
TRANSCRIPT OF MORNING 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 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 <JAMES GRAHAME PINDER, recalled:

2 <EXAMINED BY MR LAWRIE, continued:

3 COMMISSIONER: Yes, thank you. Good morning, Mr Pinder.

4 Mr Pinder, can I just emphasise that if you need a break
5 at any stage you should just say so. Don't wait for us to
6 work out when we think that's an appropriate time . If
7 you feel at any stage that you're under stress and strain
8 and feel like a break would help you, just say so?---Thank
9 you.

10 Yes, very good. Yes, Mr Lawrie.

11 MR LAWRIE: Thank you, Commissioner. Mr Pinder, you'll recall
12 yesterday we were speaking about the loan that you say you
13 got from Ms Tsakopoulos that was funds that you used to
14 purchase the property in Williamstown at the end of 2018.
15 You'll recall those series of questions?---Yes.

16 You also said that you found - I described it as a bit of a
17 fix, but you said it was something more than that, that
18 being the financial difficulties you encountered at the
19 time you were buying that house; do you remember
20 that?---Yes.

21 In that context you said essentially that you had to source
22 funds from unusual sources in order to be able to purchase
23 the house; do you recall that?---Yes.

24 The Tsakopoulos loan document that we looked at yesterday,
25 which is exhibit JP7, was dated 10 December 2018 and you
26 said that that was the correct date that the document was
27 signed, wasn't it?---I think I said I thought it was, but
28 I couldn't be sure. But - - -

29 Well, can I ask you this. If we have a look at the document at

1 p.446, if that could be brought up, please. Do you see
2 there it bears the date of 10 December - sorry, signed as
3 an agreement and it bears the date 10 December
4 2018?---Yes.
5 You would have read that when you signed it, wouldn't
6 you?---I don't remember.
7 You're not going to sign a document that purports to be signed
8 on a particular date but sign it on a different day, are
9 you?---You asked me if I remember reading it. I don't
10 remember reading it.
11 You don't remember reading the document at all?---I don't
12 remember reading the date. You asked me if I remember
13 reading the date. I don't remember reading the date.
14 Well, did you read the document?---Yes.
15 Did you read the first page?---Yes.
16 Did you read the second page?---Yes.
17 Did you comprehend the term of the agreement, that is the three
18 year term and the interest rate?---Yes.
19 Did you comprehend the date on which interest was to be
20 calculated?---Yes.
21 Then you must have also, I suggest, at least taken a note that
22 the date on which the agreement was purporting to be
23 executed was in fact the date that you were signing
24 it?---I don't remember, Mr Lawrie.
25 COMMISSIONER: When do you say that the document was executed,
26 Mr Pinder?---I don't remember, Mr Commissioner, the date
27 that I signed the document.
28 I just want to clarify. You said that you executed this
29 document somewhere in Chadstone at a cafe, was it?---Yes.

1 And that was the first occasion on which you had met the
2 witness, [REDACTED]?---Yes.

3 You understood he had drawn up this document?---Yes.

4 What made you think he had drawn up the document?---I think
5 I just assumed that he had.

6 Did he appear to be knowledgeable about its contents? What
7 happened at this conversation at the cafe? You just sat
8 down and Ms Tsakopoulos produced a document to you
9 involving you borrowing \$320,000, read it over the coffee
10 table and executed it; is that what happened?---Yes, as
11 I remember it.

12 MR LAWRIE: Mr Pinder, can I ask you this. You say you now
13 don't recall the date on which this document was executed.
14 Do you recall it being either postdated or predated?---All
15 I remember was that around the time that Marie agreed to
16 lend me the money, it was around that time.

17 Perhaps I can assist your memory. Do you remember buying your
18 house; that is, the day that you strike an agreement and
19 you sign the contract of sale? Do you remember that
20 day?---I don't know that I remember any dates right now,
21 Mr Lawrie.

22 Well, it's not a test about the date. I'll tell you the date.
23 It's 11 December of 2018. But what I'm suggesting to you
24 is that when you buy a \$2.5 million home that you've got
25 your heart set on, the day you sign the contract is a
26 notable event. You've done the deal. You must remember
27 that day?---You're asking me a question and I'm answering
28 it. I don't remember dates. I've never remembered dates
29 and I can't answer it another way just because you don't

1 like the answer. I don't remember, and I don't remember
2 the date I struck the agreement. I don't remember the
3 date that I moved in. I don't remember dates.

4 Mr Pinder, you said yesterday when I asked you about the
5 contract and the fact that it was a \$40 million
6 expenditure, you said, 'You've got to understand this is
7 an organisation that has an annual budget of \$1 billion.'
8 Do you remember saying that?---Yes.

9 And you are the CEO of that organisation; correct?---Correct.

10 And you're the person that generates this large network of
11 people because people are 95 per cent of what makes up a
12 railway?---I didn't say that I generated this. I said
13 that - - -

14 You said you had a large network of friends?---I have got a
15 large network of friends.

16 Yes. You don't remember dates, though? You don't remember the
17 date or indeed the event of signing the contract of sale
18 the day you bought your house in Williamstown? Was your
19 wife there? Did you have a bottle of champagne? Did you
20 ring your friends? That sort of thing?---Mr Lawrie,
21 I don't want to appear like I'm being rude, but you've
22 asked me a question and I've answered it truthfully.
23 I don't remember. Those sorts of things I don't remember.

24 In the last four years so much has happened in my life
25 that you have - you may have a good idea about, I don't
26 know - but so much has happened in my life in the last
27 four years that sometimes I don't know which way's up and
28 which way's down, let alone what date two years ago
29 I signed a piece of paper. I sign thousands of pieces of

1 paper.

2 Did you think that these adverse - I presume you're talking
3 about adverse events in your life over the last four
4 years, are you. Without going into them, are you talking
5 about adverse events?---Yes.

6 And they impacted your mental state, did they?---I have had in
7 the past and recently mental health issues, yes, if that's
8 what you're asking.

9 Did they impact it to the extent that you thought you couldn't
10 perform your functions as the CEO?---Are you talking in
11 the entire time that I've been here?

12 In the last four years?---Certainly in the last four months,
13 yes.

14 Well, the last four months has been a little different, hasn't
15 it, because there was a search warrant that was executed
16 at your premises on 19 August?---You asked me in the last
17 four years, and I said to you in the last four months, and
18 now you're saying the last four months is different. I've
19 had lots of things happen in my life in the last four
20 years. I'm not making excuses, but I've answered your
21 question.

22 All right. Perhaps I'll ask it this way. The loan agreement
23 for the Tsakopoulos loan, was that signed before you
24 bought your house?---What do you mean by 'bought the
25 house'?

26 Before you signed the contract of sale for the house on
27 11 December 2018?---I can't be sure.

28 So it could have been after you signed the contract of
29 sale?---It could have been.

1 Could you have signed it in 2019?

2 COMMISSIONER: Signed what, Mr Lawrie?

3 MR LAWRIE: Sorry, the Tsakopoulos loan agreement,

4 Commissioner?---I don't remember, Mr Lawrie. I don't
5 remember.

6 As you sit here now, you now say you have no memory of the
7 event of signing it? Do you still remember Chadstone?
8 You still remember the coffee shop?

9 COMMISSIONER: Mr Pinder, I think that was a question. Counsel
10 is asking do you still remember the event, namely being at
11 the coffee shop with [REDACTED] and Ms Tsakopoulos?---I'm
12 trying to remember, Mr Commissioner.

13 If you don't remember, you don't remember. You just need to
14 make clear what your position is?---I don't remember,
15 Mr Commissioner.

16 Very good.

17 MR LAWRIE: Yesterday you spoke about the coffee shop at
18 Chadstone and someone who introduced themselves as [REDACTED].
19 Do you recall giving that answer yesterday?---Yes.

20 And the person who introduced themselves as [REDACTED], or at least
21 that's your understanding of their identity, was the
22 person who witnessed the document, correct, at the meeting
23 of the three of you when I asked was it just the three of
24 you? [REDACTED] witnessed the document, didn't
25 he?---Mr Lawrie, I don't remember.

26 You remembered yesterday, Mr Pinder. You remembered that the
27 third person who introduced himself as [REDACTED], that he
28 witnessed the document, that it was at a cafe at the
29 Chadstone Shopping Centre. You remembered that yesterday.

1 What's happened between yesterday and today that's so
2 affected your memory?---My mind is absolutely spinning,
3 Mr Lawrie, and has been spinning for the last 24 hours.

4 All right?---This whole - - -

5 I'm going - sorry, you continue, please.

6 MS CURRIE: Commissioner, sorry to interrupt at this point.

7 I just wonder whether it might be appropriate to take a
8 short break. I wouldn't mind a moment to speak with
9 Mr Pinder, if that's convenient.

10 COMMISSIONER: Yes, certainly. Short adjournment, 10 minutes.

11 (Short adjournment.)

12 COMMISSIONER: Yes, Ms Currie.

13 MS CURRIE: Thank you, Commissioner. We're ready to continue.

14 I might just observe I'd say Mr Pinder is understandably
15 fairly fatigued from a long day of questioning yesterday
16 and his concentration will obviously have been affected by
17 that. But we're ready to continue and if there's a need
18 for a break from time to time, we will let you know.

19 COMMISSIONER: Yes, Ms Currie, if you observe at any point that
20 you think a break would be useful, even if Mr Pinder is
21 not asking for it, please intervene.

22 MS CURRIE: Thank you, Commissioner.

23 COMMISSIONER: Yes, Mr Lawrie.

24 MR LAWRIE: Thank you, Commissioner, perhaps before

25 I recommence if I can just deal with a couple of
26 housekeeping matters.

27 COMMISSIONER: Yes.

28 MR LAWRIE: There was a flowchart showing transactions

29 primarily from Maria Tsakopoulos to Mr Pinder in relation

1 to the purchase of the property in Williamstown yesterday.

2 If I can tender that.

3 COMMISSIONER: Yes, flowchart of moneys used to purchase the
4 property will be JP10.

5 #EXHIBIT JP10 - Flowchart of moneys used to purchase the
6 property.

7 MR LAWRIE: And the other document yesterday was the
8 handwritten notes written by Mr Pinder at p.448.

9 COMMISSIONER: That's the handwritten note to Marie?

10 MR LAWRIE: Correct, Commissioner.

11 COMMISSIONER: That's JP9.

12 #EXHIBIT JP9 - Handwritten note of Mr Pinder, p.448.

13 MR LAWRIE: Thank you. Mr Pinder, in respect of the meeting at
14 Chadstone to sign this agreement, was that arranged by the
15 exchange of text messages or phone calls in advance of
16 the meeting?---I don't know, but I do - I think, now that
17 I've been trying to remember, that the meeting that I had
18 with Marie was to discuss the loan and the paperwork was
19 signed some time after. That's what I think. I know it
20 sounds really weird, but what I know is that Marie agreed
21 to lend me some money and subsequently lent me some money,
22 and my intention then and now was to pay that money back
23 to Marie. The details of how that came to be, when
24 something was agreed, when it wasn't agreed, the date that
25 piece of paper was signed, I don't know. I'm sure you're
26 going to help me with that, but as I sit here right now
27 I cannot remember.

28 Okay. I want to focus on the Chadstone meeting for a moment.

29 There was you, Maria and a male that you understood to be

1 called [REDACTED]; is that right?---Correct.
2 How old was [REDACTED], apparently?---I would say probably about my
3 age.
4 Definitely male?---Yes.
5 What apparent ethnicity or nationality?---I think I said
6 yesterday I thought that he was of Chinese origin.
7 How tall was he?---I don't remember.
8 What sort of build did he have? Was he heavysset, medium, light
9 build?---I would say he was probably about my size and
10 shape.
11 How would you describe yourself?---Well, I'm a lot lighter than
12 I used to be. But I would say medium size and build.
13 Did [REDACTED] wear glasses?---I don't remember.
14 How about his hair?---I don't remember.
15 Did he speak with an accent?---Not that I remember.
16 So he spoke fluent English, unaffected by accent, did he?
17 COMMISSIONER: He says he doesn't remember, Mr Lawrie.
18 MR LAWRIE: How long did [REDACTED] speak for?---About five minutes,
19 I think. It was a brief, 'I'm going to arrange the loan
20 document, you need to sign it, there will be a copy for
21 both of you, this is how much interest it will be, this is
22 the period of the loan.' That was it.
23 You don't know Mr Haritos's accountant, do you?---No.
24 Never met him?---Not that I'm aware of.
25 So your memory now tells you that perhaps this Chadstone
26 meeting wasn't to sign the agreement, but to simply set
27 out the terms of the proposed agreement; is that
28 correct?---Now that I've thought about it, that is what
29 I think happened, yes.

1 How long after the Chadstone meeting was the loan agreement
2 signed?---I don't remember. You've asked me this already.
3 Well, I know you might be struggling for a date, but do you
4 have a memory of the time lapse between the meeting and
5 the signing of the agreement? It doesn't have to be
6 precise, of course, but whether it's days, weeks or
7 months, some indication of the time lapse between the two
8 events?

9 COMMISSIONER: Mr Pinder, you either remember or you don't
10 remember. There is no disgrace in saying you don't
11 remember, if that's a truthful answer. We don't want you
12 to feel obliged to sit there for long periods whilst you
13 hope that something will come into your memory that isn't
14 presently there. Do you follow? So just tell us what
15 your current state of memory is?---I don't remember
16 specifically, Mr Commissioner.

17 Very good.

18 MR LAWRIE: How close to the purchase of your house was the
19 Chadstone meeting?---Before it.

20 Are you able to say whether it was days before, weeks before or
21 months before?---I can't be more specific than that.

22 But you can say that the Chadstone meeting was before the
23 purchase of your house in December of 2018?---It must have
24 been because if I hadn't have agreed with Marie to borrow
25 the money from her, then I wouldn't have been able to buy
26 the house.

27 That's the other thing I wanted to ask you. Yesterday, and
28 I commenced with that this morning, you said that because
29 of tightening lending requirements you found yourself in

1 this fix. But the situation was that you were arranging
2 this loan with Maria before you'd committed to the
3 purchase of the house in Williamstown; isn't that the
4 case?---I don't think I understand your question.

5 Based on what you've said this morning, your memory tells you
6 that you were at least having this Chadstone meeting to
7 arrange the finance through Maria prior to committing to
8 the sale - sorry, prior to committing to the purchase of
9 the Williamstown house; that's right, isn't it? You were
10 organising finance before you signed the contract to buy
11 the house?---I really don't understand what it is you're
12 asking me.

13 I'll ask it again and I'll make it as simple as I possibly can.
14 Based on your evidence this morning, your memory tells you
15 that you had the Chadstone meeting in order to arrange the
16 loan from Maria and that happened prior to you buying the
17 house, that is prior to signing the contract to buy the
18 house. That's the order of events, isn't it?---It must
19 have been.

20 In other words, you hadn't committed to the purchase of
21 the house at the time you were organising the loan. You
22 weren't in a financial fix because you weren't committed
23 to the purchase; do you agree with that
24 proposition?---I committed to buying a house in Australia
25 before my wife moved out here in October. I don't
26 understand your question.

27 I'm not talking about a personal commitment you might have made
28 with your wife. I'm talking about a legal commitment with
29 the vendor of a property. You hadn't made a commitment, a

1 legal commitment, to purchase that property until after
2 you'd started to arrange the loan with Maria?---I'm sure
3 that you're going to explain to me how this is relevant.
4 I don't understand the premise of your question. I wanted
5 to buy a property. At the time that I started arranging
6 to buy a property I was led to believe that a certain set
7 of arrangements would be appropriate to buy that property.
8 At some stage those arrangements changed, which then meant
9 I had to borrow some money to buy that property. Now,
10 I understand the relative appropriateness or otherwise of
11 borrowing money from Maria when you went into great detail
12 yesterday about the fact that, you know, she's associated
13 with George, my relationship with George Haritos and all
14 of those other things. But at the end of the day
15 I borrowed some money from Marie to buy a property and
16 I intended then and I intend now still to pay that money
17 back. Now, if - I can't remember exactly chronologically
18 when all of those things happened. I apologise. But as
19 I sit here right now, that is what I understood at the
20 time and that is what I understand now.

21 Mr Pinder, I assure you that I'm not trying to make this any
22 more complex than it needs to be and in every question
23 I shall endeavour to break it down to very simple elements
24 to assist you in that process. For example, we have a
25 simple element which is the Chadstone meeting which we
26 have now spoken about. The next straightforward element
27 is the event where you sign that agreement, okay? So just
28 think about that. We've got Chadstone, we've dealt with
29 that and it's separate and it's in the past. We are now

1 moving forward in time to the moment when you signed the
2 agreement that we've looked at. Focusing on that,
3 please - - -

4 COMMISSIONER: Mr Lawrie, I think the witness is really saying
5 that, as his memory serves him now, he's not able to be
6 able to say precisely what the sequence was.

7 MR LAWRIE: I understand, Commissioner.

8 COMMISSIONER: Is that correct, Mr Pinder?---Yes.

9 So perhaps we have to move on, Mr Lawrie.

10 MR LAWRIE: Where were you when you signed the
11 agreement?---I don't remember.

12 Do you remember the witness named in the agreement, [REDACTED],
13 [REDACTED]? Do you remember that person?

14 COMMISSIONER: Mr Lawrie, I thought you elicited a description
15 from Mr Pinder a quarter of an hour ago in relation to
16 him. Plainly he does remember him.

17 MR LAWRIE: No, I think, Commissioner, that's now a description
18 of [REDACTED] who was at the Chadstone meeting for the
19 discussion of the terms, but not necessarily the execution
20 of the agreement.

21 COMMISSIONER: I see. Is that correct, Mr Pinder? The person
22 you described as [REDACTED] and gave a description of is not
23 the person who witnessed the document?---Mr Commissioner,
24 I don't know. I don't know what I'm being asked now.
25 I met - - -

26 No, don't worry about what you're being asked. Don't worry
27 about what you're being asked. You gave a description of
28 a person a quarter of an hour ago; do you recall?---Yes.
29 Was that a description of the person that you met at

1 Chadstone?---Yes.

2 And is that the same person that signed the document or is the
3 person who signed the document who witnessed your
4 signature a different person?---I don't remember signing
5 the document. I know I did, but I don't remember where
6 and when I did it.

7 MR LAWRIE: And so - sorry, Commissioner.

8 COMMISSIONER: I think perhaps we'd better move on, Mr Lawrie.
9 We're not going to advance this issue any further at this
10 stage.

11 MR LAWRIE: Thank you, Commissioner. Mr Pinder, throughout
12 2016, 17, 18, 19 and into 2020 - I'm sorry, I'll rephrase
13 that. Through 2017 through to 2020 did you use a second
14 mobile telephone?---Yes.

15 Was that a mobile phone with a number [REDACTED]?---I don't
16 know what the number was.

17 Okay. Who provided that phone to you?---I got it from George.
18 George Haritos?---Or Marie. I can't remember. It was either
19 George or Marie. I was with them both.

20 Okay. When did you get it?---When did you say?

21 I'm suggesting December 2016. That's when that phone was
22 connected in the name of Maria Tsakopoulos?---I didn't
23 believe - I don't believe it was that long ago, but it
24 could have been.

25 It could have been that long ago. It's certainly some years
26 that you've had that phone, isn't it?---Yes.

27 And is that a phone that you had with you when a search warrant
28 was executed at your residence in Williamstown on
29 19 August this year?---Yes, it was one of several phones,

1 I think.

2 Several? How many phones did you have on you on that

3 day?---What do you mean by 'on me'?

4 On your possession, on your personal possession, either in your

5 pants pockets, coat pocket, in your hand?---On my

6 possession, that phone and my other phone.

7 Is your other phone in an account in your name?---My other

8 phone is provided by my work.

9 By V/Line?---Yes.

10 Do you have a third phone which is in your name or not?---Yes.

11 Did you have that on you on the day?---No, it was - I believe

12 it was in my bedroom maybe and the IBAC people took it

13 with them.

14 Okay. What was the purpose of you having a phone from December

15 2016 or thereabouts that had been provided to you by

16 George Haritos?---I think it was actually Marie, but it

17 could have been either of them. We used to - when I was

18 in Australia before, we used to meet up regularly. As

19 I said to you I think yesterday, we would go to the

20 casino, horse racing, those sorts of things, and we used

21 to gamble together.

22 Legal gambling, though?---Yeah, of course.

23 We're not talking about any illegal activity here; it's just

24 things that citizens can do if they want to do,

25 correct?---Yes.

26 You can go to the casino if you want to, you can go to the

27 track if you want to, can't you?---Yes, but we were sort

28 of syndicating our gambling a little bit and I didn't

29 think it was appropriate at the time to communicate

1 through a work mobile phone about those sorts of things.
2 So was this something like a punters' club that you had with
3 George Haritos and Maria Tsakopoulos and perhaps
4 others?---Yeah, I wouldn't say that Marie was ever in the
5 punters' club. Marie was more interested in playing more
6 traditional casino type games. George is a bit more of a
7 horse racing type aficionado, I guess you would call it.
8 How many people in this punters' club?

9 COMMISSIONER: I'm not sure he described it as a punters' club,
10 Mr Lawrie.

11 MR LAWRIE: I'll rephrase the question, Mr Commission. You
12 described it as a syndicate. Were there any other people
13 in the syndicate?---Well, I've been part of quite a few
14 syndicates in the last few years.

15 Did any of these other - sorry, were these other syndicates
16 also communicated with via this phone provided by Maria or
17 George?---I don't think this phone was solely for the
18 purpose of that. I don't think it's uncommon for more
19 than - for people to have more than one phone, a personal
20 phone and a work phone. This was a personal phone that
21 I happened to get from Marie. In fact, I think I bought
22 it from her.

23 COMMISSIONER: Sorry, Mr Pinder, you said, 'I don't think the
24 phone was solely for that,' meaning solely for the purpose
25 of this syndicate; is that what you meant?---I think I was
26 talking - I don't remember exactly, as I've - it was a
27 conversation that went somewhere along the lines of,
28 'I need to get myself a personal phone,' and Marie says,
29 'We'll, I've got one you can have,' and I probably bought

1 it off of her. If the time is correct and Mr Lawrie's
2 timeline is correct, I would have just arrived back in
3 Australia.

4 You say, 'I probably bought it off her'. Did you buy it off
5 her or was it a gift?---I think I gave her three or \$400
6 for it, Mr Commissioner. We were in the casino at the
7 time, I think, and I probably just gave her some chips for
8 it.

9 So that relieved you of the obligation then of having to
10 declare that as a gift for the purposes of V/Line?---It
11 was nothing to do with V/Line.

12 No, no, no. But I think you started off saying you thought
13 George gave you the phone. Then it was George or Marie.
14 Now it's, 'Marie gave it to me and I think I purchased
15 it,' and you've told us now how much you think you gave
16 her. But whoever it was between the pair of them, they
17 were both senior people within Transclean. You would have
18 been obliged to declare a gift had it not been purchased;
19 is that not so?---At that time, Mr Commissioner,
20 Transclean weren't working for V/Line.

21 MR LAWRIE: It's still a gift, though, isn't it? Perhaps I can
22 ask this, Mr Pinder. Perhaps we can have a look at p.503
23 of the book, please. Could that be brought up? This is a
24 little hard to read, but if we go down we see that there's
25 the date of connection, we'll see there. First of all,
26 we've got the service identifier, which is the phone
27 number that I've read out to you previously. The
28 subscriber address in the name of Maria Tsakopoulos. The
29 date commenced, 7 December 2016. Do you see those

1 details?---Yes.

2 They're the details of the phone that we've been talking about,
3 aren't they? I'll ask you this question perhaps. Did the
4 phone stay in Maria's name for the time that you had
5 it?---Let me put it to you this way. I've never changed
6 the name that it was registered in. Until you just showed
7 me that, I didn't know it's registered in Maria's name.

8 So you never had to pay any accounts for it?---It was a pay as
9 you go.

10 Yes. Did you ever have to pay any accounts for it, either
11 prepaid or postpaid?---When it needed topping up I bought
12 a voucher in 7-Eleven or somewhere similar.

13 I think you'll find that this is a prepaid service and what
14 you're describing is postpaid where you buy a voucher and
15 top up a phone. A prepaid service is one that you
16 essentially have a contract for, and that's what this
17 service was. Do you remember that?---Well, I would
18 dispute that.

19 Okay. All right?---I think that's incorrect.

20 Okay . I tender that page.

21 COMMISSIONER: That will be JP11, subscriber details for mobile
22 phone [REDACTED].

23 #EXHIBIT JP11 - Subscriber details for mobile phone [REDACTED].

24 MR LAWRIE: Can we bring up, please, p.868 of the book. This
25 is a summary of cash deposits into your bank at about that
26 time, and if we go to the fifth one from the bottom.

27 COMMISSIONER: Which account is this, Mr Lawrie?

28 MR LAWRIE: This is into Mr Pinder's Commonwealth Bank account,
29 the Complete Access account. The transaction I want to

1 direct your attention to is the fifth from the bottom, a
2 cash deposit made at the CBA automatic teller machine in
3 Collins Square in the sum of \$10,500 in cash two days
4 before the connection of the phone from Maria. Do you see
5 that?---Yes.

6 Where did that money come from?---I have no idea.

7 Is there any connection between that and your dealings with
8 Maria Tsakopoulos at that time?---I have no idea where
9 that money came from. You're talking about four years
10 ago. I might have won it at the casino. I don't know.
11 I don't even know - let me think - how long I'd been here
12 then.

13 December 2016. It's pretty soon after your arrival back in
14 Australia, isn't it?---That's what I'm trying to remember.
15 You took up the V/Line job in November of 2016. You went back
16 to England for a few weeks, you said?---Was I even a
17 V/Line employee then?

18 I think that's what you said. You said you took up the
19 position in November 2016?---I think I said yesterday that
20 I took up the position at Metro on 30 November 2012, and
21 I remembered it because it was my brother's birthday. But
22 I'm trying to remember - I haven't got access to any
23 diaries, anything, since - - -

24 I'll put it this way. It's pretty soon after you get back to
25 Australia. How often were you going to the casino?---When
26 I was living here on my own? Twice - - -

27 No, when you came back to take up the V/Line job, how often
28 were you going to the casino?---Once, twice a month,
29 something like that.

1 So there's no connection, you say, whatsoever between this
2 payment and George Haritos or Maria Tsakopoulos or the
3 phone that you acquired from Maria Tsakopoulos two days
4 later and that you had in your possession for the
5 following four years; is that the case?---I think what
6 I actually said was I don't remember where that money was.
7 It could have been any number of reasons and I'm not going
8 to guess them or list them. But I don't specifically
9 remember and I also don't understand why that would be
10 connected to a mobile phone.

11 COMMISSIONER: No, the question that you were asked, Mr Pinder,
12 was whether there was a connection between this payment of
13 cash into your account and Tsakopoulos or Haritos.
14 Presumably you can say whether or not - without knowing
15 what the source of the funds were, are you not able to say
16 categorically that there was no connection between the
17 payment of this cash deposit into your account and
18 Mr Haritos or Ms Tsakopoulos?---I can certainly say there
19 was no connection between the source of this money and
20 Mr Haritos.

21 Yes, all right?---As I think I said yesterday, when I was
22 living in Australia and I was at Metro, I had lent Maria
23 some money. She did give me some money back, but I don't
24 think it was as soon as this and I don't think it was this
25 money. But how many transactions have there been in the
26 last four years, and you're asking me about one.

27 MR LAWRIE: If you don't remember, you don't remember. That's
28 okay?---Well, I think I've made that clear.

29 Okay. We'll tender that page, please, Commissioner.

1 COMMISSIONER: What's the account number, please? Can we just
2 go to the top of the page?
3 MR LAWRIE: It's account number [REDACTED].
4 COMMISSIONER: Very good. That will be JP12.
5 #EXHIBIT JP12 - Summary of cash deposits into Commonwealth Bank
6 account number [REDACTED], p.868.
7 MR LAWRIE: Mr Pinder - that can come off screen now, thank
8 you. That phone was seized when the warrant was executed
9 at your premises on 19 August of this year, wasn't
10 it?---Yes.
11 There was a further warrant executed at your premises on
12 8 October of this year, wasn't there?---Yes.
13 And in the course of the execution of that search warrant a
14 second phone was seized from your premises, wasn't
15 it?---Yes. Yes.
16 And that was a phone that was registered in the name of
17 [REDACTED]; did you know that?---No.
18 COMMISSIONER: Where did the phone come from, Mr Pinder?
19 MR LAWRIE: Yes, where did you get that from?---Marie gave it
20 to me.
21 When?---Some time very soon after the IBAC people came to my
22 house in August.
23 The day after, in fact?---If you say so. It was some time very
24 soon after. If it was the day after, then I wouldn't be
25 surprised.
26 So the day after IBAC officers execute the warrant at your
27 house for the first time on 19 August, you meet with Maria
28 and you acquire from her a second secret phone; is that
29 correct?

1 COMMISSIONER: I don't think he's said it's secret at this
2 stage. You need to explore that, Mr Lawrie.

3 MR LAWRIE: I'm putting that as a proposition, though,
4 Commissioner. Perhaps I will put it differently. You
5 acquire from her a second phone the day after IBAC
6 officers search your premises and seize the first phone,
7 don't you?---Yes.

8 Where were you when you acquired that phone? How did you meet
9 with Maria?---I think I meet with Maria twice after they
10 arrived and before I spoke to my legal team, and once she
11 came to my house and the other time I met her in the
12 street in Williamstown.

13 And she delivered the phone to you on one of those
14 occasions?---Yes.

15 Was that also the time when you delivered to her the
16 handwritten note that we spoke about
17 yesterday?---Probably.

18 COMMISSIONER: I just want to be clear about something,
19 Mr Pinder. You said you spoke to your legal team. You're
20 not suggesting your legal team advised you to obtain a
21 phone from Ms Tsakopoulos, are you?---No, no, no. In the
22 period of time between me being - what was the word that
23 you called it - a search warrant served on my house and me
24 arranging to have legal representation, I met with Maria
25 in between that time.

26 Yes, thank you.

27 MR LAWRIE: The first - - -?---And I've never told anybody
28 about that, so I'm not casting aspersions at my legal
29 team, God only knows.

1 COMMISSIONER: I just wanted to clarify why you made reference
2 to them, that's all?---I should have known better,
3 I think, Mr Commissioner, and - anyway.

4 Yes, move on.

5 MR LAWRIE: The first phone you said was used for multiple
6 purposes, but one of the purposes was because you were in
7 a syndicate, a legal gambling syndicate, with Mr Haritos
8 and others. What were the other purposes that you were
9 using the first phone for?---I think occasionally I would
10 use it to ring the UK because I didn't want to use my work
11 phone because I thought it would be expensive.

12 But you had a personal phone to do that if you wanted to,
13 didn't you?---I had a UK personal phone. I had several
14 phones. There's lots of different options. When I first
15 came to Australia, my wife who's now - or wasn't my wife
16 at the time - I used to ring her every day when she was on
17 the way to work. So I had a Lycamobile phone for a period
18 of time because they did free calls to the UK. Then she
19 started preferring FaceTime, so then I got an iPhone to
20 use instead. I had an English phone that I still had up
21 until August I used to use very rarely. I think it's the
22 one phone that I had registered with my UK bank account.
23 So I've had lots of different phones and I try to keep my
24 work phone for work and other phones for the sorts of
25 things that I've just described to you about.

26 If the first phone was used for those purposes that you've
27 described, what could be the need to replace it so
28 urgently that you had a new one delivered the day after
29 the first one was seized during the search

1 warrant?---Well, I actually didn't make any phone calls
2 with it, I don't think.

3 No, that's not the question?---At the time my world was turned
4 upside down and Marie came around the house and was, 'Oh
5 my God, are you all right?' And I was like, 'I don't know
6 what's going on, there's no way of communicating with
7 her,' so she got me a phone.

8 Why did you have to communicate with her so urgently? I mean,
9 she's a good friend but why her in priority to anyone
10 else?---As it turned out - well, you've answered the
11 question. She was a good friend.

12 But you've obviously got lots of good friends. You had
13 multiple people who were willing to lend you a quarter of
14 a million of dollars or more unsecured. Why her in
15 priority to any of these other good friends that you need
16 to establish a phone for that very purpose?---I suspect
17 she was worried that - and you'd have to ask her - but
18 I suspect that she was worried that she might not get her
19 money back.

20 I see. You say that at the time the phone was delivered to you
21 by Maria you gave her the note that we spoke of yesterday,
22 is that right, the handwritten note written by you?---Yes.
23 Okay. Can we have a look at another document, please, and that
24 is at p.447. That will come up on the screen now.

25 COMMISSIONER: I'm sorry, just to recap, Mr Pinder. Your
26 explanation for the handwritten note that you gave
27 Ms Tsakopoulos which you've now said was at the same time
28 as she gave you this new phone, what was the explanation
29 for the handwritten note?---I think I said yesterday,

1 Mr Commissioner, that I was in a panic and I didn't think
2 people would believe that Marie had lent me the money and
3 all of that sort of stuff. So I wrote down what I wrote
4 down because I was panicked.

5 Ms Tsakopoulos has held a relatively senior position, has she
6 not, at Transclean? You know what her position at
7 Transclean was in 2019/2020?---I think I said yesterday
8 that I didn't know that, and I don't know what position
9 she specifically holds.

10 Were you aware that she was an employee?---Yes, I became aware
11 that she was an employee some time ago.

12 Yes. And was it your understanding that she was
13 capable?---I believe so, Commissioner, yes.

14 And sufficiently capable that, without you having to do
15 anything, she could go away and prepare a document
16 evidencing a loan of \$320,000, that you would rely on her
17 to proceed with that exercise without your
18 oversight?---I don't think she prepared the document,
19 Mr Commissioner.

20 No, no, but she arranged for it and presumably she provided
21 whoever had the legal expertise - - -?---Yes.

22 And provided that person with all of the necessary information.

23 You played no part in it?---That's right, yes.

24 So why would you feel the need to write a handwritten note to
25 her setting out absolutely fundamental things about your
26 relationship? Did you suddenly lose confidence in her,
27 did you?---She arrived at my house in a panic some two or
28 three hours after the - I don't even know how the press
29 release or what news medium it was in, because I wasn't

1 watching or listening to the media on that day, but
2 I suddenly received a barrage of text messages from people
3 saying, you know, which led me to think that it was fairly
4 clear that this thing had become public knowledge, which
5 is not surprising, and within two or three hours of that
6 happening Marie arrived and was asking me, 'Oh my God,
7 what's going on?' And I was like, 'Just calm down, let's
8 talk about it, calm down,' and then she went away and that
9 was it. She was outside my front door.

10 And whilst she was there you wrote this note out for her?---No,
11 no, then I said to her, 'I'll see you tomorrow,' or
12 something like that, or the day after, I can't remember
13 when it was, but - because this conversation lasted maybe
14 10, 15 seconds, and that's when I wrote the note for her
15 for the next time I saw her, the second time.

16 Yes, and you had to remind her in the note what sort of
17 relationship you had with her?---I was just saying to her,
18 'Just calm down' - - -

19 No, Mr Pinder, my question was did you need to remind her in a
20 handwritten note what sort of relationship you had with
21 her?---Probably not.

22 No. Well, why did you do that?---I think I've answered that
23 question, respectfully, Mr Commissioner, because I was
24 panicking. Four IBAC officers arrived on my doorstep and
25 turned my house upside down and I was in a state of panic,
26 which I would imagine, whilst I'm not normally the type of
27 person to panic, is not uncommon. It's not a pleasant
28 experience. I'm not saying - I'm not being disrespectful
29 to those people. They've got a job to do. But my whole

1 world was turned upside down the moment they came running
2 down the street.

3 Yes, Mr Lawrie.

4 MR LAWRIE: Thank you, Commissioner. If we can bring up on the
5 screen, please, the document at p.447. This is a document
6 that was found in amongst the - together with the note
7 that we've already spoken about when Maria Tsakopoulos's
8 premises was searched. Have you seen this document
9 before?---Sorry, that was found where?

10 When Maria Tsakopoulos's premises were searched?---No,
11 I haven't.

12 You haven't seen that before? Do you see at the top there
13 there is details for a phone, including an email address
14 or a user name, a password for the account, the phone
15 number and the PIN number for the phone. Is that the
16 second phone that we were talking about just a moment ago
17 that Maria delivered to you either a few hours after the
18 search warrant or the day after?---I don't remember the
19 - I've not seen that before. Are you saying that that was
20 in my house?

21 No?---Oh.

22 I said this was discovered when Maria Tsakopoulos's house was
23 searched in October?---Oh, sorry. Then I've not seen
24 it - - -

25 It was discovered together with that other note that we've
26 already spoken about, the one where you've got the
27 relationship history?---Right. I've not seen that before,
28 Mr Lawrie.

29 You've not seen that before. All right. You see, I suggest to

1 you that that second phone that was delivered to you is in
2 fact in the name of [REDACTED] which is the
3 email details that we see there on the top of that note.

4 Did you know that?

5 COMMISSIONER: Mr Lawrie, Mr Pinder says he doesn't know who
6 the name of the - - -

7 MR LAWRIE: Certainly. That can come off screen then, thank
8 you.

9 COMMISSIONER: That will be JP13.

10 #EXHIBIT JP13 - Document at p.447 with details of a mobile
11 phone.

12 MR LAWRIE: Thank you, Commissioner. We looked at that note
13 yesterday and you agreed that it was in your handwriting,
14 that you'd written it, that is the note of
15 the relationship history; do you remember that,
16 Mr Pinder?---Yes, Mr Lawrie.

17 Can we have a look, please, at p.449 of the book. Do you
18 recognise that note? It appears to be in the same
19 handwriting?---Yes, I do.

20 That is in your handwriting?---Yes.

21 Can you read it out, please?---'WhatsApp answers on new phone.

22 Leave with a mask.'

23 What is under the scribbling out ?---I can't see that.

24 Perhaps if that can be blown up, please?---I can't see that.

25 Does it say 'Leave in car under' - - -?---Oh, it may say that.

26 'Under front seat'?---Yeah.

27 What does that relate to? That can come off screen, please.

28 What does that relate to, that instruction?---So in the
29 first note I had asked her some questions. In that note

1 I was asking her to answer the questions.
2 Using the communications platform known as WhatsApp; is that
3 correct?---Yes.
4 Which is a messaging program?---Yes.
5 Or platform. If we can have a look at p.450, please. I'll
6 tender these as a bundle, Commissioner. Can you read that
7 out?---'Tell him to say he got an anonymous WhatsApp
8 message he thought was from me saying I was in trouble and
9 needed some money. I said in the message to put in the
10 car without saying anything.'
11 What does that relate to?---That was a panic message that
12 I sent to Marie.
13 Is that instructing what George is to say about - - -?---Yes.
14 The circumstances of the delivery of the second phone to
15 you?---Yes.
16 So this is your handwritten message to Maria to pass on to
17 George to tell George what to say about the phone being
18 delivered?---Yes.
19 So, you said before that you understood Maria was an employee
20 at Transclean. Did you think she had a special
21 relationship with George, George Haritos?---What do you
22 mean by 'special relationship'?
23 Well, at least a relationship that you'd be confident that when
24 you give her an instruction such as this, that this will
25 be communicated directly to George without any question
26 that, you know, that's not going to happen. In other
27 words, you're dealing with Maria as though you could deal
28 with George?---Marie and George and I, and I think we've
29 already established this, are friends. So, yes.

1 COMMISSIONER: I think he's asking you now about your knowledge
2 of the relationship between Mr Haritos and Ms Tsakopoulos.
3 Was it a very close relationship?---I don't know the
4 answer to that question. I don't know the nature of their
5 relationship.
6 Was it a relationship that you understood was one where they
7 could trust each other?---Yes, and I trusted them too.
8 MR LAWRIE: You said you did that out of panic. So what you've
9 written in that note was not in fact the circumstances
10 that led to the delivery of the phone, was it?---Sorry,
11 I don't follow.
12 Perhaps I'll ask it this way. Why did you need to write down
13 the circumstances about the delivery of the second phone
14 to you to be passed on to George Haritos? Why did you
15 need to write that down?---I still don't understand what
16 you're saying, I'm sorry.
17 The note says this, Mr Pinder: 'Tell him', and that 'him' is a
18 reference to George Haritos, isn't it?---Yes.
19 'Tell him to say he got an anonymous WhatsApp message he
20 thought was from me saying I was in trouble and needed
21 some money. I said in the message to put it in the car
22 without saying anything'?---Yes.
23 Well, did that happen? Did George Haritos put money or a phone
24 in the car?---No.
25 Can you decipher it for us? What's it about? You're the one
26 that wrote it?---I said to you that I wrote that along
27 with the other note after my house had been raided - - -
28 Mr Pinder, we are about to play a video of the execution of the
29 search warrant, okay? So we will see the circumstances of

1 the execution of that search warrant in a moment. Now, my
2 question to you is this, sir. This is your note?---Yes.
3 It's your instruction to George Haritos to be delivered via
4 Maria Tsakopoulos?---Yes. I haven't denied that.
5 But what is it about?---Well, I think it's fairly
6 self-explanatory, isn't it?
7 COMMISSIONER: No, it's not?---When the IBAC officers came to
8 my house they discovered a sum of money, \$10,000. I was
9 saying to George, 'If they ask you where the money came
10 from, this is what you say.'
11 MR LAWRIE: Oh, okay. So this was the instruction to George
12 for what we might call the backstory for the \$10,000 that
13 was discovered at your house on 19 August 2020 when the
14 search warrant was executed?---Correct. But it wasn't
15 true.
16 It wasn't true?---No.
17 The \$10,000 didn't come from George that was found at your
18 house?---No. Well, not directly.
19 Where directly did it come from?---It came from me - what you
20 described as a punters' club that we had established for a
21 long period of time.
22 We're going to come to the \$10,000 in a moment. We'll deal
23 with it in a little bit of detail. But your explanation
24 for that money was that it was a dividend from a
25 successful venture by the punters' club that had been
26 delivered to you; correct?---Correct.
27 Were all dividends from the punters' club paid out in
28 cash?---Yes, I believe so.
29 COMMISSIONER: Mr Pinder?---Yes, Mr Commissioner.

1 You say that the money which we'll see in a moment was found at
2 your home at the time of the search warrant, \$10,000 in
3 cash, you say that your understanding of that was, when
4 you received it, that it was proceeds of this gambling
5 syndicate, a lawful gambling syndicate; is that
6 correct?---Yes.

7 So why would you need to invent a completely false explanation
8 for Mr Haritos? He was a member of the syndicate. He
9 knew what the source of the funds was. Why would you need
10 to invent a completely false explanation for
11 him?---Because, Commissioner, I was worried at the time
12 about the implications of people knowing that I was in a
13 gambling syndicate with George Haritos.

14 You wanted to conceal the fact that you had that connection
15 with him?---That's correct, Commissioner, and I recognise
16 that it's wrong and, as I said yesterday, it was wrong to
17 borrow the money from Marie and it was wrong for me to be
18 in such an arrangement with George Haritos.

19 I see. Yes, Mr Lawrie.

20 MR LAWRIE: And the better story than that otherwise
21 embarrassing version you say was that Mr Haritos would,
22 prompted by nothing less than what he thought was an
23 anonymous WhatsApp message about you needing money, would
24 just leave \$10,500 for your - to get you out of trouble;
25 that's a better story, in your view, than it being the
26 proceeds of a punters' club?---Well, it wasn't \$10,500,
27 but in my view - - -

28 It was 10, you're correct?---But in my view, wrongly, in my
29 panicked state, it was the wrong thing to do but I did it.

1 In my - - -

2 In other words - sorry, keep going?---I think I've answered
3 your question.

4 What I'm suggesting to you is that what you're putting up there
5 is a worse explanation, not a better explanation, than the
6 punters' club; do you agree with that?---No.

7 Okay.

8 COMMISSIONER: Just before we come to the search warrant, I'm
9 not sure this has been explored. You said that the use of
10 this initial phone which Ms Tsakopoulos gave you back in
11 2016 was, amongst other purposes, for the communication of
12 conversations concerning the gambling syndicate, but it
13 was also used for other purposes. Did you use it for any
14 other purposes in communicating with Mr Haritos or
15 Ms Tsakopoulos?---I don't believe so, Mr Commissioner.

16 So if we were to able to listen to phone conversations on that
17 phone, we would only hear you talking about syndicate
18 matters with Mr Haritos or Ms Tsakopoulos; is that your
19 answer?---No, that's not my answer. The purpose of that
20 phone was originally for that purpose. I can't tell you
21 what the content of every conversation I had on that phone
22 was. You know, I would talk to George about many things.
23 In particular, 18 months ago when he had a health scare
24 I would talk to him about that. He would talk to me
25 about - he would always ask me about Metro Trains, for
26 example. But the main purpose of those conversations
27 normally was for him to say to me or me to say to him, 'Do
28 you want to catch up,' or something like that. So,
29 I wouldn't say, Commissioner, that the only thing that

1 I spoke about on that phone with George Haritos was things
2 like that. In fact, the only time we ever spoke about the
3 betting syndicate was when he was - he had his phone, he
4 used to keep all of the - he's got one of these phones you
5 open up and he would keep all the records of the various
6 different gambling activities in his phone.

7 So if we listen to phone calls between 2016 and 2020 on that
8 phone, we wouldn't hear much in the way of conversations
9 about this gambling syndicate, would we?---No.

10 So why did you proffer that as the purpose initially of that
11 phone?---Because that was the purpose of it, initially.

12 Yes, Mr Lawrie.

13 MR LAWRIE: Thank you, Commissioner. Mr Pinder, I want to take
14 you to one more document, and then we might have a break,
15 if you need a mid-morning break, if that's convenient.

16 COMMISSIONER: Yes.

17 MR LAWRIE: Can we bring up, please, 451. Mr Pinder, this is
18 amongst the notes that were found with the other ones that
19 we've described at Maria Tsakopoulos's place when the
20 warrant was executed in October. Do you agree that this
21 is also in your handwriting?---Yes.

22 You wrote it, didn't you?---Yes.

23 Would you mind reading it out, please?---'This is about me, you
24 and Pete. They will look at the procurement processes and
25 find nothing.' Because there was nothing.

26 No, just - Mr Pinder, just read the note, please?---'They will
27 try and follow the dollars from you to us. They will have
28 been listening to phones and probably still are. Take
29 this white phone back. Set it up. Put the number and

1 Marie in. Get WhatsApp on all 3 phones. Leave off when
2 not using - only use when outdoors. This may not end
3 well - prepare for the worst. We need to stick together.'
4 Okay. Now, that's again an instruction that you're providing
5 to Mr Haritos to be delivered via Marie Tsakopoulos; is
6 that right?---I believe I gave it to her at the same time
7 as I gave her the note to her.
8 But the note is addressed essentially to George Haritos, isn't
9 it?---Yes.
10 It's an instruction to him?---Yes.
11 And so when you say 'This is about me', obviously that's you.
12 'You' is George Haritos?---Yes.
13 And 'Pete' is Peter Bollas, isn't it?---Yes.
14 'They will look at the procurement process and find nothing,'
15 and you've already made the assertion that that is because
16 there is nothing wrong with the procurement process, is
17 that correct?---Yes.
18 The procurement process we spent some time on yesterday?---Yes.
19 "They have been listening to phones and probably still are.'
20 Why did you think that? Why did you think that IBAC might
21 have been listening to your phones at that
22 stage?---Because - for several reasons.
23 You'd done nothing wrong?---I came to V/Line at the end of the
24 Lansdowne process, so I was obviously aware that people
25 listen to telephone conversations. Every telephone
26 conversation I think I've had since I've been at V/Line,
27 I've just assumed that somebody was listening to the
28 telephone conversations. There was a van parked outside
29 my house which appeared overnight which I suspect was an

1 undercover van from IBAC listening to telephone
2 conversations. I knew that somebody inside V/Line was
3 leaking information to IBAC and the media because I had
4 firsthand knowledge of that because of my role. And
5 I also knew that - or I suspected that that person may
6 have even been working for IBAC.

7 Do you regard people who make disclosures to IBAC as a leak, do
8 you?---I don't regard people that report things to IBAC as
9 leaking information. But I do understand the process as
10 it's supposed to work in terms of protected disclosures
11 and I suspected that somebody was making disclosures
12 without following the proper process.

13 All right. Perhaps - - -?---And I didn't know whether they
14 were working for IBAC or working for V/Line or both.

15 I ask you this. The second half of the note, 'Take this white
16 phone back.' And then, 'Set it up. Put your number in
17 and' - I suggest that's meant to be Maria, but you've left
18 off the A. 'Put your number in and Maria in.' Again,
19 this is your instruction to George Haritos, isn't
20 it?---No, I think that was to Marie, that second half.
21 I don't remember.

22 So is this your instruction to Maria to organise this second
23 phone that was delivered to you?---The first time that she
24 came to the house I had a very brief conversation with her
25 and she gave me a white phone.

26 Why did you need at this particular stage to set up this second
27 phone with a WhatsApp messaging program so that you, Maria
28 and George Haritos could communicate off-line, if you
29 like?---Because I was worried that people would think that

1 we had done the wrong thing. I think I've made that
2 clear.

3 COMMISSIONER: But, Mr Pinder, if you had nothing to hide, then
4 the last thing you would want to do would be to engage
5 with Mr Haritos and Marie in securing a secret form of
6 phone messaging that nobody could listen to. If
7 everything was above board and out in the open, I don't
8 follow why you would want to resort to this
9 mechanism?---Mr Commissioner, I understand the point that
10 you're making. I don't think this was a distinction
11 between having nothing to hide and having something
12 grievous to hide. I had done the wrong thing. I had
13 borrowed money from somebody that I shouldn't have
14 borrowed money from. That for me was the wrong thing to
15 do. I was in a gambling arrangement with somebody that
16 I shouldn't have been in a gambling arrangement with as a
17 CEO of V/Line. I had made a mistake and that was what
18 I was trying to hide. Now, I don't know, with all due
19 respect to you, that I can be much clearer than that.
20 I think this might be a convenient time, Mr Lawrie.

21 MR LAWRIE: Thank you, Commissioner.

22 COMMISSIONER: We'll have a break for quarter of an hour.

23 MR LAWRIE: Thank you.

24 (Short adjournment.)

25 COMMISSIONER: Thank you very much. Mr Lawrie, just some
26 housekeeping first. We have fallen behind with
27 the exhibits a little. I don't think we tendered the
28 deposits into Mr Pinder's account [REDACTED]. That was JP12.

29 MR LAWRIE: Sorry, that was tendered I think already,

1 Commissioner.

2 COMMISSIONER: Thank you. JP13 is the handwritten note
3 relating to the phone provided to Mr Pinder by
4 Ms Tsakopoulos following the search warrant.

5 MR LAWRIE: That's correct.

6 COMMISSIONER: JP14 is the handwritten note by Mr Pinder to
7 Ms Tsakopoulos regarding the WhatsApp. JP15 is a
8 handwritten note by Mr Pinder to Ms Tsakopoulos for the
9 attention of Mr Haritos.

10 #EXHIBIT JP14 - Handwritten note by Mr Pinder to Ms Tsakopoulos
11 regarding the WhatsApp.

12 #EXHIBIT JP15 - Handwritten note by Mr Pinder to Ms Tsakopoulos
13 for the attention of Mr Haritos.

14 MR LAWRIE: Thank you. That will I think include the page that
15 I left on just before the break, Commissioner, which is
16 p.451. If we can have that back on screen for a moment.

17 COMMISSIONER: Yes.

18 MR LAWRIE: Mr Pinder, you've spoken about your state of
19 concern at the time that you wrote this note and
20 primarily, as I understand it, it was based on two things:
21 the fact that you had entered into a loan agreement that
22 created a conflict of interest and, secondly, that you
23 were part of a gambling syndicate with George Haritos that
24 you felt was not proper for you to be a part of because of
25 how that might look to the outside world; is that a fair
26 summary of your two concerns?---I think they were - that's
27 what I said.

28 Is that correct? Was that your state of mind? Those two
29 concerns were why you wrote that note?---I had many, many

1 concerns, those two amongst them, yes.

2 Were they the two principal concerns?---I couldn't say.

3 What other concerns were motivating you to write the note?---My
4 wife. My stepdaughter's state of mind. My wife's ex and
5 the way he was going to get through this given his current
6 state. My job, my career, my reputation. My - - -

7 COMMISSIONER: Mr Pinder, I think you've misunderstood the
8 question. It's about what things did you think were
9 inappropriate that required you to act in this secret
10 concealment process, and I think you've told us that there
11 were two?---Yes.

12 The fact that you had the loan from Marie and the fact that you
13 were in the gambling syndicate and how that would look if
14 it was exposed, and you provided the answer that it was
15 for that reason that you wanted to be able to converse
16 with Marie or Mr Haritos secretly; is that right?---Yes,
17 Mr Commissioner.

18 And so in the end, though, when you talk about it being
19 inappropriate, the only consequence for you, if either of
20 those things were disclosed, was that you hadn't complied
21 with your public service obligation of declaring a
22 conflict of interest?---Correct, Mr Commissioner, and my
23 state of mind at the time, and it may well still be the
24 case, that as a result of those things I might lose my
25 job, which means I wouldn't be able to pay my mortgage,
26 which means I would have to - I don't know what I'm going
27 to do. But those were the things that were going through
28 my mind. Not in an orderly function, like I was pulling
29 them down from a menu of selections. My mind was all over

1 the place. I also arranged to go and see a doctor.

2 I also arranged to go and see a psychotherapist. I did
3 lots of things. But I was concerned about everything.

4 MR LAWRIE: If we can just have a look at the note, Mr Pinder.

5 You say, 'This is about me, you and Pete.' Well, when
6 you're talking about 'you', you're talking about George
7 Haritos. There's no problem for George Haritos being in a
8 gambling syndicate, is there? The fact that he's in that
9 syndicate isn't personally a problem for him, is
10 it?---Well, I don't know how that would - what is it you
11 call it, the pub test? I don't know how that would look
12 to people, the fact that he is in that sort of arrangement
13 with the CEO of V/Line and a senior member of staff at
14 Metro.

15 Well, what about the loan? That doesn't affect George Haritos,
16 does it? That was a loan from Maria to you, according to
17 you?---I haven't mentioned the loan there, have I?

18 No, but you've said that there were two things that were
19 principally concerning you: the fact that you had entered
20 into a loan that created a conflict of interest, that was
21 the loan from Maria to you, and your membership of the
22 gambling syndicate. Now, the Maria Tsakopoulos loan to
23 you doesn't present a problem for George, does it?---No.

24 So the only thing that you could be saying 'this is about me
25 and you' when you're talking about George, the only thing
26 could be his membership of the gambling syndicate that
27 could be a problem, for him?---I don't feel like you're
28 being very fair with your questions. At that moment in
29 time the two things that I was concerned about was the

1 fact that I borrowed some money from somebody that
2 arguably I shouldn't have done and that I had what
3 I described as an inappropriate gambling relationship with
4 one of the suppliers to the company that I worked for.

5 Now, that's what I said.

6 COMMISSIONER: Neither of those things are unlawful,

7 Mr Pinder?---I understand that, Mr Commissioner. But that
8 doesn't mean to say they're not going to cost me my job.

9 And when you have what we've already established as a very
10 a significant mortgage, losing one's job, and whilst I'm
11 not trying to make myself sound like I'm in any worse
12 situation than anybody else is in this country right now,
13 for me it was a significant thing when (a) it means I'm
14 going to lose my house, (b) my wife and her daughter have
15 just moved around the other side of the world and it's
16 taken her two years to settle into a school that she's
17 finally happy in, (c) there are other - and I don't want
18 to go into the other pressures.

19 I don't think that's necessary?---But this is what I was
20 thinking, Mr Commissioner . I was thinking I was going to
21 lose my job, which means I lose everything and the
22 reputation that I have established, having worked in this
23 industry for 36 years. Now, you're asking me what was
24 going through my mind, Mr Lawrie, what was the primary
25 thing, what was the second thing. These things have been
26 keeping me awake for months and I don't order them on a
27 spreadsheet.

28 I think we understand that, Mr Pinder. But just focusing on
29 the explanation that you gave there, the next sentence

1 after the one Mr Lawrie took you to - if you could just
2 bring that up again, please.

3 MR LAWRIE: It's p.451.

4 COMMISSIONER: 'They will try and follow the money' - -

5 -?---Yes.

6 'From you,' that's Haritos?---Yes.

7 'To us'?---Yes.

8 But what's the money from Mr Haritos to you?---The \$10,000 that
9 they found when they came to my house on August whatever
10 it was you said it was earlier on, Mr Lawrie.

11 So you're not speaking of any other money; just that money that
12 was found on you or behind your front door at the time of
13 the search warrant?---That's right, yes.

14 That's the only money you're speaking of, and I think you
15 emphasised yesterday, did you not, there have never been
16 any other cash payments made by Mr Haritos to you?---With
17 the exception of the betting arrangement that we had, and
18 I paid him several thousand dollars as part of that
19 arrangement too.

20 Yes. Thank you, Mr Lawrie.

21 MR LAWRIE: Just to pick up on that, Commissioner, 'They will
22 try to follow the dollars from you to us 'is a reference
23 of that delivery of \$10,000 on 19 August which was a
24 dividend from the gambling syndicate; yes? You've already
25 said that?---Yes.

26 Why do you use 'us' then? Is that a reference to you and Peter
27 Bollas? Because the delivery of the money was to
28 you?---Yes.

29 A single person. Why do you say 'us'? Why do you say 'Follow

1 the dollars from you', George Haritos, 'to us', being
2 Peter Bollas and you? Why did you use 'us'?---Because
3 Peter was in the syndicate as well.

4 Did he get \$10,000 that day as well?---I don't know. I haven't
5 spoken to Peter.

6 Okay. But as far as you were aware he was probably getting the
7 same dividend from the gambling - - -?---No, let's be
8 specific what I was aware and what I wasn't aware about.

9 I was aware that - obviously I was aware that my house was
10 raided and I was aware from the media release that Pete
11 had been stood down as well.

12 Okay?---And I haven't spoken to Pete about that since.

13 COMMISSIONER: And the warning, Mr Pinder, 'This may not end
14 well, prepare for the worst,' all you're concerned there
15 about as far as Mr Haritos is concerned is it might affect
16 his reputation that he had been in such an arrangement
17 with a senior bureaucrat; is that all you were referring
18 to, was it?---Without wanting to sound facetious,
19 Mr Commissioner, I don't normally describe myself as a
20 bureaucrat. But, yes, that's essentially it, yes.

21 MR LAWRIE: How many people were part of this syndicate?---At
22 this time there were various syndicates, but at this time
23 me, Pete and George, to my knowledge.

24 Were the terms of the syndicate written down anywhere?---What
25 do you mean?

26 Were the shares equal? Was there a monthly contribution? The
27 way it would be funded? The way dividends would be paid?
28 Was that written down anywhere?---Everything that was
29 written down was written down by George.

1 On his phone?---Not typed into his phone, but in the sleeve of
2 his phone.

3 Okay. Now, you appreciate that that first phone that we've
4 been speaking about was seized on 19 August and you were
5 asked at that time if the investigators could have the PIN
6 number to access the phone; do you recall that?---Yes.

7 And at that time you exercised your rights to not answer that
8 question; do you remember that?---I think, and you're
9 probably going to play some video in a minute, I suspect,
10 but from my recollection the lead officer, or whatever his
11 denomination is, said that I was able to or entitled to
12 speak to a lawyer or a solicitor. I spoke to - - -

13 Just to short circuit this, Mr Pinder, I'm not suggesting there
14 is anything wrong in you doing that. That's why I said
15 you chose to exercise your rights. They were your rights
16 and you exercised them at the time and that's fine. You
17 chose - - -?---Yes, but the way you described it, it makes
18 it sound like I was being uncooperative. I wasn't
19 uncooperative. I just - - -

20 Let's be clear - - -

21 COMMISSIONER: Let Mr Pinder finish, Mr Lawrie.

22 MR LAWRIE: Sorry. Thank you?---I wasn't being uncooperative.

23 I was acting on the advice that was given to me. If I was
24 being uncooperative I wouldn't have pointed out parts of
25 my house to search that the search agents or whatever you
26 call them missed and I identified those areas for them to
27 search as well as the areas that they had searched. But
28 the solicitor that I spoke to at the time, who is not my
29 solicitor now, did two things - three things. He said,

1 'You have to cooperate with them. You shouldn't say
2 anything,' and he gave me the name of a lawyer to contact
3 who specialises in this type of thing.

4 And that's why, whether or not you're taking it the wrong way
5 or not, that's why I'm saying you exercised your rights.
6 They were rights that you had and you were entitled to
7 exercise them in the way that you did at the time. That's
8 what I'm suggesting, nothing more?---I apologise if I'm
9 being oversensitive.

10 That's fine. But it's simply the state of play at that time is
11 that the officers asked you for that and you exercised
12 your rights accordingly and the PIN number was not
13 disclosed; you agreed that that's the state of
14 affairs?---Yes.

15 We've spoken at length about the concerns that you had and they
16 really do break down to these two things, don't they: the
17 loan that you felt created the conflict of interest from
18 Maria Tsakopoulos and your membership of the syndicate.
19 We have spoken at length about those two matters today and
20 you've revealed considerable detail and the basis for your
21 concerns; do you agree with that? You've laid it out on
22 the table?---Yes.

23 And this first phone was used, apart from perhaps some other
24 mundane purposes, to communicate with Mr Haritos as part
25 of that gambling syndicate; yes?

26 COMMISSIONER: Well, I think he's made the point just before
27 lunch, Mr Lawrie, that although that was the reason the
28 phone was given, there weren't many conversations using
29 that phone concerning the syndicate.

1 MR LAWRIE: That's right. Sorry, you're right,
2 Mr Commissioner. But the other purposes for using that
3 phone were not unlawful, were they?---I don't
4 know - I don't know what you're talking about now.
5 The communications that you're having on that phone for
6 whatever purpose, they might be described as mundane or
7 just work chatter or personal chatter; is that the nature
8 of the communications on that phone?---I would have
9 conversations with George that went something along the
10 lines of 'How are you doing? How's work going? Yeah, all
11 good. How's Metro? How's your health? How's this, how's
12 that. Do you want to catch up? Yes, no.' That was it.
13 I don't know what you're driving at. I don't remember the
14 conversations that I had, Mr Lawrie. I don't remember.
15 COMMISSIONER: Mr Pinder, what Mr Lawrie is putting to you is,
16 apart from the two areas of concern that you've
17 highlighted, there were no - you were not engaged in any
18 unlawful activity with Mr Haritos that we would otherwise
19 hear in any of those conversations?---I don't know,
20 Mr Commissioner. I do know that every time I used that
21 phone or any other phone I always assumed that somebody
22 was listening to it. So, I don't know. If there's
23 something specific - - -
24 You're not grappling with the question. The question is were
25 there any other matters between you and Mr Haritos that
26 were either inappropriate or unlawful that you would not
27 want to see disclosed?---I still don't understand the
28 question. Maybe I'm being a bit thick. Maybe I'm not
29 thinking right.

1 Have you covered - in the two matters you've identified that
2 you said were inappropriate and which caused you to panic,
3 apart from those two matters are there any other aspects
4 of your relationship with Mr Haritos that were either
5 unlawful or inappropriate and that you would not want to
6 see disclosed?---As I sit here now, to my knowledge not
7 that I think is - I don't think that is the case, no.

8 MR LAWRIE: If that is the state of play, Mr Pinder, then
9 I presume that you would have no difficulty now, perhaps
10 after taking advice if you wish to, providing the access
11 code to the phone?---That's right, yes.

12 Are you prepared to do that?

13 MS CURRIE: Commissioner, at this point it might be a matter
14 that my client needs to take some advice in relation to.

15 COMMISSIONER: Well, you're not going to hand over any PIN
16 numbers during these hearings, Ms Currie, and you'll have
17 an ample opportunity to remind him of what his rights are
18 before anything like that were to occur. I think counsel
19 is just enquiring as to his present state of mind is that
20 he wouldn't have an objection.

21 MS CURRIE: Thank you, Commissioner. Nonetheless I just wanted
22 to ensure that my client has the opportunity to take
23 advice about that and that it's done in an appropriate way
24 and that he's not put on the spot in the course of this
25 examination on that matter.

26 COMMISSIONER: He's being put on the spot about a number of
27 matters, Ms Currie, and no doubt will be put on the spot
28 about others. But nothing is going to happen until some
29 point of time after his examination is concluded.

1 MS CURRIE: Thank you, Commissioner.

2 MR LAWRIE: The \$10,000 that was delivered to you on 19 August
3 2020, Mr Pinder, who delivered that to you?---George.
4 Where were you when he delivered it to you?---At the coffee
5 shop at the - well, around the corner from the coffee shop
6 at the end of Ferguson Street opposite North Williamstown
7 Station.

8 What suburb does Mr Haritos live in?---I've never actually been
9 to Mr Haritos's house, but I believe that the suburb is
10 called - my mind's gone blank.

11 Doesn't he live in Toorak?---Toorak, yes, sorry. That's right.
12 So he drove from Toorak to Williamstown to deliver your
13 dividend from the syndicate?---Yes.

14 Is that what happened?---Well, I don't know how he got there.
15 Sorry, I should be specific.

16 He travelled?---I assume so, yes.

17 Let's have a look, please, at - can we bring up image number
18 10. This is going to be a series of photos that were
19 taken of you meeting on that day, Mr Pinder. We can Zoom
20 in if you like?---No, I recognise that. That's the coffee
21 shop that I was talking about.

22 And the person wearing the black baseball cap, the Titleist
23 baseball cap and wearing the black face mask, is that
24 you?---Yes, I think it's a navy face mask, but yes.

25 There we go. All right. A black Titleist cap?---Yes.

26 And blue sweat top?---Yes.

27 And the man with grey hair wearing the black bomber jacket and
28 jeans, a bomber jacket with a hood, is Mr Haritos, isn't
29 it?---Yes.

1 And that's you meeting outside that cafe in Williamstown at
2 about 10 past 10 in the morning and he's dropping off to
3 you your winnings from the syndicate; is that right? Is
4 that where it happened, outside the cafe?---I can't
5 remember the exact time, but I'll take your word for it.
6 Well, I'm telling you that's the time that those photos were
7 taken?---Well, then I'm happy to take your word for it.
8 It would have been around that time.

9 But is it outside the cafe that he handed you your
10 winnings?---No.

11 Where was it?---I think it was around the corner.

12 At his car?---At my car, I think.

13 Okay. I tender that, Commissioner, surveillance photos from
14 19 August 2020.

15 COMMISSIONER: JP16.

16 #EXHIBIT JP16 - Surveillance photos from 19/08/20.

17 MR LAWRIE: If we can have a look, please, the next thing
18 I want to show you, Mr Pinder, is some videotape and it in
19 fact comes from your house security system. This is video
20 number 28, please. I'm going to play just three minutes
21 of this and then I'll ask you some questions about it. We
22 may pause through those three minutes, though, so just be
23 ready for that.

24 (Video recording played to the Commission.)

25 MR LAWRIE: Can we just pause there, please. Does that video
26 depict the front porch, front pathway, front gate of your
27 premises in Williamstown?---Yes.

28 Okay. Play, please.

29 (Video recording played to the Commission.)

1 MR LAWRIE: Pause, please. You're just walking to your front
2 door now; is that right?---Yes.
3 And in your left hand you have a takeaway coffee, an envelope
4 and the first phone that we spoke about, don't
5 you?---I don't know what phone was in my hand. I don't
6 know what 'the first phone we spoke about' refers to. If
7 you're talking about the - - -
8 We're talking about the phone that was subscribed in Maria
9 Tsakopoulos's name that you got in 2016 and that you had
10 up until this day?---Yes. Up until that day, yes.
11 All right. That's what I'm referring to as the first phone.
12 Okay? I suggest to you that in your left hand underneath
13 that envelope is the first phone. Do you remember
14 that?---Yes.
15 Is that correct?---I just said yes.
16 Okay, and in the envelope is \$10,000 in cash, isn't it?---Yes.
17 Okay. Play, please.
18 (Video recording played to the Commission.)
19 You see the IBAC officers arriving?---Yes.
20 Just pause there. You promptly, I suggest, inside the front
21 door place on the floor the envelope and the phone that we
22 just spoke about, didn't you?---I opened the front door
23 and put the things down on the floor, if that's what
24 you're talking about, yes, and then I closed the front
25 door, yes.
26 You didn't want them to see what you had been holding in your
27 left hand, did you?---No, well, the first thing I didn't
28 know who they were.
29 COMMISSIONER: The answer to the question is yes or no,

1 Mr Pinder?---It didn't enter my mind, Mr Commissioner.

2 MR LAWRIE: Just play the rest of the tape, please.

3 (Video recording played to the Commission.)

4 MR LAWRIE: There at 43 seconds you are being handed a copy of

5 the warrant, aren't you?---Yes.

6 And we can see the IBAC officers explaining to you something;

7 do you agree with that?---Yes.

8 You have produced a phone from your right pocket there at

9 1 minute 23 seconds and some car keys as well, or keys; do

10 you agree with that?---Yes.

11 That's a different phone to the one that you've placed inside

12 the front door, isn't it?---That one was in my pocket,

13 yes.

14 Is that your work phone or your personal phone, the one you

15 pulled from your right pocket?---I don't actually remember

16 which phone was which. I can explain to you what happened

17 if you want me to, or we can go through this - - -

18 No, we'll just go through this. But what I'm suggesting is

19 that you've placed one phone, the Tsakopoulos subscribed

20 phone that you had from 2016, inside the front door as

21 those officers approached and then when they've asked you,

22 you've pulled a second phone from your right jeans pocket,

23 haven't you? That's what the video shows; do you agree

24 with that?---Yes.

25 We're now going into the property and after a few seconds after

26 that at 2 minutes 30 those four officers enter your

27 residence, don't they; do you agree?---Yes.

28 All right. We can stop there, I think. I tender that,

29 Commissioner. It's video 28.

1 COMMISSIONER: That will be JP16, video of execution of search
2 warrant.

3 MR LAWRIE: Sorry, it's exhibit JP17. My apologies.

4 COMMISSIONER: Yes, thank you.

5 #EXHIBIT JP17 - Video of execution of search warrant.

6 MR LAWRIE: I want to show you another video, Mr Pinder. Could
7 we pull up, please, video 29, starting at the start.

8 (Video recording played to the Commission.)

9 MR LAWRIE: Can you pause, please. Sorry, can we pause back at
10 42 seconds. That's where you placed the envelope and the
11 phone that we saw in the earlier video, isn't it?---Yes.
12 All right. Can we just play forward to 50 seconds and then
13 stop.

14 (Video recording played to the Commission.)

15 MR LAWRIE: We'll pause there. Fast forward, please, to five
16 minutes and 14 seconds.

17 (Video recording played to the Commission.)

18 MR LAWRIE: Okay, just pause it there. You agree that that
19 records them finding a sum of \$500-odd in cash in your
20 bedroom that was counted and then put back?---I don't
21 agree that that was them finding it, no.

22 You had pointed it out to them, did you?---Yes, as the video
23 will show earlier on. They asked me if there was any cash
24 in the house and I said there was and I showed it to them.
25 Did you tell them about the cash at the front door in the
26 envelope?---I don't remember. It was there. I didn't try
27 and hide it.

28 Okay. So earlier on in the video - sorry, during the search
29 you say that they asked you to tell them about any cash in

1 the house. You complied. That takes them to the bedroom
2 and the \$500 or \$550 we've just seen then; is that
3 right?---Yes, that is exactly what happened.

4 So they didn't find it. They were directed to it essentially
5 by you, and you directed them appropriately to all cash
6 that you had?---Yes.

7 All right. Can we move forward, please, to six minutes and
8 25 seconds, and we'll play this through to nine minutes.

9 (Video recording played to the Commission.)

10 WITNESS: This was after the lawyer told me not to talk to
11 them.

12 COMMISSIONER: Just a moment, please. Just pause.

13 MR LAWRIE: Pause there for a minute.

14 COMMISSIONER: That's not helpful, Mr Pinder. Just wait until
15 the video is played?---Sorry, Mr Commissioner. Can I say
16 something?

17 Yes?---This is being totally misrepresented.

18 MR LAWRIE: How can I misrepresent something that's recorded on
19 a video, Mr Pinder?---Because you're skipping from one bit
20 to another bit to suit your purposes.

21 COMMISSIONER: Well, we'll play the video and you'll have ample
22 opportunity to further explain that position.

23 MR LAWRIE: Just play forward, please.

24 (Video recording played to the Commission.)

25 WITNESS: 'You don't have to answer.'

26 (Video recording played to the Commission.)

27 MR LAWRIE: Stop it there. So the point I wanted to explore
28 with you, Mr Pinder, is this. Earlier on you said that
29 the \$550 was found because you were cooperating and they

1 asked you where the cash was and so you took them
2 essentially to the bedroom to that drawer and the cash;
3 that's correct, isn't it?---Yes.

4 Was that cooperation before or after you say you received legal
5 advice?---I can't remember. You've got the video there.
6 Why don't you play it?

7 We can play the whole lot if you like. But what I'm asking you
8 is this. You choose to - you say that you're being
9 cooperative and that, 'They didn't find it. Oh, no, they
10 didn't find it. I took them to that \$500.' Was that a
11 decision you made after you received legal advice?---Would
12 you like me to explain what I think happened on that day?

13 COMMISSIONER: No, just answer the questions, please,
14 Mr Pinder?---I don't remember whether I told them where
15 the \$550 was before or after I spoke to the lawyer.

16 All right.

17 MR LAWRIE: But the phone that we see that the officers picked
18 up, and as they picked it up it showed the home screen
19 photo of you and your wife, is the Tsakopoulos phone that
20 you had had since or the first phone that you had had
21 since 2016, isn't it?---Yes. And that definitely occurred
22 after I had spoken to the lawyer, as the investigator said
23 at the time. He said, 'You don't have to say anything.
24 Your lawyer has said so.' So I chose not to.

25 COMMISSIONER: Yes, nobody is suggesting, Mr Pinder, that any
26 adverse inference can be drawn from you declining to
27 answer questions. But some of the time you didn't
28 decline; you actually proffered your position. For
29 example, when asked, 'What is the white envelope? Is

1 there something under it,' and you said, 'I don't know.'
2 That wasn't true, was it? It wasn't true, was it?---I was
3 told by my lawyer not to answer any - it wasn't my lawyer,
4 a lawyer, not to answer any questions but to cooperate
5 with the search. I didn't conceal anything. I just chose
6 not to answer questions because that was the advice I was
7 given. If that was inconsistent during those 10,
8 15 minutes or however long it was then that's probably
9 because nobody's ever served a search warrant on my house
10 before and this was the first time for me.

11 Mr Pinder, I'm simply asking you when you did answer questions,
12 as distinct from exercising your right to say nothing, one
13 of the things that you told the police was - the
14 investigators was untrue?---No, I don't accept that - - -
15 You did know what was in the envelope and you did know what was
16 under the envelope?---The lawyer at the time told me that
17 I had to comply with the search warrant, which is what
18 I said earlier on, but don't answer any questions. So if
19 I answered the question in a negative as opposed to in a
20 neutral way then I apologise, but I didn't try and conceal
21 anything because it was there on the floor. And if you
22 want me to tell you why I put it on the floor I can tell
23 you why I put it on the floor, because you didn't show it
24 on the video. But the lawyer that I spoke to told me
25 those two things.

26 Yes. Yes, Mr Lawrie.

27 MR LAWRIE: Thank you, Commissioner. The phone that we've
28 spoken about in such detail was one that you were worried
29 might have been listened to, and you recorded that in your

1 note that you delivered to Maria Tsakopoulos;
2 correct?---I was worried that all phones were being
3 listened to; yes, correct.

4 The only cash that you've received from George Haritos, you
5 say, has been the result of the gambling syndicate being
6 successful; is that right?---That's what I said.

7 On how many occasions has Mr Haritos delivered you dividends
8 from the gambling syndicate?---I don't know exactly. As
9 I said to you earlier on, there have been occasions when
10 I have given George money and there's been occasions when
11 he's given me money.

12 How much have you won from the syndicate, even in rough
13 terms?---I would guess that over the period I've probably
14 invested 10, 15, maybe \$20,000 and recouped maybe double
15 that or a bit more, if that. I don't know. About that
16 much.

17 Thirty to \$40,000 approximately?---Yes.

18 And the other deliveries of those winnings, are they in the
19 same order? Is it \$10,000 or thereabouts when Mr Haritos
20 has delivered the winnings of the syndicate?---No,
21 sometimes it would be two, three, four, those sort of
22 amounts.

23 And presumably he would be delivering the same amounts at the
24 same time to Mr Bollas because he's also a member of that
25 same syndicate, isn't he? You would have to presume
26 that?---I would assume so, but I don't know for sure.

27 You would be talking to Peter Bollas about how the syndicate
28 was going and - - -?---We would talk about it
29 occasionally. But, yes, I don't know the specifics of it.

1 You would have to ask them.

2 I want you to listen very carefully to the next question,
3 Mr Pinder. Have you ever received cash payments from
4 Mr Haritos that were not what we've been talking about,
5 were not winnings, other cash payments?

6 COMMISSIONER: Mr Pinder?---I said 'no'.

7 And yesterday I think you said, apart from the repayment of
8 some money that you had lent someone - - -?---Marie.

9 Ms Tsakopoulos or Marie, you hadn't received any cash payments.

10 But you didn't intend that answer to include payments that
11 were distributions of syndicate money?---I don't remember
12 that question being asked yesterday, Mr Commissioner, if
13 it was at all.

14 If that's so, that was an error yesterday?---I don't remember
15 that question being asked yesterday. Was it asked,
16 Mr Lawrie? I don't know.

17 MR LAWRIE: I'll have to check. I want to be very precise
18 about this, Mr Pinder, because your fears about your
19 telephone conversations being intercepted were correct.
20 We have intercepts of the telephone conversations that you
21 had on the Tsakopoulos phone, at least for some time, and
22 I propose in the next little time to take you to some of
23 those conversations, either by a transcript or via audio
24 or both. So again I want you to consider this question
25 very carefully because, if it is otherwise, now is the
26 time to say it is otherwise. Have you ever received other
27 cash payments from George Haritos?---No.

28 And we're not talking about syndicate winnings. We're talking
29 about other cash payments; correct? Nothing else

1 received?---I think I've answered your question.

2 I just want to be very precise with you, Mr Pinder, so that
3 there's no ambiguity whatsoever. That's the state of
4 play. All right. Can we please go to 513 - sorry, 519 of
5 the book.

6 COMMISSIONER: I'll mark the IBAC officer's video of the
7 execution of the search warrant JP18.

8 #EXHIBIT JP18 - IBAC officer's video of the execution of
9 the search warrant.

10 MR LAWRIE: Thank you, Commissioner. What I'm going to take
11 you to is two pages of transcript from a telephone call
12 made by you - excuse me for a moment - made by you to
13 Mr Bollas on 5 February.

14 COMMISSIONER: 2020?

15 MR LAWRIE: 2020, thank you, Commissioner.

16 COMMISSIONER: So, Mr Pinder, you'll be able to follow the
17 transcript as the audio is played, which sometimes
18 assists, particularly if the audio is not particularly
19 audible; do you follow?---Yes, Mr Commissioner.

20 MR LAWRIE: Mr Commissioner, I was not going to play the audio
21 for each one, unless there's a request from Mr Pinder to
22 do so.

23 COMMISSIONER: Very good.

24 MR LAWRIE: Some of the conversations I do propose to play the
25 audio. But can I say this, Mr Pinder. There is audio for
26 this. This is simply an easier and more expeditious way
27 of dealing with the material. But if you so dispute what
28 we read here then we will go to the audio. Do you
29 understand that?---I do.

1 I want you to read that first page?---I've read it.
2 Okay. I want you to go over the page to 520. Do you see
3 there, 'Our third musketeer would like to catch up if
4 possible'? Who's that a reference to?---Probably George.
5 So this is you speaking to Peter Bollas about George Haritos,
6 and you call him the third musketeer; is that
7 right?---I think - maybe, yes. I don't know.
8 And is that a name you've just given him because the three of
9 you were in the gambling syndicate?---Yes, I think one of
10 the gambling syndicates we called ourselves the three
11 amigos, another one was - it's just slang talk, what do
12 you call it, chatting.
13 All right. I tender 519 and 520.
14 COMMISSIONER: Transcript of conversation, Mr Pinder and
15 Mr Bollas, 5 February 2020, JP19.
16 #EXHIBIT JP19 - Transcript of conversation, Mr Pinder and
17 Mr Bollas, 5 February 2020.
18 MR LAWRIE: Can we have a look, please, at 549 which is
19 telephone intercept 11. This is a conversation between
20 you and Mr Haritos on 10 March 2020, just after 8 pm; do
21 you see that?---Yes.
22 And you say, 'So I'm thinking it's an opportunity for us to
23 throw a bit of extra you-know-what.' Mr Haritos replies,
24 'How much do you reckon your budget could be?' You're
25 talking there about extra cleaning work that comes with
26 the requirements to provide a safer environment during the
27 COVID response, aren't you?---Probably, yes.
28 Why would you be dealing with Mr Haritos about COVID cleaning?
29 It's not your role as the CEO?---Well, I don't think it

1 was the primary reason for calling him.

2 COMMISSIONER: That's not really answering the question,
3 Mr Pinder. Mr Lawrie is asking you why would you discuss
4 that subject with Mr Haritos?---Because I was probably
5 giving him the heads-up that there would be a requirement
6 to do a lot more work because of the additional cleaning
7 required for the Coronavirus and I wanted him to be ready
8 for it. I wasn't arranging it. V/Line didn't arrange it.
9 In fact the government arranged it, and I was just telling
10 him about it.

11 'You have an opportunity for us to throw you an extra bit of
12 you-know-what'; what does that mean?---Work.

13 And who is 'us'?---I was probably referring to V/Line.

14 Yes?---But as it turned out, this is very early on, we didn't
15 arrange it anyway, and it wasn't clear how it was going to
16 be arranged. So I - it would appear that I was having a
17 conversation with him about something else and said, 'Oh,
18 the other reason for calling you is this Coronavirus
19 thing, you might be busy soon. You better get ready for
20 it' type thing. As it turned out the government organised
21 it all in the end and it was nothing to do with V/Line, is
22 my understanding.

23 Yes, but it's an example of you conversing directly with the
24 head of Transclean about potential further work, isn't
25 it?---It's an example of what I was talking about earlier
26 on, Mr Commissioner. You know, I would talk to George and
27 say, 'How's it going? Are you busy?' This happened to be
28 quite a big thing. And if I remember rightly - - -

29 MR LAWRIE: Mr Pinder, you have a whole organisational

1 structure beneath you to look after the management of this
2 contract, amongst other contracts, don't you?---Yes.
3 And it lies properly with them to manage the day-to-day
4 performance of the contract, including additional work
5 that comes through the COVID response, doesn't it?---Yes.
6 There would be no conceivable reason whatsoever for you to be
7 personally involved in this in your role as the CEO of
8 V/Line, would there?---As I said to you yesterday, this
9 industry, everybody talks about everything all of
10 the time, and everyone's connected and these sorts of
11 conversations happen hundreds of times every day.
12 Really? That the CEO gets involved with the director of a
13 supplier who's supplying services in the tune of
14 \$7 million a year and starts discussing about throwing 'a
15 little bit of extra you-know-what your way', they are the
16 sort of conversations that happen all the time throughout
17 the industry day in and day out, do they?---In the context
18 of what was going on here, I don't think that that's an
19 unusual conversation for me to be having.

20 COMMISSIONER: Are you moving on, Mr Lawrie?

21 MR LAWRIE: I am indeed. I'll tender that, Commissioner.

22 COMMISSIONER: Transcript of conversation between Mr Pinder and
23 Mr Haritos, 10/03/20, JP20.

24 #EXHIBIT JP20 - Transcript of conversation between Mr Pinder
25 and Mr Haritos, 10/03/20.

26 MR LAWRIE: Can we look, please, at p.555. This is a portion
27 of transcript of a call. It's a little further on in that
28 call at 11 minutes past eight.

29 COMMISSIONER: What's the date of the conversation?

1 MR LAWRIE: It's the same date, Commissioner, 10 March. And
2 again it's Mr Pinder speaking with Mr Haritos. So you
3 say, 'Yep, so I'm just thinking there's an opportunity
4 here um in these otherwise challenging economic
5 circumstances.' Mr Haritos replies, 'Mm-hm, yes.' You
6 say, 'Because don't forget you can do it for us. We've
7 got to do it for Metro as well.' Mr Haritos replies,
8 'I've got a meeting with Metro tomorrow, though obviously
9 Metro haven't been on board because Peter's been away last
10 week.' That's Peter Bollas, isn't it, that you're
11 referring to, or that Mr Haritos is referring to; is that
12 right?---I can't honestly say who he's referring to, but
13 I suspect probably it was.

14 See line 55 where you say, 'So this is potentially an
15 opportunity to, um, to do a little bit of boosting of your
16 coffers' - sorry, 'a bit of boosting your coffers.'

17 COMMISSIONER: Mr Lawrie, I don't think this is an appropriate
18 way to deal with this conversation.

19 MR LAWRIE: Sorry.

20 COMMISSIONER: Mr Pinder has to have an opportunity to digest
21 it.

22 MR LAWRIE: Certainly.

23 COMMISSIONER: And it's no good taking one or two lines out of
24 context either.

25 MR LAWRIE: Sorry, Commissioner. Perhaps if you can read that
26 page.

27 COMMISSIONER: Commencing what line?

28 MR LAWRIE: Commencing at the top. Perhaps read the whole
29 page.

1 MS CURRIE: Commissioner, I'm looking at the time and I'm
2 conscious that as a matter of fairness it may be better
3 for Mr Pinder to have an opportunity to read this
4 transcript from beginning to end rather than be taken out
5 of context to parts of it. I wonder if that might be able
6 to be arranged to be done over a luncheon break and then
7 he can answer questions about this conversation, having
8 had the benefit of reading the transcript in full.

9 COMMISSIONER: Yes, good idea. We'll do that. We'll break
10 until 1.30. Have a break. Have some lunch, Mr Pinder.
11 How many pages is there, Mr Lawrie, that you would like
12 Mr Pinder to read?

13 MR LAWRIE: There appears to be - I think we'll take the
14 opportunity to deal with other calls in the same way. So
15 they will be in the vicinity of 40 pages to read.

16 COMMISSIONER: I'm sorry, you want Mr Pinder to read the entire
17 40 pages before we resume?

18 MR LAWRIE: Yes, that way I can adopt the same process with
19 some other calls as well.

20 COMMISSIONER: I'm not sure that's appropriate either. I think
21 we need to take them one call at a time.

22 MR LAWRIE: Okay.

23 COMMISSIONER: You might consider whether or not some parts of
24 it would be better to play the audio and Mr Pinder can
25 follow the transcript, but I'll leave that with you.

26 MR LAWRIE: Thank you.

27 COMMISSIONER: Very good. 1.30.

28 <(THE WITNESS WITHDREW)

29 LUNCHEON ADJOURNMENT