
TRANSCRIPT OF AFTERNOON PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

TUESDAY, 27 OCTOBER 2020

(2nd day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH 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 1.30 PM:

2 COMMISSIONER: Thank you very much. Mr Pinder and Ms Currie,
3 are you ready to proceed? Thank you. Yes, Mr Lawrie.

4 <JAMES GRAHAME PINDER, recalled:

5 <EXAMINED BY MR LAWRIE, continued:

6 Commissioner, I propose to just go back to the earlier
7 conversation to adopt the same approach for all of these
8 calls. So that will be telephone call number 11 and this
9 commences at - it's a two-page transcript commencing at
10 p.549. So what we'll do, Mr Pinder, is play the audio and
11 as the audio is playing the transcript will scroll past
12 and you'll be able to follow it. And this is the call
13 that we've dealt with just a moment ago before the break
14 which was the 'opportunity to throw you a bit of extra you
15 know what'. So we'll play that call in full now, and
16 I should say it's 10 March 2020.

17 (Audio recording played to the Commission.)

18 MR LAWRIE: So, Mr Pinder, that was the call that I asked you
19 some questions about, about the nature of your
20 communication and the 'bit of extra you know what being
21 thrown your way'. You still say that's the type of
22 communication that you would have from time to time, even
23 though you were in the role of CEO and this contract
24 management would ordinarily be handled by any number of
25 your subordinates; is that the case?---Yes, and now that
26 I've heard that, you know, it's the sort of conversation
27 that I would have to say, 'You better get ready for this
28 because there's a lot of work to be coming up and we've
29 got to get it done and it's got to be right and we've got

1 to do a good job' and all that sort of thing. I'm a bit
2 embarrassed about the Coronavirus prediction, but anyway.

3 COMMISSIONER: Mr Pinder, you think that was a perfectly
4 appropriate and permissible thing for you to be doing as
5 the CEO of V/Line, do you?---So, Mr Commissioner, in order
6 for us to - - -

7 Can you not answer that more simply? If you went to the board,
8 do you think the board would approve you having a
9 conversation like that with the head of
10 Transclean?---Probably not.

11 Why not?---Because I used a swear word for a start and I was
12 slightly more familiar than they would expect me to be.

13 What about the way you spoke when you said 'you know what'?

14 What was the message you were really conveying to

15 Mr Haritos there?---My message to George there was that,
16 'There's going to be,' as I've said already, 'a certain
17 workload that you're going to have to cope with and it's
18 going to be difficult.'

19 All right. Yes, Mr Lawrie.

20 MR LAWRIE: Thank you, Commissioner. The next excerpt is
21 number 12, which is a few minutes later in the same call.

22 This commences at - - -

23 COMMISSIONER: Sorry, just to reorganise the exhibits then,
24 that previous transcript was tendered as JP20. I'll add
25 transcript and audio. It will remain JP20.

26 #EXHIBIT JP20 - (Added) Transcript and audio of conversation
27 between Mr Pinder and Mr Haritos 10/03/20.

28 MR LAWRIE: So, audio 12 commences at transcript 551, if we can
29 play that now. So this is just a few minutes later in the

1 same call, Mr Pinder, that is on 10 March 2020.

2 (Audio recording played to the Commission.)

3 MR LAWRIE: Thank you. Before I forget, I'll tender both the
4 audio and the transcript. Thank you, Commissioner.

5 Sorry, Commissioner, I think you're muted.

6 COMMISSIONER: Thank you. JP21, that's the audio and
7 transcript of the further conversation.

8 #EXHIBIT JP21 - Audio and transcript of further conversation on
9 10/03/20.

10 MR LAWRIE: Thank you, Commissioner. Mr Pinder, in that
11 conversation we hear you talking about the opportunity to
12 boost coffers. That was the coffers of Transclean you
13 were referring to, weren't you?---Probably Transclean and
14 V/Line.

15 How would it boost V/Line's coffers when it's V/Line who's
16 expending the money for the additional cleaning
17 services?---Well, in these circumstances quite often we
18 get asked to urgently do work and ahead of receiving the
19 funds and then doing the work and then don't subsequently
20 get the funds and we get criticised for spending money
21 that we weren't budgeted for. So I was keen to make sure
22 that before we committed to doing a whole lot of work that
23 there would be funds available to do it.

24 I'm sorry, I simply don't understand that answer. How does a
25 potential increased expenditure by V/Line in its COVID-19
26 pandemic response present as an opportunity for V/Line to
27 boost its coffers?---When you put it that way, I don't
28 mean it - I guess it doesn't really make sense. But what
29 I'm saying is that quite often we would be set a budget

1 for the year to do, in this case, cleaning activities. We
2 would be asked at short notice to do this work and then
3 subsequently not get the money. As it turned out in the
4 end, in the end, all of this work was contracted directly
5 by the department and we didn't do it. So this
6 conversation, for me, was all about making sure that if we
7 get asked to do the work, operationally we would be ready
8 to do it.

9 Are you in discussion with the Department of Health and Human
10 Services at that time about the likely regime that would
11 be required for public transport cleaning?---Well, I think
12 at that specific time - I mean, I would have to check, but
13 from memory at that specific time it was all a little bit
14 unclear. It was ramping up. It was escalating. It was
15 unknown. But, yes, in a nutshell - - -

16 Is that a long way of saying 'no' to my question? Is that a
17 long way of saying 'no'? You weren't in communication,
18 that is you were not, in communication with Department of
19 Health and Human Services to have an understanding of what
20 those additional requirements might be?---We don't
21 communicate with the Department of Health and Social
22 Services. So the answer is, no, we communicate with the
23 Department of Transport.

24 That's my next question. Were you in communication with the
25 Department of Transport about what those additional
26 services might be?---From time to time, yes.

27 And is that why you were describing - you were exploring them
28 with Mr Haritos whether they might be once per night or
29 once every arrival at Southern Cross?---Correct.

1 And that's the sort of level of detail you would involve
2 yourself in as the CEO; is that right?---Not under normal
3 circumstances, no. But the COVID-19 pandemic was anything
4 but normal.

5 We'll go to another phone call now. This is phone call number
6 15. This is a phone call between you and Peter Bollas on
7 20 March 2020 and it commences at 564. Call number 15.

8 (Audio recording play to the commission.)

9 MR LAWRIE: That's the end of that portion. I tender the audio
10 and the transcript, Commissioner.

11 COMMISSIONER: That's JP22.

12 #EXHIBIT JP22 - Audio and transcript of conversation, Mr Pinder
13 and Mr Bollas, 20/03/20.

14 MR LAWRIE: Mr Pinder, this telephone conversation was
15 initiated by you to Peter Bollas and like the previous
16 conversations that we've spoken about took place on phone
17 number 1, what I've called the secret phone, that was
18 subscribed in the name of Maria Tsakopoulos. Why would
19 you be using that phone for these conversations?---I think
20 I always spoke to Peter Bollas on that phone.

21 Not on your work phone or your private phone?---Well, that was
22 my private phone.

23 No, this was the Tsakopoulos phone?---Sorry, which phone?

24 This was the phone that Maria Tsakopoulos provided you in
25 December of 2016?---So, at the time I had three phones.
26 One was a work phone, the other one is a phone you
27 described as phone number 1 and the other phone was a UK
28 phone.

29 Yes, so this is phone number 1 which is the phone that Maria

1 Tsakopoulos provided you in December 2016. Why would you
2 have a conversation such as this on that secret
3 phone?---Well, I always spoke to Peter on that phone.
4 Okay. On p.565 you say, 'Yeah, yeah, just caught up with our
5 friend.' You're referring to Mr Haritos there, aren't
6 you?---Yes.
7 You talk about Peter Bollas, perhaps catching up with him next
8 week?---Yes.
9 You also speak about 'top-ups'. What do you mean by
10 'top-ups'?---Well, I think you can tell by the tone of
11 that conversation that it was a fairly jovial one - - -
12 No, Mr Pinder, I'm going to direct you to the
13 question?---You've asked me a question.
14 COMMISSIONER: Just a moment, both of you. Mr Lawrie, let
15 Mr Pinder answer the question, please.
16 MR LAWRIE: Sorry, your Honour?---Thank you, Mr Commissioner.
17 So, I think the conversation was quite jovial, you know,
18 'Oh, I bet you've got a lot on. Yes, tell me about it',
19 type thing. George and Metro - well, Metro in particular,
20 were struggling financially at this time in the lead-up to
21 the Coronavirus, and George was at the point where he
22 would tell me quite regularly that he was really worried
23 about the Metro contract and would probably have to walk
24 away from it if things didn't happen, and therefore when
25 I said there was an opportunity for top-ups I was assuming
26 that it would make his life easier with reference to that
27 contract, because he was financially struggling
28 significantly, according to him.
29 COMMISSIONER: Sorry, who was going to be topped up?---The -

1 Transclean.

2 MR LAWRIE: So the top-ups you're referring to is additional
3 expenditure by both V/Line and Metro to Transclean; is
4 that right?---Yes, I think so.

5 And then you say, 'We'll have to have that conversation'. What
6 were you referring to there?---Sorry, where does it say
7 that?

8 Line 56 of the same page?---I think I was laughing at that
9 point and Peter was talking about Christmas bonuses, which
10 we never get, ironically, and it was just a jokey
11 conversation that I was having with a friend of mine who
12 was very busy at the time, and I think you can tell that
13 from that conversation.

14 COMMISSIONER: Mr Pinder, a reader of that conversation might
15 say that when you and Mr Bollas have noted that you've
16 given Transclean lots more work and then you observe,
17 'It's about top-ups. I suppose at some point we'll have
18 to have that conversation', that doesn't sound like
19 Transclean top-ups, that sounds like something needs to be
20 given to someone in return for the additional work that's
21 been given to Transclean. Isn't that a fair reading of
22 that conversation?---I don't believe so, Commissioner, no.
23 You don't think so. Right.

24 MR LAWRIE: Thank you. We'll move forward to the next call,
25 which is call number 18. This commences at 569. It's a
26 call on 27 March 2020 from George Haritos to you on phone
27 number 1, the secret phone, and we'll play that now.

28 (Audio recording played to the Commission.)

29 MR LAWRIE: Commissioner, I tender the audio and the transcript

1 for that call, which is call 18.

2 COMMISSIONER: 27 March 20 between Mr Pinder and Mr Haritos,
3 JP23.

4 #EXHIBIT JP23 - Audio and transcript of conversation, Mr Pinder
5 and Mr Haritos, 27/03/20.

6 MR LAWRIE: Mr Pinder, as at the time of that call, which is
7 27 March 2020, was it V/Line that was providing the extra
8 cleaning services for its rolling stock or was it being
9 provided from the department directly, as you spoke about
10 earlier?---I believe it was being funded by the department
11 and we were organising it logistically.

12 So the department were making, that is the Department of
13 Transport, were making the decisions about which
14 contractors were to be utilised to provide the extra
15 COVID-19 response cleaning services?---That was certainly
16 my understanding, Mr Lawrie.

17 And so when you said, 'I just wanted to make sure stuff was
18 flowing your way,' were you talking about making sure that
19 the department was engaging Transclean for at least a
20 substantial quantity of those additional services?---No,
21 I believe from listening to that that I was making sure
22 that they were paying him for it.

23 'Stuff', why do you call it 'stuff' rather than money or
24 payment? I mean 'stuff' is something else, isn't
25 it?---I'm sorry, I don't follow.

26 If you're worried about the Department of Transport not paying
27 or being slow in paying Transclean for additional
28 services, why didn't you just say that? Why use this
29 cryptic phrase of, 'Just wanting to make sure stuff is

1 flowing your way'?---Well, that's just the way I speak,
2 Mr Lawrie, I'm sorry.

3 I suggest to you something quite different. You're not
4 enquiring about, on Transclean's behalf, worried about
5 Transclean, whether they're being paid promptly or
6 otherwise. What you're enquiring about is to make sure
7 that the Department of Transport is sending this
8 additional work to Transclean. That's what that is, isn't
9 it?---No, I don't believe it was. Even if it was, I don't
10 think that would be a problem because from my perspective
11 at V/Line the most important thing at the time was that we
12 were delivering what was required of us, whether it was
13 running the services, making sure that the staff are okay,
14 making sure that the trains were clean. All of that was
15 my responsibility and I wanted to make sure that things
16 were okay and, to your point earlier on, this is the way
17 that I speak to people. You could listen to any number of
18 telephone conversations and you would hear that this is
19 the way I speak to people, and that's all I've got to say
20 about that.

21 Okay. You met with Mr Haritos on several occasions, but I want
22 to point out one, on 3 April of 2020, outside the offices
23 of Transclean in South Yarra; do you remember doing
24 that?---I do.

25 Do you remember meeting - that was a Friday. Do you remember
26 meeting him at about 1.30 in the afternoon?---I don't
27 remember the time, Mr Lawrie.

28 But you remember meeting him on that day? You remember that
29 meeting?---Okay, maybe I answered that question a little

1 bit quickly. Could you ask the question again, please?

2 Do you remember meeting Mr Haritos outside the offices of

3 Transclean in South Yarra on Friday 3 April

4 2020?---I don't remember meeting him outside his offices

5 on that specific day, but I could have done.

6 COMMISSIONER: You remember a meeting at that location; you are

7 not sure about the date?---I'm trying to be really clear

8 here, Mr Commission.

9 That's all right?---I have met George Haritos at his offices

10 before and I could have met him on that date.

11 Yes.

12 MR LAWRIE: Just to be precise we'll show you an image, image

13 number 5, if that can be put up on the screen, please, and

14 I think that's at - it's just image number 5. That image

15 was taken at 1.35 pm on 3 April 2020 and that shows you

16 and Mr Haritos, doesn't it?---Yes.

17 Okay. Is that the car park near the Transclean offices?---It

18 looks like it, yes.

19 Is that Mr Haritos's car in the background?---I don't know

20 whether that's the registration number. I can't read the

21 registration number. I wouldn't know it anyway.

22 You're holding some chemicals there, some cleaning

23 equipment?---Yes, I am.

24 And Mr Haritos had given that to you that day?---Yes.

25 I tender that.

26 COMMISSIONER: Yes. Did you pay for that material,

27 Mr Pinder?---Sorry, Mr Commissioner, I didn't catch that.

28 The material that Mr Haritos gave you that day, was that paid

29 for?---I didn't pay for it, Commissioner, no.

1 Are you obliged to in your position?---I think - - -
2 Or to declare it as a gift?---I don't remember it being a gift.
3 He gave me a bottle of the disinfectant that they were
4 using on the trains so that I could use it and he gave me
5 one of the squeegee bottles that they applied it with.
6 Yes. Had you asked him for it?---I don't think I had. I think
7 he just said, 'This is what we're using. Take some with
8 you.' It was the sort of thing that George would say.
9 'Take some with you. Stick it in the office. Put it in
10 the boot of the car, whatever.' You know, that sort of
11 thing. I don't really remember.

12 MR LAWRIE: After that meeting I'll take you to a phone call
13 between yourself and Mr Haritos. This is call number 22
14 that occurs on 15 April, so it's 12 days after the
15 meeting, and this commences at 581.

16 (Audio recording played to the Commission.)

17 MR LAWRIE: So that's the end of that excerpt. Commissioner,
18 I tender the audio of telephone call 22 together with the
19 transcript.

20 COMMISSIONER: Yes, that will be JP25. I'm not sure if you
21 tendered the surveillance image.

22 MR LAWRIE: I don't think I did. That was image 5.

23 COMMISSIONER: Of 3 April. That will be JP24.

24 #EXHIBIT JP24 - Surveillance image number 5, 03/04/20.

25 #EXHIBIT JP25 - Transcript and audio of telephone call,
26 Mr Pinder and Mr Haritos, 15/04/20.

27 MR LAWRIE: Thank you. The content of that call begins with
28 Mr Haritos complaining about slow payments from Yarra
29 Trams; you agree with that?---Yes.

1 And that, together with his additional expenditure on supplies
2 to provide additional cleaning, was causing him a cash
3 flow problem apparently; is that right?---It would appear
4 so.

5 And that leads into this part of the conversation at page 583,
6 if we can move to there, at line 43, when Mr Haritos says
7 to you, 'Listen, if I've got a glitch, May, might have to
8 do early May and mid to late May. Does that cause a
9 problem?' What's the 'glitch' that he's talking
10 about?---I don't know.

11 Well, after you have this conversation you say that it's not
12 going to present a problem, so you must have comprehended
13 the nature of the glitch at the time?---I think I said,
14 'What's that, sorry? Yeah, I might have a glitch. Have a
15 catch-up.' I just assumed that he was struggling and
16 didn't want to catch up with me, and normally when we used
17 to catch up it was either for me to give him some money or
18 for him to give me some money from the gambling syndicate.
19 So I just assumed that that's what he was referring to.

20 What would be the glitch that the syndicate couldn't pay out
21 when it was meant to?---I don't believe it's fair for me
22 to answer questions on behalf of George.

23 No - - -

24 COMMISSIONER: You're being asked about your understanding,
25 Mr Pinder?---My understanding from what he said was that
26 he was struggling both busy-wise and both financially-wise
27 and wasn't going to be able to catch up with me. That's
28 what I took from that, nothing more.

29 Could I just ask you, Mr Pinder, how regularly at this time,

1 this is early this year, how regularly were you going to
2 the casino or the races with Mr Haritos?---Very rarely.
3 Very rarely. So casino, horse racing, they were the two
4 sources of syndicate money?---Correct.
5 So it doesn't sound as though this would be - in early May this
6 would be in relation to distribution of syndicate
7 funds?---Probably, Commissioner, yes.
8 I'm sorry, I don't follow. You mean probably it is or probably
9 it's not?---Probably it is, yes.
10 Sorry, what was the arrangement you had in terms of
11 distributing winnings that the syndicate made,
12 Mr Pinder?---We had no fixed arrangement, Mr Commissioner.
13 There were - from time to time George would say, 'I want
14 to see you,' and either - if I was going to go to him,
15 then he would normally give me some money. If he came to
16 me, I would normally give him some money. That was
17 normally how it worked.
18 Yes, but if the gambling was rare at this point of time in the
19 year, why would there be an expected meeting to distribute
20 gambling funds in May?---There was no casino gambling
21 funds, Mr Commissioner. This was horse racing funds and
22 has been for some time now, and George would take care of
23 everything. I don't know who he placed the bets with or
24 whether or not there was some delay with that. It didn't
25 bother me, I wasn't fussed about it, which is why I said
26 to him, 'It's fine'.
27 Because it's evident, isn't it, from lines 43 to 55 that there
28 was already an expectation that you were going to meet in
29 May and what Mr Haritos was telling you was, 'Would it

1 trouble you if we changed the meeting dates to early and
2 mid to late May,' when he meets you?---At that time,
3 Commissioner, George had significant funds in the kitty,
4 from my memory, and it would appear that he was asking me
5 whether it was okay to delay sharing those funds for a
6 couple of weeks, and I didn't have a problem with that and
7 that's why I said it.

8 The only question is what were the funds really coming
9 from?---Well, as far as I'm concerned, Commissioner, with
10 all due respect, I've answered that question already and
11 I believe that the funds were coming from the betting
12 syndicate that we had.

13 Where were those funds kept, Mr Pinder?---With Mr Haritos.

14 Yes, where did he keep them?---I've no idea.

15 And how long would he keep them for before he would distribute
16 them?---Well, that depended on what he was planning to do.
17 From month to month he would say, 'I've got this much
18 now,' or 'I need this much now,' and that's how the
19 conversation used to go. I have no idea where he used to
20 keep the money and I've got no idea how long he used to
21 keep it for.

22 So this is not just then about a major contractor providing
23 services to Transclean with whom you're in a gambling
24 syndicate; this is a major contractor who is regularly
25 giving you money from that syndicate, is that the
26 position?---Yes, and vice-versa, yes.

27 And you didn't think that there was any need for you to
28 disclose any of that to the board of V/Line?---Well,
29 I think, Commissioner, I have made it clear that that was

1 a mistake on my part.

2 You knew that you should have declared it?---Yes.

3 And why didn't you?---Because, as I think I said to you

4 previously, that I didn't think it was a particularly good

5 look that I had this relationship with somebody that

6 worked in the industry.

7 It's more than that, isn't it? Surely the board would have

8 been troubled. If you went to the board and said, 'I'm

9 regularly receiving cash payments from one of our

10 principal cleaning contractors,' the board would have been

11 concerned about that, wouldn't it?---Yes.

12 And so you deliberately concealed this?---Yes.

13 Thank you. Yes, Mr Lawrie.

14 MR LAWRIE: Thank you, Commissioner. You speak about the next

15 catch-up would have to be early May, and then you speak

16 about a following catch-up scheduled for a few weeks after

17 that. Is that because you expected this delayed payout

18 from the syndicate to come in two tranches?---No, not at

19 all. I think what generally used to happen was there

20 would be a period of time between us either giving George

21 money to top up the kitty or him giving us money from the

22 kitty, and that would happen once every four to six weeks.

23 In this phone call how much were you expecting to come to you

24 as a dividend?---I didn't know.

25 And how much did you understand to be delayed?---I didn't know.

26 You can't say whether it was 1,000 or 10,000, can you?---No.

27 Did that trouble you?---No, because I trusted George, and we

28 would have those conversations in person.

29 Did you know which horses this money had been won on?---George

1 doesn't just bet on horses. George bets on all sorts of
2 different permutations and - it's not just a matter of
3 picking horse number 3 in the fourth race. That's not
4 what he does. But I don't even understand how he does
5 what he does. He tries to explain it to me, but you would
6 have to ask him.

7 So he engages in things like multi-bets and complicated - -
8 -?---Those sorts of things, some of which, you know,
9 I have been associated with horse racing my whole life,
10 but the terminology and the way that betting is phrased
11 over here is completely different to the terminology in
12 the UK and it's just - yeah.

13 But there's no conversation between you and George ever of,
14 'We've just had a huge win on Barry's Pride at the Dapto
15 Dogs,' or wherever it is?---No, and - - -
16 'And we are going to get a huge payout'?---You will find those
17 types of conversations with other people, but not with
18 George.

19 Okay?---And, yeah, like I say, you're better off asking him.
20 All right.

21 COMMISSIONER: If I follow correctly then, Mr Pinder, you had
22 no idea how much Mr Haritos was going to distribute when
23 you met on either of these dates that he was proposing in
24 May?---No.

25 It could have been \$2,000, it could have been \$20,000?---Well,
26 it would never have been that much. It never was that
27 much. You know, as I said to Mr Lawrie earlier on, it was
28 two, three, four, five, that sort of amount, and 10 would
29 have been the maximum.

1 Mr Haritos is speaking as though he understands you've got an
2 expectation, not only that these meetings will take place,
3 but you've got an expectation about a sum of money that's
4 going to be coming to you, hence he's asking you, 'Do you
5 have a problem if I delay giving you the money?' Do you
6 agree with that?---I don't believe that he's indicating
7 there how much money or that I've indicated how much money
8 I'm expecting, no.

9 Why would he ask you if you have a problem if he didn't think
10 you had an expectation about receiving a particular sum of
11 money from him? Why would he think there might be a
12 problem on your part?---Well, he might think that
13 I haven't got any money or something. I don't know.

14 Yes, all right. Yes, Mr Lawrie.

15 MR LAWRIE: Thank you, Commissioner. You indeed met with
16 Mr Haritos after that phone call on 2 May, didn't you, at
17 a Toorak cafe?---I don't know.

18 The one outside of - - -?---If you say that I did, then I did.

19 But I don't remember - - -

20 Okay?---The date.

21 Perhaps if we bring up image number 6, please. This shows you
22 meeting outside the cafe on the Saturday, 2 May, at about
23 10.30 am. Do you recall that meeting?---I don't recall
24 that, no, but, you know, it's obviously me and George.

25 Did you receive some winnings or a dividend from the syndicate
26 at that meeting?---I don't know, Mr Lawrie.

27 Okay?---I would assume so.

28 I tender that, Commissioner.

29 COMMISSIONER: What do you suggest it shows, Mr Lawrie?

1 MR LAWRIE: Well, it's simply to put in context it's a meeting
2 that takes place outside a cafe in Toorak on
3 2 May?---I don't recognise that place. I'm not sure that
4 that is a cafe. But if you say it is, then - - -
5 All right. Perhaps I'll just hold that back for a moment,
6 Commissioner.

7 COMMISSIONER: Yes.

8 MR LAWRIE: I want to take you to a call a few days before that
9 meeting on 21 April. This is a call between you and
10 Mr Bollas, again made on the same phone that we've been
11 talking about the whole time. This is call number 24,
12 commencing at 6.01 in the transcript.

13 (Audio recording played to the commission.)

14 MR LAWRIE: I tender both the audio and the transcript for call
15 number 24, which is a call on 21 April 2020 from James
16 Pinder to Peter Bollas at 8.45 pm.

17 COMMISSIONER: That will be exhibit JP27.

18 #EXHIBIT JP27 - Transcript and audio of telephone call,
19 Mr Pinder and Mr Bollas, 21/04/20.

20 MR LAWRIE: You've listened to that call, Mr Pinder;
21 yes?---Yes.

22 You speak about, in the course of that call, the amount of
23 money per month that is being expended by both Metro and
24 V/Line to Transclean; don't you?---Yes.

25 And that's in the terms of additional expenditure during the
26 COVID-19 response, isn't it?---Yes.

27 What's 'the sprinkle'? Maybe the time's come, Mr Pinder, to
28 speak openly about this. What is 'the
29 sprinkle'?---I don't remember that conversation. It

1 obviously happened. The - - -

2 COMMISSIONER: Seriously, I can't sit through this. We're
3 going to adjourn for 10 minutes, Ms Currie. I suggest you
4 speak to your client. We'll adjourn for 10 minutes.

5 (Short adjournment.)

6 COMMISSIONER: Mr Pinder, I wanted you to have an opportunity
7 to talk to your counsel because I wanted you to reflect
8 very carefully on the answers that you're commencing to
9 embark upon in relation to this particular
10 conversation?---Yes, Mr Commissioner.

11 Yes, Mr Lawrie.

12 MR LAWRIE: Thank you, Mr Commissioner. This conversation,
13 Mr Pinder, starts with you discussing with Mr Bollas how
14 much each of you are spending in additional expenditure
15 towards Transclean, aren't you?---Yes.

16 Can you put the transcript up again, please, madam operator?

17 Thank you.

18 MR LAWRIE: So this is p.601. If we look at p.601 at line 9,
19 Mr Bollas tells you, 'We've spent about 1.3 million on
20 him,' and you reply, 'We're doing half a mill a month'; do
21 you see that?---Yes.

22 Is that additional expenditure over and above what you would
23 ordinarily be expending for cleaning services?---Yes,
24 I believe that relates to the money I was talking about
25 that was coming from the department in response to the
26 Coronavirus outbreak.

27 And that was work that you were making sure was going his way,
28 wasn't it?---No, Mr Lawrie, I wasn't.

29 Well, didn't you enquire in an earlier phone call to make sure

1 that stuff was going his way?---I - yes.
2 Okay?---But I didn't arrange for it to - for Transclean to be
3 contracted. I didn't do that.
4 The start of the conversation appears to be a little tense
5 between you and Mr Bollas; do you agree with
6 that?---I think from listening to it it sounded like he
7 was a little bit tense, yes.
8 And that was because there was a suggestion that Mr Bollas had
9 approached Mr Haritos about something, when it was you
10 that was meant to be approaching Mr Haritos about
11 something; do you agree with that?---I think the truth of
12 it at the time was that Peter was exasperated, was very
13 busy, and I said to him, 'Have you spoken to George?' And
14 he said quite forcefully, no, he hadn't. That's how
15 I read it.
16 Mr Bollas at line 4 says, 'What do you think, I've gone foolish
17 because I haven't seen you,' and you say, 'No, no, I'm
18 just check - easy, brother, easy'?---Yes.
19 I suggest that's a discussion between you and him about who it
20 is, whether it 's to be you or Mr Bollas, that is to speak
21 to Mr Haritos about whatever the issue is?---Yes, but
22 Peter would often speak to George more often than I did
23 because of the nature of their jobs.
24 What was the subject matter that that relates to that caused
25 this tension in Mr Bollas?---I don't know. Forgive me,
26 was that the beginning of the telephone conversation?
27 It was, yes?---What, that was the first line in the
28 conversation?
29 That's right. You say, 'And you've been speaking to George

1 about that' - sorry - 'And you've spoken to George about
2 that, have you?'

3 COMMISSIONER: No, Mr Pinder is asking is that the very first
4 line of the conversation? Is the audio available?

5 MR LAWRIE: We can replay the audio?---No, I was asking whether
6 or not - sorry, I'm trying to be really clear now. I've
7 had a conversation, as you've just described,
8 Mr Commissioner. I'm trying to be really clear, but I'm
9 asking - the question I'm asking: is that the beginning of
10 the conversation or is that the beginning of the excerpt?

11 MR LAWRIE: It's the beginning of the excerpt?---Then I can't
12 be sure - I think your question was: do you know what was
13 making Peter angry? I can't be sure because - - -

14 Okay. Can we go to p.602, please, of the transcript, and we go
15 down to line 34. You'll recall this. Mr Bollas says,
16 'And look, what realistically you shouldn't go in hard.
17 Tell him like this. 50 each. Done.' And you agree with
18 'All right'. What was that a reference to?---I think
19 Peter was saying that we should be asking George for
20 \$50,000 each for this extra work that he was doing.

21 That is you should be asking Mr Haritos for 50,000 and
22 Mr Bollas should be asking Mr Haritos for
23 50,000?---I believe that's what he was saying.

24 And you said 'All right'. And it's in that context of
25 approaching Mr Bollas for this additional 50,000 that was
26 the tension we were just talking about earlier; it was who
27 was to make that approach, whether it was to be you or
28 Mr Bollas.

29 COMMISSIONER: I'm not sure that's fair, Mr Lawrie. We haven't

1 played the conversation before the excerpt commences.

2 I don't think we can ask Mr Pinder to comment on that.

3 MR LAWRIE: Certainly, Commissioner. Mr Bollas replies, 'We're
4 not greedy fuckers but he needs to understand.' Was that
5 a sentiment that you agreed with?---I don't necessarily
6 believe so, no.

7 And you reply to him, 'No, no, but as long as I know what you
8 want, that's the main thing.' What were you referring to?
9 What was it that Mr Bollas wanted?---Well, I think it's
10 fairly clear. \$50,000.

11 So can I cut to the chase here, Mr Pinder. Is the central part
12 of this call a discussion between you and Mr Bollas about
13 approaching Mr Haritos for an additional \$50,000 cash
14 payment each; that is, 50,000 to you and 50,000 to
15 Mr Bollas in cash?---That's what I believe was the intent
16 of the conversation.

17 And the intent of the conversation was for you to lead that
18 approach - you were to be the one to make that approach to
19 Mr Haritos, weren't you, to have that conversation with
20 him?---That was what was being asked.

21 That was what was being contemplated?---Correct.

22 COMMISSIONER: And that's what you thought was
23 reasonable?---I think I was trying to calm Peter down.
24 I hadn't thought about it. I was responding to him being
25 quite agitated, Mr Commissioner. That's my honest answer.

26 MR LAWRIE: Did you think Mr Bollas at that stage was trying to
27 extort Mr Haritos?---I'm not 100 per cent sure because I'm
28 not sure what was making him so angry, but it was - it was
29 like - it sounds to me like he's had a bad day and he's

1 venting.

2 He asks you whether you think that's reasonable, he's referring
3 to the proposed request for \$50,000 each, and you reply,
4 'Yeah', don't you?---Yes, I do.

5 And you go on, 'Well, last time I spoke to you about this you
6 was talking about apartments and all that sort of thing.'
7 What's that a reference to?---We had had a conversation
8 previously, again where Peter was quite upset about things
9 in general, and I really feel - I don't - and every now
10 and again Peter would blow off steam and that's what I was
11 referring to.

12 No, that's simply not an answer to the question, with respect,
13 Mr Pinder. What does the reference to apartments
14 mean?---Well, I remember Peter saying that you can get
15 frustrated with George because George was always moaning
16 about this and moaning about that and didn't think he was
17 being truthful, and at the same time he was building some
18 apartments, and I think he said - and I don't know that he
19 meant it - but I think he said, you know, 'You should ask
20 him for a bloody apartment,' or something like that.
21 That's what I think he was referring to - I was referring
22 to.

23 Who said that to who? 'You should ask him for an apartment,'
24 who said that?---The previous conversation? I think
25 Peter.

26 Said that to you?---I believe so.

27 Suggesting that you should ask Mr Haritos for an
28 apartment?---Well, that's what I said there. 'Well, last
29 time I spoke to you about this you were talking about

1 apartments and all that sort of thing.' So that's how
2 I read that.

3 COMMISSIONER: Your response there, Mr Pinder, was not, 'I've
4 got no idea what you're talking about, Mr Bollas. What,
5 you're suggesting that we should ask Mr Haritos for a
6 bribe? How can you be thinking something like that?' Why
7 don't we see a response like that from you,
8 Mr Pinder?---My response, Commissioner, is that quite
9 often Peter and George would rub each other up the wrong
10 way and get very agitated and start shouting and screaming
11 at each other in Greek, so I don't know what they would
12 mean, and more often than not I was the one that used to
13 calm it down and to this point specifically I never asked
14 for \$50,000, I never - each. I never received it, but
15 this is what the conversation was about. Now, I know it's
16 inappropriate. I get that. But that's what the
17 conversation was about.

18 But, Mr Pinder, surely you would accept that any public servant
19 with integrity, who is having a conversation with another
20 relatively senior public servant, who hears from that
21 other public servant the suggestion that the first servant
22 should go off and seek a bribe, you would expect an
23 expression of indignant outrage at such a suggestion,
24 wouldn't you?---Yes.

25 Why wasn't that forthcoming from you?---I don't know.

26 And not only was it not forthcoming, but what you said to him
27 was, 'Yeah, look, I think \$50,000 is reasonable because
28 last time we talked about what we might get from Haritos
29 you were suggesting asking him for an apartment.' That's

1 your response?---I accept that, Mr Commissioner. All
2 I can say is that I received neither.
3 Yes, Mr Lawrie.
4 MR LAWRIE: Thank you, Commissioner. If we look at p.603 at
5 line 54. I'm sorry, I'll go back a little bit. At line
6 49 Mr Bollas - sorry, I'll start it one more time, at line
7 48. You say, 'He's kept you good in the meantime, has
8 he?' That's you asking a question of Mr Bollas. What
9 were you asking there?---Whether or not he had paid him
10 the money that he owed him.
11 From the syndicate?---I think so.
12 COMMISSIONER: Or for something else, Mr Pinder?---Sorry, can
13 you ask the question again, Mr Lawrie?
14 MR LAWRIE: I'm directing you to line 48 on p.603 where you ask
15 Mr Bollas, 'He's kept you good in the meantime, has
16 he?'?---Yes.
17 And that's a reference to a regular payment, isn't
18 it?---I believe that that is a reference to an arrangement
19 that he would have had with George.
20 What sort of arrangement?---Well, if it was the same as the
21 arrangement I had, it would have been the betting
22 syndicate.
23 So this syndicate is so successful it is paying out substantial
24 sums of money month on month with absolute regularity, is
25 it? It never fails to pay a monthly dividend?---No,
26 that's not what I've said.
27 That seems to be the impression, Mr Pinder. Is that a correct
28 impression?---That's your impression, Mr Lawrie. My
29 impression is that we had some months where George would

1 give us money and other months where we had to give him
2 money. That was my impression. I can't speak for Peter
3 Bollas. I appreciate that this is a very inappropriate
4 conversation, but I can't speak to why Peter was agitated
5 and why he was feeling the way he was. I was just trying
6 to calm him down and my point earlier is that I never
7 asked for that \$50,000 each and I never asked for an
8 apartment, and those things never happened. But he was
9 talking about it and I don't know why, and he was just
10 ranting.

11 So this whole conversation was you playing a part, you say, to
12 pacify Mr Bollas and pretend that you're agreeing with his
13 proposition that you should approach Mr Haritos on behalf
14 of you both to seek an extra \$50,000 each? It was a part
15 you were playing simply to pacify him, was it?---I don't
16 know that pacifying is the right word, but, yes, something
17 like that.

18 And so you adopt this role right through the end of the
19 conversation - perhaps I'll use a different word - to calm
20 him down?---I - - -

21 And you left him with the impression that you would seek on
22 both of your behalves \$50,000 each from Mr Haritos. You
23 left Mr Bollas with that impression at the end of the
24 call, didn't you?---It would appear so, yes.

25 You didn't find that troubling, that you might have exposed
26 yourself to an allegation of corruption by leaving
27 Mr Bollas with that impression at the end of the call,
28 even if it wasn't your intention to do that?---It did
29 concern me, yes.

1 But you did it nonetheless simply to calm Mr Bollas down, is
2 that right?---Yes.

3 COMMISSIONER: And 12 days later you met Mr Haritos in the
4 surveillance footage?---I did, Commissioner, but I did not
5 receive \$50,000 or anything like that.

6 MR LAWRIE: I take you to page - - -?---Nor did I ask for it.
7 Okay. Page 604 at line 70 you say this, 'All right, and I'll
8 talk to him.' That is, you'll talk to Haritos; is that
9 right?---Yes.

10 'And we'll round it up to make it a nice cool little - well,
11 I don't wanna, I don't wanna spook him, so we'll get what
12 we normally get, and then I'll say to him, um, that, uh,
13 on the back of this little, he always calls it a sprinkle,
14 don't he?' Mr Bollas interjects, 'Yeah, yeah. No, no,'
15 and you say, '50, 50's good.'?---Yes.

16 What's the - what do you normally get? What are you referring
17 to there?---The money that we were receiving from him.
18 I think I answered that already.

19 So that's the normal dividend from the betting
20 syndicate?---Yes.

21 Why would it spook him to seek what was rightfully yours as a
22 dividend as part of this betting syndicate? Why would
23 that spook anyone?---No, I think I was suggesting that
24 asking him for \$50,000 would spook him. Look, these
25 two - oh.

26 COMMISSIONER: Are you saying, Mr Pinder, you don't know
27 exactly what the nature of the relationship was between
28 Mr Haritos and Mr Bollas?---That's correct.

29 Are you saying that there might have been a corrupt

1 arrangement, but if there was you don't know anything
2 about it?---Correct.

3 You don't think you knew both of them well enough to be in a
4 position where it would be inevitable that if it was a
5 corrupt arrangement you would have known about it?---Yes,
6 that's true, and I don't - and I'm not accusing them of
7 having that arrangement. I'm just - George was always
8 pleading poverty, Pete was always saying, 'It's bullshit,'
9 and somewhere in between was the truth, and what I quite
10 regularly used to do was pacify both of them and calm them
11 down, and certainly a sum of money, like \$50,000, let
12 alone \$100,000, let alone an apartment, was never
13 something that I thought for one minute that anyone was
14 giving anyone. But we spoke about it. You know, I talk
15 about things - anyway. I think I've answered your
16 question.

17 You said in the course of that answer that Mr Haritos said to
18 you that what Bollas was saying or asking for was
19 'bullshit'. What sort of things did Mr Haritos say Bollas
20 was asking?---George would always say that they weren't
21 being paid properly by Metro because various different
22 things, from not paying for the waste removal properly,
23 not paying for the cleaning that they were doing properly,
24 and on the other side Pete was always saying, 'We're
25 paying him properly,' and I used to sit in the middle of
26 all of that and try and keep them from wringing each
27 other's necks. But to answer your question, I would be
28 astonished if there was an arrangement that I was not
29 aware of whereby those sorts of sums of money were being

1 passed from one to another. But with all due respect,
2 I don't - I'm happy to answer your questions where I have
3 a knowledge, but where I don't have a knowledge I don't
4 think it's right for me to make assumptions about other
5 people, and you might correct me if I'm wrong on that,
6 Mr Commissioner, and if I am wrong, then please correct
7 me, because I don't want to either frustrate you or
8 frustrate this process.

9 No one wants you to speculate, Mr Pinder?---I feel like that's
10 what I'm being asked to do, Mr Commissioner.

11 No, no, it was an answer you gave to Mr Lawrie at one stage
12 indicating that you didn't necessarily know what other
13 arrangements Mr Bollas had with Mr Haritos which led me to
14 really suggest to you, given how closely you knew both of
15 them, if there was some other arrangement, you would know
16 about it?---Okay. Well, if it existed, I don't.

17 MR LAWRIE: The other aspect of these calls, Mr Pinder, is that
18 whilst some of the words are coming from your mouth and
19 some of the words are coming from the mouth of the person
20 with whom you're speaking, it will either be apparent that
21 you both understand the subject of what you're talking
22 about or it won't. It's on those occasions where it's
23 apparently a meeting of minds of the two people speaking
24 that we'll be asking questions; okay?---Okay. Just to be
25 clear, I understand that now.

26 Okay.

27 COMMISSIONER: Mr Pinder, so you see this reference here, 'He
28 always calls it a sprinkle', what we've suddenly found in
29 this conversation is that if what you've told the

1 Commission is truthful that the moneys being paid by
2 Mr Haritos to you and Mr Bollas were dividends from your
3 gambling syndicate, that suddenly we have an intermingling
4 of the payment of those moneys together with moneys being
5 paid or suggesting that they should be paid to you for
6 additional work that Transclean was getting either from
7 V/Line or Metro. So, when you talk about him 'always
8 calling it a sprinkle', is that a sprinkle on the gambling
9 syndicate payments or is that a sprinkle on the amounts
10 being paid for sending him more work?---Well, sprinkle was
11 a term he used and he used to use it in the context of it
12 was always jam tomorrow, you know, 'Don't worry, we'll
13 sort it out. We'll call it a sprinkle at a later date.'
14 But it never happened. It never ever happened. It was
15 just the way that he spoke.

16 Is a sprinkle in relation to work, not the gambling
17 syndicate?---It might be a work, it might be 'Let's go to
18 the races,' it's just the way he speaks, which is - - -
19 It's not interchangeable with a phrase we heard in an earlier
20 conversation of 'a top-up'?---No.

21 Are you sure?---Well, I can't remember the earlier
22 conversation, but - - -

23 And if we go back - - -?---It's really difficult because I'm
24 trying to describe someone that is indescribable.

25 Yes. I wonder, madam operator, could you take us back to the
26 previous page where the reference is to all of the costs
27 Mr Haritos is incurring. That's fine. You see here we're
28 back now to the discussion that you'd already had with
29 Mr Haritos that he was wanting to change the meeting dates

1 for May and wanting to split some payments that he had to
2 make to you into two different tranches?---Yes.
3 And you see the explanation you give there, Mr Pinder, at line
4 50?---Yes, that's the sort of thing that George would do
5 all of the time.
6 That's got nothing to do with the gambling syndicate,
7 Mr Pinder; this is about Transclean's money?---No.
8 'He's had to lay out a lot of money on all of this equipment'.
9 He's talking there about the costs that Transclean is
10 incurring in meeting its additional obligations. He's not
11 talking about gambling there, is he?---That's not as
12 I understood it, Commissioner. George wouldn't
13 separate - he would keep a record, but he would
14 continually tell me that he was always, you know, short of
15 cash, somebody hasn't paid him yet, so he's used this
16 money to pay that money, and the money would go around and
17 around and around. But, as I was talking about it, it was
18 referring to the money that he owed us from the gambling
19 syndicate.
20 With respect, Mr Pinder, you're there talking about the
21 equipment that he's bought?---And he would have used that
22 money.
23 Yes. He would have used what money?---Any money he could lay
24 his hands on.
25 So he would have used your gambling - is that what you're
26 suggesting there?---Exactly.
27 That he's used your gambling syndicate money to purchase
28 equipment for Transclean?---Yes, and in the context of
29 what I said earlier on he was always - George is always

1 moving one thing to another thing and relating earlier on
2 in a conversation he was talking about Yarra hadn't paid
3 him and he's had to pay out for this and 'I've had to pay
4 out for that,' so in his mind those things are all of the
5 same.

6 Yes, Mr Lawrie.

7 MR LAWRIE: Thank you, Commissioner. Was this your view of
8 what George was like in the way he conducted himself
9 personally and also in the way he managed the affairs of
10 Transclean from the time of your commencement at V/Line?
11 Was he always like this back in 2016, for example, back in
12 2017?---I think - going back to this particular time there
13 was a lot of pressure on people. I don't think George was
14 like this all of the time. I think he was given to be a
15 little bit like this from time to time when the pressure
16 was on. But, no, I don't think he was like that all of
17 the time.

18 So if the pressure was on him, he performed in ways that
19 concerned you; is that a fair summary?---No. George
20 performed - I think I said to you yesterday that he in the
21 last two or three years has been a lot less hands-on with
22 Transclean and we mentioned Steven and I think we - I said
23 that Steven was effectively running the business now, is
24 my understanding. But with all of this going on, fires
25 blazing and virus raging, George would step into the
26 breach and everything was chaos.

27 Was he like this when you put the recommendations to the board
28 for the carriage contract in May of 2018 and then
29 subsequently the variation in 2019?---No, this is 2020.

1 Yes?---This virus only happened - we're talking about March and
2 April of this year.

3 But your involvement - - -?---And these people, by the way, and
4 I'm going to get into trouble again with my
5 representatives, they work astonishingly hard and they
6 were doing an enormous amount of work to keep the trains
7 clean and sanitised. So everyone, including Peter, as you
8 can see, was under a huge amount of pressure.

9 We're talking about the staff and those employed by Transclean
10 and you're talking about your subordinates at V/Line,
11 aren't you, people working very, very hard in the midst of
12 the COVID-19 pandemic response?---Yes, yes.

13 Let's have a look, please, at telephone call number 26, which
14 is at p.608.

15 COMMISSIONER: I'm not sure if we gave the last document and
16 audio an exhibit number. Yes, it's JP27, 21 April 20.

17 MR LAWRIE: Thank you, Commissioner. Mr Pinder, this is a call
18 from you to Peter Bollas. It takes place just after 4 pm
19 on 30 April of 2020. We'll play it now. Have you got a
20 phone with you, Mr Pinder?---Yes, switched off.

21 Thank you. We'll play that now.

22 (Audio recording played to the commission.)

23 MR LAWRIE: Sorry, have we lost the transcript? Can we have
24 the transcript on but the audio level increased, please?

25 (Audio recording played to the commission.)

26 MR LAWRIE: I tender that, Commissioner. That's call number
27 26, together with the transcript.

28 COMMISSIONER: JP28.

29 #EXHIBIT JP28 - Audio and transcript of conversation between

1 Mr Pinder and Mr Bollas, 30/04/20.

2 MR LAWRIE: The start of this conversation, Mr Pinder, is in
3 the context of the potential for Mr Bollas to leave Metro
4 and take up a managerial role at Transclean; is that
5 right?---Yes.

6 And at line 4 on p.608 you speak about four names of people you
7 know at Transclean; don't you?---Yes.

8 They're essentially in the contract management role for the
9 cleaning services contract, amongst other things, aren't
10 they, those people that you've mentioned?---Yes.

11 One of them includes Marie; that's Maria Tsakopoulos?---Yes.

12 So what you're saying there, as I understand it, is that if
13 Mr Bollas was to go and take up that sort of role at
14 Transclean he would be performing at least some of the
15 work or similar work to what Ms Tsakopoulos is performing;
16 is that right? 'Replace people like' three names and then
17 Ms Tsakopoulos?---I don't know what you mean, but - - -

18 I'll put it again. If you don't know what I mean, I'll put the
19 question again?---Okay. Thank you.

20 At line 3 you say, 'Well, unless something changes there in
21 terms of, um, you going in there or someone else going in
22 there to replace people like Nelson, Steven, Alex, Marie,
23 all of them.' What I'm suggesting to you there is that by
24 that statement you're suggesting that you know at least
25 something of the role that Marie Tsakopoulos performs at
26 Transclean?---No, I'm not saying that at all.

27 Well, the proposition is that Mr Bollas might go in there and
28 replace her, amongst others. He's not going to replace
29 her if she's in the mail room, is he?

1 COMMISSIONER: I don't think you're ad idem there, Mr Lawrie.

2 Mr Pinder, why don't you just tell us? What are you
3 meaning there?---My understanding was that George was
4 considering retiring and if and when he did retire, which
5 I actually don't think he ever will fully from anything,
6 he would offer Pete an opportunity to run the business,
7 and what I was saying is that if that ever happened you
8 would have to replace other people if you want to change
9 the way the business is run, because he goes on to moan
10 about, as is often the case, some examples where he feels
11 like he's been let down.

12 MR LAWRIE: 'The fundamentals weren't being met' was his
13 complaint, wasn't it?---That was his view, yes.

14 Did that concern you? Did that concern you to hear that from a
15 senior person at Metro about a company that was also
16 providing services to V/Line, that they were experiencing
17 these fundamental problems?---It was certainly contrary to
18 information that I had received about the quality of
19 the work that was going on at V/Line and it was certainly
20 different from what my observations were. So, it did
21 surprise me a little bit, yes.

22 Your personal observations?---Well, I spoke about the fact
23 yesterday that the trains looked very clean.

24 This is Mr Bollas at Metro telling you that Transclean are not
25 even getting the fundamentals right and complaining in
26 very direct terms about the leadership and the culture,
27 and this is the same organisation that is providing - I'm
28 going to say it - critical cleaning services to V/Line in
29 the midst of the pandemic. Did that not concern you?

1 This is direct information about under-performance, not
2 meeting standards. Did that not concern you?---I didn't
3 necessarily believe it to be true and he was, to be fair,
4 I think, talking about a period of time, he says these
5 eight weeks was an opportunity to step up, and his
6 observations were or his frustrations appeared to me to be
7 that that wasn't happening. As I've said to you already,
8 my observations and the information I had didn't
9 necessarily agree with that.

10 This is essentially eight weeks of the first Melbourne
11 lockdown, isn't it?---I can't remember the date of the
12 (indistinct) but I'll take your word for it.

13 Did you not give any weight to this information that was being
14 provided to you by Mr Bollas? Did you just disregard it
15 as him talking nonsense?---As I said to you I think
16 earlier on, Peter gets frustrated sometimes with George,
17 they clash, other times they don't. It's just
18 people - it's a human instinct. People gossip and talk
19 about people all of the time. He was venting .

20 This is more than gossip. Let's put this in context,
21 Mr Pinder. This is the midst of the first wave that
22 Melbourne and Victoria are facing in the COVID-19
23 pandemic. It's the first lockdown in Melbourne in March.
24 You yourself said in an earlier conversation that
25 maintaining public transport operational was critical, and
26 it's the quality of cleaning services being provided to
27 rolling stock on both Metro and V/Line which is at stake.
28 And this is specific information coming from a person that
29 you communicate with regularly at Metro complaining that

1 they are not getting the fundamentals right, and you say
2 that did not cause you a concern; is that
3 correct?---I didn't say that. I said that I didn't - that
4 wasn't in agreement with the information that I had.

5 Did you raise it with anyone else? Did you report it to your
6 contract management team?---I don't remember.

7 Oh, come on, Mr Pinder?---I don't think so, but you're asking
8 me a question about something that happened five or six
9 months ago and a lot has happened and I don't -
10 I genuinely don't remember. I could say yes or I could
11 say no, but - - -

12 COMMISSIONER: No, no, I understand it's always difficult to
13 remember things that are months old. What's being put to
14 you, though, is did you report within your organisation
15 the fact that one of your major cleaning contractors was,
16 according to the allegation, not discharging their COVID
17 obligations properly?---No, I didn't, because I didn't
18 believe it was true.

19 A simple answer to the question then, wasn't it?---Sorry,
20 Mr Commissioner.

21 MR LAWRIE: Can we have a look, please, at p.609,
22 Mr Pinder?---I don't necessarily need to do this now, but
23 at some stage I would quite like to go to the bathroom.

24 MR LAWRIE: All right. We'll have a break.

25 COMMISSIONER: Mr Lawrie, how much longer do you think you'll
26 be with this witness?

27 MR LAWRIE: It may go just briefly into tomorrow, Commissioner.

28 COMMISSIONER: All right. We'll break for 10 minutes now and
29 we'll sit on until quarter past four.

1 MR LAWRIE: Thank you, Commissioner?---Thank you.

2 (Short adjournment.)

3 COMMISSIONER: Are you ready to proceed, Mr Pinder?---I'm much
4 obliged, Mr Commissioner. Thank you.

5 Yes, thank you, Mr Lawrie.

6 MR LAWRIE: Thank you, Commissioner. Mr Pinder, we're dealing
7 with the telephone call between you and Mr Bollas on
8 30 April 2020, shortly after 4 pm. I'm going to take you
9 to the next page, which is p.609, and I'm going to direct
10 you to line 28. Mr Bollas says to you, 'You and I will
11 milk this as long as we can,' and you reply 'mm'.

12 I suggest to you that that was an expression of agreement
13 to that proposition. What do you say about
14 that?---I disagree.

15 Then Mr Bollas says, 'But at the end of the day if he wants me,
16 if he wants me to run with the big boys he better start
17 acting like a big boy. The other companies are acting
18 like big boys. I told him' - then you interrupt, 'Yeah,
19 no, I get that, I understand what you're saying.' He
20 replies, 'No, I know, I know,' and then you say this,
21 'Everything you're saying I agree 100 per cent. But
22 you're not going to change him.' Were you agreeing to the
23 'you and I will milk this as long as we can, yeah'?---No,
24 was agreeing to the fact, as I've said there, that,
25 'You're not going to change him. The only way it's going
26 to change is if someone like you goes in there and runs it
27 for him.'

28 What did you understand Mr Bollas to be referring to when he
29 said, 'You and I will milk this as long as we

1 can'?---I don't know.

2 No idea?---No.

3 It's milking the arrangement, the contractual arrangements,
4 between Metro and Transclean and V/Line and Transclean,
5 isn't it?---No.

6 Or if you didn't know what he meant why didn't you say, 'What
7 are you talking about'?---Well, I think it's hard to say
8 again without the transcript there, but it was - he said
9 it, I went 'mm', and he carried on talking. So I didn't
10 agree. I didn't - there's two 'm's there.

11 He's suggesting in that phrase that both you and he are milking
12 something and that you're going to do it as long as you
13 can. So he's not just putting himself into that
14 situation. He's putting you into it as well. Wouldn't
15 you say to him, 'What do you mean that I'm milking
16 something? What do you mean by that'?---I don't think
17 I had the chance to say anything. He was - at this stage
18 in the conversation he was letting off steam. And I don't
19 even know if I was listening to him. I probably - if it
20 had registered with me, I would have said something,
21 wouldn't I?

22 Well, that's what I'm saying, is that you must have known what
23 it meant because you agreed and then a few moments later
24 you said, 'Look, I agree 100 per cent with everything
25 you're saying'?---I agreed with what he said in line 30
26 because that was a lot clearer to me because I said,
27 'Yeah, I get that, what you're saying,' and then I got
28 interrupted, 'No, no, I know, I know.' 'Everything you're
29 saying I agree with. But you're not going to change him.'

1 So I was in my mind talking about George and the way that
2 he is, which is why I said it.

3 COMMISSIONER: Mr Pinder, your evidence is you don't understand
4 what Mr Bollas could have been thinking when he was
5 suggesting you have been milking Mr Haritos or
6 Transclean?---No. I don't even remember him saying it.

7 He obviously did, didn't he?---He obviously did. But I didn't
8 respond to it. So I don't - - -

9 You deny that you've been milking Transclean or
10 Mr Haritos?---I do.

11 MR LAWRIE: And of course this comes after your earlier
12 conversation where he proposed that you, on behalf of both
13 you, approach Mr Haritos for \$50,000 each; you recall that
14 series of questions?---I recall the series of questions,
15 and I also recall saying that I have never done that.

16 All right. And now, not long after, he's saying, 'You and
17 I will milk it for as long as we can.' Did you have a
18 concern that perhaps rather than just being bold talk that
19 Mr Bollas was in fact milking Transclean? Did that come
20 as a concern?---The comment that he made never registered
21 with me, which is why I didn't comment on it. If you want
22 to know what he meant then, without being rude, you would
23 have to ask him, wouldn't you?

24 I suspect he will be asked?---Well - - -

25 I want to know if you - - -?---It's very difficult for
26 me - it's very difficult for me, Mr Lawrie, to comment
27 about what somebody might have meant when at the time it
28 didn't even register with me. It's fairly clear that the
29 next time I say something substantial I'm talking about

1 George and his concern that George will never change.
2 Let's move to something where the words come from your mouth
3 and not Mr Bollas's mouth. Let's move to p.610,
4 please?---Okay.
5 I direct you to line 52 where you say this, 'But the thing
6 you've got to look at it is from the, his perspective. We
7 have been handfeeding him everything for the last four or
8 five years, everything he's got he's been delivered it on
9 a plate'?---Yes.
10 Now they're your words?---Yes.
11 What did you mean?---I meant that if it hadn't been for me and
12 Peter all of those years back, and it wouldn't have been
13 four or five, it would more likely have been six or seven,
14 resolving the dispute that we spoke about yesterday he
15 wouldn't have even been working in this industry anymore.
16 That's what I meant. And - - -
17 The fact that you resolved the dispute in your time at
18 Metro?---I said there four or five years ago, but
19 I probably meant six or seven. But at the time I wouldn't
20 have thought about it like I thought about it just now.
21 COMMISSIONER: 'For the last four or five years he's got - he's
22 been delivered it on a plate'?---Yes.
23 Your words?---Yes. So, in other words, Mr Commissioner - - -
24 Does that mean, Mr Pinder, he got favourable treatment during
25 the last four or five years?---No. It means that he, when
26 I was at Metro, required a lot of management and when
27 I left Peter continued to manage him because - - -
28 But you're talking about the last four or five years. So
29 you're talking about 2015 to 20?---Yes.

1 If a public corporation is delivering its objectives and
2 mission properly, no long-term contractor with that public
3 corporation should ever be able to think that they have
4 had their services delivered - their opportunities
5 delivered to them on a plate; that conveys quite a wrong
6 impression, doesn't it?---I understand the impression it
7 conveys. What I meant when I said it was that if we
8 hadn't have intervened for him all those years ago he
9 wouldn't have even been in existence now. That's what
10 I meant, Mr Commissioner.

11 Look at your words. Mr Pinder, don't give me an answer which
12 doesn't reflect the words that you used. 'We have been
13 handfeeding him everything for the last four or five
14 years'?---'From his perspective.'

15 Yes?---So from his perspective if it hadn't been for us he
16 wouldn't be here. That doesn't mean it's true.

17 MR LAWRIE: Because you had an involvement in advancing the
18 negotiations to settle the litigation between Transclean
19 and Metro whilst you were at Metro; that's what you're
20 pitting this back to, is it?---Because if it hadn't have
21 been for that event the two parties would have ended up in
22 court and he would have been long gone. That's what
23 I meant.

24 Really? I want to remind you of your evidence yesterday,
25 Mr Pinder. Do you remember when I asked you to describe
26 that litigation and you talked about claims that were
27 being made for payments that - Transclean's claims for
28 payment, and you expressed a view that they were properly
29 made claims. Do you remember saying that

1 yesterday?---Yes.

2 And then you come in - you come in as the key man to settle
3 this litigation, do you?---What I said yesterday was that
4 both sides were digging their heels in. George was making
5 claims because the fleet size at Metro had grown larger
6 than what the contract specified and therefore he should
7 be getting more money. And on the other side - - -

8 I want to hold you there for a minute. You expressed an
9 opinion yesterday that they were valid or reasonable
10 claims, didn't you?---Yes.

11 So how were you saving him from some litigation doom?---Because
12 on the other side Metro were making counterclaims about
13 his safety performance, which is what I said yesterday as
14 well. And, whilst I believed they were relatively minor
15 safety incidents, the two parties were digging their heels
16 in and it was heading towards court.

17 And in your view it was a litigation that would have spelt the
18 end of Transclean, was it?---I believe at the time that
19 was probably the objective of the commercial people in
20 Metro rather than concede to George's claims.

21 You think the legal people in Metro at the time were litigating
22 with a supplier with the objective of driving that
23 supplier out of business; is that your allegation?---No.

24 Well, what are you saying?---I'm saying that they were in
25 a - am I even allowed to talk about this openly, it's like
26 a commercial type thing, because I'm happy to but - - -

27 Mr Commissioner, you're on mute.

28 COMMISSIONER: I'm sorry. I don't think we'll be assisted,

29 Mr Lawrie, by pursuing this.

1 MR LAWRIE: Certainly. I'll take you to the next line of the
2 transcript, Mr Pinder. Line 55, 'So it's not surprising.
3 It's a bit like, you know if he's one of your kids and you
4 let them treat their room like shit, and then one day you
5 walk in there and, you know, you need to tidy the place
6 up, you can't be surprised.' Are you there referring to a
7 track record of under-performance that's been
8 ignored?---I'm referring there to the fact that George and
9 Pete used to clash heads, which I've already said; and
10 leopards, in my experience, don't change their spots.

11 COMMISSIONER: You were making a different point, with respect,
12 Mr Pinder. You were making the point there and you were
13 using the example of a child who's been allowed to live in
14 a messy room for years on end and suddenly the parent
15 comes into the room and says, 'Clean it all up,' the child
16 won't have a clue what the parent was talking about, and
17 you were using that as an analogy when you said, 'We've
18 handfed him for five years and he's had it all on a plate.
19 It's no good now you suddenly wanting to change things.'
20 Isn't that the point you were making?---No, I respectfully
21 disagree. I believe this conversation was all about the
22 fact that George was considering asking Pete to go and
23 work for him, and Pete was blowing off steam and saying,
24 you know, 'He'll never change. He'll never take a step
25 back. He'll never do this. He'll never do that.' That's
26 how I interpret this conversation.

27 I think it would be best if you move on, Mr Lawrie.

28 MR LAWRIE: Thank you, Commissioner. I want to take you to the
29 next call. This is telephone call number 28. This is a

1 call made by you, Mr Pinder, to Mr Bollas on 8 May 2020 at
2 9.30 am. We'll play that now. It commences at
3 610 - sorry, no, it doesn't, it's 615.

4 (Audio recording played to the Commission.)

5 MR LAWRIE: I'm sorry, that's my fault. There's a
6 misidentification in the index. It's page 618. My
7 apologies.

8 COMMISSIONER: Is this the one you wish for, Mr Lawrie?

9 MR LAWRIE: That's correct. The call itself, though - we might
10 just need a moment.

11 (Audio recording played to the Commission.)

12 MR LAWRIE: Commissioner, I tender - - -

13 COMMISSIONER: Yes, that will be JP29, conversation of 8 May 20
14 between Mr Pinder and Mr Bollas.

15 #EXHIBIT JP29 - Conversation between Mr Pinder and Mr Bollas on
16 08/05/20.

17 MR LAWRIE: Mr Pinder, I want to direct you to p.25 on p.619.

18 This is where you change the subject and you say to
19 Mr Bollas, 'No, I'm more just keeping track. So April
20 you're good.' He replies, 'Yeah yeah, I am, yeah.' What
21 was that a reference to?---Him catching up with
22 Pete - with George.

23 So he had a regular catch-up?---Yes.

24 A monthly catch-up?---Yes, I've said that we caught up
25 regularly with - I caught up regularly with George, and
26 I assumed that Pete was doing the same.

27 Now, you say - sorry, he says, 'Yeah yeah, I am, yeah.' You
28 reply, 'Right okay. Just so I'm', and then Mr Bollas says
29 - it's hard to hear, you might have to listen to it a

1 second time, but he says this, 'He gave me a
2 tenner'?---Yes.
3 What did you understand that to mean?---That he gave him
4 \$10,000.
5 And then you say - and this is in the midst of you saying, 'So
6 I'm just keeping track that's all good.' You're keeping
7 track of the monthly payments that Mr Bollas is receiving
8 from Mr Haritos, aren't you?---I'm just making sure that
9 George is keeping good his commitment, yes.
10 His commitment to George - sorry, his commitment to Mr Bollas
11 to pay a monthly amount?---No, to pay him whatever he's
12 owed at the same time as he pays me whatever I'm owed or
13 that he asks him for the same amount of money from him as
14 he asks me for - - -
15 I'm sorry, I'm confused. This is the gambling syndicate, is
16 it?---Yes.
17 We've switched immediately from discussing the London
18 Underground and the challenges of providing what services
19 that might need to be challenged, we slip in the next
20 sentence to the gambling syndicate, do we?---Yes.
21 And a tenner, being \$10,000, was the sort of amount that you
22 might get every month from this syndicate, was it?---Well,
23 I think I've answered that question already, but that was
24 the maximum amount that I remember.
25 You say this at line 31, 'And I did drop the other little
26 bombshell as well, you know at some point'?---Yes.
27 Mr Bollas says, 'What did he say?' You said, 'Oh yeah yeah, no
28 all good.' What was the bombshell?---I don't know, but
29 I suspect that I was indicating to Pete that I had

1 mentioned this \$50,000 plan that he had.

2 So the bombshell was the proposition that you and Mr Bollas
3 were talking in an earlier phone call to approach
4 Mr Haritos for an extra \$50,000 each; that's the
5 bombshell?---But I don't believe I did it.

6 So what you were saying to Mr Bollas here was a fiction, was
7 it, that you'd never actually approached Mr Haritos with
8 that proposal?---I don't remember doing that, no.

9 Well, it's more than not remembering, I suggest, because if you
10 did take that step, if you did actually carry through with
11 what you and Mr Bollas had been talking about earlier and
12 go to Mr Haritos and say, 'Look, I think you need to give
13 us 50,000 each more,' that is something that either
14 happened and you would remember or it just did not
15 happen?---And I'm saying to you that it did not happen.

16 COMMISSIONER: I'm confused now, Mr Pinder. I thought you said
17 a moment ago, 'I don't remember whether I conveyed that to
18 Mr Haritos.' Now you're saying it didn't happen. But
19 then Mr Bollas says in the very next line, 34, 'He, he
20 brought it up to me.' So it sounds to me like it did
21 happen?---I don't think it happened and I don't remember,
22 Mr Commissioner, honestly. This is not the first example
23 where I've had a conversation like this with Peter. As
24 I said earlier on, they were continually at each other.
25 Pete was always saying that, 'He's making loads of money.'
26 George was always saying, 'I'm not making any money.'
27 This is just another example of that. Regardless of
28 whether I remember or not, I did not receive \$50,000 and
29 have not received \$50,000 in exchange for anything.

1 What counsel assisting was putting to you was did you, as you
2 said you would, go to Mr Haritos and ask him on behalf of
3 Bollas and yourself for \$50,000?---No.
4 And so you were being untruthful to Mr Bollas when you said
5 that you had done so; is that correct?---Yes.
6 You were lying to Mr Bollas when you said you had, and you were
7 further lying to him when you said that Mr Haritos agreed
8 that he would make that payment?---Is that what that says?
9 I don't know what the next bit says. I can't see it.
10 'Oh yeah yeah, no all good.' And then Mr Bollas says, 'Well
11 then he brought it up with me.' So doesn't that suggest
12 to you that you did say something to Mr Haritos?---I don't
13 remember, Mr Commissioner. I'm sorry, I don't remember.
14 Can I ask you, Mr Pinder, I assume that it would be an
15 exceptional thing in your lifetime for you on behalf of
16 someone else to go to the head of a company and ask them
17 to pay either you or someone else a bribe of
18 \$50,000?---That's correct.
19 So why wouldn't you remember whether you did or didn't do
20 that?---Well, I don't believe I did it, and I don't
21 understand why I would have said to Pete that I did,
22 because I don't believe I did. But, as I've tried to
23 explain, I quite often got stuck in the middle of debates
24 between these two, falling outs, and in my mind people say
25 things all of the time. It's not what you say; it's what
26 you do that matters. And I haven't done it.
27 All right. Let me know when you're about to move on to another
28 subject. We might then adjourn for the day, Mr Lawrie.
29 MR LAWRIE: Thank you, Commissioner. I'm almost finished with

1 this subject. Did you have any concern that you had
2 created an expectation in the mind of Mr Bollas that you
3 had both asked Mr Haritos for the 50,000 and that
4 Mr Haritos had agreed to pay it?---No.

5 Did it create any concern in your mind that what - this story
6 that you were telling Mr Bollas was essentially a story
7 that, if believed or if believed by someone else, would be
8 serious corrupt conduct by you? In other words, you were
9 casting yourself as the central character in a serious
10 wrongdoing?---I knew based on my experience of dealing
11 with these guys that it would blow over and they would
12 forget about it and they would move on. That's what's
13 happened in the past. It was always on one side, 'He's
14 doing all of this work. He's making all of this money.'
15 On the other side, 'I'm not making any money. Nobody's
16 paying any bills.' And I was in the middle trying to calm
17 them both down. That's how I remember it.

18 You were playing the intermediary - as the CEO of V/Line you
19 were playing that role to mediate between Transclean and
20 Metro?---Well, I think I've already said that what I was
21 doing was inappropriate and I think I've already said that
22 I considered these two people to be people that I was
23 friendly with. So I was trying to keep the peace.

24 Just before we finish today, Mr Pinder, do you appreciate that
25 on a simple listening of these calls and a simple reading
26 of the transcripts that one might form a particular view
27 about what's going on and your explanation is difficult to
28 understand, to say the least? Do you accept that that
29 might be the view of someone looking in on this?---I think

1 that that is a view that you could form, yes.

2 A reasonable person looking at this from the outside and

3 listening to those calls and reading those transcripts

4 would say, 'This is Mr Bollas and Mr Pinder talking about

5 how much Transclean's making, how much extra they're

6 making, despite the discounts during the COVID response,

7 and "how much we can milk from them over and above our

8 regular monthly milking.'" Do you see how that might be a

9 reasonable conclusion that someone might reach looking at

10 this?---I can see that.

11 Thank you. Is that an appropriate time, Commissioner?

12 COMMISSIONER: Yes, it is. Can you assist Mr Pinder and

13 Ms Currie by some estimate of how much longer you will be?

14 MR LAWRIE: I would say probably an hour, Commissioner, maybe

15 an hour to an hour and a half.

16 COMMISSIONER: Very good. Thank you. Again, have a rest, have

17 a good break, Mr Pinder. We'll see you tomorrow at

18 10 o'clock?---Thank you, Mr Commissioner.

19 <(THE WITNESS WITHDREW)

20 ADJOURNED UNTIL WEDNESDAY, 28 OCTOBER 2020

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