMMISSIONER: Yes. 03:07:48PM
19 MR DANN: I just was asking your Honour - sorry, asking you to 03:07:49PM
20 clarify is that being put generally or just in respect to 03:07:55PM
21 this particular incident, that he was in the middle of a 03:08:00PM
22 corrupt - - - 03:08:05PM
23 COMMISSIONER: I'm sorry, Mr Dann, would you mind just speaking 03:08:06PM
24 up a little bit, please. The audio is not all that good. 03:08:08PM
25 MR DANN: I'm sorry, I'm trying to overcome these barriers. 03:08:12PM
26 Mr Commissioner, I was asking you whether you could 03:08:15PM
27 clarify your question in terms of he being in the middle 03:08:18PM
28 of a corrupt arrangement, whether you're referring to this 03:08:23PM
29 particular incident or whether you're referring more 03:08:26PM

1 generally. 03:08:29PM

2 COMMISSIONER: No, I was referring specifically to this 03:08:32PM

3 incident. But thank you, Mr Dann. I'll elucidate what 03:08:34PM

4 I'm putting to Mr Kyritsis. 03:08:39PM

5 MR DANN: Thank you, sir. 03:08:41PM

6 COMMISSIONER: Your uncle has taken you into his confidence, 03:08:42PM

7 he's about to pay Mr Bollas a corrupt payment and he has 03:08:46PM

8 taken you into his confidence, you are complicit then in 03:08:52PM

9 the process that he's following with Mr Bollas; do you not 03:08:57PM

10 understand that?---I understand your position, but - - - 03:09:01PM

11 Don't worry about my position. It's your position that we are 03:09:04PM

12 focusing on. You are in the middle of this particular 03:09:09PM

13 incident and he, your uncle, is sharing with you his 03:09:11PM

14 intentions to pass \$20,000 on to Mr Bollas?---I never saw 03:09:16PM

15 \$20,000 and that's the honest truth. I don't know what 03:09:28PM

16 more I'm meant to say. 03:09:34PM

17 You did not - it's your sworn testimony that it did not occur 03:09:36PM

18 to you at the time - - -?---I don't know what occurred or 03:09:40PM

19 what didn't occur at the time, but I never saw \$20,000, 03:09:44PM

20 I never saw the contents of the envelopes, and I'm not 03:09:49PM

21 sure what I'm meant to say regarding to this. Like, we 03:09:54PM

22 were joking around. I'm not sure what the context of the 03:09:58PM

23 conversation was prior to getting in the car and I wasn't 03:10:01PM

24 aware of any such arrangement, so it's hard for me to 03:10:06PM

25 comment. 03:10:09PM

26 Could I suggest to you - - -?---Yeah. 03:10:09PM

27 That if you were being fully honest with the Commission you 03:10:11PM

28 would say, 'Commissioner, it is now clear to me that my 03:10:18PM

29 uncle was in the process of handing money to Mr Bollas and 03:10:23PM

1 I understood that, hence my jocular comment, "Well, that 03:10:28PM
2 will be enough for him to buy a bike or his motor home and 03:10:34PM
3 he's earned it". ' Wouldn't that be what you should say if 03:10:38PM
4 you were being truly honest?---At the time that wouldn't 03:10:42PM
5 have occurred to me. In light of recent evidence, maybe. 03:10:46PM
6 Yes, Mr Lawrie. 03:10:53PM
7 MR LAWRIE: Thank you, Mr Commissioner. That's previously 03:10:55PM
8 tendered as GH3. 03:10:57PM
9 COMMISSIONER: Yes. 03:11:00PM
10 MR LAWRIE: The next video portion I want to play to you, 03:11:02PM
11 Mr Kyritsis, is approximately 18 minutes later at 9.52 am. 03:11:05PM
12 This is video No.6. We see the transcript at 1132. It's 03:11:17PM
13 previously exhibited as GH4. I'm just going to play a 03:11:22PM
14 portion, just the first minute and five seconds, but you 03:11:28PM
15 will see again your uncle and yourself in the vehicle. 03:11:32PM
16 Can we go back to the start and have the volume up, 03:11:55PM
17 please. 03:11:57PM
18 (Video recording played to the Commission.) 03:11:58PM
19 MR LAWRIE: We can go on perhaps a few more seconds just to 03:13:07PM
20 capture the last few lines of the transcript. This 03:13:10PM
21 portion is translated from Greek. Sorry, perhaps if we 03:13:34PM
22 just pause there. What you're about to hear is part of 03:13:53PM
23 the conversation in Greek. It's not translated in this 03:13:55PM
24 part of the transcript, but you'll be able to appreciate 03:13:58PM
25 what's being said, obviously. Can we continue, please. 03:14:01PM
26 (Video recording played to the Commission.) 03:14:04PM
27 COMMISSIONER: Are we wanting the transcript, Mr Lawrie? 03:14:37PM
28 MR LAWRIE: Excuse me one moment. We can pause there, 03:14:41PM
29 Mr Commissioner. Now, concentrating on the first minute 03:14:50PM

1 of that video, Mr Kyritsis, we can see from the transcript 03:14:54PM
2 that your uncle says, 'Where's Peter's car?' Do you see 03:15:01PM
3 that there?---Yep. 03:15:06PM
4 You've driven into the car park of the North Melbourne sidings 03:15:07PM
5 at Metro, haven't you?---Yeah. 03:15:10PM
6 You remember that?---I think so, yeah. 03:15:12PM
7 And then you say, 'Keep going. Might be 3UP.' Do you see that 03:15:14PM
8 there?---Yep. 03:15:20PM
9 You're identifying the registration plate or at least part of 03:15:21PM
10 it for Mr Bollas's vehicle, aren't you?---I'm assuming so. 03:15:23PM
11 It says 'Where's Peter's car?' And I say '3UP'. I don't 03:15:29PM
12 know if that was accurate or not. But, yeah. 03:15:35PM
13 Because you were familiar with him, you were familiar with his 03:15:37PM
14 vehicle, weren't you?---Yeah, I was in it every night, 03:15:40PM
15 yeah. 03:15:43PM
16 COMMISSIONER: You've seen these images before and you've seen 03:15:44PM
17 this transcript before. So I'm just curious why, when the 03:15:47PM
18 first part of this conversation in the car with your uncle 03:15:52PM
19 was played, were you swearing on oath you didn't know who 03:15:56PM
20 the person was that you'd be meeting?---Because it was 03:16:01PM
21 unclear to me. 03:16:06PM
22 But you knew from the balance of the conversation beyond a 03:16:07PM
23 shadow of a doubt that it was Peter Bollas?---Yeah, but we 03:16:11PM
24 could have been seeing anyone that day as well as Peter 03:16:16PM
25 Bollas. That's what I'm getting at. It wasn't distinct 03:16:21PM
26 to Peter Bollas. 03:16:24PM
27 I'm asking you, Mr Kyritsis, because I'm trying to understand 03:16:27PM
28 what to make of evidence in which you don't acknowledge 03:16:31PM
29 things which the material suggests you should plainly 03:16:35PM

1 enough have acknowledged?---It's not that black and white. 03:16:39PM
2 This was happening - it happened a long time ago. We were 03:16:44PM
3 under a lot of pressure back then. I couldn't remember 03:16:47PM
4 what day it was half the time and it was just - it was 03:16:50PM
5 hard. It's hard for all of us. So what seems like it 03:16:54PM
6 should be a simple event to recall, it's not necessarily 03:16:57PM
7 the case. 03:17:01PM

8 Mr Lawrie. 03:17:04PM

9 MR LAWRIE: What we might do is just come away from this for a 03:17:08PM
10 moment and I'll play to you the telephone call that we see 03:17:12PM
11 that your uncle is making, okay, which is partly in 03:17:18PM
12 English, partly in Greek and that will be transcribed. So 03:17:23PM
13 we're moving away from video to audio only, okay? I'll 03:17:32PM
14 ask you to follow it carefully and see if you agree with 03:17:36PM
15 the Greek, the translation of the Greek. This is call 03:17:39PM
16 No.23, Mr Commissioner. 1125 is the page number. 03:17:42PM

17 (Audio recording played to the Commission.) 03:18:33PM

18 MR LAWRIE: That's the end of that call. It's not previously 03:19:13PM
19 tendered, Mr Commissioner. I tender it now. 03:19:16PM

20 COMMISSIONER: So that's a call on 21 July. 03:19:20PM

21 MR LAWRIE: That's correct. 03:19:25PM

22 COMMISSIONER: Very good. 03:19:26PM

23 MR LAWRIE: It's call No.23. 03:19:27PM

24 COMMISSIONER: That will be SK8. 03:19:32PM

25 #EXHIBIT SK8 - Telephone call between Mr Haritos and Mr Bollas 03:19:35PM
26 on 21 July 2020, call No.23, transcript p.1125. 03:19:35PM

27 MR LAWRIE: Mr Kyritsis, we played the video, your uncle in the 03:19:36PM
28 driver's seat, you in the passenger seat, we see your 03:19:42PM
29 uncle dial a telephone number, we hear him start the 03:19:45PM

1 conversation and now we hear the conversation via the 03:19:49PM
2 telephone itself?---Yep. 03:19:53PM
3 You can hear Peter Bollas's voice, can't you?---Yep. 03:19:55PM
4 It's a voice you're familiar with?---Yep. 03:19:58PM
5 Do you now say that without a doubt you were meeting with or at 03:20:00PM
6 least your uncle was meeting with Peter Bollas on that 03:20:08PM
7 day?---Well, yeah, I never said we weren't meeting Peter 03:20:11PM
8 Bollas on that day. 03:20:15PM
9 Okay. Now we'll go, please, to video No.7. This is a video on 03:20:16PM
10 the same day at 11.02 am, with the transcript commencing 03:20:28PM
11 at 1135. I propose to play two portions of it because 03:20:35PM
12 there's a large portion in the middle with no relevant 03:20:42PM
13 activity. The first portion will be from the start to 03:20:45PM
14 1 minute 15, and I don't believe there is transcript 03:20:49PM
15 applicable to that portion. Then the last portion will be 03:20:52PM
16 49 seconds worth from five minutes 20 until the end, and 03:20:58PM
17 there will be transcript that will be relevant to that 03:21:03PM
18 second portion. Do you understand that?---Yep. 03:21:06PM
19 Okay. 03:21:10PM
20 (Video recording played to the Commission.) 03:22:10PM
21 MR LAWRIE: If we can just stop there for a minute before we 03:22:52PM
22 get to the last section, which has the transcript 03:22:56PM
23 accompanying it. Do you see that both you and your uncle 03:22:58PM
24 arrive back to the vehicle at the same time?---Yep. 03:23:01PM
25 At the start of that video. You'd both been out meeting with 03:23:03PM
26 Peter Bollas, hadn't you?---Yep. 03:23:08PM
27 And in that first minute or so your uncle is confiding in you 03:23:10PM
28 roughly the gross revenues of Transclean and basically the 03:23:18PM
29 profit margin?---Yep. 03:23:24PM

1 And this is the level of confidence that your uncle - sorry, 03:23:25PM
2 I'll rephrase the question. This is an example of the 03:23:32PM
3 degree of confidence that your uncle has in you to give 03:23:35PM
4 you that sort of information?---Not just me. 03:23:39PM
5 This is a quick insight into precisely how Transclean is going, 03:23:45PM
6 isn't it?---How so? In what sense? 03:23:51PM
7 Well, he's talking about the sources of revenue?---Yep. 03:23:54PM
8 The gross revenue, the cost to Transclean and therefore the 03:23:57PM
9 profit, isn't he?---Yeah. 03:24:01PM
10 You see, I suggest to you that that first minute more than 03:24:05PM
11 anything demonstrates that you are right in the inner 03:24:08PM
12 circle?---Inner circle of what? 03:24:12PM
13 Transclean?---I was working there. 03:24:14PM
14 No, you're in the inner circle in terms of what Mr Haritos 03:24:16PM
15 would be prepared to tell you?---There would have been 03:24:20PM
16 many people in the business that had that same 03:24:26PM
17 information. 03:24:29PM
18 Can we go, please, to 5 minutes and 20 and bring up the 03:24:29PM
19 transcript at 1135. 03:24:33PM
20 (Video recording played to the Commission.) 03:24:48PM
21 MR LAWRIE: Now, again in that conversation you're referring to 03:25:39PM
22 Peter Bollas, aren't you?---Yeah, it looks like it. 03:25:43PM
23 Why do you hesitate? It's completely apparent, isn't it?---No, 03:25:48PM
24 I was just re-reading. Yeah. 03:25:53PM
25 Take your time, please?---Yeah. 03:25:54PM
26 Re-read it?---Yeah. 03:25:55PM
27 You've listened to it. There is no doubt, is there, that 03:25:57PM
28 you're referring to Peter Bollas?---No. 03:26:00PM
29 You came to know him quite well, particularly in the early half 03:26:03PM

1 of 2020. You knew that he had a disabled daughter; 03:26:10PM
2 correct?---Yep. 03:26:15PM
3 And again there's a reference to that fact made by your uncle; 03:26:15PM
4 correct?---Yep. 03:26:24PM
5 But more importantly at the start of the call - sorry, at the 03:26:25PM
6 start of the conversation your uncle says, 'So Peter be - 03:26:30PM
7 better not leave his backpack around.' Did you know what 03:26:37PM
8 that was referring to?---No. 03:26:41PM
9 Well, it was this: that his backpack now contained two 03:26:43PM
10 envelopes containing \$20,000 in cash as a result of your 03:26:47PM
11 visit?---Not my visit. I never saw any exchange of money, 03:26:52PM
12 first of all. 03:26:59PM
13 Okay. And then you say, 'That'll go straight to the bus. Not 03:27:00PM
14 a bad idea doing his bus up. No one's going to be 03:27:04PM
15 travelling overseas any time soon so at least he's got 03:27:07PM
16 that to piss-fart around the country.'?---Yep. 03:27:11PM
17 That's a reference to Peter Bollas's plan to buy a motor home, 03:27:14PM
18 isn't it, or a touring bus?---Something along those lines, 03:27:19PM
19 yep. 03:27:22PM
20 'That'll go to the bus' is a reference to the payment you've 03:27:22PM
21 just made to Peter Bollas?---I didn't make any payment to 03:27:26PM
22 him. 03:27:29PM
23 When you say, 'That'll go to the bus,' what does that 03:27:29PM
24 mean?---I'm not sure. I'm not sure what the context of 03:27:35PM
25 that was. I never gave him any money. 03:27:37PM
26 I'm afraid, Mr Kyritsis, to have any semblance of reality in 03:27:42PM
27 your answer, quite frankly, you must have some idea of 03:27:49PM
28 the context of your own comment?---No, because I never 03:27:54PM
29 gave him any money or witnessed anyone exchange money. 03:27:57PM

1 What do you say you meant by that?---I don't know. I don't 03:28:03PM
2 know the context of it. 03:28:06PM
3 Well, you do know the context of it?---No, I don't. 03:28:08PM
4 Sorry, your uncle and you have driven to North 03:28:10PM
5 Melbourne?---Yeah. 03:28:14PM
6 You're in the passenger seat?---Yeah, I understand that. 03:28:14PM
7 You've scouted out for cameras in the car park, haven't 03:28:17PM
8 you?---Well, he asked about it, yeah. 03:28:21PM
9 And you were concerned to know where the cameras were and you 03:28:22PM
10 indicated that they were facing the other way; 03:28:25PM
11 correct?---Yeah. 03:28:28PM
12 You've pointed out which vehicle is Peter Bollas's 03:28:28PM
13 vehicle?---Yep. 03:28:32PM
14 You're both out of the car?---Yep. 03:28:32PM
15 This is after your uncle has handed you at least one envelope 03:28:34PM
16 that you don't know what it contains, you say?---No, 03:28:38PM
17 I don't. 03:28:41PM
18 COMMISSIONER: Do you agree he handed you one of the 03:28:41PM
19 envelopes?---Whatever was shown in the footage. I don't 03:28:45PM
20 remember - - - 03:28:47PM
21 Do you agree that he handed you one of the envelopes?---At 03:28:48PM
22 which point? In the car? Yeah, he handed me something, 03:28:51PM
23 yeah. 03:28:56PM
24 What did you do with it?---I can't remember. 03:28:57PM
25 Did you have it when you got back in the car?---I never left 03:29:00PM
26 the car with it. It was left in the car or - well, I'm 03:29:04PM
27 not sure what happened to it. I didn't take it with me. 03:29:09PM
28 I think I put them together and left them - - - 03:29:11PM
29 Sorry, you didn't take it with you?---No. 03:29:14PM

1 You left that envelope in the car, did you?---I never removed 03:29:18PM
2 that envelope from the car. 03:29:22PM
3 Did you leave the car?---Yeah, I would have. 03:29:25PM
4 I'm sorry, I thought you said just a moment ago you didn't. 03:29:29PM
5 Just take your time, Mr Kyritsis?---Yeah, I'm getting 03:29:33PM
6 confused, yeah. 03:29:36PM
7 Do you agree you got out of the car with your uncle to meet 03:29:37PM
8 Peter Bollas?---Yes. 03:29:40PM
9 And did you take the envelope with you?---No. 03:29:41PM
10 What did you do with it?---I left it in the car or my uncle 03:29:46PM
11 took it off me, I'm not sure. I'm not sure. I was 03:29:53PM
12 definitely never carrying an envelope. 03:29:56PM
13 So if your uncle had two envelopes it's because you gave one of 03:29:59PM
14 them back to him, is it?---I'm not sure. I can't remember 03:30:04PM
15 what I did with them. But I definitely never left the car 03:30:06PM
16 with them. 03:30:11PM
17 Did you see your uncle give the envelopes to Peter?---No. No. 03:30:11PM
18 MR LAWRIE: In amongst all your purported confusion - - 03:30:21PM
19 -?---Yeah. 03:30:24PM
20 And lack of memory and inability to appreciate the context of 03:30:24PM
21 this, the one thing that you say you do remember is that 03:30:28PM
22 you didn't leave the car with the envelope?---I didn't. 03:30:32PM
23 Or envelopes. That's the one thing you're definite 03:30:36PM
24 about?---I didn't, because I think all I walked into that 03:30:40PM
25 meeting with was a small folder and the only reason 03:30:42PM
26 I remember this was because Peter saw it and he started 03:30:45PM
27 laughing, and I'm talking something like, you know, the 03:30:49PM
28 size of that Bible. 03:30:52PM
29 Did you watch Mr Bollas's evidence last year?---Parts of it. 03:30:55PM

1 Do you remember what he said about this meeting?---I think he 03:31:00PM
2 said he received money. 03:31:04PM
3 Did that surprise you to hear that from him?---Yes. It did. 03:31:07PM
4 Because I never saw anything of the sort. 03:31:13PM
5 Okay. Let's just remind ourselves what Mr Bollas did say about 03:31:15PM
6 this meeting. Can we please bring up the transcript of 03:31:18PM
7 his evidence at p.397. This commences at line 4. Excuse 03:31:20PM
8 me, just let me see if this is correct. Excuse me for a 03:31:41PM
9 moment, Mr Commissioner. Can you scroll down, please? 03:31:50PM
10 We might just need to correct the reference there. Sorry, 03:32:06PM
11 p.514. That's my mistake. Page 514, please. This 03:32:09PM
12 commences at line 4. This is a question by me to 03:32:30PM
13 Mr Bollas, 'Okay, 21 July at the Metro yards at Dynon Road 03:32:42PM
14 in South Melbourne'. I've misdescribed it in the 03:32:46PM
15 question. That should be North Melbourne. You appreciate 03:32:50PM
16 there's no Dynon Road in South Melbourne?---Yes, yep. 03:32:53PM
17 Okay. 'You meet with Mr Haritos?---Yes.' 'Now, was that a 03:32:57PM
18 Thursday morning? Do you remember the circumstances of 03:33:04PM
19 that meeting?---Yes, we had a hookup.' 'Did you receive 03:33:06PM
20 cash during that meeting?---Yes, Mr Lawrie.' 'And did you 03:33:08PM
21 also provide Mr Haritos with some of the commercial 03:33:11PM
22 information about Metro revenues in the preceding month 03:33:13PM
23 and that sort of thing during that meeting?---Yes.' 03:33:16PM
24 That's part of what we hear in the first minute of your 03:33:19PM
25 return to the vehicle, isn't it, some of that commercial 03:33:22PM
26 information?---I don't know. This is between - my name 03:33:24PM
27 doesn't get mentioned here, so I'm not sure how I can 03:33:28PM
28 answer on that. 03:33:32PM
29 That's not a good argument, with respect. The fact that your 03:33:34PM

1 name is not mentioned there is irrelevant because we know 03:33:41PM
2 you're there because we see you in the car and we see you 03:33:45PM
3 handed an envelope by your uncle and we see you get out of 03:33:48PM
4 the car and we see you return to the car?---Yes. 03:33:51PM
5 Do you understand that there?---That's fine. 03:33:54PM
6 Now, this is what Mr Bollas said on oath about that 03:33:56PM
7 meeting?---He said a lot of things. 03:34:00PM
8 I'm directing you, sir, to what he said about this meeting on 03:34:02PM
9 oath in October last year?---Yep. 03:34:07PM
10 And I want you to focus your attention on what he said about 03:34:11PM
11 that meeting, not about other things, please?---Yep. 03:34:14PM
12 Line 13, 'On that occasion do you recall how much cash you 03:34:17PM
13 received?' And he said, 'Twenty, Mr Lawrie.' And I said, 03:34:25PM
14 'You received 20?' And he said, 'Yes. I believe that was 03:34:30PM
15 the last - I believe that was the last payment.' And then 03:34:34PM
16 I go on to ask him about some more details of that. He's 03:34:36PM
17 referring to \$20,000 in that evidence. He's making a 03:34:40PM
18 confession in that evidence, I suggest to you, sir, of 03:34:45PM
19 receiving \$20,000 in cash on 21 July; do you accept 03:34:48PM
20 that?---Yep. 03:34:52PM
21 You would say that he was lying - I'll withdraw the question, 03:34:53PM
22 Mr Commissioner. 03:35:01PM
23 MR DANN: I object. Sorry, Mr Commissioner, but I have an 03:35:02PM
24 objection to that question on behalf of my client. 03:35:06PM
25 MR LAWRIE: I withdraw the question. 03:35:10PM
26 COMMISSIONER: I was quicker than you, Mr Dann. 03:35:13PM
27 MR DANN: You don't have to press buttons. 03:35:15PM
28 COMMISSIONER: You've been at pains to say, Mr Kyritsis, that 03:35:23PM
29 you can't say whether or not it was money in those 03:35:26PM

1 envelopes. So you're unable to say - express any view, 03:35:29PM
2 according to your testimony, about whether Mr Bollas is 03:35:37PM
3 telling the truth when he says that what he received in 03:35:41PM
4 those envelopes was cash?---He may be, he may not be, but 03:35:44PM
5 as far as I'm concerned my involvement didn't line up with 03:35:49PM
6 that. 03:35:55PM
7 Didn't involve what? What were you going to say about your 03:35:56PM
8 involvement?---I never gave him that - I never gave him 03:36:02PM
9 money. That's all I can say about that. 03:36:05PM
10 You never gave him the envelope, is that what you mean?---Yeah. 03:36:08PM
11 Because you don't know what was in it, you say?---Well, I never 03:36:11PM
12 gave him anything in that meeting. 03:36:14PM
13 Yes?---Yep. 03:36:16PM
14 Yes, Mr Lawrie. 03:36:20PM
15 MR LAWRIE: Thank you, Mr Commissioner. That can come off 03:36:21PM
16 screen. I want to leave the 21 July meeting and move back 03:36:23PM
17 in time to the 6 May meeting?---Yep. 03:36:30PM
18 You will recall that earlier today I showed you a still image, 03:36:34PM
19 in fact three images, of you, Mr Bollas and Mr Haritos 03:36:38PM
20 meeting out at the Epping yards at Metro?---Yep. 03:36:42PM
21 On Wednesday 6 May?---Yep. Sorry, Mr Lawrie, can I just 03:36:45PM
22 interrupt for a second? Going off that line of 03:36:55PM
23 questioning, am I being accused of passing money to 03:36:57PM
24 someone? 03:37:02PM
25 Yes?---I'm being accused of passing money to someone. 03:37:03PM
26 Yes?---Okay. 03:37:07PM
27 Whether it was immediately from your hand or whether it was 03:37:08PM
28 from George's hand standing next to you, the accusation is 03:37:12PM
29 that you are there on the spot, you know about it, you 03:37:17PM

1 know that it's money, you know that it's \$20,000, you know 03:37:21PM
2 that it's going to Mr Bollas, you know it's a corrupt 03:37:24PM
3 payment, and indeed you've got a pretty good idea what 03:37:28PM
4 Mr Bollas might be spending it on?---And I've given that 03:37:32PM
5 to him? 03:37:35PM
6 Yes, either it's come immediately from your hand or you've been 03:37:36PM
7 standing right next to it when it's happened. 03:37:40PM
8 COMMISSIONER: There's no doubt, is there, Mr Kyritsis, that 03:37:46PM
9 you knew that it was money that had been given to - - 03:37:48PM
10 -?---There is a doubt. There is a doubt. I never saw any 03:37:53PM
11 money. 03:37:56PM
12 Forget about whether you saw it?---And there wasn't - - - 03:37:56PM
13 Listen, Mr Kyritsis. You're not doing yourself any service 03:37:59PM
14 here in arguing about something that's not 03:38:02PM
15 arguable?---Yep. 03:38:07PM
16 It's plain from everything you said that you understood it was 03:38:07PM
17 money that went into Mr Bollas's hands, isn't 03:38:12PM
18 it?---I never passed him any money. 03:38:18PM
19 That's not what I'm putting to you and you know that?---And 03:38:19PM
20 I never saw any - - - 03:38:23PM
21 I'm talking about what you said to George before you got out of 03:38:24PM
22 the vehicle, when he took the envelopes out of the glove 03:38:28PM
23 box and when you came back into the car after the 03:38:34PM
24 envelopes had been given to Mr Bollas, you show a 03:38:40PM
25 knowledge both before and after that you knew it was money 03:38:46PM
26 that Mr Bollas had received. Isn't that clear?---No. 03:38:52PM
27 That's an honest answer, is it? You want me to judge your 03:39:01PM
28 testimony by the truthfulness of that answer, that your 03:39:06PM
29 comments don't show that it was money?---No, I said he may 03:39:10PM

1 have been, but I can only go off what I know. So, anyway. 03:39:13PM
2 Sorry, Mr Commissioner. 03:39:19PM
3 Well, I've tried to caution you, Mr Kyritsis, without success. 03:39:23PM
4 Yes, Mr Lawrie. 03:39:27PM
5 MR LAWRIE: Thank you, Mr Commissioner. So, Mr Kyritsis, just 03:39:29PM
6 to remind you we're moving back to an earlier incident, 03:39:33PM
7 the 6 May meeting, where you and your uncle drive from the 03:39:38PM
8 South Yarra office to Epping?---Yep. 03:39:42PM
9 To meet with Mr Bollas on the Wednesday?---Yep. 03:39:44PM
10 I won't show you, unless you ask to see it again, the still 03:39:48PM
11 images, the three images - - -?---No, that's fine. 03:39:54PM
12 Of the three of you standing near the vehicle?---Yep. 03:39:57PM
13 The vehicle, if we remind ourselves, though, that was 03:40:00PM
14 Mr Bollas's vehicle, that dark sedan in that image?---No, 03:40:04PM
15 I think it's my car. 03:40:08PM
16 Okay. All right. What I'm going to play for you now is a 03:40:10PM
17 telephone call between James Pinder and Mr Bollas that 03:40:13PM
18 took place two days later?---Yep. 03:40:18PM
19 And in that call there is a reference, it will be suggested, to 03:40:22PM
20 the meeting that took place on 6 May; okay? Can we please 03:40:27PM
21 play call No.7. This is transcript at p.1074 and 03:40:32PM
22 previously exhibited as JP29. 03:40:41PM
23 (Audio recording played to the Commission.) 03:41:05PM
24 MR LAWRIE: That's the end of that call, Mr Commissioner. Can 03:45:43PM
25 we scroll back up to the first page of that transcript, 03:45:45PM
26 please. Now, you accept that this is Mr Pinder and 03:45:48PM
27 Mr Bollas talking about the meeting that had just occurred 03:46:16PM
28 two days earlier at Epping?---Yep. 03:46:20PM
29 It's clear that Mr Pinder wasn't at the meeting but Mr Bollas 03:46:23PM

1 was. And do you see the reference to 'Yeah, he gave me a 03:46:28PM
2 tenner'? I think we might have to scroll down to find 03:46:33PM
3 that?---Yeah, no, sorry. I can't see that. 03:46:37PM
4 I think we have to scroll down a little bit further, line 27. 03:46:45PM
5 Do you see that, line 27, Peter Bollas says, 'He gave me a 03:46:59PM
6 tenner, yeah'?---Yeah. 03:47:03PM
7 It's a reference to Mr Bollas receiving \$10,000 at that 03:47:05PM
8 meeting, isn't it?---Possibly. 03:47:09PM
9 That was the meeting that you were at and your uncle was at at 03:47:12PM
10 Epping?---Yep. 03:47:15PM
11 But you say you never saw that?---No, and I definitely never 03:47:16PM
12 gave him anything of the sort. 03:47:21PM
13 And just before that Mr Pinder says, 'I'm more just keeping 03:47:26PM
14 track. So April you're good.' 'Yeah, yeah, I am.' 03:47:32PM
15 'Right, okay.' 'So he gave me a tenner, yeah,' and Pinder 03:47:36PM
16 says, 'Keeping track, that's all good.' 'Yeah, yeah'. 03:47:40PM
17 That's why I said to you these are monthly payments that 03:47:44PM
18 are coming from Transclean?---I've got no idea. Wasn't 03:47:47PM
19 part of it. I've got no knowledge of that. So to me 03:47:50PM
20 that - that information I can't relate to. 03:47:53PM
21 And if \$10,000 was handed over to Mr Bollas on 6 May and if a 03:47:57PM
22 double payment was made to him of \$20,000 on 21 July and 03:48:04PM
23 you were there at both meetings, you just didn't see it, 03:48:09PM
24 didn't know it was going on?---No. 03:48:12PM
25 Is that your evidence?---That's my evidence and I'm pretty sure 03:48:13PM
26 Peter's given evidence to suggest the same. I don't know. 03:48:16PM
27 I've never dealt with him in that capacity, so I've never 03:48:20PM
28 discussed any of this with Peter. It's not an arrangement 03:48:24PM
29 we had. 03:48:27PM

1 COMMISSIONER: Do you not understand the way the law operates, 03:48:29PM
2 Mr Kyritsis, that the law makes various parties guilty 03:48:31PM
3 that aren't the parties who actually perform the act but 03:48:37PM
4 who are party to it? Have you never understood that the 03:48:41PM
5 law is broad enough to capture people who are not those 03:48:45PM
6 who actually perform the criminal act? What's being 03:48:49PM
7 suggested to you was on both of those occasions, 6 May and 03:48:55PM
8 then the later occasion in July, you're with your uncle, 03:49:00PM
9 you're with your uncle for the purpose of your uncle 03:49:07PM
10 providing a corrupt payment on both occasions to Mr Bollas 03:49:09PM
11 and you know that he's doing that. Do you want to say 03:49:14PM
12 anything about that?---I never witnessed that. 03:49:18PM
13 And you never knew that he was going to do that?---No. 03:49:22PM
14 And you didn't know that he did it?---No. 03:49:25PM
15 You heard your father's evidence and watched it yesterday, 03:49:29PM
16 didn't you?---Yep. Most of it. 03:49:32PM
17 And you watched, presumably painfully, how over the period of 03:49:35PM
18 his time in the witness box he finally got to the point of 03:49:40PM
19 acknowledging that he'd had a discussion with his 03:49:44PM
20 brother-in-law, George, in late April, that each of them 03:49:48PM
21 was to withdraw money from accounts ultimately for the 03:49:53PM
22 purpose of a payment to Mr Pinder and Mr Bollas, that he 03:49:57PM
23 withdrew funds to go to Mr Bollas and that on 6 May he 03:50:01PM
24 understood that George was going to meet Bollas and 03:50:22PM
25 finally pay him the money, having asked him earlier in May 03:50:25PM
26 when he was meeting with Bollas to pay him the money that 03:50:30PM
27 your father had withdrawn. Did you ever have any 03:50:34PM
28 discussions with your father about the role either you 03:50:40PM
29 were playing or he was playing in assisting George in the 03:50:44PM

1 making of these corrupt payments?---No, I don't think so. 03:50:49PM
2 I'm sorry?---I don't think so. 03:50:53PM
3 You don't think so?---Well, I don't recall having - - - 03:50:54PM
4 Presumably you could say with absolute certainty, 'I've never 03:51:01PM
5 talked to my father about either me or him being involved 03:51:04PM
6 in a criminally corrupt arrangement' - - -?---No, I don't 03:51:08PM
7 think so. But I don't know what's certain and what's not 03:51:12PM
8 any more. 03:51:16PM
9 Sorry?---I don't know what's certain and what's not any more. 03:51:17PM
10 Like, this - yeah. 03:51:20PM
11 Did you hear his evidence yesterday in which he said he did 03:51:21PM
12 talk to you about what the evidence that had been shown in 03:51:25PM
13 the public hearings of last year indicated?---Yep. 03:51:30PM
14 Do you remember having that conversation with him?---Vaguely. 03:51:32PM
15 And did you brush it off as saying, 'There's nothing to worry 03:51:39PM
16 about'?---I think so. 03:51:43PM
17 That was pretty silly, wasn't it?---Yep. 03:51:44PM
18 Yes, Mr Lawrie?---I - I'll leave it. 03:51:49PM
19 MR LAWRIE: No, you wanted to add something?---No, it's okay. 03:51:54PM
20 The significance of that discussion between Mr Pinder and 03:52:03PM
21 Mr Bollas, I suggest to you, is that it shows us what the 03:52:05PM
22 subject matter of the 6 May meeting was. One was to pass 03:52:12PM
23 cash to Mr Bollas and, two, it was to formulate at least 03:52:17PM
24 part of the Zoono plan; do you accept that?---I can't 03:52:21PM
25 remember why we were there, but there would have been a 03:52:26PM
26 reason for us to attend and that's - my reason to attend 03:52:29PM
27 was not for a transaction or however you've referred to it 03:52:33PM
28 to take place. That's not my understanding of that 03:52:39PM
29 meeting. 03:52:42PM

1 Why did you think you were going there?---There would have been 03:52:42PM
2 a reason. 03:52:44PM
3 Yes, of course there would have been a reason. But why did you 03:52:45PM
4 think you would have been going there?---I can't remember. 03:52:48PM
5 It was a long time ago. We were having meetings 03:52:51PM
6 constantly. There would have been a reason for us to be 03:52:54PM
7 there. 03:52:56PM
8 I've suggested to you on multiple occasions that this is a 03:52:57PM
9 standing arrangement with Mr Bollas, that he's essentially 03:53:00PM
10 on the payroll, a corrupt payroll, from Transclean and in 03:53:06PM
11 return for that payroll he does things such as provides 03:53:13PM
12 information to sabotage Zoono trials, gives you advance 03:53:16PM
13 warnings of audits, amongst the many services that are 03:53:20PM
14 provided in response - in reply to those payments. You 03:53:22PM
15 understand that that's the position that's being 03:53:29PM
16 put?---I understand that's the position. 03:53:31PM
17 And throughout my questioning about particularly the tip-offs, 03:53:35PM
18 I say they're tip-offs about the audits, you've 03:53:42PM
19 maintained, 'There was nothing to worry about anyway, that 03:53:45PM
20 our service standard was absolutely fine and if he was 03:53:49PM
21 talking about anything it was to increase the level of 03:53:53PM
22 service over and above what was already acceptable.' 03:53:56PM
23 That's the essence of the evidence you gave before lunch, 03:54:02PM
24 isn't it?---Yep. 03:54:07PM
25 And you say there was no existing problem with the way 03:54:07PM
26 Metro - sorry, with the way Transclean was providing the 03:54:12PM
27 cleaning services with respect to Metro carriages?---Well, 03:54:16PM
28 you're always going to have problems from time to time. 03:54:20PM
29 Like trying to find enough staff, that sort of thing?---Even 03:54:24PM

1 staff not performing. It's just part of being in the 03:54:27PM
2 cleaning industry. Very rarely do things go to plan. 03:54:31PM
3 But in your mind - - -?---Yep. 03:54:36PM
4 Transclean after the start of the COVID crisis was performing 03:54:39PM
5 this extra work but performing without significant 03:54:46PM
6 problems?---That was my understanding of it and from what 03:54:48PM
7 I had seen the trains were spotless. They never looked 03:54:52PM
8 cleaner. 03:54:56PM
9 Never had any complaints come to you?---May have. 03:54:57PM
10 What about from George? Did he send you any feedback about 03:55:05PM
11 problems that were happening with Metro?---He may have, 03:55:08PM
12 but I can't remember that. It's a long time ago. Like, 03:55:11PM
13 we're dealing with a million things at once. So it's hard 03:55:14PM
14 to look back at specific events and provide an answer 03:55:16PM
15 relating to it. 03:55:22PM
16 Let's just put this back into context?---Yep. 03:55:23PM
17 You talk about a million things at once?---Yep. 03:55:25PM
18 But this is your role?---Yeah. 03:55:28PM
19 This is what you do full-time?---Yes. 03:55:31PM
20 Forty or 50 hours a week?---Yep. 03:55:34PM
21 All right?---Yep. 03:55:36PM
22 We're going to play for you the conversation that is again 03:55:38PM
23 stepping back a little earlier, this is 16 April?---Yep. 03:55:44PM
24 This is a conversation that took place between Mr Haritos, your 03:55:46PM
25 uncle?---Yep. 03:55:52PM
26 And Peter Bollas on 16 April. It's an added document, I think. 03:55:53PM
27 It's originally exhibited as PB4, Mr Commissioner. 03:56:04PM
28 WITNESS: Sorry, Mr Lawrie, before we begin am I allowed to 03:56:08PM
29 take a two minute break, please? 03:56:11PM

1 COMMISSIONER: I was going to ask you, Mr Lawrie, how much 03:56:14PM
2 longer do you think you'll be? 03:56:15PM
3 MR LAWRIE: Not very much longer, but - - - 03:56:17PM
4 COMMISSIONER: Yes. I apologise, Mr Kyritsis, we haven't had 03:56:19PM
5 our mid-afternoon break?---No, it's okay. It's 03:56:22PM
6 just - yeah. 03:56:26PM
7 And there are some matters to explore in private session, so 03:56:26PM
8 we'll break for 10 minutes?---Okay. Thank you, 03:56:29PM
9 Commissioner. 03:56:32PM
10 (Short adjournment.) 03:56:34PM
11 MR LAWRIE: Mr Kyritsis, just before the break I was informing 04:09:01PM
12 you that we're about to play a phone call between your 04:09:05PM
13 uncle, George Haritos, and Peter Bollas. It's on 16 April 04:09:10PM
14 2020. The context will be the dysfunctional performance 04:09:15PM
15 of Transclean in the provision of cleaning services to 04:09:27PM
16 Metro?---Yep. 04:09:30PM
17 So I'm alerting you to the context of this call?---Yep. 04:09:31PM
18 All right?---Yep. 04:09:33PM
19 Now, what we're going to play is - so this is PB4, 04:09:35PM
20 Mr Commissioner. 04:09:40PM
21 COMMISSIONER: Yes. 04:09:41PM
22 MR LAWRIE: And there is transcript, but it's not paginated in 04:09:41PM
23 the ordinary way, but we'll bring it up on the screen. 04:09:44PM
24 The call will start at 6 minutes 25 through to 11 minutes 04:09:48PM
25 19, which is transcript p.6 commencing at line 118. 04:09:54PM
26 COMMISSIONER: This is already an exhibit, is it not? 04:10:07PM
27 MR LAWRIE: It's PB4, Mr Commissioner. 04:10:09PM
28 COMMISSIONER: Thank you. 04:10:12PM
29 (Audio recording played to the Commission.) 04:10:35PM

1 MR LAWRIE: And that's where we'll stop it. First of all, you 04:15:27PM
2 hear Mr Bollas say to your uncle that he is repeatedly 04:15:33PM
3 covering up for him or covering up for Transclean; did you 04:15:42PM
4 hear that?---Yeah, I heard that. 04:15:45PM
5 You also heard Mr Bollas say the problem is that you have no 04:15:47PM
6 systems in place, no contingency plans in place; you heard 04:15:51PM
7 that?---Yep. 04:15:55PM
8 And also very early on in the transcript you heard the 04:15:55PM
9 reference to - I think it was 47 minutes for one carriage. 04:16:02PM
10 Sorry, 37 minutes at line 37, '37 minutes, George, two 04:16:05PM
11 trains, come on mate.' You heard that?---Yep. 04:16:13PM
12 These are all references to fundamental problems in the 04:16:18PM
13 delivery of cleaning services to Metro Trains during the 04:16:22PM
14 COVID outbreak, aren't they?---That was an isolated 04:16:25PM
15 incident. 04:16:30PM
16 Where two trains were purportedly cleaned in 04:16:30PM
17 37 minutes?---Yeah, and I can't remember the exact 04:16:35PM
18 circumstances, but there's no way that was commonplace. 04:16:37PM
19 And there's no way that two trains could be cleaned in 04:16:40PM
20 37 minutes either, was there?---That's not what we had 04:16:44PM
21 allowed for, no. 04:16:47PM
22 Did your uncle George ever pass on any of these difficulties 04:16:51PM
23 that had been spoken to him - sorry, that had been 04:16:54PM
24 reported to him most emphatically, I suggest, by 04:16:57PM
25 Mr Bollas?---Yeah, and all of our management would have 04:17:00PM
26 known about that issue. It was quite a big deal at the 04:17:04PM
27 time. 04:17:07PM
28 But really this is right in your wheelhouse, isn't it? This is 04:17:07PM
29 coming down from Mr Haritos to you, and now this is your 04:17:12PM

1 responsibility to fix it, isn't it?---Mine, Norma's, 04:17:16PM
2 whoever else needed to, yep. 04:17:19PM
3 And you're the man who's dealing with Mr Bollas on a nightly 04:17:21PM
4 basis by this stage?---Yep. 04:17:24PM
5 And so if we march forward in time, do we now see the real 04:17:26PM
6 context of getting forewarning about the audits? It's so 04:17:33PM
7 that you can create the appearance of compliance?---Not 04:17:36PM
8 necessarily. You can't link the two. That was - that was 04:17:39PM
9 an isolated incident and, as I said earlier, yes, we were 04:17:43PM
10 trying to do our best. You're going to have issues from 04:17:47PM
11 time to time. That wasn't something that was happening on 04:17:50PM
12 a regular occurrence and in terms of covering things up, 04:17:52PM
13 the reality is Metro's got thousands of employees. One 04:17:57PM
14 individual can't sweep these issues under the rug and say, 04:18:01PM
15 'Yep, I'm covering for you,' and it ends there. It 04:18:06PM
16 doesn't work like that. If there are issues, they get 04:18:08PM
17 investigated, and if there are issues they go through 04:18:12PM
18 multiple persons. 04:18:17PM
19 So you say it would be impossible, given the protective 04:18:19PM
20 structures that Metro had in place, for you to 04:18:24PM
21 underperform in the way I suggest?---It would be very 04:18:27PM
22 difficult to be underperforming on a consistent basis and 04:18:31PM
23 get away with it, because - - - 04:18:34PM
24 Unless you had someone in the key position, like Peter 04:18:36PM
25 Bollas?---No, I disagree with that. Metro's a lot more 04:18:41PM
26 than Peter Bollas. 04:18:46PM
27 It might be a lot more than Peter Bollas, but Peter Bollas was 04:18:47PM
28 the singular point of contact - - -?---Yep. 04:18:51PM
29 Between Metro and you?---Yeah. 04:18:53PM

1 Wasn't he?---Yeah, I understand that, but - - - 04:18:57PM
2 He's the one feeding you the heads up about the audits; 04:18:59PM
3 correct?---Yeah, but, you know, if he was covering for us 04:19:04PM
4 and the standard of work wasn't there, it would have 04:19:07PM
5 reflected on him too. So our - - - 04:19:10PM
6 COMMISSIONER: Of course it would have, and that's one of the 04:19:14PM
7 reasons he's agitated?---Yep. 04:19:16PM
8 But your uncle acknowledges that he understands Bollas to the 04:19:20PM
9 best of his ability is covering up for you, doesn't 04:19:28PM
10 he?---Maybe in that instance, but it's - it's not 04:19:32PM
11 something you can cover up. 04:19:36PM
12 Mr Commissioner, they are the matters that I wish to put. 04:19:47PM
13 COMMISSIONER: Very good. 04:19:50PM
14 MR LAWRIE: There are some other matters that I would like to 04:19:51PM
15 explore in private. 04:19:53PM
16 COMMISSIONER: In private examination, yes. Mr Dann, before we 04:19:56PM
17 go into private examination, are there any matters that 04:19:58PM
18 would you like to cover with your client while we remain 04:20:02PM
19 in public sitting? 04:20:05PM
20 MR DANN: No, your Honour. 04:20:07PM
21 COMMISSIONER: Very good. Well, we'll move into private 04:20:09PM
22 session. I understand it will take two or three minutes. 04:20:11PM
23 If you could just wait, Mr Kyritsis?---Yeah, that's fine. 04:20:15PM
24 (Short adjournment.) 04:20:15PM
25 (PRIVATE HEARING FOLLOWS) 04:20:20PM
26
27
28
29