
TRANSCRIPT OF MORNING PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

THURSDAY, 29 OCTOBER 2020

(4th 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 <PETER BOLLAS, recalled:

2 <EXAMINED BY MR LAWRIE, continued:

3 COMMISSIONER: Yes, Mr Lawrie. Are you ready to proceed,
4 Mr Bollas?---Yes, Commissioner.

5 So, again, could I remind you, if at any stage you want to have
6 a break or you want an opportunity to speak to
7 Mr Hargreaves, just indicate that you would like to do
8 that. Do you follow?---Yes, Commissioner.

9 And we'll take a break?---Yes.

10 Thank you. Yes, Mr Lawrie.

11 MR LAWRIE: Thank you, Commissioner. Mr Bollas, yesterday
12 afternoon we touched upon the additional \$50,000 that was
13 to be sought from Mr Haritos as an additional payment for
14 the extra work that Transclean was getting for both Metro
15 and V/Line; you recall that?---Yes.

16 And your evidence was that, whilst that might have been the
17 approach, how that eventuated from your perspective was
18 \$10,000 that came to you as an extra payment; is that
19 correct?---Correct, Mr Lawrie.

20 Do you recall the time delay between your conversation with
21 Mr Pinder about him making the approach and you receiving
22 the \$10,000?---No, Mr Lawrie.

23 Who delivered the \$10,000 to you?---George did.

24 And where did that happen?---At work, Mr Lawrie.

25 Did George tell you how much he was giving to Mr Pinder?---No,
26 Mr Lawrie.

27 Did you assume it was the same amount, that it was
28 \$10,000?---To be honest, I didn't assume, no. No.

29 In your mind could it have been more that Mr Pinder was

1 receiving?---No. No, Mr Lawrie.

2 Okay. In evidence yesterday you spoke about your memory of
3 when you thought the involvement, that is the involvement
4 of the three of you together, commenced and you estimated
5 it to be some three and a half years ago; is that
6 correct?---Yes, I think I said three and a half to four
7 years ago, yes.

8 Three and a half to four years ago?---Yes.

9 Okay. Thank you. I want to ask you, please, about how the
10 arrangement came into being as best you can recall?---All
11 right.

12 And I know this might be difficult and that your memory might
13 be imperfect on this, but nonetheless I want to ask you
14 some details. If you can remember - - -?---Yes.

15 Please say so. I don't want you to speculate beyond what
16 you're confident about, though?---Yes.

17 But the purpose of asking the detailed questions is to see what
18 memory you do have; do you understand that?---Yes,
19 Mr Lawrie.

20 Do you recall whether it was Mr Pinder or Mr Haritos that first
21 proposed this arrangement to you?---Honestly I can't,
22 I can't recall that.

23 Okay?---Honestly. Honestly.

24 That's all right. Mr Pinder was your superior when he was at
25 Metro, wasn't he?---Yes, Mr Lawrie.

26 Do you recall any part of this arrangement being in operation
27 whilst you and Mr Pinder were at Metro
28 together?---Possibly, yes.

29 Please understand that I'm using a convenient title for it.

1 When I talk about the 'operation', I'm talking about the
2 arrangement between the three of you for the regular
3 monthly payments of - - -?---I understood, Mr Lawrie.
4 Eight to \$10,000. So, as your memory tells you, it could have
5 been in operation as early as Mr Pinder's time at
6 Metro?---Possibly, Mr Lawrie, yes.
7 So I want to ask you a little bit, please, about those early
8 days at Metro?---Yes.
9 And in particular focusing in on your role as the contract
10 manager for the carriages contract?---Yes.
11 That Metro had with Transclean?---Yes.
12 So you arrived at Metro some eight and a half years ago in
13 2012; that's right, isn't it?---Yes.
14 Now, we know that in June of 2012 legal proceedings commenced,
15 that is Transclean sued Metro because of a dispute arising
16 out of the carriages contract; were you aware of that at
17 that time?---I knew there was something happening, but
18 I didn't know the specifics of it, Mr Lawrie.
19 At that time you were not yet the contract manager for that
20 contract, were you?---No, Mr Lawrie.
21 In September of 2013 we understand that those proceedings were
22 settled. Again, that seems to be a little before your
23 time in the role as manager of that contract, but were you
24 aware nonetheless of the fact that dispute had
25 settled?---Yes, Mr Lawrie. There was common knowledge to
26 everyone in there.
27 Was it the sort of thing that was spoken about widely in
28 amongst those in management, was it?---Yes, yes,
29 Mr Lawrie.

1 Did you know whether Mr Pinder had any role in that settlement
2 process, whether he was involved in negotiations?---My
3 understanding was that he was asked to undertake some
4 negotiation.

5 Who was he negotiating with, as best as you understood
6 it?---I don't know. The Metro legal team I would assume
7 and Transclean's legal team - - -

8 You don't have any direct knowledge of that?---No, not - look,
9 I know there was conversations between the two businesses.
10 I was never involved in them, and anything I heard
11 is - you don't know what value is in it, you know, what
12 you hear, Mr Lawrie.

13 Certainly. Did Mr Pinder ever speak to you about that stage,
14 what he had done in those negotiations?---Yes, that he was
15 just negotiating a settlement for the business that he's
16 been asked to do so.

17 Did he ever - - -?---Just along those lines.

18 Did he ever brag to you that he was a key person in achieving
19 the settlement?---Not so much - oh, not brag but that it
20 was a role that he undertook, yes, in the business.

21 I don't think he went around waving a flag to everyone,
22 but he said that he saved Metro litigation, Mr Lawrie.

23 Did he ever put it that he saved Metro's skin, not just the
24 litigation but his role, it actually kept them in
25 existence because of that settlement? Did he put it that
26 highly?---Possibly, yes.

27 COMMISSIONER: You mean Metro's skin or Transclean, Mr Lawrie?

28 MR LAWRIE: Metro's skin, Commissioner.

29 WITNESS: I would assume so, yes.

1 MR LAWRIE: Now, in 2014 there was a supplier audit that was
2 conducted at Metro, wasn't there, and this is at a time
3 when you're now the contract manager for the carriages
4 contract?---Okay, yes.

5 Do you remember this supplier audit because there was - well,
6 essentially you were expending some \$17 million per annum
7 on cleaning services at that stage, weren't you, 2014?

8 Does that sound like the right figure?---Yes, I'm sure it
9 is, Mr Lawrie.

10 Well, can I put it this way. Without asking you to be precise,
11 does that sound like a reasonable or correct figure, that
12 that was the annual spend by Metro for cleaning services
13 at that time, about \$17 million per annum?---Yes, I'm
14 sure. I'm sure, yes.

15 COMMISSIONER: Mr Bollas, it's really important that you only
16 give evidence based upon your memory. The fact that
17 counsel assisting is putting a proposition to you which
18 you have reason to assume must be correct is really not a
19 basis for you to accept it. If you have no memory of the
20 matter, then it's important that you make clear that you
21 don't have a memory of; do you follow?---Yes,
22 Commissioner.

23 Yes, Mr Lawrie.

24 MR LAWRIE: Thank you, Commissioner. So do you have a memory
25 of the sorts of money that were being expended at that
26 time?---Not now, no. At the time, but not now, Mr Lawrie.
27 That's all right. I want to move forward to 2015. Do you
28 remember there being at Metro an investigation of
29 the level of charging by Transclean for cleaning services,

1 and that a new contracts manager came in towards the end
2 of that year for that purpose?---I remember that, yes -
3 I remember it because I heard it - you in your previous
4 questions, yes.

5 So as you were following the evidence over the last two days or
6 two and a half days you recall that. Did you actually
7 remember it happening?---No.

8 Okay. Do you remember there being any talk about overcharging
9 by Transclean in comparison to other potential
10 providers?---To be honest, no, Mr Lawrie.

11 That's all right?---I probably - no, I can't remember.

12 Okay. When we spoke yesterday you talked about advancing
13 Transclean's interests and that was what you were doing
14 for the monthly payments; is that correct?---That's
15 correct, Mr Lawrie.

16 I would like to explore, please, the details of how you
17 actually managed to advance their interests. So that's
18 the purpose of my next series of questions?---Yes.

19 How do you go about protecting the reputation of Transclean if
20 they are underperforming? Is that one of the things that
21 you would do?---It wasn't a matter of them
22 underperforming. It was a matter of making them perform
23 to - how do I put it? If any issues arose I got to them
24 quickly and dealt with them immediately so that it doesn't
25 escalate.

26 But wouldn't that be the day-to-day activity of a contract
27 manager anyway? There's nothing wrong in doing that
28 in - - -?---No, Mr Lawrie.

29 In nipping problems in the bud, is there?---No, that would be

1 the actions of a train presentation manager.

2 And you found yourself doing that regularly, did you, that you

3 would move in, deal directly with the supplier and seek to

4 fix small problems before they became large

5 problems?---Correct, Mr Lawrie.

6 I suggest to you that there's nothing wrong with that. That's

7 just what a good manager would do in any circumstances;

8 you understand that?---I do, Mr Lawrie.

9 What I'm interested in is what you were doing that you believed

10 was outside that scope that was wrong that was enabling in

11 a wrongful way Transclean to maintain its contractual

12 relationship with Metro?---Over the past four years, yes,

13 three, four years?

14 Yes?---I was giving him information of what's happening within

15 the business. Basically - - -

16 COMMISSIONER: Mr Bollas, do you mean information which you

17 shouldn't strictly speaking have been disclosing to the

18 contractor?---Correct, Commissioner.

19 Can I just understand a little better the hierarchy at Metro

20 during this period. Who was your immediate

21 superior?---The general manager of rolling stock.

22 And above him?---The COO, the chief operating officer.

23 And above the CEO?---The CEO.

24 I'm sorry?---The chief operating - the CEO.

25 And above that person?---I don't know. The board, I think.

26 The board?---Yes, I would say so. Yes.

27 So whose function was it - if there was an issue that arose in

28 relation to the performance of the Transclean contract,

29 whose task was it to speak to the contractor about the way

1 they were discharging the contract?---Mine, Commissioner.
2 Yes, thank you, Mr Lawrie.
3 MR LAWRIE: So you were saying that you were passing
4 information back to Transclean. Was that information back
5 through Mr Haritos?---That's correct, Mr Lawrie.
6 And that was - can I say this - commercial-in-confidence
7 information, it was private commercial information of
8 Metro?---Some of it, not all of it.
9 We hear in a surveillance tape a discussion between Mr Haritos
10 and his nephew in a car about monthly performance figures
11 for Metro. Is that the sort of information that you would
12 pass back to him?---Depends in what context. If they are
13 performance figures that are - if they are dipping in
14 their performance or they're - they would have that
15 because we share that with them. They do their
16 performance criteria test and give us an understanding of
17 where they believe they are; and we did ours and we told
18 them where we believe they were.
19 Perhaps I need to rephrase - - -?---(Indistinct words).
20 I'm talking specifically about financial performance and
21 revenues?---Yes.
22 That's not the sort of information that you should be passing
23 back to the supplier, is it?---No, Mr Lawrie.
24 Because that sort of information could be deployed by a
25 supplier to advance their position improperly in any
26 negotiation, couldn't it?---Correct, Mr Lawrie.
27 Is there any other sort of information that you were passing
28 back that you thought was wrong to be passing
29 back?---Right now I can't think, Mr Lawrie.

1 That's all right. That's all right?---I'm sure I did,

2 Mr Lawrie.

3 COMMISSIONER: What system was in place at Metro, Mr Bollas,
4 for checking and ensuring that the contractor was actually
5 discharging their cleaning duties according to the
6 specifications of the contract? What system was in place
7 to make sure that they were doing that?---Sorry, can you
8 ask that again?

9 Yes. What system did Metro have in place during that four-,
10 five-year period - last four or five years that enabled
11 Metro to be able to satisfy itself that a cleaning
12 contractor was discharging their duties under the
13 contract, meeting their specifications?---Like I said
14 earlier, Mr Commissioner, the train presentation manager
15 would perform audits against the criteria, and he would
16 feed that back to myself and to the contractor. If they
17 weren't performing in the criteria we would have to push
18 them up to - when I say 'push them up', the following
19 month we'd have to encourage them to get better or, you
20 know, if there was a trend or - we - yes, that's pretty
21 much it, Mr Commissioner.

22 MR LAWRIE: So were there monthly performance reports, that is
23 the performance of Transclean, on its carriages contract
24 that were reported up to the general manager of rolling
25 stock?---No. No, Mr Lawrie.

26 Were there performance reports of any description that were fed
27 up to rolling stock, the general manager?---Just the - not
28 from the contractor, Mr Lawrie.

29 No, I'm talking about from you as the contract manager?---Yes,

1 we would give - we would give - no, we gave cleaning
2 reports, if we're hitting our targets, internally, not for
3 the contractor.

4 So what do you mean by the cleaning reports? Does that include
5 an assessment of the performance of the contractor?---Yes,
6 Mr Lawrie.

7 And who would draw those reports up in the first
8 instance?---The train presentation manager.

9 And then would you look at them in - would you be the next
10 person to look at them?---Yes. We would sit together and
11 have a look at them, yes.

12 Would you have an opportunity to amend them or alter
13 them?---No.

14 Did you ever have to suppress any of those reports to maintain
15 Transclean's interests?---Yes, Mr Lawrie.

16 On how many occasions did you have to do that?---I don't know
17 that number.

18 COMMISSIONER: So, when you say you suppressed them, you mean
19 they weren't passed up the line? What did you do to
20 suppress them?---No, so the report wasn't - so, for
21 argument's sake, if they weren't hitting their - their
22 report was due in on Friday. The train presentation
23 manager would get his report done before that, for
24 argument's sake on the Tuesday, and we would have to chase
25 Transclean up to provide us the figures and the data that
26 was required to get to that number by Friday.

27 MR LAWRIE: And was that real figures and real data that you
28 were being given by Transclean to satisfy the requirements
29 of that report or not?---That's what they said, Mr Lawrie.

1 Transclean said that it was real figures and real
2 data?---That's correct.
3 Did you believe it to be?---No, Mr Lawrie.
4 Why not?---Because both the train presentation manager and
5 I thought that it was very repetitive in the way the
6 document came across.
7 There was an artificial consistency in what you were seeing,
8 was there?---Yes, sir.
9 Did you investigate that? Did you investigate your suspicions
10 or not?---No, Mr Lawrie.
11 Did you reach a conclusion that this was the method that
12 Transclean was using to keep that level of your management
13 happy and that you would turn a blind eye to what appeared
14 to be dubious data?---Correct, Mr Lawrie.
15 So is it fair to characterise that as one way you were
16 assisting Transclean to maintain its relationship with
17 Metro?---Yes, Mr Lawrie.
18 COMMISSIONER: You mentioned auditing was one of the checks and
19 balances for Metro. When you knew that there was going to
20 be an audit or a monitoring of the work that Transclean
21 was performing, did you ever communicate in
22 advance - - -?---Yes. Yes, Commissioner.
23 What did you do?---I let them know that we were auditing, and
24 the purpose of that was not to - the purpose of an audit
25 is to work with someone to get a better - to identify what
26 needs fixing. The purpose of an audit is to identify what
27 needs fixing, not to just pick faults. So we gave them
28 the information - we gave them 'we're going to audit these
29 10 or 20 places with our team of two', and that was it.

1 MR LAWRIE: It's fair to say, though, that there are different
2 levels of audits with slightly differing purposes - you
3 would agree with that - and perhaps the first level of
4 audit is the auditing that can be done by the contractor
5 themselves?---Correct, Mr Lawrie.
6 And then perhaps the next highest level of auditing would be a
7 scheduled audit on notice but one done by Metro; is that a
8 fair assessment?---Correct.
9 And then if we go up one more step in the audit hierarchy it
10 might be an unscheduled or surprise audit that is
11 conducted by Metro or someone engaged by Metro for that
12 purpose; is that right?---Correct, Mr Lawrie.
13 And that second level of audit is the one perhaps that you're
14 referring to, where it's really designed more as a
15 consultative approach to jointly identify problem areas
16 and to seek solutions, isn't it?---Correct, Mr Lawrie.
17 The third level that we spoke about is really an audit more in
18 the sense of a policing audit to provide a stress test of
19 the structures that are in place and make sure that
20 they're standing up and that their integrity is
21 maintained; is that a fair assessment?---Yes, Mr Lawrie.
22 Secret audit?---Yes.
23 Or the surprise audit?---Correct.
24 On occasions would you pass on information to Transclean about
25 the timing and the scope of surprise audits?---Yes,
26 Mr Lawrie.
27 On how many occasions would you do that?---I don't know, a few
28 times, a couple of - I can't recall right now.
29 That's all right. You would accept, wouldn't you, that

1 providing that information defeats the purpose and effect
2 of a surprise audit? If you put the contractor on notice
3 when it's going to happen and what the scope of the audit
4 will be, it allows the contractor to reasonably simply
5 satisfy the matters that the auditors might be looking
6 for?---Yes, Mr Lawrie.

7 Look, in that context, do you recall a series of phone calls
8 that you had with Mr Kyritsis, Steve Kyritsis?---Yes,
9 Mr Lawrie.

10 At Transclean, and that was beginning on 13 July of this year
11 and went through to 16 July?---Yes.

12 So it's a series of four phone calls. I can take you to the
13 transcripts of those calls if you wish, but tell me if you
14 recall this and if you don't we'll go to the transcript;
15 okay? Do you recall telling him on 13 July that there was
16 going to be an audit at North Melbourne on 15 July and
17 17 July?---Yes, Mr Lawrie.

18 What sort of audit was it that you were telling him
19 about?---I believe it was the Green - is it the
20 Green - - -

21 Greencap?---Yes, that's it. Greencap.

22 Who or what is Greencap?

23 COMMISSIONER: Sorry, 'Greencap', was it?

24 MR LAWRIE: That's correct, Commissioner.

25 WITNESS: They were auditing the COVID for the State.

26 MR LAWRIE: So they are an external organisation that was
27 engaged by Metro to audit the provision of cleaning
28 services in response to the COVID-19 challenges; is that
29 right?---Correct, Mr Lawrie.

1 And so as part of the remit of Greencap they're coming to have
2 a look at how good or how adequate the cleaning services
3 are that are being provided to Metro; is that
4 right?---Correct, Mr Lawrie.

5 And was this to be one of those sort of consultative audits
6 where the two parties are working together, or was it
7 meant to be a surprise or policing audit?---To be honest,
8 I'm unsure about that. I was never - I can't recall if
9 I was told it was meant to be a surprise or if it was to
10 be a policing audit.

11 COMMISSIONER: Mr Bollas - just pardon me, Mr Lawrie - you have
12 indicated to counsel assisting that you spoke to Steve
13 about it. Did he know that the audits were coming?---No,
14 Commissioner.

15 So did that not suggest to you that it wasn't one of those
16 category 2 audits; it was meant to be a surprise
17 audit?---Possibly, yes.

18 MR LAWRIE: Mr Bollas, I appreciate that I'm asking you things
19 that are difficult to recall, but I want to show you a
20 small portion of transcript to assist your memory about
21 this. Can we please bring up p.658, and this is
22 transcript of a phone call between you and Steve Kyritsis
23 at 2.55 pm on 15 July 2020.

24 COMMISSIONER: Are you able to see that, Mr Bollas?---Yes,
25 Commissioner. I'm just reading through it.

26 MR LAWRIE: The actual page I want to take you to is at 662.
27 But perhaps if you can just scroll through to that so that
28 you can have context?---Can someone stop moving it, sorry?
29 Yes.

1 So just two more pages to go through, and then we will get to
2 the part I want to take you to?---Yes. I recall - yes.
3 Do you need to see the next two pages, or are you happy for me
4 to just take you to the line?---I trust you, Mr Lawrie.
5 Okay. You've got the context of the phone call and you recall
6 it?---Correct.
7 Thank you. Can we go to 662, please, and it's line 98. Do you
8 see that there when you say 'cause you guys aren't, you
9 guys aren't meant to know this'?---There you go.
10 Does that confirm in your memory that it was meant to be a
11 surprise audit?---I would say yes now.
12 Yes, certainly. Thank you. That can come off screen.
13 COMMISSIONER: Before you move on, Mr Lawrie, in that
14 transcript there's references there to you telling them
15 to - I think you used the expression 'get your shit
16 together'. Does that suggest you were alive to the fact
17 that they weren't doing things as they were required to do
18 in strict compliance with the COVID requirements ?---Not
19 so much for the COVID requirements but in relation to 'get
20 your shit together, don't embarrass us' sort of approach,
21 Commissioner.
22 What do you mean, Mr Bollas?---Well, if they failed the audit,
23 it would reflect on myself and my team. So, 'Get your
24 shit together. Don't embarrass us. It will reflect on
25 us. And then it will get worse for you guys.'
26 So you mean make sure that when you're being audited everyone's
27 doing things exactly as they're required to; is that what
28 you meant?---Correct, Commissioner.
29 Yes. But is not the implication of that, Mr Bollas, that you

1 knew that there was a real risk that if they didn't do
2 that, that they just did it as they normally do, it would
3 appear that they were not complying strictly with all of
4 the requirements?---Yes, Commissioner. Yes, it was a
5 fear, yes.

6 Yes.

7 MR LAWRIE: Thank you, Commissioner. And part of those
8 requirements, did it involve both the hours that
9 Transclean staff were attending to these tasks and the
10 number of staff that Transclean were putting on?---Yes,
11 Mr Lawrie.

12 And would that be recorded in Transclean's time sheets, and
13 would those time sheets be something that the auditor
14 would look at? Sorry, that's two questions. First of
15 all, would that be recorded in time sheets, as far as you
16 knew it, Transclean time sheets?---I believe so, yes.

17 And did you understand that that sort of documentation would be
18 something that Greencap would be looking at as the
19 auditors?---My understanding would be they would look at
20 everything.

21 Do you recall a conversation that you had again with Steve
22 Kyritsis the following day, that is 16 July 2020, when he
23 told you that he fixed the sign-off sheets, that - I'm
24 sorry, you asked him this - perhaps I can bring it up,
25 p.665, please.

26 COMMISSIONER: While you're doing that, Mr Lawrie, I think we
27 need to get our house in order.

28 MR LAWRIE: Yes.

29 COMMISSIONER: The bundle of documents that were served on

1 Mr Bollas which you referred to yesterday, that will be
2 PB1; and the transcript of the conversation you just
3 showed Mr Bollas of 15 July 20 will be PB2.

4 #EXHIBIT PB2 - Transcript of conversation between Peter Bollas
5 and Steve Kyritsis on 15/07/20.

6 MR LAWRIE: Thank you, Commissioner. What I'll do with this
7 one - perhaps if we go to 664. It's not that long a
8 transcript. I'll just ask you to read it so you can
9 contextualise it. This is your phone call to Steve
10 Kyritsis at 6.45 pm on 16 July 2020?---Yes.

11 I don't necessarily want to take you past page 665, but if you
12 need to look at the balance of the conversation - do you
13 feel you need to put it into context or not?---Yes, I get
14 the context, Mr Lawrie.

15 At p.665 at line 23 you say to Mr Kyritsis, 'The sign-off
16 sheets, did you take off the sign-off sheets?' And he
17 says, 'I got rid of the old ones, there's' - 'yep' 'just a
18 couple of days left .' Was that about falsifying sign-off
19 sheets for Transclean staff?---The old ones - they used to
20 leave all the old ones and used to get - there used to be
21 a lot of them, and there was no need. You only need one
22 or two weeks. And we need clarity because some of them
23 didn't match up. People weren't there. People weren't
24 signing in. And I said, 'What's this?'

25 Yes. And so he took those old ones away, did he?---That's what
26 he says, yes.

27 And did he replace them with ones that on their face would be
28 compliant with what the auditors were looking
29 for?---I think they were empty ones that he replaced,

1 Mr Lawrie.

2 I see?---They didn't create new ones of the old ones. He just
3 put what that week was, basically.

4 I see. Were the old ones problematic - - -?---That's what
5 I remember, yes.

6 No, that's fine. Were the old ones that he took away, were
7 they problematic from your point of view, or could they
8 be?---Yes, Mr Lawrie.

9 Why could they be problematic?---Well, start, people weren't
10 signing in correctly. People were just - they weren't
11 filled in correctly all the time. In a nutshell, they
12 were an abomination. They weren't filled in correctly.

13 We've gone over some of the particular things that you did in
14 order to advance the interests of Transclean. Was there a
15 set of expectations that you were told about by either
16 Mr Pinder or Mr Haritos that you were to fulfil in order
17 to receive the monthly payment of eight to
18 \$10,000?---There wasn't a list of things. It was just
19 help them out, make sure they don't get into trouble.

20 So it wasn't expressed to you specifically as a list of
21 expectations, but what did you understand you would have
22 to do to meet the expectations?---To help them not get in
23 any - any issues arose, help them with those, get them out
24 of the way, and, like I said yesterday, to progress their
25 business. That's it, Mr Lawrie.

26 Did that - I'm sorry, Commissioner, you're on mute.

27 COMMISSIONER: Mr Bollas, it's evident from the two transcripts
28 that have been played that your provision of assistance to
29 Transclean to ensure that they met their contractual

1 obligations and there were no red flags raised above you
2 within Metro, you were able to deal not only with
3 Mr Haritos but various personnel on his staff that also
4 knew that you would assist them?---Correct, Mr Lawrie -
5 sorry, Commissioner.

6 Yes.

7 MR LAWRIE: So the provision of commercially confidential
8 information back to Transclean would be one way you would
9 do it; is that correct?---Yes, Mr Lawrie.

10 Warning about surprise audits is another way you would do it;
11 is that correct?---Yes, Mr Lawrie.

12 Facilitating in - well, intervening in adverse performance
13 reporting that would otherwise go up the chain; that's one
14 way you would do it?---Correct, Mr Lawrie.

15 Is there any other functions that you would perform, that you
16 can remember performing?---Not off the top of my head, no,
17 Mr Lawrie.

18 COMMISSIONER: I'm sorry, Mr Lawrie, but I just want to go back
19 to the previous exhibit, PB2, and the conversation on
20 15 July. One of the things that you told Steve Kyritsis
21 was the internal auditor will need to physically observe
22 cleaning and disinfectant practices as they occur onsite
23 at the nominated and applicable stations and terminating
24 deposits as well as routine cleaning of rolling stock. So
25 that was a COVID issue, wasn't it, the first part of
26 that?---Yes. Yes, Commissioner.

27 So did you not have any disquiet, Mr Bollas, that in the
28 context of this pandemic you were in effect giving
29 advanced notice to the cleaner to get his house in order

1 in relation to what was meant to be a surprise audit to
2 see that COVID requirements were being met?---Yes,
3 Commissioner.

4 But that's part of the deal you had with Transclean, was that
5 you would help them out regardless?---Yes, Commissioner.
6 Yes, Mr Lawrie.

7 MR LAWRIE: Thank you, Commissioner. Mr Bollas, I've gone
8 through those three types of activity so far. Are there
9 any other major types of activity that you would have to
10 undertake to promote Transclean's
11 interests?---I can't - I'm a mess, Mr Lawrie,
12 I can't - - -

13 No, that's all right. Perhaps I need to ask a better question.
14 That's all right. What about taking you to this
15 particular conversation that you have with Mr Haritos, and
16 this is 16 April 2020.

17 COMMISSIONER: Is that a previous exhibit, Mr Lawrie?

18 MR LAWRIE: No, it's not, Commissioner.

19 COMMISSIONER: Very good. Mr Lawrie, I'll make the transcript
20 of 16 July 20 that you showed Mr Bollas PB3.

21 #EXHIBIT PB3 - Transcript of conversation between Peter Bollas
22 and Steve Kyritsis on 16/07/20.

23 MR LAWRIE: Thank you, Commissioner. So we're looking at
24 16 April of 2020, and it's a conversation between you and
25 Mr Haritos at 7.30 in the evening. That will come up in a
26 moment. Sorry, it commences at p.585. Just to explain,
27 the bold text has been translated from the Greek?---Okay.
28 So as you read it bear that in mind and - as you're asking
29 yourself whether this properly reflects your memory of the

1 conversation, bear in mind that that's a
2 translation?---Yes. Yes, Mr Lawrie.

3 COMMISSIONER: Are you going to play the audio, Mr Lawrie?

4 MR LAWRIE: I can do, Commissioner.

5 COMMISSIONER: No, no, I'm not suggesting you should or you
6 shouldn't. I'm just asking.

7 MR LAWRIE: My position was I was going to if necessary, but
8 otherwise try to avoid to.

9 COMMISSIONER: Very good.

10 MR LAWRIE: It's a reasonably long conversation.

11 COMMISSIONER: I'm sorry, I'm not clear. If you're wanting
12 Mr Bollas to digest the content of the whole conversation,
13 then I suggest we play the audio.

14 MR LAWRIE: I'm happy to do that.

15 COMMISSIONER: If there's only one portion of it you want to
16 take him to, then that may be different.

17 MR LAWRIE: No, I think it might be necessary to play the
18 audio.

19 COMMISSIONER: Very good.

20 MR LAWRIE: Can we play, please, TI23.

21 (Audio recording played to the Commission.)

22 MR LAWRIE: The rest of the call goes for some - the call in
23 total is some 19 minutes, Commissioner. I don't propose
24 to play the entire audio, unless there's a need to
25 contextualise what we've already heard. But, Mr Bollas,
26 is it fair to say that in that telephone call we hear you
27 applying very, very significant pressure upon Mr Haritos
28 to properly clean as he is required to as part of the
29 COVID response?---Yes, Mr Lawrie.

1 And the problems that were identified were that - it was said
2 that carriages were being cleaned and in one instance the
3 cleaners did not spray the carriage at all; is that
4 right?---Correct, Mr Lawrie.
5 But Transclean were reporting that that had been done; is that
6 right?---Correct, Mr Lawrie.
7 But CCTV footage, for anyone who chose to examine it, would
8 reveal that it hadn't been done?---Correct, Mr Lawrie.
9 And that's what you mean by if someone were to pull the tapes,
10 isn't it?---Yes, sir.
11 So in every sense the pressure that you're putting on
12 Mr Haritos to get his house in order is appropriate except
13 for the fact that you're not reporting the deficiencies;
14 is that right?---That's correct, Mr Lawrie.
15 COMMISSIONER: I think, Mr Lawrie, the way it's expressed there
16 is Mr Bollas is covering up for him all the time.
17 MR LAWRIE: Yes. How long did you feel that you had been
18 covering up for him?---Those last three and a half years,
19 I'd say.
20 We can tell from the level of pressure you're seeking to apply
21 to Mr Haritos that this was obviously an issue that you
22 thought was very serious; is that a fair
23 characterisation?---Yes, Mr Lawrie.
24 Were there other issues in the past that you thought were as
25 serious as this that you had to cover up?---Probably,
26 Mr Lawrie.
27 Do you recall occupational health and safety breaches, safety
28 breaches that you had to conceal?---Probably, Mr Lawrie.
29 Commissioner, I tender the - - -

1 COMMISSIONER: PB4.

2 MR LAWRIE: The audio and the transcript of that.

3 COMMISSIONER: Yes.

4 #EXHIBIT PB4 - Audio and transcript of conversation between
5 Peter Bollas and George Haritos on 16/04/20.

6 MR LAWRIE: You would have heard in following the evidence over
7 Monday and Tuesday and Wednesday the questions I asked of
8 Mr Pinder about the phone call between you and him on
9 10 February 2020 at 5.30 in the afternoon about the safety
10 breach at Cheltenham railway station?---Yes, Mr Lawrie.
11 That had occurred apparently on 1 February 2020. Now, in that
12 conversation there's talk about a worker going beneath a
13 coupler, there's talk about the dangers if the panto, or
14 the pantograph, was raised to electrify the locomotive.
15 What was the safety breach as you understood it to
16 be?---They went under the train, Mr Lawrie.

17 Can you just give us a bit more detail of your
18 understanding?---My understanding was that a cleaner was
19 reported - a driver reported that a cleaner five or
20 10 days ago went under a train between the two couplers.
21 And you would have some expertise in occupational health and
22 safety requirements, I suggest, for workers moving around
23 rolling stock?---Yes, Mr Lawrie.

24 When I say expertise, you would be able to give us a pretty
25 detailed list of all the day-to-day requirements,
26 I expect?---Yes, Mr Lawrie.

27 How did you view this breach in terms of its
28 significance?---I heard the audio, Mr Lawrie, and I failed
29 dramatically with that one.

1 In the audio you sound agitated and it sounds as though in your
2 mind the breach is a significant breach. I just wanted to
3 ask whether that was a correct interpretation?---Correct,
4 Mr Lawrie.

5 Was it the risk of the rolling stock moving as it's being
6 marshalled around or the application of power to the
7 locomotive; are they the main risks?---Correct, Mr Lawrie.

8 Was this an example of you protecting Transclean's brand,
9 essentially?---Correct, Mr Lawrie.

10 Did you ever have to do that on previous occasions? I'm sorry,
11 I'm talking in the occupational health and safety
12 context?---I can't remember, Mr Lawrie.

13 I want to ask you about the carriages contract in 2017 at
14 Metro. There was a stations contract as well where
15 Transclean was providing cleaning services to Metro to
16 clean stations and those sorts of facilities; you're aware
17 of that?---Yes.

18 You didn't have any management responsibility in respect of the
19 stations contract, did you?---No, Mr Lawrie.

20 But you were aware that at the end of that contract in October
21 2017 Transclean lost that contract?---Yes, Mr Lawrie.

22 With Metro?---Yes.

23 And it was awarded to ISS Facility Service; is that
24 right?---Yes, Mr Lawrie.

25 I presume that there's a counterpart to you that's responsible
26 for management of the stations contract; is that
27 right?---Yes, Mr Lawrie.

28 What's the name of their title at Metro?---I think it was
29 GM - - -

1 Infrastructure or something?---Stations, something like that.
2 Okay. Is it correct to characterise this person as essentially
3 your counterpart with a separate sphere of
4 responsibility?---Yes, okay. Yes. Yes, Mr Lawrie.
5 Would the two of you talk?---Not so much, no.
6 Did you have any knowledge of the circumstances in which
7 Transclean failed to renew - sorry, failed to be awarded
8 the new contract in 2017?---Sorry, can you repeat that,
9 Mr Lawrie?
10 Do you know any of the circumstances that led to Transclean
11 losing the stations contract in 2017?---My understanding
12 was they weren't performing and, apart from that, no, I'm
13 not sure. I don't know.
14 Do you know how long the new contract was that was awarded to
15 ISS Facility Service?---I believe it was three years, yes.
16 So is it fair to say that, whilst Transclean might have lost
17 that part of its Metro business in 2017, there was an
18 opportunity in 2020 perhaps to regain it?---Sorry,
19 when - my understanding is the contracts were bound to be
20 renewed - both contracts, because they were done
21 simultaneously - in November this year and they were being
22 extended until next year.
23 I see. But from 2017, looking forward, albeit that the
24 stations contract had been lost from Transclean's point of
25 view, it had an opportunity in 2020 to perhaps win it
26 back?---Yes, Mr Lawrie.
27 The same fate didn't come about with the carriages contract,
28 though, for Transclean when that contract came up for
29 renewal in 2017, did it? It maintained its position as

1 the contractor after 2017 for the carriages
2 contract?---Yes, Mr Lawrie.

3 Were you involved in any of the discussions with senior
4 management in respect of the decision to extend that
5 contract?---Yes, Mr Lawrie.

6 Or to renew it, I should say. It was a renewal rather than an
7 extension, wasn't it?---Yes, Mr Lawrie.

8 Did you understand that the decision whether or not to award
9 the new contract to Transclean in 2017, was that a matter
10 that went up to the board?---It went up to - my
11 understanding - the last conversation I had before it was
12 awarded was between myself, the general manager of rolling
13 stock and - he had a conversation - he was having a
14 conversation with the COO at the time, with the CEO, and
15 they were discussing they were happy to change contractors
16 but someone has to pay the variation of that cost. The
17 general manager of rolling stock was asking for the
18 difference in pricing, if we can accommodate that we would
19 go with any supplier that they wanted, and that was the
20 last conversation, and then it got awarded to Transclean,
21 Mr Lawrie.

22 So, as the deliberations are happening in 2017 as to who's
23 going to get the new contract, is the reporting of
24 information this: you're the manager of the carriages
25 contract; you report to general manager rolling stock, who
26 reports to the chief operating officer?---Correct.

27 Who reports to the chief executive officer?---Correct.

28 And that report eventually goes to the board, we
29 presume?---Yes, Mr Lawrie.

1 But you might be described as the source of the information
2 that stands behind the ultimate report, is that right,
3 about the performance of Transclean?---Performance wise,
4 yes. My team and myself, correct.

5 Were you active in recommending Transclean be awarded the new
6 contract in 2017?---Yes, because the previous year they -
7 the year leading up to that we did - there were programs
8 in place to enhance the fleet - cleanliness of the fleet
9 to achieve the new standards that were created for 2017,
10 and my team and I felt they were - it was theirs basically
11 to lose because they were there, they were in the box
12 seat, it was theirs to lose. They were performing the
13 task, that simplest - you know, that simple cleaning task.

14 By that stage were you receiving monthly payments or what were
15 meant to be monthly payments from George Haritos?---What
16 year was that, sorry?

17 So this is towards the end of 2017?---Possibly, Mr Lawrie.
18 Possibly.

19 Did you regard it as part of your obligation in return for
20 those payments to champion Transclean's interest during
21 this contract renewal process?---Yes. Yes, Mr Lawrie.

22 Did that change any of the way you presented any information up
23 the chain of command?---I don't believe so, because they
24 had set themselves up and even the team to the train
25 presentation manager and the train presentation officer
26 were comfortable enough to continue with that, because
27 there are certain significant challenges if and when you
28 change, and we didn't want to probably face those
29 challenges as well - - -

1 You spoke about someone having to bear the cost of variations.
2 How did the costings come up in that 2017 process? How
3 competitive was Transclean with the other
4 tenderers?---Half a million, I think, or a million.
5 I can't recall the exact number.
6 But they were all - do you recall they were all basically in
7 the same ballpark?---I believe they were, yes,
8 because - yes, I believe so, Mr Lawrie.
9 Did you have any information about the other
10 tenderers - - -?---After the tender - - -
11 And the costings that they were using?---Pardon?
12 Did you have any information during that process of the
13 costings that had been provided by the other
14 tenderers?---I got them after procurement did their
15 assessment.
16 I see. Was any of that information fed back to
17 Transclean?---Yes, Mr Lawrie.
18 When did you do that?---I can't recall.
19 Was it while the tender process was still active or the
20 assessment of the tenders was still active?---No,
21 I think - I think it was afterwards, Mr Lawrie. It
22 already happened and we don't get them until afterwards.
23 Even if it was afterwards, would you agree that it was improper
24 because it would advantage Transclean in a future tender
25 process?---Correct, Mr Lawrie. Correct.
26 COMMISSIONER: Are you going onto something else, Mr Lawrie?
27 MR LAWRIE: I am, Commissioner.
28 COMMISSIONER: Mr Bollas, can I just take you back again to the
29 audio and transcript of 16 April, part of which was played

1 to you. There are two parts of it that I wanted to ask
2 you about. At one point at line 206 you say to
3 Mr Haritos, 'Believe me, I'm not against you. I'm fucking
4 for you and it frustrates me that we - I sit there trying
5 to build the representation, yeah, for your business, and
6 then wanks like this do this to you.' Does that confirm
7 what you told the Commission yesterday that part of your
8 process was to try and preserve and enhance Transclean's
9 reputation?---Correct, Commissioner.

10 And then at a later point in the transcript, after you've
11 continued to complain to Mr Haritos about what I think can
12 fairly be described as your criticisms that were of
13 systemic failings by Transclean in the way in which they
14 were going about their task, Mr Haritos says, 'Can
15 I change the subject. What else is happening?' You ask
16 about what. Mr Haritos says, 'Ah, the night network. We
17 doing it this weekend?' You respond, 'Well,
18 Dave - David's in the office - in the office next to me.
19 Yeah. He walks - he made me walk up and down the corridor
20 10 times with him. Yeah. You say I sent it to
21 our - I sent it to our finance manager. Yeah. Cause he
22 said how much do you reckon this is going to cost a month?
23 I said between 1.2 and 1.4' - I assume that's million,
24 Mr Bollas?---That's correct, Commissioner.

25 Mr Haritos says, 'Which one?' 'The whole lot.' 'Oh, the one
26 we're doing at the moment?' Yeah. All right. So the
27 stations, the night networks, the yards, everything.'
28 'Yeah.' 'I go anything between 1.2 to 1.4 depending on how
29 many public holidays,' and then Mr Haritos asks you, 'What

1 did they say?' And you say you've sent it 'to Dave and
2 the finance manager and I've asked for the okay. I've
3 asked for the okay. So they have gotta give me the okay.
4 If I don't get it in writing, I can't spend \$1.2 million.'
5 So is that an example of you seeking to get extra work for
6 Mr Haritos?---Correct, Commissioner.

7 Yes, thank you.

8 MR LAWRIE: Thank you, Commissioner. Throughout some of the
9 phone calls we've heard figures of 98 and 99 per cent in
10 terms of performance results by Transclean. Can you
11 explain what those figures mean and where they're found
12 and how they're produced?---The train presentation manager
13 gets a criteria that he follows and conducts audits,
14 combined audits and singular audits on his own, and comes
15 up with that number.

16 Is that a process that you oversight?---No.

17 Well, the train presentation manager sends his reports to you,
18 doesn't he?---Correct. No, I thought you meant - sorry,
19 Mr Lawrie, I understood that you - - -

20 Sorry?---I went and did it, no.

21 No. But the reporting by that person goes to you?---Correct,
22 Mr Lawrie.

23 Did you ever take steps to improve the level of the percentage
24 figure that would be ultimately reported?---To change
25 them?

26 Yes?---No, Mr Lawrie.

27 Okay?---All that stuff stayed with the train presentation
28 manager.

29 Okay. Commissioner, I note the time. It's perhaps a little

1 early, but I'm just wondering if Mr Bollas would like a
2 short break?---I'm fine, Mr Lawrie.

3 You're all right? I'm sorry, Commissioner, you're on mute.

4 COMMISSIONER: We can go on for another quarter of an hour, if
5 you like, Mr Bollas. We'll have a break at 11.30?---Thank
6 you, Commissioner.

7 Yes, Mr Lawrie.

8 MR LAWRIE: Thank you, Commissioner. In the course of evidence
9 over Monday and Tuesday a document was produced which was
10 some handwritten notes by Mr Pinder that he supplied to
11 Maria Tsakopoulos shortly after his house was searched on
12 19 August 2020. Do you remember seeing or perhaps those
13 questions in relation to that document?---Yes, Mr Lawrie.

14 Did you ever see anything like that from Mr Pinder?---Pardon?

15 Did you ever receive or see a similar document from

16 Mr Pinder?---No, Mr Lawrie.

17 Again, yesterday I asked you about the text messaging that
18 happened in response that was going about with the
19 exploration by you of a job at V/Line. Do you remember
20 the two series of text conversations a few months
21 apart - - -?---Yes, Mr Lawrie.

22 Or several months apart. And in the second one James Pinder
23 reminds you that you're communicating on his wrong phone.

24 I asked you whether you were aware of a burner
25 phone?---I didn't know anything about a burner phone.

26 I thought that number was his phone.

27 You thought it was a confusion between his work phone and his
28 personal phone?---He had changed a number of phones over a
29 period of time and, as you can see through all my texts,

1 they are all - and communications, they are all on that
2 same number. I didn't know.

3 Mr Haritos never offered a burner or a secret phone to
4 you?---No, Mr Lawrie.

5 And Mr Pinder didn't do that?---Sorry, Mr Lawrie?

6 Mr Pinder didn't offer you a secret phone or a burner phone
7 either?---No.

8 Did Mr Pinder communicate with you at all in the hours or days
9 after 19 August 2020 when the warrant was executed?---No,
10 Mr Lawrie.

11 So he didn't send you any texts or notes or messages via other
12 people?---Only when - I rang him when IBAC left my house,
13 that's all. That was it.

14 COMMISSIONER: What was the nature of that discussion,
15 Mr Bollas?---All I said was, 'IBAC's been at in house.
16 What the fuck's going' - sorry, Commissioner, 'What is
17 going on? IBAC's been in my house.' And he says, 'Stay
18 calm,' something along those lines, 'We'll get through
19 this' or something along those lines, Commissioner.

20 And since then, Mr Bollas, since then you say you've had no
21 communication with him?---With Mr Pinder?

22 Yes?---No communication. No. I received a text message - my
23 wife received a text and Facebook message from his wife
24 this morning just checking how - I showed Tony - checking
25 how my wellbeing is.

26 And you were satisfied that was a genuine enquiry about your
27 welfare?---I believe so. I showed my - Tony - Tony, and
28 I believe so.

29 MR LAWRIE: Thank you, Commissioner. Mr Bollas, the

1 conversation that you have where Mr Pinder is checking to
2 see whether you've been looked after for an April or a May
3 payment, do you recall that conversation? This is in
4 2020?---I'd say yes, yes.

5 Do you remember there being a discussion about the inability of
6 Mr Haritos to make his monthly payment to you and
7 Mr Pinder?---Possibly, yes.

8 And in that conversation Mr Pinder is saying, 'Look, I'm just
9 checking to make sure that, you know, you're being kept up
10 with - that he's keeping up with you'?---Correct,
11 Mr Lawrie.

12 Was that a reference to make sure that Mr Haritos was keeping
13 up the schedule of payments that he was meant to be making
14 each month to you?---Yes, Mr Lawrie.

15 Yesterday I asked you about the total amount that you estimated
16 you received over the three and a half to four years and
17 also the frequency of the payment and roughly how often
18 payments were not made. As I understand your evidence, on
19 the majority of occasions your cash payment will be
20 delivered by Mr Pinder; is that correct?---That's correct,
21 Mr Lawrie. That's what I said, yes.

22 And on the minority of occasions you would receive the payment
23 from Mr Haritos; that's correct?---That's correct,
24 Mr Lawrie.

25 Forgive me if I asked this question yesterday, but on how many
26 occasions do you think Mr Haritos was the
27 deliverer?---Possibly three times this year, if I recall
28 correctly.

29 Okay. That's all right. If that helps you, just thinking of

1 this year, on how many occasions this year was Mr Pinder
2 the deliverer?---I can't recall. It was all in my text.
3 I went through my text and I was trying to remember where
4 I was and how it happened. Honestly, I can't - the rest
5 of the time I would say, Mr Lawrie.
6 Okay. Over the course of this arrangement when monthly
7 payments were not being made by Mr Haritos were you given
8 any reason for those months being missed?---He would
9 just - either of them say to me that, 'It's been a bad
10 month. You're going to have to wait.'
11 Would there be a promise of a catch-up payment or
12 not?---I don't believe so.
13 And who was delivering this news? Was it Mr Haritos or was it
14 on occasions also Mr Pinder who was delivering the
15 news?---Both.
16 Would sometimes Mr Pinder be passing that on from Mr Haritos;
17 in other words, you're hearing it only from
18 Mr Pinder?---Yes, Mr Lawrie.
19 For example, he's telling you, 'Well, George says that it's
20 been a tough month and he can't look after us this month';
21 that type of thing?---Yes, Mr Lawrie.
22 And did you accept that from Mr Pinder as being a true state of
23 affairs?---I accepted a lot of things, Mr Lawrie.
24 Or did you suspect that Mr Pinder might have been taking your
25 share that month as well?---No, I wasn't - I didn't
26 suspect that, no.
27 If Mr Pinder was telling you that Haritos had told him he can't
28 make the payment were you checking that with George
29 directly?---Sometimes yes, sometimes no, Mr Lawrie.

1 All right. Thank you. When you're meeting with George Haritos
2 directly for these payments was there a standard protocol
3 that you would try to adopt or a standard way you would
4 try and make the delivery? Would it be, for example, at a
5 cafe or a preferred location or at a car?---Yes,
6 Mr Lawrie.

7 So what would you try and do as a standard approach?---Catch up
8 for a coffee.

9 And try and do it in a place out of the public eye
10 perhaps?---Yes, Mr Lawrie.

11 And for that purpose would a cafe be sufficient or not?---Yes,
12 Mr Lawrie.

13 So out of the public eye; does that mean people can't, without
14 some effort, hear what's going on?---Yes, Mr Lawrie.

15 Did you and Mr Pinder ever speak about that sort of
16 methodology, you know, 'We should be doing this at cafe.
17 We need to make sure there's no cameras about,' that type
18 of thing?---No, no, I don't believe so.

19 COMMISSIONER: Did you have any explanation prepared,
20 Mr Bollas, that is you and Mr Pinder, as to what you might
21 say if anyone asked you about - if they happened to
22 observe money changing hands, what your explanation would
23 be?---No, Commissioner.

24 MR LAWRIE: On any occasions when you're receiving the payment
25 from Mr Haritos, do you recall any occasions where it took
26 place at or very near his vehicle?---Yes, Mr Lawrie.

27 Did that happen recently or is that further back in the
28 period?---Recently, Mr Lawrie.

29 Do you recall a specific occasion recently where it happened

1 near his vehicle or at his vehicle?---Near his office.
2 That's the Transclean offices at South Yarra?---That's correct,
3 Mr Lawrie.
4 Okay. We've spoken at some length about the sorts of things
5 that you would be doing to protect Transclean's brand and
6 advance its interests. What I want to understand, please,
7 was there a longer term plan to position Transclean and
8 Metro and the Metro and V/Line contracts with Transclean
9 in a more secure way to benefit you and Mr Pinder?---Not
10 to benefit more but, yes, Mr Lawrie.
11 What was the long-term plan?---George has always been asking me
12 to go and work for him, and that's evident in the
13 conversations. It's not something that - we don't see eye
14 to eye all the time, and you can hear that in the tone of
15 voice as well.
16 Yes?---And because I made it very clear things would have to
17 change dramatically for me to even think about something
18 like that. That was what he would have liked to have
19 seen.
20 So was part of the long-term plan, did that have anything to do
21 with Transclean winning back the Metro stations
22 contract?---I don't think they could have won the whole
23 part, but the stations, the terminating stations perhaps.
24 So the stations contract can be thought of in separate parts,
25 can it: terminating stations and network stations?---Yes,
26 correct, Mr Lawrie.
27 So it was part of the long-term plan to assist Transclean to
28 win back the stations contract?---Parts of it.
29 You protecting their brand and preventing under-performance

1 being made known to other more senior levels of
2 management, that would advance that end, wouldn't
3 it?---Correct, Mr Lawrie.

4 And so there was also consideration given by you to moving out
5 of Metro and taking up a position at Transclean; is that
6 right?---It was a question asked, yes, Mr Lawrie.

7 How serious was that contemplation? How seriously did you
8 explore that?---I actually thought about it for a while,
9 and the answer was pretty much no. I really considered
10 it, and no.

11 And you talked to Mr Pinder about it, didn't you?---Yes.

12 I appreciate that this didn't come to fruition, but as you're
13 exploring this possibility what was the plan
14 long-term?---He wanted me to - Jim and George had spoken.
15 He was keen that I went across to work for him and ran the
16 business - not ran the business but oversaw the business,
17 yes.

18 We hear in that conversation that you have with Mr Pinder, it
19 seems as though your primary concern is that you would be
20 moving into a position at Transclean where you didn't have
21 sufficient control of Transclean's operations; is that a
22 fair summary?---Correct, Mr Lawrie.

23 But if you could move in there with sufficient control and if
24 Transclean held the key contracts with Metro and V/Line,
25 and Mr Pinder was in the position of CEO at V/Line, then
26 at least a big part of a long-term plan would be in place,
27 wouldn't it?---In theory, yes, Mr Lawrie.

28 And that would involve collusive tendering, maintenance of
29 image, promotion of brand, control of pricing and rewards

1 for those services; is that right?---Correct, Mr Lawrie.

2 COMMISSIONER: I see the time, Mr Lawrie. Is it convenient to
3 have a break?

4 MR LAWRIE: I am, Mr Commissioner, if that's convenient.

5 COMMISSIONER: Mr Bollas, have a break and we'll return at
6 11.45?---Thank you, Commissioner.

7 (Short adjournment.)

8 COMMISSIONER: Are we ready to resume?---Yes, sir.

9 Very good. Yes, Mr Lawrie.

10 MR LAWRIE: Thank you, Commissioner. Mr Bollas, in the
11 conversation that you have with Mr Pinder about the safety
12 breach at the Cheltenham railway station on 1 February
13 2020, you can be heard to be, if I can put it this way,
14 highly concerned about what had gone on; is that
15 right?---Yes, Mr Lawrie.

16 In Mr Pinder's evidence he characterised that conversation as
17 you blowing off steam and his responses to you in the
18 nature of trying to pacify you or calm you down. Is that
19 the way you saw that conversation or you perceived
20 it?---I was definitely frustrated and you can hear that in
21 the tone of my voice. I would say, yes, he's trying to
22 calm me down. But I was definitely frustrated and
23 concerned, Mr Lawrie.

24 Were you just blowing off steam about something that perhaps
25 was annoying you but ultimately wasn't hugely significant,
26 or were you trying to transmit how grave you perceived the
27 safety breach to be?---That's correct, Mr Lawrie.

28 Is it the latter, is it, that you were trying to communicate
29 how grave it was?---Yes, Mr Lawrie.

1 So what do you say about Mr Pinder saying, 'Well, he's just
2 blowing off steam and I'm just calming him down, that sort
3 of thing. He and George have a difficult relationship and
4 this sort of thing happens from time to time'? What do
5 you say about that characterisation?---I'd say a bit of
6 both, Mr Lawrie. A bit of both. More not than yes.
7 I mean, we can hear you in your dealings with George being
8 forceful at times, can't we?---Yes, Mr Lawrie.
9 And obviously that can lead to some tensions. But sometimes
10 you have to be forceful when you're managing a contract,
11 don't you?---Yes, Mr Lawrie.
12 At the end of it it's still a very dangerous situation and
13 you're trying to convey how serious it was; is that
14 fair?---Yes, Mr Lawrie.
15 In the same vein I wanted to ask you about the conversation
16 that you have with Mr Pinder on 21 April of this year, and
17 this is the conversation where you explore the additional
18 \$50,000 each?---Yes, Mr Lawrie.
19 We've covered this to a certain extent already, but Mr Pinder
20 characterised this as you being agitated, you know, you're
21 talking big, if I can put it that way, in the midst of
22 your agitation and he's just going along with you
23 seemingly agreeing in order to calm you down. Is that a
24 correct representation of what was going on?---No, I don't
25 believe so, Mr Lawrie.
26 You were serious in the proposal to explore the additional
27 \$50,000 each from George Haritos, weren't you?---Yes,
28 Mr Lawrie.
29 And, to the best of your belief, was Mr Pinder serious in the

1 way he was responding to what you were saying? Did you
2 think he was just trying to calm you down and fob you off
3 or give effect to what you were proposing?---Yes and no,
4 Mr Lawrie. I think there was some truth to it, Mr Lawrie.
5 I'll just see what you mean by that. You were putting the
6 proposal up as a serious proposal? You wanted it to be
7 acted upon, didn't you?---Yes, Mr Lawrie.
8 And at the end of that conversation did you have a belief that
9 Mr Pinder would advance that or not?---Possibly, yes.
10 Did you have a belief that he would make the approach to
11 Mr Haritos?---I'd say yes, Mr Lawrie.
12 And we've already covered that as a result of that you got the
13 additional 10, 10,000?---Yes, Mr Lawrie.
14 There are other expressions that have been characterised by
15 Mr Pinder as bold talk or - - -?---Sorry, what was that?
16 As bold talk that - you know, the words really don't convey
17 what they might at a first reading, because it's people
18 who are talking boldly rather than strictly seriously or
19 strictly - within the strict meaning of what they're
20 trying to say, you know; talking big, do you understand
21 that?---Yes, Mr Lawrie.
22 Things like the discussions that - the conversation you had
23 with Mr Pinder on 30 April where it was said that you and
24 he would milk it as long as you could, did you regard that
25 as just empty talk or big talk or an expression of your
26 intentions?---Expressions of intentions, Mr Lawrie.
27 I asked you before the break about long-term planning that
28 involved you and Mr Pinder and Transclean. Is there any
29 talk from Mr Pinder about him taking up a role back at

1 Metro as the COO?---Yes, Mr Lawrie.

2 When did that happen?---That I can't remember, Mr Lawrie.

3 Was it in 2020 or earlier?---Honestly, I can't recall. I can't

4 recall that - I can't recall the time, yes.

5 No, that's fine. How would that work? How would that advance

6 the long-term plan if Mr Pinder was to go and take up such

7 a position?---I don't believe it was - I think he just

8 wanted to come back to Metro. That was - come back to

9 Metro and - he was saying he, you know, 'We'll take over

10 everything,' that sort of thing.

11 Is this connected with your comment in the conversation on

12 21 April 2020 where you say, 'Yes, swoop in like an eagle,

13 like a wedged-tailed eagle'?---Yes, Mr Lawrie.

14 What was that a reference to?---To come back and - because when

15 he left - when he left I don't believe he left on good

16 terms and he'd come back in a bigger role.

17 So is it the case that the chief operating officer at Metro is

18 regarded as a larger role than the CEO at V/Line, because

19 of the size of Metro compared to V/Line?---Possibly.

20 So coming back as the COO of Metro wouldn't necessarily be a

21 backward step, would it?---I don't think that big,

22 Mr Lawrie, sorry.

23 No, that's all right. That's fine. But that 'swoop in like an

24 eagle, like a wedged-tailed eagle' was a reference to him

25 potentially taking up that sort of position?---Correct,

26 Mr Lawrie.

27 Would that place the three of you, that is you, he and - sorry,

28 you, Mr Pinder and Mr Haritos for Transclean, in a better

29 position to benefit from that relationship?---Possibly,

1 Mr Lawrie.

2 How would it place you in a better position?---The influence
3 that he would bring, Mr Lawrie.

4 The influence that he would be able to exert over Metro's
5 contracts with Transclean if he was in that
6 position?---Correct, Mr Lawrie.

7 We've spoken at length this morning about the steps that you
8 would take to fulfil your part of the bargain for the
9 monthly payments from Transclean from Haritos. Did
10 Mr Pinder talk to you about what he was doing at his end,
11 at the V/Line end?---I didn't really ask about V/Line.
12 I only got whatever he told me, and he said everything was
13 going well. That's pretty - from what I recall, that's
14 pretty much the conversation. He never told me the
15 specifics of what he was doing. I don't believe so,
16 Mr Lawrie.

17 In various conversations you talk about, you know, the fact
18 that it's been like this from day one, and there's a
19 particular phrase that's used that 'everything that's been
20 done over the last four to five years, everything he's got
21 he's been given on a plate'; do you remember
22 that?---Correct.

23 You obviously knew what you were doing to deliver - I'm sorry,
24 before I ask that question, what's that a reference to in
25 your mind, delivering him everything on a plate?---Again,
26 helping out Transclean's branding.

27 Yes. And you obviously knew what you were doing to fulfil your
28 side of the bargain, but what did you understand Mr Pinder
29 to be doing?---I would assume the same thing but at a

1 different level, Mr Lawrie.

2 I'm not going to ask you to assume, but do you remember him
3 saying anything to you in conversation or you hearing from
4 other sources about what he was doing?---I really can't
5 remember, Mr Lawrie. He probably did. He probably did,
6 Mr Lawrie, but I don't want to give you false information.
7 And I don't want you to speculate. You either have a memory of
8 it from a direct conversation with him or from information
9 from others. Okay. Back at Metro I asked you in respect
10 of the 2017 carriages contract and Transclean winning the
11 renewed contract at that time whether or not your
12 arrangement with Mr Haritos and Transclean and Mr Pinder's
13 arrangement of course was in existence before that new
14 contract, and you said possibly it was, you couldn't quite
15 remember; do you remember that?---Yes.

16 Do you recall Transclean receiving preferential treatment at
17 the hands of Mr Pinder at Metro in the lead-up to the 2017
18 new contract?---Sorry, what do you mean by that,
19 Mr Lawrie?

20 Okay. I'll ask a better question. Do you recall being aware
21 of Transclean receiving preferential treatment from
22 Mr Pinder or yourself at Metro during 2017?---This is
23 prior to the contract, Mr Lawrie?

24 Well, if you can place it in your mind prior to the contract,
25 yes?---I don't know if he was - was he - I can't remember
26 if Jim was there, but all I know, that, like I said
27 earlier, we spent the year before that ramping up,
28 creating the new standards that were required, so when the
29 contractual time came and that year ticked over we would

1 be in a place that we could deliver on those new
2 criterias. So, like I said, they were in the box seat,
3 yes, to - it was theirs to lose. They knew - they had the
4 inside knowledge because they were there. I didn't have
5 to feed them how to do the job, if that makes sense,
6 sorry, Mr Lawrie.

7 No, it does make sense. What you're saying is they were the
8 incumbent contractor?---That's correct.

9 And, like it or not, that gives a certain level of advantage
10 during a tender?---Correct, Mr Lawrie.

11 But do you remember any extra assistance coming their way from
12 the way you or Mr Pinder were dealing with them as you
13 were putting this new system of standards in
14 place?---I would help them all the time, Mr Lawrie,
15 because their failure or success would reflect on the team
16 and myself, yes.

17 And when I'm talking about help, obviously there's - there are
18 activities which are - it's completely appropriate to be
19 helping a contractor to meet the expectations and
20 obligations that they have, but what I'm talking about is
21 help that goes beyond that, by unlawful activity,
22 providing confidential information back to them or
23 suppressing adverse information about their performance
24 and that sort of thing?---It might have happened,
25 Mr Lawrie. Honestly, I - it might have happened, yes.
26 Yes. Yes, we helped him more than what we should have,
27 yes.

28 That's all right. I just want to ask you about some specific
29 meetings in 2020 that you've had and I'll do it in a way

1 that will be abbreviated, if you like. There is some
2 video that shows you meeting Mr Haritos at a cafe in
3 Williamstown at about 10.30 am on 20 February of
4 2020?---Yes.

5 And indeed there are other family members, it seems, at that
6 meeting; do you remember that meeting?---Yes.

7 Did you receive a cash payment at or surrounding that
8 meeting?---I would say yes, Mr Lawrie.

9 Don't speculate. Just take a moment to think about it. Do you
10 have a memory of receiving a cash payment either at the
11 meeting or perhaps at a car nearby or in association with
12 that meeting?---I would say yes, Mr Lawrie.

13 Is that because on most or every occasion that you met
14 personally with Mr Haritos it was for the purpose of
15 facilitating a payment?---No.

16 You would sometimes see him socially without a payment?---We
17 would sit down and have a coffee, have a chat, talk about
18 what's happening and basically about information, yes,
19 that we spoke about.

20 I see. Okay. Thank you. On 22 February 2020 there's a
21 meeting again at a cafe in Williamstown. It's about 10 in
22 the morning on a Saturday, and it's you, Mr Pinder and
23 Mr Haritos?---When was this, sorry?

24 This is on 22 February 2020, a Saturday morning, and this time
25 it's the three of you without anyone else there, just
26 yourself, Mr Pinder and Mr Haritos?---Yes, okay.

27 Do you recall that meeting?---No, Mr Lawrie.

28 Okay?---Did you say February?

29 February, yes. 22 February, a Saturday, at the Williamstown

1 cafe and it's just the three of you?---Possibly, yes.

2 Possibly, yes.

3 You don't dispute the meeting, do you?---No, not at all,

4 Mr Lawrie.

5 You just don't recall it as you sit there?---I'm sure we did.

6 Are these the sort of occasions where you would be paid your

7 monthly - I'm sorry, I'll start the question again. Is

8 that the sort of meeting and the sort of circumstance in

9 which you would receive payment from time to

10 time?---Correct, Mr Lawrie.

11 There's a meeting that you have with Mr Haritos on 6 May 2020

12 at the Epping train depot. Do you remember meeting him

13 out there together with Steve Kyritsis?---Yes, Mr Lawrie.

14 Was that a meeting to receive a cash payment?---I don't believe

15 so, Mr Lawrie.

16 What was it for?---We had a meeting, we had a hook-up.

17 I believe we had a hook-up, Mr Lawrie. I don't think it

18 was to receive any cash. I could be mistaken, Mr Lawrie.

19 No, I appreciate that. On 12 June of 2020 you met with

20 Mr Haritos together with Alex Kyritsis and Steve Kyritsis

21 at a cafe in South Yarra?---Yes.

22 Do you recall that meeting? I'll just refresh your memory.

23 Look, it's 12 June - - -?---I remember.

24 On a (indistinct) morning?---Yes.

25 You do remember that one?---Yes, Mr Lawrie.

26 Was that a meeting at which you received a cash payment?---Yes,

27 Mr Lawrie.

28 And was that \$10,000 or \$8,000?---I believe it was 10.

29 Thank you. Investigations reveal that Mr Haritos withdrew

1 \$10,000 from a Commonwealth Bank account in cash on
2 4 June, so that's some eight days earlier. So you
3 wouldn't be surprised by that, I take it?---No.
4 Okay. 21 July, at the Metro yards at Dynon Road in South
5 Melbourne, you meet with Mr Haritos?---Yes.
6 Now, that was a Thursday morning. Do you remember the
7 circumstances of that meeting?---Yes, we had a hook-up.
8 Did you receive cash during that meeting?---Yes, Mr Lawrie.
9 And did you also provide Mr Haritos with some of the commercial
10 information about Metro revenues in the preceding month
11 and that sort of thing during that meeting?---Yes,
12 Mr Lawrie.
13 And on that occasion do you recall how much cash you
14 received?---20, Mr Lawrie.
15 You received 20?---Yes. I believe that was the
16 last - I believe that was the last payment, Mr Lawrie.
17 So when you say you received 20 is that your regular - I'm
18 sorry?---If the timeline is correct, I believe
19 that's - - -
20 Well, just to be clear, I'll restate it . It's 21 July 2020,
21 it's a Tuesday morning, and it's at the Metro rail yards
22 at Dynon Road, North Melbourne?---Yes.
23 And it's just you meeting with Mr Haritos?---Yes, Mr Lawrie.
24 You say you get 20. Does that represent your regular monthly
25 10,000 plus the 10,000 that came from the approach to
26 Mr Haritos that was meant to be 50 extra?---I believe so.
27 Okay. So it's 10 regular, 10 bonus, if I can use those
28 terms?---Yes, Mr Lawrie.
29 Excuse me, please, for one moment, Commissioner.

1 COMMISSIONER: Mr Lawrie, if it's convenient, I've got a few
2 questions I would like to ask Mr Bollas whilst you're
3 looking at your next area.

4 MR LAWRIE: Thank you, Commissioner.

5 COMMISSIONER: I take it from what you've told the Commission,
6 Mr Bollas, you understand that, amongst other things, you
7 plainly had a conflict of interest that arose as a result
8 of your relationship with Mr Haritos and other persons
9 associated with Transclean?---Yes, Commissioner.

10 And I take it you never declared that conflict of interest to
11 your employer?---No, Mr Commissioner.

12 I'm interested to know at what level did your organisation
13 emphasise the responsibilities and duties in relation to
14 conflicts of interest. Was it something that was
15 regularly a reminder to staff? Was there training? What
16 level of education was there about your integrity
17 obligations?---It was part of the initial training,
18 Mr Commissioner, and I think when a procurement process
19 was happening, was about to occur, you would sign a paper.
20 But does that mean apart from the initial training there was no
21 follow-up or re-education or re-emphasis of those
22 duties?---I don't believe so, Mr Commissioner.

23 I'm sorry, you had been at Metro for how long,

24 Mr Bollas?---Well, I was eight and a half years.

25 Yes. Apart from the absence of any re-education or further
26 training, was there any culture which existed within Metro
27 that led you to think 'this wasn't such a serious thing
28 that I was doing'? What was the nature of the culture
29 within Metro in relation to integrity issues?---I think it

1 is quite high, Mr Commissioner. I just - what I've done
2 is absolutely wrong and unforgivable, but Metro, their
3 policy is that this is not to occur. I can't blame Metro
4 for what I did.

5 No, I understand that. Perhaps this will be of little interest
6 to you, Mr Bollas, but from the Commission's perspective
7 just as important as identifying where there's actually
8 been corrupt behaviour is looking at whether and the
9 extent to which there's been institutional failings that
10 may have contributed to that behaviour. I understand you
11 to say Metro did nothing to suggest to you it was okay for
12 you to behave as you did. But I'm more interested in what
13 activity was there at Metro that would have reinforced for
14 you the importance of behaving with a high level of
15 integrity?---I don't know, Commissioner. Honestly,
16 I don't know.

17 You can't really answer that question?---No.

18 Did any of your colleagues at Metro that you worked with have
19 any inkling of the nature of your relationship with
20 Mr Haritos?---No, Mr Commissioner.

21 None of your colleagues with whom you worked closely ever made
22 any observation or remark about the level of your contact
23 and association with him or with other personnel at
24 Transclean?---No, Commissioner. They thought it was part
25 of the day-to-day requirements.

26 So they would have seen it as nothing unusual for you to be
27 dealing with him?---Correct, Commissioner.

28 To what extent were your day-to-day dealings with him or other
29 personnel from Transclean dealings that those around you

1 would not have expected someone in your position to be
2 engaged in?---Not many, Mr Commissioner, because we met so
3 frequently, we spoke so frequently due to the nature of
4 the reactivity of work as well, so I - there's - I don't
5 know if they could have picked it up.

6 So the investigation still has some way to go, Mr BOLLAS. But
7 even on the basis of the information which has emerged in
8 the last three and a half days, speaking only about Metro,
9 it's apparent that not only was it part of your job then
10 to have ongoing regular contact with Mr Haritos but you
11 were also in a position to exert influence within Metro in
12 terms of securing further advantage for Transclean; is
13 that correct?---Correct, Mr Commissioner.

14 So, given the demands of your position in terms of your
15 obligation to have this ongoing contact, there were no
16 checks or balances put in place to ensure that if you were
17 seeking to recommend Transclean for some additional work
18 that there needed to be some external review or assessment
19 about whether that's appropriate?---That's correct.

20 And do you think that would have been an appropriate - perhaps
21 a hard question for you to answer, Mr BOLLAS, but do you
22 think that would have been a helpful additional
23 safeguard?---Yes, much so. There's a few, in hindsight,
24 I would recommend, but I'd - - -

25 I understand. You'll appreciate these questions arise because
26 what's of equal importance flowing from an investigation
27 such as this is that the public sector institutions look
28 at ways and means of better protecting themselves from
29 such conduct; you understand that?---Yes, Commissioner.

1 Yes, Mr Lawrie.

2 MR LAWRIE: Thank you, Commissioner. Mr Bollas, just returning
3 momentarily to the meeting at the Metro yards at Dynon
4 Road on 21 July, you said you received \$20,000. Did you
5 receive one envelope or two, do you remember?---I believe
6 it was two, Mr Lawrie.

7 And was one envelope for you? Was it the situation that one
8 envelope was for you and one envelope was for
9 Mr Pinder?---No.

10 It was two envelopes both for you, was it?---Correct,
11 Mr Lawrie.

12 Okay. You spoke about - I'm sorry, just before I leave that,
13 were there ever any occasions where you delivered
14 Mr Pinder's monthly payment to him after receiving it from
15 Mr Haritos?---I don't believe so.

16 Okay. You couldn't explain why it was on this occasion your
17 payment had been split into two envelopes? Was there any
18 apparent reason for that?---No, we spoke about that
19 when - it was the extra.

20 But it was simply because one was the regular payment and one
21 was the bonus, was it?---That's correct . Yes, I would
22 say that, yes.

23 Or at least that's what you understood from what you were
24 saying, was it?---Correct.

25 Okay. Returning for a moment to Mr Pinder's departure from
26 Metro, you said there were some red flags there. What did
27 you understand to be the - were there any adverse
28 circumstances, as you understood it, about Mr Pinder's
29 departure from Metro?---I believe he had a falling out

1 with the management, the senior management team, something
2 along those lines.

3 Did you know what that was about?---Not the specifics. I know
4 he was upset, but not the specifics. He might have told
5 me, but I don't think he told me the specifics.

6 And a moment ago in answers to questions from the Commissioner
7 you indicated that there were perhaps some other ideas or
8 recommendations that you would have to build a stronger
9 internal structure that might prevent this sort of
10 behaviour in the future. Having worked within the
11 structure of Metro, what structures would you suggest in
12 addition to those that you've already spoken with the
13 Commissioner about?---You need a level of - so the people
14 that are tendering for the contract, or the people that
15 run - I was the operational aspect of the contract.

16 Yes?---We should provide a recommendation, a very solid
17 recommendation - even like we did with Transclean, we
18 would provide our recommendation - and then we shouldn't
19 have anything to do with it at all. The operational
20 aspect. If the business chooses to go ahead with someone
21 and you give them the reasons why it won't work and you
22 can explain that clearly - and this is from people that
23 have been in the industry for 40 years, like myself, that
24 have lived through changes and changes - and, if the
25 business wants to go ahead with that, that's entirely up
26 to them. It shouldn't be - there should be a very
27 disjoint, I say, between operational, procurement and even
28 senior management, because even the senior management look
29 at the dollar figure for a business, as they should,

1 they're running a business; operation look at the
2 operational aspect at a very low level of delivery;
3 procurement, it should be someone else, an
4 independent - not independent as in external but
5 independent internal - to pull this all together.

6 Can I summarise that - - -?---Did that make any sense,
7 Mr Lawrie, sorry?

8 No, I think it does, and can I summarise to see that I've got
9 it correctly. What you're saying is that those in charge
10 of operations and contract management should provide a
11 report for the purposes of the tender process and then
12 step back from the process; and then it should be those in
13 procurement who assess - who continue on in the assessment
14 of the tenderers?---Correct, Mr Lawrie, and there should
15 be reasons - there should be very clear reasons that if a
16 business can't fulfil these, whichever contractor can't
17 fulfil these reasons, it's going to give either financial
18 or operational strain to the business.

19 So that there's a hard division between those involved in the
20 procurement process and those involved in the management
21 of the incumbent contractor's arrangements so that they
22 report but then don't exert any further or don't exert any
23 influence on the subsequent process?---Correct, Mr Lawrie.

24 And that those lines need to be thought about and made very
25 clear; is that the - - -?---The gist of it, yes.

26 The gist of it, yes. If I might say, that is probably a very
27 helpful suggestion. Is there anything else that you think
28 structurally that would improve the integrity of these
29 systems?---There's probably a hundred things up here,

1 Mr Lawrie, but happy at a later date if you want me
2 to - - -

3 Certainly the one you've recommended is already, if I might
4 say, a reasonably sophisticated recommendation that seems
5 to have logic on its side. Commissioner, that concludes
6 my questioning for this portion of the examination, but
7 there is one matter I wanted to raise before we adjourn.
8 Throughout the course of the examination this morning
9 we've touched on matters where there's been a revelation
10 of adequacy of cleaning services that were provided
11 particularly in the midst of Melbourne's response to the
12 COVID-19 pandemic, and obviously that creates an immediate
13 health concern once that information comes to light.
14 I think it needs to be understood that that information
15 was acted upon in an immediate and timely fashion to bring
16 those concerns to the attention of the appropriate
17 authorities so that any health concern would be
18 immediately addressed. It hasn't simply been a situation
19 where it has just been allowed to sit until this
20 examination.

21 COMMISSIONER: Do you mean it was responded to in a timely way?

22 MR LAWRIE: Precisely.

23 COMMISSIONER: Yes, thank you, Mr Lawrie. You wish to go into
24 private examination mode, do you?

25 MR LAWRIE: Yes, I do, Commissioner.

26 COMMISSIONER: Yes. Mr Hargreaves, do you have any questions
27 that you would like to raise with Mr Bollas by way of
28 questioning during public examination before we go into
29 private examination?

1 MR HARGREAVES: No, thank you, Commissioner.

2 COMMISSIONER: Very good. I'll say something further to you,
3 Mr Bollas, about your obligations after you're excused,
4 and I don't think I need to cover those with you now. Is
5 there anything you want to add or say in relation to your
6 public evidence?---No, Commissioner.

7 Very good. We'll conclude the public hearings now then.

8 Mr Lawrie, the public hearings will be adjourned until
9 tomorrow morning at 10 am, and is Mr Haritos the witness
10 tomorrow morning?

11 MR LAWRIE: We may be in a position I think for Mr Haritos to
12 commence public hearings at 2 pm this afternoon.

13 COMMISSIONER: All right.

14 MR LAWRIE: If that's convenient to the Commission.

15 COMMISSIONER: It is. Are you able to make enquiries
16 immediately to confirm that that's so?

17 MR LAWRIE: That is so. I'm getting an indication to that
18 effect now.

19 COMMISSIONER: Very well. So we'll continue the public
20 examinations with Mr Haritos at 2 pm.

21 MR LAWRIE: Thank you, Commissioner.

22 COMMISSIONER: Otherwise we'll conclude the public examination
23 of Mr Bollas now. Thank you.

24 <(THE WITNESS WITHDREW)

25 (Short adjournment.)

26 (PRIVATE HEARING FOLLOWS)

27

28

29