
TRANSCRIPT OF MORNING PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

FRIDAY, 30 OCTOBER 2020

(5th 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 <GEORGE HARITOS, recalled:

2 COMMISSIONER: Good morning, Mr Haritos?---Good morning,
3 Mr Commissioner.

4 Just a couple of housekeeping matters. Firstly, it's
5 important, Mr Haritos, that you are alone in the room.

6 There is no-one else present with you in the room?---No,
7 sir.

8 Very good. Mr Collin, it's really important that, whilst
9 Mr Haritos can see you in a picture which is in front of
10 him, you do not say or do anything during the course of
11 his examination which indicates either approval or
12 disapproval of anything he's saying; do you follow?

13 Sorry, you're on mute, Mr Collin.

14 MR COLLIN: Sorry. I understand that, Commissioner.

15 COMMISSIONER: Very good. Mr Haritos, again I remind you, if
16 at any stage you would like to have a break, if you want
17 to have a break just say so. We'll certainly adjourn for
18 quarter of an hour at about 11.30. But, if you at any
19 other time want to have a break or you feel you would like
20 to speak to Mr Collin, you should just indicate that
21 that's your wish; do you follow?---I do follow,
22 Mr Commissioner.

23 Yes, Mr Lawrie.

24 MR LAWRIE: Thank you, Commissioner.

25 <EXAMINED BY MR LAWRIE, continued:

26 Mr Haritos, you will recall yesterday I asked you some
27 questions about some of the companies and particularly the
28 parent company of Transclean, AES Services (Australia) Pty
29 Ltd; do you remember that?---I do remember.

1 And that was the company and indeed still is the company that
2 is jointly owned by you and Mr Alex Kyritsis?---Correct.
3 And that you are both directors of; yes?---Correct.
4 That went into administration in 2009, didn't it?---It did.
5 And who was the administrator that was appointed?---Pitcher
6 Partners.
7 And did it remain in administration until 2016?---No. Sorry,
8 it did.
9 And it came out of administration in 2016?---I believe so.
10 Transclean was born or incorporated in 2010, wasn't
11 it?---Correct.
12 And it came into being as the wholly owned subsidiary of AES
13 Services Australia Pty Ltd, didn't it?---It did.
14 Did that arrangement come about with the approval or knowledge
15 of the administrator?---It was the administrator that set
16 up the entity.
17 The administrator set up the subsidiary, did they?---That is
18 correct.
19 When you won the Metro carriages contract and the stations
20 contract in 2010 - I'm sorry, the carriages contract was
21 2011?---There was a bit of a delay with that particular
22 contract - - -
23 Yes, okay. Were there any questions put to you in the tender
24 process or at any other time of the winning of those
25 contracts about the ownership of Transclean? Did anyone
26 at Metro ask you about that?---During the process?
27 Yes?---Splitting up of the entity, and in discussions that
28 followed under the administration, Pitcher Partners
29 consulted with Metro on a number of occasions.

1 They did. So Pitcher Partners communicated with Metro about
2 the status of Transclean's ownership at that time, did
3 they?---Correct. I don't know in detail. Maybe I wasn't
4 present in all the meetings.

5 Okay. Was that the same when the contracts came up for the
6 exercise of their first options three years later?---Can
7 you repeat your question again, Mr Lawrie?

8 When both those contracts came up for the exercise of their
9 first options on their third birthdays was Pitcher
10 Partners again involved with Metro?---No, they were not.
11 They were not. Were there any questions asked by Metro at that
12 time about the ongoing ownership of Transclean?---Not that
13 I can recall.

14 Okay?---Pitcher Partners' involvement was, from what I could
15 best remember, with the CEO of Metro.

16 I see?---Without laying what AES's position was, what Pitcher
17 Partners' role was, and once AES settled with the
18 Commissioner nine months later Metro was also informed of
19 the outcome.

20 Okay?---And the company was free to trade again.

21 You'll recall yesterday I asked you - - -?---Can I make a
22 correction, Mr Lawrie?

23 Please do?---The directors of the company - - -
24 Yes?---Operated the company. Pitcher Partners had no
25 involvement after that nine-, 10-month period.

26 Okay. Thank you. You'll remember yesterday I was asking you
27 about the timing when the invitation to tender for the
28 V/Line contract came out, and your memory said it was
29 February of 2018; correct? Invitations to tender?---It

1 sounds about correct.

2 Did you have any information that those tenders were
3 forthcoming or would be on the horizon earlier than
4 that?---I don't believe I did.

5 There was no discussions, for example, with Mr Pinder prior to
6 February of 2018 about the fact that the tender process
7 would be coming up?---I can't recall having any
8 discussions with Mr Pinder to do anything regarding
9 V/Line's contract. The only discussions that I would've
10 had with Mr Pinder would have been during the epidemic.

11 Okay. Did you have discussions with anyone at V/Line prior to
12 the invitations to tender for the V/Line contract in
13 February 2018?---Personally, no. But about a year earlier
14 than that V/Line called us in and asked us if we were
15 interested in doing some services for them which the
16 current contract arrangement - current contractors could
17 not provide. There was a meeting held not between myself
18 but my manager, [REDACTED], and a representative of V/Line.

19 So is it fair to say that at some time in 2017 there was at
20 least some information that you had that there would be a
21 contract coming up potentially with V/Line, that is prior
22 to the invitation to tender?---I'm not sure if that
23 information was relayed to [REDACTED] at that meeting.

24 But you've got personnel within your organisation speaking with
25 V/Line in 2017 about a prospective contract, haven't
26 you?---No, I believe the meeting was about us being in a
27 position in short notice providing services to V/Line at
28 that particular time.

29 In other words, having to step in if relations broke down with

1 the existing contractor?---Or maybe providing a service
2 where the existing contractors could not provide.
3 Was it fair to say that certainly puts in the wind, if I can
4 use that expression, the fact that there might be a
5 contracting opportunity with V/Line in the immediate
6 future?---No, I don't see it that way at all, Mr Lawrie.
7 In your following of the evidence you would have heard my
8 questions of Mr Pinder about the funding of the purchase
9 of his house in Williamstown; do you
10 remember - - -?---Correct.
11 Did you follow any of that evidence?---I did.
12 Did you ever pay or lend Mr Pinder any money for that
13 purpose?---Directly, no.
14 Indirectly?---Indirectly, yes.
15 How did you do it indirectly?---I will answer your question
16 this way. As I stated yesterday, me and James had a very
17 good friendship. We discussed a broad range of issues.
18 Upon his arrival I probably became his closest friend. We
19 discussed his family, his family coming over, his son
20 being here and doing some sort of an engineering course,
21 we discussed his son in the UK being involved with Formula
22 One. We discussed a lot of - a range of issues. In about
23 November 2018 James asked me that - Sam, his wife, loves
24 it here and they will probably settle permanently, asked
25 me advice about real estate, what he should buy,
26 et cetera, et cetera, what area and things of that nature.
27 Following that discussion - I'm not sure how soon
28 thereafter - he put the question to me amongst our
29 friends, meaning friends that he had met through me, 'Are

1 they in any position to make a loan to me, and I'm happy
2 to pay interest?'

3 Sorry, he put that proposition to you?---He asked
4 me because - he put that - yes, he put that proposition to
5 me and said that - - -

6 I'm sorry, that's him speaking directly to you for that
7 proposition?---Speaking directly with me sometimes in
8 probably November, early November, mid, thereabouts. And
9 he said, 'I don't want it to come from you, but are any of
10 our friends in a position to do so,' and I said - I think
11 at that time he indicated to me that he had seen Marie,
12 spoken to Marie and she was happy to give him the money.
13 I said, 'Leave it to me, and I will let you know.'
14 I cannot remember exactly what the amount of loan or
15 I don't believe Mr Pinder knew what sort of loan money he
16 was chasing. The impression that I got I think it was in
17 the vicinity of about 200,000, for that particular
18 payment, I'm talking about early, maybe mid-November. In
19 - maybe not the same day but shortly thereafter I picked
20 up the phone and I rang up [REDACTED], who was also good
21 friends with James, and I said, 'Our friend James, he's
22 after a loan. Would you be able to help him out?' And he
23 said - also in the discussions prior to my phone call the
24 indication that I got was James was looking to borrow
25 money for a period of two to three years. I said, '[REDACTED],
26 James wants to buy a house. Are you able to help him out
27 with a loan?' He goes, 'Yeah, no problem. Get him to
28 ring me,' or, 'No issue.' And he said, 'What sort of
29 money?' I said, 'He's not quite clear. Maybe 200, 250.'

1 He goes, 'Yeah, yeah, no problem. Just get him to ring
2 me.' He also indicated to me that he can have it for six
3 months, nine months and - you know, I won't use the exact
4 words, 'I don't care about the interest.' I said 'No,
5 it's not going to work because I think he wants it for a
6 three-year period.' Then, you know, obviously he had
7 already spoken to Marie previously, and I said to her, 'Do
8 you want to' - 'Has James asked you for a loan,' and she
9 said 'yes'. I said, 'Okay,' and that's how I left - that
10 was my initial involvement in the whole process.

11 Was Marie in a position to lend him that sort of money, 200,000
12 or more?---Well, she said yes and she probably - she was.
13 I did not know, but I did not ask her. She said, 'Yeah,
14 I'm happy to lend him the money,' because apparently she
15 had borrowed or whatever they did at Crown and paid each
16 other back and stuff, also she had the confidence level.

17 Can I understand just in summary what you've said. In November
18 2018 Mr Pinder approaches you directly and discusses the
19 possibility of you lending him money directly?---No, he
20 said - not the possibility of me lending him money
21 directly. 'I would like to get a loan, and I don't want
22 it to come from you' - - -

23 Yes, I understand. You organising other people to finance
24 him?---He asked me amongst our circle of friends that he
25 knew. He didn't want to go to someone - stranger. That's
26 how I - - -

27 But do I understand it correctly that in the end all those
28 discussions that you were having with other people about
29 funding this loan to Mr Pinder all sort of - it didn't go

1 anywhere because it was Marie who ended up lending him
2 money from her own funds; is that right?---Initially
3 I approached [REDACTED].

4 Yes, I understand that. I understand that you did that. And
5 you made those approaches and you had those discussions.
6 But in the end you didn't need to act on any of that
7 because Marie lent him the money from her own funds; is
8 that right?---Yes. Obviously they spoken about it.

9 Yes?---She was happy to lend him the money from her own funds.
10 So let's just understand the situation properly. In November
11 2018 you're having discussions with James and then
12 subsequently with [REDACTED] and other people about the
13 potential for the funding to come from that source. But
14 that is not activated because Marie lends him money from
15 her own funds; is that correct?---Well, the indication
16 that James gave me at the time, that was the case.
17 I didn't intervene. I said, 'James, I might have someone
18 else for you' - - -

19 Mr Haritos, I described it correctly?---Sorry?

20 Have I described it correctly, what happened?---Yes. But what
21 he told me about Marie being able to lend him the money,
22 I said, 'Hang on, I might have someone else for you,' and
23 that's when I rang up [REDACTED].

24 Okay. Despite all those discussions, what eventually happened
25 was that Marie's money was used and none of Transclean's
26 money was used or any associates that you were enquiring
27 might be able to source the funds; is that
28 right?---Obviously Marie and James entered into
29 discussions for her to lend him the money.

1 So no Transclean money went to Marie to fund this loan to
2 James?---As the discussions which I was not part - - -
3 Mr Haritos, it's a very simple question. Did any Transclean
4 money go to Marie for the purpose of her lending that
5 money to Mr Pinder?---Mr Lawrie, be patient and let me
6 take it step by step - - -
7 No, you can take me step by step, but first of all there's a
8 very simple question and I want to get the answer, please.
9 Did any Transclean money go to Marie Tsakopoulos in order
10 to fund James Pinder?---Initially on the 200,000 loan that
11 Marie had in her head, no Transclean money was put towards
12 the loan. When the loan went to 320,000, 120,000 came
13 from an entity to make up the balance of the loan account.
14 Why are you so shy to tell me who the entity is?---Well, you
15 mentioned four or five companies, and I haven't got the
16 records here.
17 Okay. So you say no moneys came direct from Transclean? Is
18 that your evidence on oath? No moneys went directly from
19 any Transclean account to Maria Tsakopoulos in order to
20 fund James Pinder; is that your evidence on
21 oath?---Transclean money could have went to all those
22 entities, but could that amount be as a repayment to Marie
23 Tsakopoulos, is the question that I'm asked that - that I
24 could've - that I'm saying. Transclean's money could have
25 went to Marie. But why did it go into Marie's account or
26 an associated account?
27 Why would you be putting Transclean money - - -?---Transclean -
28 for example, sorry, Transclean - all the directors of
29 Transclean may have owed Marie 100,000.

1 Really? You would have a record of that debt, wouldn't
2 you?---Between myself and my fellow director we have, yes,
3 and a good recollection as well.

4 So Marie had borrowed \$100,000 from Transclean at some stage,
5 had she?---No, you've got it the other way around,
6 Mr Lawrie.

7 Okay, you tell me what - - - ?--- Marie had lent - Marie had
8 given me and Alex \$100,000 some time between May and June
9 of 2018.

10 And so any Transclean money of that amount would represent a
11 repayment of the loan; is that what you're
12 saying?---Correct. When she asked can - - -
13 Sorry?---When she asked, 'Can I have my money back because, you
14 know, it's going to be part of my loan agreement,' yes, we
15 transferred the money into whatever account she nominated.

16 When did Transclean borrow this amount from Marie?---To - as
17 best as I can remember, Marie's role with contract
18 management with our company finished November 2017. She
19 moved on in her own business, which was a restaurant/bar.
20 When we got notified that we were successful with V/Line,
21 which I'm not exactly sure of the date - if I was to guess
22 I would say late April - me and Alex approached Marie and
23 asked her if she's interested in coming back and managing
24 the V/Line contract. We agreed on terms, she said, 'Happy
25 to do so. I'm in the process of selling my share to my
26 partner,' which ultimately happened. During that
27 particular process I can't recall what the settlement
28 amount was, but I can recall that in discussions and so
29 forth Marie had I think at the time was 40,000 in cash -

1 just came about in a conversation. I said, 'What are you
2 going to do with that? You're not going to take it to
3 Crown again.' Goes, 'No, no, no, no, not going to gamble
4 it.' 'Do you want' - I don't know what the exact words
5 were. 'If you've got no use for it, can I have the cash
6 and I'll transfer the 40,000 into your' - 'into an
7 account?' And she goes, 'Keep it, and give it to me when
8 and if needed.' I'm not sure if that was that particular
9 time or perhaps a little bit later she said, 'If you want
10 more, I'm getting 60,000 transferred into my bank account
11 as a result of my sale. You can have that too.' Now, the
12 reason why that was convenient for me and Alex was that
13 I got 24/7 care for my mother. She's 94 years old, and
14 instead of going to the bank every week, every two weeks,
15 three weeks, we took the money, we put it into my mother's
16 safe to pay off the carers. Comes - I'm not sure when she
17 asked for this particular money - could have been December
18 or January. We had to return the money back. Are you
19 with me, Mr Lawrie?

20 I think I understand. You're saying that, coming back to you
21 as her employer, she loaned her employer in a first
22 tranche of \$40,000 and a second tranche of \$60,000, that
23 sum of money, and then she called for the repayment at the
24 end of 2018; is that right?---Could have been 2018 or
25 could have been the beginning of 2019. That's why I said
26 to you before when you asked me where did the money come
27 from, if I can have - what transactions are you referring
28 to, I should be able to throw a bit more light on the
29 topic.

1 The question was simply when did you lend her the
2 money - sorry, when did she lend you the money, I should
3 say. Was there any documentation that was - - -?---No.
4 Hang on. Let me finish the question, please. Was there any
5 documentation that was brought into existence to record
6 the fact that this loan of \$40,000 and then \$60,000 was
7 being made to you?---No documentation. We have had a
8 working relationship with Marie for a number of years and
9 there was trust involved in the transaction. We did not
10 record anything, but we knew that over a period of a month
11 or three or four weeks Marie was able to provide me or
12 Alex - more so Alex, that took the money through to my
13 mother's safe, 100,000 in round figures that was being
14 used up on a monthly basis of approximately 10,000 or so
15 for my mother's carers.

16 When she called for the repayment of the whole sum, and
17 presumably that requires a visit to your mother's safe,
18 did that cause you any inconvenience, any cash flow
19 inconvenience, at the time or not?---Can you repeat the
20 question, Mr Lawrie?

21 Marie, at the end of 2018 or thereabouts, calls the entire loan
22 to be repaid?---Yes, the 100,000.

23 Did that cause you any difficulties with cash flow?---None
24 whatsoever.

25 Okay.

26 COMMISSIONER: Just a moment, Mr Lawrie. Was the money still
27 available from your mother's safe to repay
28 Marie?---Mr Commissioner, as I said earlier, minimum it
29 cost me 10,000 a month for my mother's carers. So if we

1 got the money in May, comes January it may have been
2 20,000 available in my mother's safe, but I wasn't banking
3 on that. That had nothing to do with it. When Marie gave
4 us the money - borrowed, whatever terminology you want to
5 use - we never paid her back in cash. The 100,000 that
6 she requested, I'm not sure if it was on first occasion or
7 second occasion, it was returned.

8 Just to be clear, Mr Haritos, that explains the \$100,000 that
9 went back to her that she then used to supplement
10 Mr Pinder's deposit, but the other \$200,000 that Marie
11 provided Mr Pinder, you and Transclean had nothing
12 whatever to do with that; is that correct?---Myself or
13 Transclean provided another 120,000 towards the
14 settlement. We were talking about 200,000 that Marie put
15 in. As I said earlier, she said, 'I can't do the 300,000
16 or the 320 because it's going to drain my resources,' and
17 I said, 'Okay, we' - from me - I can't recall which
18 account it came on - I said, 'Okay, we'll provide the
19 120.' Did James know about it? No.

20 I'm sorry, I didn't quite follow you. I'm sorry, Mr Haritos,
21 I didn't quite pick up your last answer?---Marie had a
22 genuine loan account with Mr Pinder, correct, documented
23 and so forth. Of the 320,000 of the loan, Marie's money
24 was 200,000 that she put towards it. 120 came
25 from - I cannot recall which account it came from. So if
26 you want to give me a breakdown or - during the break
27 perhaps I can tell you where the 120 came from, is what
28 I'm saying.

29 I just wanted - Mr Haritos, I don't want there to be any

1 misunderstanding here?---No, that's why - - -
2 Two hundred thousand - - -?---That is why - - -
3 Two hundred thousand - - -?---Sorry, go on.
4 Two hundred thousand that Marie paid towards Mr Pinder's
5 deposit came from her, didn't come from you or Transclean;
6 there was no arrangement between you, Transclean or any of
7 your other companies to assist Marie in paying that
8 200,000?---No.
9 Thank you?---Mr Commissioner, I don't know if the - how Marie's
10 200,000 in one portion - because I think, as I understand,
11 the loan was done in stages. I don't know which portion
12 of that 100,000 went into what transaction.
13 I follow. You're quite close to Marie, are you not?---Marie is
14 a very personal friend and she's been a personal friend
15 for a number of years.
16 And presumably you have discussed - since you became aware of
17 IBAC's investigations, you've discussed this issue with
18 Marie?---During this IBAC's investigation and James Pinder
19 being stood down, she did panic about her money, whether
20 Mr Pinder will be able to repay it back, et cetera,
21 et cetera.
22 Yes. Yes, Mr Lawrie.
23 MR LAWRIE: Thank you, Commissioner. Mr Haritos, you're very
24 eager to put forward the suggestion or the conclusion that
25 Mr Pinder did not know about any Transclean moneys making
26 up any part of the loan that he was receiving from
27 Mr - sorry, from Maria?---We - - -
28 How can you be sure that Mr Pinder didn't know about the
29 Transclean moneys?---Because I never told him and I don't

1 believe Marie ever told him. As far as Mr Pinder was
2 concerned, he entered into a loan agreement of 320,000, a
3 genuine loan agreement in the name of Marie - Maria, and
4 the reason why it's Maria - - -

5 Hang on, that's not the question. We're going to start to
6 focus a little bit, Mr Haritos. Did you instruct Maria to
7 be completely silent about Transclean's money being part
8 of the loan amount that she was lending? Did you tell
9 her, 'For heaven's sake, don't tell James that there's any
10 Transclean money here'? Did you give her that
11 instruction?---Never.

12 How can you be sure he didn't know? Maria might have told
13 him?---Maria might have told him, but - - -

14 See, Mr Haritos, this was just an opportunity for you to make a
15 speech, I suggest, on behalf of Mr Pinder?---Sorry?

16 COMMISSIONER: Mr Lawrie - - -

17 WITNESS: I disagree with that, Mr Lawrie.

18 COMMISSIONER: Just a moment. Just a moment, just a moment,
19 Mr Haritos.

20 MR LAWRIE: I withdraw the question, Mr Lawrie.

21 COMMISSIONER: Mr Lawrie, it's important you allow,

22 Mr - - -?---Thank you - - -

23 What were you wanting to say, Mr Haritos?---Thank you,
24 Mr Commissioner. If you can recall earlier in our
25 conversation, when James approached me and said, 'Do you
26 think I can borrow some money - happy to pay interest -
27 from one of our friends? Do you know of anyone? I have
28 already spoken to Marie and she's quite happy to lend it
29 to me.' I said - 'But I don't want it to come' - I said,

1 'I'm happy to lend you the money.' He goes, 'No, no, no,
2 I don't want it to come from you.' Do you understand my
3 reply? I thought at the moment because of his employment
4 or whatever that he had with V/Line, conflict of interest
5 and so forth and so forth, I understood why he would have
6 said that. As far as - as far as the loan is concerned,
7 it's 320, and I told you exactly how it was made up.

8 In an earlier answer to one of the Commissioner's questions you
9 said this, that apart from the 120,000 there was no part
10 of the 200,000 portion of that loan which was sourced from
11 Transclean moneys, your moneys or moneys from any
12 companies that you're associated with; do you remember
13 saying that?---I remember saying that.

14 So there's nothing in that additional 200,000 that can be
15 sourced to either you, Jinacan Pty Ltd, Grattan
16 Heights Pty Ltd, Bega Nominees Pty Ltd or Transclean; is
17 that correct?---Can you repeat that - - -

18 Have a think about that before you answer?---Can you repeat the
19 question to me, Mr Lawrie, again?

20 So if I understand your answer to me and your answer to the
21 Commissioner, is that none of that 200,000 came from you,
22 Transclean, Jinacan Pty Ltd, Grattan Heights Pty Ltd or
23 Bega Nominees Pty Ltd; is that correct?---100,000, as
24 I said earlier - - -

25 Can you not just grapple with my question, please,
26 Mr Haritos?---Mr Lawrie, at the same time that Marie had
27 given us \$100,000, she had also had \$100,000 in
28 safe-keeping with [REDACTED].

29 COMMISSIONER: Sorry, with who?---[REDACTED], a family

1 friend of Marie for 35 years and also - - -

2 Mr Haritos, I'm sorry, can you spell that name, please?---It's
3 a difficult one, Mr Commissioner, but I'll try and spell
4 it out. [REDACTED].

5 Thank you. The transcript recorders will be assisted by that,
6 Mr Haritos. Yes. So what were you then saying?---Marie
7 also had 100,000 that [REDACTED] was holding for her for a
8 number of years. Obviously when she was entering into a
9 loan agreement she asked for that money back. In 2010 or
10 thereabouts, when I was in financial difficulties repaying
11 my tax obligation, [REDACTED] had lent me up to 500,000, and
12 the company. Of his repayments, 'Don't worry about the
13 100,000, because I'm holding it for a friend of mine. But
14 whenever I ask you, you will have to give it to me.' I'm
15 talking about seven - six, seven years ago. Because we
16 are all close friends - all my employees, we've got
17 relationships going back 30, 35 years at least - [REDACTED]
18 said, 'I want 100,000 back because Marie wants it,' and
19 100,000 was transferred into - I cannot recall what
20 account he nominated. If you're going to my companies'
21 records through my accountant you will see 100,000
22 remaining open, going back to 12, 13, whatever the case
23 may be.

24 Where was that money transferred to?---I cannot recall what
25 account [REDACTED] nominated, Mr Commissioner.

26 And when did he ask for the transfer of those funds?---I'm not
27 exactly sure. I will have an answer for you during the
28 break.

29 Mr Haritos, you haven't actually said so, but am

1 I understanding what you're leading to, that that \$100,000
2 that was requested be transferred back to him was money
3 that Marie also used as part of Mr Pinder's
4 deposit?---I am not - - -

5 Is that what you are saying?---I'm not 100 per cent sure,
6 Mr Commissioner, but that probably appears to be the case.

7 Yes. In which case, not only did you contribute to Marie's
8 ability to pay the deposit by giving her back the initial
9 100 or \$120,000 that you have already told us about, but
10 you also contributed another \$100,000 by way of repayment
11 to this gentleman which you think found its way back to
12 the deposit that Marie gave Mr Pinder; is that the
13 position?---It makes commonsense, Mr Commissioner.

14 Why didn't you say that at the outset? When Mr Lawrie was
15 asking you about the 200,000, you made a point of saying,
16 'No, there's 120 that came via us back to Marie,' but you
17 said nothing about this. Why didn't you say that at the
18 outset?---Because the question asked and best understood
19 by me was that any Transclean's money whether - went
20 towards the loan.

21 Yes?---That's how I understood the question to be,
22 Mr Commissioner.

23 Very good?---Because the 100,000 that went to [REDACTED], all the
24 100,000 that we as directors paid back to Marie was not
25 Transclean's money. Directors - - -

26 I understand your - - -?---And we paid it back.

27 Yes, Mr Lawrie.

28 MR LAWRIE: Thank you, Commissioner. Mr Haritos, the
29 money - the half million dollars that you say [REDACTED]

1 [REDACTED] lent Transclean - - -?---According to - - -
2 Hang on, wait for the question, please. When did that loan
3 take place? When was that lent?---Mr Lawrie - - -
4 That's a half million dollars. When did he lend it to
5 Transclean?---I said could have been up to half a million
6 dollars. Let me check my records and - - -
7 I'm not asking you for a precise dollar amount.

8 But - - -?---Okay - - -
9 Mr Haritos, please wait for the question. With reasonable
10 precision, as best your memory allows, how much did

11 [REDACTED] lend Transclean?---It could have been
12 400,000, it could have been 300,000, it could have been
13 500,000. I can have that information for you during the
14 break.

15 Was it one loan amount or did it come in tranches?---I've got
16 no idea, Mr Lawrie. I will get my accountant to provide
17 you with all those details.

18 When did it take place?---It would have taken place seven,
19 eight years ago, maybe longer.

20 And was late 2018 the first time he'd called upon that
21 loan?---I think the time that he called upon the loan is
22 when Marie said to [REDACTED], 'I want my money now
23 because' - - -

24 No, please listen to my question. Was it that instance in late
25 2017 when he called for the \$100,000, was that the first
26 time he'd called upon the loan?---In 2017 [REDACTED] did not
27 call upon the loan. I think it was in 2018.

28 So when he's giving money to Maria that was the first time he
29 called on the loan that he had made to Transclean; is that

1 right?---In 2018 [REDACTED] recalled the 100,000 back.

2 I don't know what he did with it.

3 Mr Haritos, please, can you focus on the question. I would

4 really appreciate it if you would wrestle with the

5 question. The instance in late 2018 when [REDACTED]

6 [REDACTED] calls upon Transclean for \$100,000 out of the

7 outstanding loan that he had made to Transclean, was that

8 the first time he made a call upon the loan?---Correct.

9 Thank you. When Maria Tsakopoulos lent you - - -

10 COMMISSIONER: Mr Haritos - I'm sorry, Mr Lawrie. Mr Haritos,

11 are you sure you don't have any idea what happened to that

12 \$100,000 that was returned to this gentleman? Are you

13 sure you have no idea, because I want to suggest to you

14 that, once you became aware of the fact that this

15 Commission was investigating Mr Pinder and your

16 relationship, one of the matters that you were very

17 conscious about, as was Marie, was the funding of the

18 deposit on Mr Pinder's house and that you had discussions

19 between you about that, didn't you?---Can you elaborate on

20 that, Mr Commissioner?

21 No, I'm suggesting to you you have known for quite a long time

22 now that one of the questions you would have to answer is

23 how was Mr Pinder's deposit on his house paid for, where

24 did the money come from and how did Marie raise those

25 funds, and you've had discussions with her about that,

26 haven't you?---I haven't had discussions about it because

27 I knew that, of the loan of 320, 200 was her money and I,

28 through - I'm not sure what entity at this stage - was put

29 towards the deposit.

1 No, but, look, I want you to be careful, please. You
2 understand it's important that you give not only truthful
3 but accurate evidence? You understand that?---I do
4 understand that, Mr Commissioner.

5 You just said you didn't have discussions. Are you sure about
6 that? You didn't speak to - just listen to me. You
7 didn't speak to Marie about how Marie funded the deposit
8 for Mr Pinder and what you and she could say about the
9 sources of those funds? Are you sure you had no such
10 discussion?---We would have had - we would have had
11 discussions on that because obviously I was not involved
12 in the loan account or where the moneys came from. I may
13 have asked the question, 'Okay, where did' - 'Other than
14 my money, where did the other source of your money come
15 from,' and she may have said [REDACTED] or she may have said
16 something else. It was not something that was a key focus
17 point for me.

18 Do you actually remember having a conversation with her
19 now?---I remember having a lot of conversations now
20 concerning about her security of her money and - - -

21 I'm not asking you now about the security of her money. I'm
22 asking you whether you had a specific conversation with
23 her in which you and she discussed what you would
24 say - each of you - about where the deposit came
25 from?---I cannot recall to the best of my ability having
26 the discussion along those lines, Mr Commissioner.

27 Very good. Yes, Mr Lawrie.

28 MR LAWRIE: Thank you, Commissioner. The loan of either 300,
29 400 or \$500,000 from [REDACTED] to Transclean

1 Facilities would be recorded in a loan agreement, wouldn't
2 it?---Correct. And be in the company's books and records.
3 [REDACTED], of course, is the owner of Proclean, isn't
4 he?---And probably other entities as well.
5 No, I didn't ask you about other entities, Mr Haritos.
6 [REDACTED] is the owner of Proclean, isn't
7 he?---I presume so, Mr Lawrie, but I haven't seen the
8 company - - -
9 Is that your honest - I mean, Proclean is the employer of the
10 workers that go out to clean the trains in fulfillment of
11 Transclean's contractual obligations, isn't it?---Yes.
12 I believe so. But there could be another director
13 involved in the company structure. I am not fully aware
14 of the company structure, but I presume [REDACTED] will have
15 a directorship in that particular company - - -
16 All right. At least to the best of your knowledge, he is an
17 owner or part-owner of Proclean and he is a director of
18 Proclean; yes?---I assume (indistinct), Mr Lawrie.
19 When Marie lent the money to Transclean, the \$40,000, was that
20 delivered in cash?---Marie did not lend Transclean
21 \$40,000. She lent me and Alex 100,000 - 40,000 was the
22 initial transaction and other transactions thereafter to
23 make up the 100,000.
24 We understand that. I'm asking you about the first tranche of
25 money, the \$40,000. When she first comes back. Did she
26 deliver that to you in cash?---Yes.
27 The \$60,000, did she deliver that in cash?---In stages, yes.
28 And that's what went into your mother's safe?---Correct.
29 Okay. Now, Transclean has two bank accounts that it operates,

1 an ANZ bank account and a Commonwealth bank account,
2 doesn't it?---Correct.

3 What are the financial controls for access to those accounts?

4 Who has access?---I have access, Alex has access and
5 [REDACTED], my secretary, has access to all our accounts.

6 Is your secretary's access limited to a dollar figure?---I am
7 not exactly sure on that one, Mr Lawrie. I would say she
8 will have access to large sums.

9 All right. Now, [REDACTED] works for your organisation.

10 We discussed that yesterday?---Indeed we did.

11 Up until recently?---Yes.

12 And he played the role of assisting Maria Tsakopoulos, didn't
13 he?---He did.

14 His wife, apart from being his wife, has no connection to
15 Transclean; she's not an employee nor - never has been an
16 employee of Transclean, has she?---She might have been an
17 employee or a consultant for Transclean going back maybe
18 five, six years ago on a short-term basis. She had
19 a involvement - sorry?

20 When you say consultant, in what capacity?---She could be doing
21 training, normal company training to new employees.

22 Did Transclean owe her any money?---No.

23 So there would be no reason for Transclean to make an
24 electronic funds transfer to her on 4 December of 2018 of
25 \$123,000 from its ANZ bank account, would there?---Can
26 I have the date, Mr Lawrie?

27 4 December 2018, and we'll take you to the documents if
28 required, there is a \$123,000 electronic funds transfer
29 from Transclean's ANZ bank account to [REDACTED] Bank

1 of Melbourne bank account. Do you know about that
2 transaction?---Yes, and I'm not disputing it.
3 Okay. Transclean didn't owe her any money, did it?---No, but
4 Transclean owed Marie 100,000.
5 Right. So is that why Bega Nominees paid a cheque of \$20,000
6 to Maria and why Grattan Heights Pty Ltd paid a cheque of
7 20,000?---On what dates, Mr Lawrie?
8 Both on 14 January 2019?---We've left 4 December now and we're
9 into January?
10 Yes?---Can I have those transactions again, please?
11 No, did you use Bega Nominees, Grattan Heights or Jinacan to
12 pay any of that \$100,000 that you say Maria was
13 owed?---Most likely, and in all probability Maria's
14 \$100,000 that the directors had borrowed would have been
15 transferred into [REDACTED] account on the date that
16 you quoted me earlier.
17 Okay. [REDACTED] is Maria's sister; yes?---Correct.
18 There would be no reason to use her sister's account to
19 transfer this \$100,000. Why not simply just send it to
20 Maria? If it's owed to Maria, send it to Maria?---I do
21 not know the exact answer to your question, Mr Lawrie, but
22 I can speculate.
23 No, I don't want you to do that. Instead of speculating, what
24 we're going to do is we're going to bring a bit of clarity
25 to this with a flowchart. Can I please bring up the
26 Williamstown property transactions flowchart, please.
27 This will take you a little time to familiarise yourself
28 with it, and we're going to be focusing - you see where
29 Maria's name appears in the blue box just left of centre

1 of the diagram?

2 COMMISSIONER: This is JP10, is it, Mr Lawrie?

3 MR LAWRIE: No, this is a - JP10 was just the right-hand side
4 of this, Commissioner. So this introduces a new sequence
5 to the - if I can put it, going to Maria Tsakopoulos.

6 COMMISSIONER: Yes.

7 MR LAWRIE: Do you see where Maria's name appears in the blue
8 box centre left of the flowchart?---I do see it,
9 Mr Lawrie.

10 What we're going to be doing is focusing on the transactions to
11 the left of that, so that will assist you. Is there any
12 way we can zoom in a little bit just, please, to take in
13 that left-hand side and perhaps go to the top left? Not
14 quite so zoomed. All right, that's good. All right. Do
15 you see to the left we've got Transclean Facilities and
16 where it says 'multiple accounts' it's - I'll tell you
17 this, it's the ANZ account and the Commonwealth Bank
18 account, but I can nominate which one for which
19 transaction, if that assists you?---It does.

20 If we follow the blue line at the top there, that's the
21 \$123,000 electronic funds transfer 4 December 2018 to
22 [REDACTED] account; okay?---I follow that.

23 And then 13 days later it goes from her account and it goes
24 into the real estate agent's account to fund the deposit
25 or in large part fund the deposit for the purchase of
26 James Pinder's house; do you see that?---It makes sense,
27 yes.

28 It makes sense to you; right. [REDACTED] was not owed any
29 money, was she, by Transclean?---No, she wasn't,

1 Mr Lawrie.

2 If Maria Tsakopoulos was owed money, there is no reason for it
3 to be paid to her via her sister, is there? There's no
4 conceivable reason to pay Maria Tsakopoulos any money that
5 she might be owed by Transclean via her sister, is
6 there?---That's probably how she requested it at the time.

7 COMMISSIONER: I'm sorry, who requested?---Mr Commissioner,
8 we're referring to \$100,000 that me and my fellow director
9 owed Marie. 'I want my money on that particular date, and
10 I want you to transfer it to [whoever].'

11 So that's a request Marie made?---That's a request that Marie
12 would have made, yes.

13 Do you have a memory of it, Mr Haritos?---Well, it's
14 commonsense, Mr Commissioner. If I'm paying back 100,000
15 that I have borrowed from you and you tell me, 'Can you
16 deposit or EFT this amount into this particular account,
17 I will follow - I simply will have to follow that
18 instruction.

19 Yes.

20 MR LAWRIE: So now your memory tells you that when Marie called
21 for the repayment of the \$100,000 that she had lent to
22 Transclean you did - at her direction, paid it to her
23 sister, [REDACTED]; is that right?---Mr Lawrie, again,
24 Marie did not lend Transclean - - -

25 Well, she put money with you. She put \$100,000 with you,
26 didn't she?---Can I - - -

27 Call it whatever you want, but she deposited \$100,000 with
28 Transclean, didn't she?---She never deposited
29 100,000 - you are missing my point, Mr Lawrie.

1 Marie - - -
2 No, Mr Haritos - - -
3 COMMISSIONER: Mr - - -
4 MR LAWRIE: Sorry. Sorry, Commissioner. She gave you \$100,000
5 in cash. You went and put it in your mum's
6 safe?---Correct. Fine. I have an obligation to pay her
7 back.
8 Yes, right, and - - -?---Right.
9 When she calls for it back you go to your mum's safe and
10 retrieve the \$100,000 in cash, don't you?---No, there's a
11 misunderstanding here, Mr Lawrie, and it's very difficult
12 for me to interpret what misunderstanding is. I don't
13 receive - I don't remove \$100,000 from my mother's safe
14 because there's no money in my mother's safe come seven,
15 eight months later.
16 COMMISSIONER: You've made that clear, Mr Haritos?---I've made
17 that quite clear, and I cannot define misunderstanding any
18 further.
19 MR LAWRIE: All right. Okay. But she calls for the money that
20 she's deposited with you, nonetheless, and you pay it by
21 EFT at her direction to [REDACTED], do you?---I would
22 have instructed my secretary to do the transaction.
23 And you do it that way because that was what Maria Tsakopoulos
24 asked for?---Those were my instructions.
25 From Maria?---It couldn't have been from anywhere else because
26 it was her money. Her mother could not have instructed me
27 to, 'Please, the money that you owe Maria, can you have it
28 transferred to my daughter's name?' I'm just giving you
29 an example, Mr Lawrie.

1 Yes, I understand. Why is it \$123,000 that's transferred to
2 [REDACTED], then, and not 100,000?---Because [REDACTED],
3 who also works for Transclean, that could have been - that
4 could have been his repayment for his services.
5 Just a wage or a bonus to [REDACTED] - - -?---Wages, bonus,
6 call it whatever you like. Could have been logistics. It
7 could have been supplies. It could have been anything.
8 I will have to check on the invoice - - -
9 So it was convenient to just deal with that matter in the same
10 transaction, was it?---Probably [REDACTED] made it easier for
11 herself and did so.
12 Yes. But don't pay it to him; pay it to his wife?---Sorry?
13 I believe - - -
14 Don't pay it into the account that his wages go into; pay it to
15 his wife's account?---I'm not sure what account his wages
16 go into.
17 That's right. But, I mean, surely if Transclean owed him
18 \$23,000 for something you would just pay it into the
19 account that his wages go into, wouldn't you?---I don't
20 know what account his wages get paid into, Mr Lawrie, but
21 I could find out for you during the break.
22 So, even though it might be owed to [REDACTED], you just tie
23 it up with the \$100,000 and send it off to his wife's
24 account? Is that what you're saying?---It appears that's
25 the way [REDACTED] has done it.
26 If we go down, we see that Transclean have made an electronic
27 funds transfer on 15 November 2018 to [REDACTED] and
28 [REDACTED]; do you see that there?---That is
29 correct.

1 That comes from Transclean's Commonwealth bank account, and of
2 course you say that's part-repayment of the 300 or 400 or
3 \$500,000 loan that they've made to Transclean some time
4 earlier; do you see that?---I do see that, and that's
5 precise. That's the \$100,000 that we're talking about.
6 That money is moved - - -?---Sorry, what date? 15 November?
7 15 November?---Yes, I got that date.
8 That money is - well, they then forward on to Maria on
9 10 January by electronic funds transfer \$96,400. Were you
10 aware of that transaction?---No, I wasn't aware of that
11 transaction, Mr Lawrie, because I have not got access to
12 Maria's account.
13 You weren't aware that [REDACTED] was lending money to
14 Maria?---Can you repeat the question?
15 You weren't aware that [REDACTED] or [REDACTED] were
16 lending money to Maria?---I believe at that time that that
17 was the money that Arthur had repaid back Maria the
18 100,000 that he was holding in safe-keeping for her. But,
19 looking at the account details and so forth, I cannot be
20 exactly 100 per cent sure.
21 See, someone looking - - -
22 COMMISSIONER: What counsel - - -
23 MR LAWRIE: Sorry, Commissioner.
24 COMMISSIONER: Just a moment. What counsel assisting was
25 asking you, Mr Haritos, was were you aware that, having
26 paid [REDACTED] and [REDACTED] the \$100,000, that
27 they were intending in turn to lend the money or give the
28 money to Marie. Did you know that at the time?---At the
29 time I did not know that, Mr Commissioner. All I did know

1 at the time is that I discharged my liabilities of paying
2 [REDACTED] back the \$100,000 that we owed him.

3 Yes.

4 MR LAWRIE: Thank you, Commissioner. See, someone looking at
5 that transaction from Transclean's Commonwealth bank
6 account to [REDACTED] and [REDACTED], knowing the
7 connection that there is between those two names and
8 Transclean, and the on-forwarding of that money to Maria,
9 minus \$3,600, perhaps that might be a payment for the use
10 of that account to funnel funds to Maria; you disagree
11 with that proposition, I take it?---I've got no idea,
12 Mr Lawrie, how - the way that transaction is there for, or
13 perhaps maybe - I can't give an explanation. I don't know
14 why the variance is.

15 It's not a little commission off the top for using that
16 account?---On whose behalf?

17 On the behalf of the account holders, for taking the trouble
18 and the risk of using their account to funnel funds in
19 secret from Transclean to Maria Tsakopoulos, or trying to
20 be in secret?---Well, there's no - I can't see any secrecy
21 about it, Mr Lawrie.

22 Not now. Not now that it's shown to you?---No, I can't see any
23 secrecy.

24 Okay. Jinacan Pty Ltd - let's move down to that - there's a
25 \$20,000 electronic funds transfer on 14 January and a
26 \$40,000 cheque, both to Maria Tsakopoulos; do you see
27 that?---I can see from Jinacan \$60,000 transactions on
28 14 January, I do.

29 You're not listening to my question, with respect, Mr Haritos.

1 There are two transactions. One is 20 via EFT, and one is
2 40 via cheque; do you see that? I'm sorry,
3 no - - -?---Mr Lawrie, I think - - -
4 I'm sorry - - -?---We're on the wrong page.
5 Yes. No, you've got a different chart. There we go. I'll
6 tell you this. Do you see how that bubble says '1 EFT and
7 1 cheque'?---I do see it.
8 All right. The EFT is \$20,000 and the cheque is 40; I can tell
9 you that. If you accept that from me for the moment.
10 I can take you to the documents if you need to see
11 them?---What entity are we relating to?
12 Jinacan Pty Ltd?---I can see one EFT/cheque total of 60 on
13 14 January.
14 Yes. There is a cheque and an electronic funds transfer to
15 make up that amount; do you see?---One EFT, one cheque
16 totalling 60,000, correct.
17 Who controls the accounts of Jinacan?---Jinacan, I control the
18 account, Alex controls the account and my secretary gets
19 full use of the account.
20 Is that the same secretary that is at Transclean?---Correct.
21 Correct.
22 And Jinacan receives passive income from rental properties,
23 doesn't it?---That is correct.
24 It's owned, I think you said, by yourself, your wife, Alex
25 Kyritsis and Betty Kyritsis?---No, there has been - no,
26 there has been a change to the ASIC register, Mr Lawrie.
27 And that's - - -?---The owners is simply myself and Alex.
28 Sorry, I think you did say that?---I did.
29 So Jinacan is owned just by you and Alex. It receives passive

1 income from rental properties, but it moves \$60,000 to
2 Marie Tsakopoulos, does it?---It does.
3 Did Jinacan owe Marie Tsakopoulos \$60,000, did it?---No, it
4 didn't.
5 Grattan Heights; who controls the accounts there?---[REDACTED] has
6 full use of the accounts.
7 Grattan Heights also you are a director of with Mr Kyritsis,
8 aren't you?---I believe so. We went through that
9 yesterday.
10 Yes. Except with Grattan Heights Mr Kyritsis owns it solely,
11 doesn't he? He's the sole shareholder?---A bit of a
12 surprise, but yes.
13 Okay. Did Grattan Heights owe money to Maria
14 Tsakopoulos?---No, no way possible.
15 Okay. So this cheque that's been drawn on Grattan Heights and
16 sent to Maria Tsakopoulos the same day as the transactions
17 from Jinacan and Bega - - -?---Correct.
18 Did you know anything about that, or is that someone accessing
19 your accounts that you don't know about?---No, I would
20 have authorised whoever done the transfer to do so.
21 Finally, Bega Nominees, again another company that just
22 receives rental income - - -?---Correct.
23 Draws a cheque on its account for \$20,000 on the same day,
24 14 January 2019, and transfers it to Maria Tsakopoulos,
25 doesn't it?---Correct. Similar to Grattan Heights, yes.
26 And, again, you authorised that cheque, did you?---I would have
27 authorised that transfer to happen, yes.
28 And then finally we see a direct electronic funds transfer from
29 Transclean Facilities' Commonwealth bank account on

1 23 January 2019 of \$20,000?---I can't see that, Mr Lawrie.
2 It's right down - - -?---On 23 January?
3 Yes?---Yes.
4 And that goes to Maria Tsakopoulos?---Transferred to Maria's
5 account, EFT?
6 Yes?---Yes.
7 Did you authorise that transaction?---I would have authorised
8 that transaction, yes.
9 So, if we group together Transclean or those entities that you
10 were involved in and that you had control over the
11 accounts and indeed you've said you authorised the
12 transactions, we have 20, 40, 60, 80, \$120,000 that have
13 come from Transclean related entities or Transclean
14 directly to Maria Tsakopoulos; do you agree with
15 that?---120, yes, I do agree.
16 We have another \$100,000 that's gone from Transclean via [REDACTED]
17 [REDACTED] and [REDACTED], and minus a little bit,
18 3,600, on 10 January that's also gone to Maria; do you
19 agree with that?---I do agree with that.
20 And of course we've got the \$123,000 that's gone directly from
21 Transclean's ANZ account to [REDACTED] that then has
22 gone to the real estate agent, don't we?---How much has
23 gone to the real estate agent?
24 Well, \$125,000 has gone to the real estate agent. Sorry,
25 100,000?---It's a bit confusing, Mr Lawrie. We're trying
26 to keep it simple but - - -
27 I'm trying to keep it simple?---That appears to be the case.
28 100,000 has gone from [REDACTED] account into - on
29 17 December.

1 See, the difficulty, Mr Haritos, is this, isn't it? We've
2 spoken at some length about the money that Maria
3 Tsakopoulos had placed with you. I don't want to call it
4 a loan because you don't like that word. But she placed
5 \$100,000 with you, 40 and then 60 to equal 100. She calls
6 for it to be paid back, and you do that at her direction
7 by paying it to her sister, [REDACTED], don't
8 you?---That's what she would have requested, correct.
9 No, just answer the question, please, Mr Haritos. That's what
10 you did? That's your evidence, isn't it?---I was
11 instructed to do so, yes.
12 So that deals with the \$120,000 - sorry, the \$100,000 that you
13 owed Maria Tsakopoulos, doesn't it? That's finished,
14 that's dealt with, isn't it?---Yes.
15 So now we've got another \$120,000 from a different Transclean
16 bank account and associated entities that also goes to
17 Maria Tsakopoulos, doesn't it?---What was the amount that
18 you quoted, Mr Lawrie? 120,000?
19 That's what we added up. That was the direct EFT from
20 Transclean, the transactions from Bega, Grattan and
21 Jinacan?---That is correct. Yes, it makes up the 120,000.
22 So that's either Transclean or your associated entities?---And
23 the other related entities, correct.
24 Yes?---In summary.
25 And we've already dealt with the loan that apparently - sorry,
26 with the deposited moneys that Maria asked for back;
27 that's already dealt with because that was dealt with by
28 the transfer to [REDACTED], wasn't it?---Yes.
29 So what's going on here with the extra 120 that you're funding

1 Maria Tsakopoulos?---To make up the - so she can lend
2 Mr James Pinder 320,000. That's what I said at the
3 outset. 200 was her own funds. 120,000 was funds
4 provided by me and Alex through various entities.

5 So you're splitting this up, I suggest, to try to muddy the
6 waters about where these funds are coming from that is
7 creating this pool of money that Maria Tsakopoulos can
8 send on to James Pinder; what do you say about
9 that?---Maybe you see it that way, Mr Lawrie, but to me it
10 is crystal clear. It is whatever the funds were available
11 on those particular dates and our entities had no need to
12 use those funds, they were transferred in the manner that
13 they did.

14 Was there any documentation to record the fact that whilst
15 Maria purports to be lending money to James Pinder, that
16 these entities are lending money in turn to
17 Maria?---Internally they will have to be accounted, yes.
18 Under directors loans - - -

19 Maria apparently signs a loan agreement with James Pinder; you
20 know about that, don't you?---Yes, I do know about that,
21 yes.

22 Mr Pinder says, 'Well, that is a genuine loan agreement.'

23 That's what he would have us believe; you understand
24 that?---Yes.

25 Part of the money that Maria uses to pass on to James Pinder is
26 money that's come from Transclean or related entities,
27 isn't it?---That was lent to Maria is correct, yes, that
28 is the case.

29 Your accountant, did he have any involvement in drawing the

1 loan agreement between Maria and James Pinder?---To the
2 best of my knowledge he did.

3 What's his name?---[REDACTED].

4 How long has he been your accountant for?---[REDACTED] has been a
5 friend of mine for - - -

6 No, Mr Haritos, I'm not concerned about how long he's been a
7 friend of yours. How long has he been your
8 accountant?---Yeah, saying what I'm about to say,
9 Mr Lawrie - - -

10 No, answer my question, please. It's a simple question. How
11 long has he been your accountant?---Since 2010 or maybe
12 even before.

13 Okay. Mr Haritos - I'm sorry, Commissioner, you're on mute.

14 COMMISSIONER: I'm sorry. Mr Haritos, you should wait until
15 counsel assisting has finished the question before you
16 start to answer it and, Mr Lawrie, once Mr Haritos
17 commences an answer, let him complete his answer, please.

18 MR LAWRIE: I will, Commissioner. Thank you. Mr Haritos, you
19 need to move closer to the camera too, please, or closer
20 to the microphone and perhaps speak up. We're having
21 difficulty with the transcription. Did you ask your
22 accountant to draw that loan agreement to assist Maria in
23 this transaction?---No, but I suggested to Maria to talk
24 to [REDACTED] and do - and create a loan account.

25 COMMISSIONER: How do you spell - Mr Haritos, how do you spell
26 his surname?---[REDACTED].

27 Is that [REDACTED]?---I think he pronounces it [REDACTED].

28 Yes. And, Mr Lawrie, are you able to say whether or not that
29 purports to be the person who witnessed the signatures of

1 Ms Tsakopoulos and Mr Pinder?

2 MR LAWRIE: With a different first name, as I understand it,
3 Commissioner, but the second name is the same.

4 COMMISSIONER: What's the first name that appears on the
5 witness - - -

6 MR LAWRIE: [REDACTED].

7 COMMISSIONER: Yes, I wonder are you going to show Mr Haritos
8 the signature or the name of the person who purported to
9 witness the signatures?

10 MR LAWRIE: I can do that now. Can we bring up JP41, please.

11 COMMISSIONER: JP41 is the photograph - - -

12 MR LAWRIE: I was wanting to go to the loan agreement first,
13 but we'll do JP41, Commissioner. Can we bring up JP41,
14 please. Is that your accountant, who you call [REDACTED]
15 [REDACTED]?---It is, Mr Lawrie. That photo must have been
16 taken quite some time ago. I have trouble recognising
17 him.

18 But it is him?---It is definitely [REDACTED].

19 Thank you, that can come down. Have we got the loan agreement?

20 COMMISSIONER: JP7.

21 MR LAWRIE: Thank you, Commissioner. Do you see that [REDACTED]

22 [REDACTED] as the witness and then a signature

23 underneath?---I do, Mr Lawrie.

24 Are you familiar with [REDACTED] signature, are you?---Sorry?

25 Are you familiar with [REDACTED] or [REDACTED] signature?---I'm not
26 familiar, but it doesn't appear to be Mr [REDACTED]. It's a [REDACTED],

27 [REDACTED] - - -

28 [REDACTED]?---Yes.

29 How do you spell out his last name? We might be at

1 cross-purposes?---I believe it's [REDACTED].
2 How do you spell it?---[REDACTED]. Not [REDACTED]. I think he calls
3 himself [REDACTED]. But certainly that's not the question. He
4 goes by the name of [REDACTED].
5 Okay. That can come off screen, thank you. In any event, what
6 did you say? That you suggested that Maria might use
7 [REDACTED] to draw up an agreement, that you thought it was a
8 good idea?---Well, lending the money to James, I think
9 through [REDACTED] terms of the loan were discussed. I wasn't
10 much privy to it. And sort of verbally giving the money,
11 however the case may be. I think my initial input would
12 have been, 'Get [REDACTED] involved, draw up a proper loan
13 account, work out what the going interest rate was and
14 discuss it with James before you proceed, that that's
15 going to be the condition of you giving him the money.'
16 That was my involvement around that time, Mr Lawrie.
17 So you regard that just as a sensible and cautious approach to
18 a transaction such as this, to have it recorded in an
19 agreement?---Correct. I mean, I understand from what
20 Mr Pinder said they were good friends and quite some time
21 ago they socialised here or go to the casino and so on and
22 so forth. But at the end of the day when it comes to
23 friends, are you going to lend each other money? As we
24 all know from past experiences, it's better to have it
25 documented so there's no - - -
26 Tension?---Tension, or not necessarily tension, but some
27 misunderstanding and whatever, as a form of security.
28 And of course that same reasoning would apply to the other side
29 of this funding, that is the funding from Transclean,

1 those associated entities we've spoken about and Maria
2 Tsakopoulos, it would make just as good sense to have a
3 document, even if it's a relatively simple document, to
4 record the fact that those are moneys lent to her for the
5 purpose of on-lending to James Pinder?---Well, in our
6 internal bookkeeping that should feature somewhere as to
7 how the money was advanced to Maria.

8 So you say you would have a ledger, would you, or a journal
9 which would record the purposes of that transaction and
10 that would be sufficient to evidence the loan between that
11 entity or Transclean and Maria; is that right?---I'm not
12 sure if it's in that fine detail, Mr Lawrie. Do me and
13 Alex have a formal loan agreement with Maria? No, we do
14 not. I have borrowed money in the past when I needed to,
15 up to 900,000, with no loan agreements whatsoever amongst
16 friends. Not uncommon to do so. But because of the
17 relationship with Mr Pinder and Marie, not as close as
18 what is within our organisation with people that work and
19 your friends, I suggested that a loan agreement should be
20 implemented.

21 So what you'd have to do, if you wanted to, even in a
22 relatively simple way to record these loans, you'd have to
23 have an agreement between Jinacan and Maria, between
24 Grattan Heights and Maria, between Bega Nominees and
25 Maria, and between Transclean Facilities Pty Ltd and
26 Maria, wouldn't you?---Well, documentation will exist
27 that, for example, that 20,000 that came out of Jinacan,
28 Bega, Transclean and so forth, it will be up to the
29 bookkeeper to record those transactions. I do not know in

1 what format that might be, but that will definitely appear
2 as directors' loans or some sort - - -
3 Why didn't you at the same time as you're having or suggesting
4 that Maria use [REDACTED] to draw up a loan agreement, why
5 didn't you take that opportunity to use [REDACTED] to draw up
6 some simple agreements evidencing the fact that these are
7 loans to Maria?---I did not see the need, Mr Lawrie,
8 simply because - - -

9 COMMISSIONER: Mr Haritos - - -?---Sorry?

10 Mr Haritos, you told us a little earlier that Mr Pinder had
11 made it very clear to you that he didn't want any of these
12 moneys coming from you?---Maybe not - in similar context,
13 'I want to borrow money, I want to pay the guy interest,
14 yes, but I don't want the money to come from you. Would
15 there be any of our friends that you know of who will be
16 able to lend me the money? I don't want to go to someone
17 that I don't know,' I think, were his words, or along the
18 similar lines. And on that instance he did indicate to me
19 that, 'I've spoken to Marie, she sent me the letter to
20 me.' I said, 'Okay. Let me think about it and I'll let
21 you know.' I don't know how soon thereafter. It could
22 have been the same day, it could have been the day after,
23 I don't know. [REDACTED], who was also very good friends, as
24 I put it to James, that he had met probably the same day
25 that I had met him when he came here, and I said, 'James
26 wants to buy a house.' For example, the point I would
27 like to make, Mr Commissioner, is that at the time I knew
28 the loan that James was seeking was to go towards a
29 property, a house, for his family to live in. Had he came

1 up to me and said, 'I want to buy a Ferrari,' or 'I want
2 to buy a race horse,' and so forth, I would never have
3 spoke to anyone about lending him the money. I spoke to
4 [REDACTED] and I said, '[REDACTED]', James Pinder wants to buy a
5 house, is looking to buy a house, whatever the case may
6 be, and he asked me are you in a position to lend him some
7 money? Happy to pay interest.' He said, 'For James, yes,
8 of course I can. Get him to ring me. And how long does
9 he want it for, what sort of money? I said, 'I don't know
10 the exact amount of money. He's looking about 2, 250,
11 whatever the case may be.' And he goes, 'Get him to ring
12 me and I can get it for him tomorrow. I will need it back
13 in six or nine months time.'

14 Mr Haritos, there's a great deal that counsel assisting wants
15 to cover with you and it's really important you try and
16 confine your answers to answering the question. All
17 I asked you was to confirm that Mr Pinder had made clear
18 to you that he didn't want any of the money to be coming
19 from you, and you acknowledged that?---Correct. Correct,
20 Mr Commissioner, yes.

21 'Yes' would have been an appropriate answer. And the fact is
22 if we put aside for the moment your explanation that
23 moneys that came out of Transclean or related companies
24 associated with you were in repayment of loans to various
25 people, Marie or the other gentleman, the origins of each
26 of these amounts came from either Transclean or a related
27 company. So you were hardly honouring Mr Pinder's
28 request, were you?---Mr Commissioner, I don't quite see it
29 that way.

1 No?---I don't see it that way at all. That's my explanation,
2 because had Marie not needing the 100,000 that she had
3 given us in order to proceed into entering into a genuine
4 loan account, possibly that money would still - we still
5 would have owed her the money today.

6 Mr Haritos, you told me yesterday that once Mr Pinder came back
7 from England and took up the position at V/Line, you
8 recognised that there was a conflict of interest situation
9 which would require you to distance yourself more from
10 him, that you couldn't have the same sort of friendship
11 anymore. Do you remember saying that?---I remember saying
12 that and I think they were James's words, Mr Commissioner.
13 Like, for example, in Metro days it wasn't uncommon
14 for - after work, two, three days a week, Metro back then
15 was in Shell House, Flinders and Spring. Two, three doors
16 down there was a restaurant, [REDACTED]. After work
17 I might find James there, I might find [REDACTED] there,
18 et cetera, et cetera, we have a drink and so forth. The
19 understanding that I got from James is this sort of Metro
20 days can't be the same under V/Line. That's how
21 I understood it at the time.

22 What I'm wanting you to comment on is, having understood that
23 you needed to have a more arm's length relationship with
24 Mr Pinder after he became the CEO at V/Line, what you've
25 done is you've entered into an arrangement where your
26 companies have been the prime source of moneys going to
27 your contract manager, to Transclean's contract manager,
28 Marie, who in turn then pays the deposit for Mr Pinder.
29 Do you not see that as flagrantly infringing his

1 obligations in terms of conflict of interest and that that
2 would have required him to make a disclosure to his
3 employer?---I wouldn't use the word 'direct',

4 Mr Commissioner, our direct involvement, because - - -

5 We understand how you say the moneys were moved and why they
6 were moved and, taking your explanation at face value, I'm
7 simply asking you to comment on the fact that that created
8 a plain conflict of interest between Mr Pinder and you and
9 your organisation?---Conflict of interest in his role as
10 CEO of V/Line?

11 Correct?---On one hand I do accept. On the other hand, the way
12 I saw it was that I would never ask James to - what's the
13 word I'm looking for - compromise his position as CEO in
14 any way possible, and I have never done that.

15 I understand your question. I wasn't privilege to what
16 contract Mr Pinder had with the government and what were
17 the restrictions of his contract at the time. But it does
18 make sense that, yes - - -

19 No, no, but - - -?---It can appear a conflict of interest, but
20 I have never, nor have any of my officers and so forth, to
21 the best of my knowledge done anything or asked anything
22 of Mr Pinder that would compromise his position.

23 Yes. I see the time, Mr Haritos. We'll have a break for
24 10 minutes now. Have yourself a break and we'll resume at
25 11.45.

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

27 (Short adjournment.)

28 COMMISSIONER: Are you ready to proceed, Mr Haritos? Are you
29 ready to proceed, Mr Haritos?

1 MR COLLIN: Commissioner, I'll just go and make sure he's ready
2 to proceed. I'm in another room.

3 WITNESS: Okay, up and running.

4 COMMISSIONER: Good, thank you. Yes, Mr Lawrie.

5 MR LAWRIE: Thank you, Commissioner. Mr Haritos, when we first
6 started speaking about Maria's purported loan to
7 Mr Pinder, you said you divided the amount up into two
8 amounts, do you remember that, 200,000 and 120? And when
9 you were speaking about the \$200,000 you said that that
10 was Maria's money. Do you remember saying that in
11 evidence?---I do remember that, Mr Lawrie.

12 Sorry, you'll need to lean forward. You do or you don't
13 remember?---I do remember saying that.

14 And in that same context you said that Maria had sold a
15 business or businesses and we were to understand that
16 those funds were the result of those business sales; is
17 that correct?---That's what she told us at that time, yes.
18 She was getting out of her restaurant/bar business to come
19 over and work and manage a V/Line contract.

20 When you were speaking of the remaining \$120,000, that was in
21 the context of the money that was to go back to her that
22 she had earlier placed with Transclean, wasn't it?---No,
23 I didn't say that, Mr Lawrie. There's a bit of confusion.
24 Early on, the impression that - and I cannot be
25 100 per cent certain - the amount of the loan that Marie
26 had to advance to James was in the vicinity of 200,000,
27 maybe 250. That was my initial recollection. However,
28 upon him committing and buying the house, putting the
29 deposit down, he seeked that amount to be increased to

1 320,000, thereabouts. Marie at that time did not want to
2 commit all her resources and in order for her to fulfil
3 her loan to James we made up the difference of 120. Is
4 that clearer?

5 With respect, it doesn't answer the question?---What was the
6 question?

7 The question I put to you is this. Earlier in evidence you
8 spoke about the resulting loan of 320,000. Let's forget
9 about what it might have been initially. The resulting
10 loan of 320?---Yes.

11 You spoke about that in terms of an amount of \$200,000 and the
12 remainder of \$120,000, didn't you, and you said the 200
13 was Maria's money in the context of her having sold
14 businesses, didn't you?---Business or money that she had
15 elsewhere.

16 Do you remember giving that evidence?---Do I remember her
17 selling her business?

18 No, do you remember saying that earlier today, that the 200,000
19 was Maria's money?---I do remember that, yes.

20 Now, if we move to the remaining \$120,000, you spoke about that
21 in the context of Transclean giving back the money that
22 she had placed with Transclean; do you remember
23 that?---Which probably would have made up the 200,000,
24 yes.

25 No, no, let's just keep these two concepts separately for a
26 moment. We've already spoken about your earlier evidence
27 concerning the 200. I want to focus now, please, on the
28 remaining 120. When you spoke about that earlier in
29 evidence it was in the context of that being money going

1 back to her because she had earlier deposited funds with
2 Transclean; do you remember that?---No, that's not what
3 you asked me, Mr Lawrie, and I corrected you. Marie never
4 deposited money into Transclean.

5 She gave you cash, didn't she? She gave you - - -?---Yes,
6 100,000.

7 She gave you \$40,000 cash and \$60,000 cash?---Totalling 100,
8 but never deposited in Transclean. She did not
9 deposit - - -

10 COMMISSIONER: Mr Lawrie, the witness has made I think clear he
11 draws a distinction between the money, the 40 and the
12 \$60,000, that went towards caring for his mother and which
13 was placed in his mother's safe was not money that went to
14 Transclean. It was used by him and his brother.

15 MR LAWRIE: Thank you, Commissioner. I'll rephrase the
16 question accordingly. When you spoke of the 120,000
17 residual, you spoke about it as being a return of funds to
18 Maria, didn't you?---No, I did not, Mr Lawrie. That's not
19 what I said.

20 How do you characterise that \$120,000 then?---Marie entered
21 into a genuine loan agreement with Mr Pinder of 320,000.
22 That's the bottom line. Marie could only put 200,000
23 towards her commitment in the loan account. The 120 had
24 to come from somewhere. That 120 came from various
25 entities that you took me through before. It's as simple
26 as that.

27 I'm sorry, Commissioner, you're on mute.

28 COMMISSIONER: Yes. I don't think we'll be assisted by taking
29 Mr Haritos back over the evidence he's previously given.

1 MR LAWRIE: Thank you, Commissioner. If we can just bring up
2 the chart one more time, please. Having heard what you
3 say is the basis for these transactions to both Maria
4 Tsakopoulos and [REDACTED], do you see how that might
5 be interpreted by someone else as you using Maria
6 Tsakopoulos and [REDACTED] as vehicles to provide a
7 \$320,000 payment to James Pinder?---No, I don't see it
8 that way at all, Mr Lawrie. Clearly I went through the
9 process before of why did the 100,000 end up with
10 [REDACTED]. Marie's 100,000, she can direct me to
11 transfer it into whatever account she wishes. As long as
12 I've discharged my liability, I don't care where she wants
13 me to transfer the money.

14 Commissioner - - -

15 COMMISSIONER: Are you going to take Mr Haritos to the signed
16 document by [REDACTED] in which she explains where the
17 \$100,000 comes from?

18 MR LAWRIE: Excuse me for a moment, Commissioner. Can we bring
19 up JP6? Have you seen this document before,
20 Mr Haritos?---I have not seen this document before,
21 Mr Lawrie.

22 You understand what it's saying, that - - -?---I'm reading it.
23 I understand what's saying it.

24 It's saying that the \$100,000 that [REDACTED] is giving to
25 James Pinder is a return of funds, isn't it?---The written
26 document, that's what it states.

27 Were you ever aware of such an arrangement between [REDACTED]
28 [REDACTED] and Mr Pinder?---No, I wasn't.

29 And certainly that document doesn't tell the same story, does

1 it, as the \$123,000 electronic funds transfer from
2 Transclean to [REDACTED]; do you see that?---When is
3 this document signed?

4 It's undated. But it's part of Mr Pinder's loan
5 application?---The loan application?

6 For the bank?---With the bank.

7 Yes. It can't be right, can it?---No, it can't be right. Who
8 would have requested this?

9 COMMISSIONER: That's the nice question, Mr Haritos. As
10 I understand it, you've already told us that you would
11 expect that whatever [REDACTED] did with the funds she
12 received, however she described them, she would be acting
13 upon the instructions and directions of her sister,
14 Marie?---Correct, yes.

15 And, as you've also explained to us, you were working with
16 Marie in facilitating the ability of Mr Pinder to find the
17 money for this deposit?---I wasn't facilitating,
18 Mr Commissioner. I - - -

19 I'm sorry, you've told us that you're the one that suggested
20 that she draw up - that Marie draw up a loan
21 agreement?---Correct, yes. Yes, I did make suggestions,
22 yes.

23 Your accountant drew up the loan agreement presumably with your
24 permission?---Correct. Sorry, not my permission. That
25 was what Marie would have instructed him to do so.

26 Yes. And you enabled all of the funds that Marie was able to
27 pass across to Mr Pinder, you enabled them to come out of
28 various accounts under your control. I understand your
29 explanation for it, Mr Haritos?---I'm just looking at the

1 letter, Mr Commissioner. If this was to be part of
2 the loan - - -

3 No, this story that appears in [REDACTED] handwritten
4 statement, signed statement I should say, doesn't fit with
5 the explanation you've proffered, does it?---No, it
6 doesn't, Mr Commissioner, because I was not - all I did
7 was transfer the 100,000 that we had borrowed from Marie
8 to [REDACTED] account.

9 And you assumed, I take it, that Marie would give [REDACTED]
10 instructions as to what had to be done with that
11 money?---I presume she would have, yes.

12 So can we not assume that when [REDACTED] recites what she does
13 in this document she is reciting it at the direction or
14 behest of Marie?---Can you repeat the question again,
15 Mr Commissioner? I'm just trying to throw some light on
16 this. This document to me is (indistinct).

17 I'm asking you whether you agree that whatever facts [REDACTED]
18 is reciting in this document are facts that she would have
19 understood were to be communicated following her
20 discussions with Marie?---It appears that way,
21 Mr Commissioner, yes.

22 Yes, Mr Lawrie.

23 MR LAWRIE: Thank you, Commissioner. A number of times,
24 Mr Haritos, you've corrected me about the character of the
25 funds that went from Marie to Transclean that you were
26 returning. A moment ago you just said that that money was
27 money that 'we had borrowed from her'. What did you mean
28 by that?---Borrowed from who? From Marie?

29 Yes?---The 100,000 that she gave us.

1 Who is 'us'?---Me and Alex, to do with my mother.
2 And you describe it as 'we had borrowed'. So was it a
3 loan?---You could term it as a loan.
4 And the 'we' is we and Alex, Alex Kyritsis?---Correct.
5 We - - -
6 When you corrected me and said, 'Look, it's not going to
7 Transclean,' was it or not, however you might have
8 otherwise ended up using it?---The sole purpose of
9 receiving the 100,000, being in cash it was convenient for
10 us to pay my mother's carers.
11 Can we bring up the flowchart again, please.
12 COMMISSIONER: Mr Lawrie, you said that that's a broader
13 flowchart than the previous exhibit, so I'll mark that
14 separately.
15 MR LAWRIE: Thank you, Commissioner.
16 COMMISSIONER: That will be GH2.
17 MR LAWRIE: Before it goes in, I think there just needs to be
18 some small comment about it, if I may.
19 COMMISSIONER: Yes.
20 MR LAWRIE: There are aspects of these transactions that are
21 included. I don't want it to be thought that there is any
22 suggestion of any impropriety in the involvement in this
23 flowchart of the real estate agent or the solicitors that
24 we see at the extreme right-hand side of the flowchart
25 that are involved in the eventual transactions to purchase
26 the property. They're just there to complete the picture.
27 COMMISSIONER: Yes, I don't think there's any suggestion
28 otherwise, Mr Lawrie.
29 MR LAWRIE: Thank you. So I tender that.

1 COMMISSIONER: GH2.

2 #EXHIBIT GH2 - Broader flowchart.

3 MR LAWRIE: Mr Haritos, we spoke at some length yesterday about
4 the gambling syndicate that had three forms that existed
5 in three separate periods, and we called that group 1,
6 group 2 and group 3; do you recall that?---You're trying
7 to do a switch over, Mr Lawrie. I do.

8 Sorry, I didn't understand - - -

9 COMMISSIONER: The chart is still up, Mr Lawrie.

10 MR LAWRIE: Sorry, can you bring that chart down.

11 COMMISSIONER: Are you moving to another subject now?

12 MR LAWRIE: I am, thank you. We spoke yesterday about the
13 gambling syndicate that you had and it essentially existed
14 in three separate periods and we called those group 1,
15 group 2 and group 3; do you remember that subject?---I do,
16 Mr Lawrie, for a period of about three years or whatever
17 it may be, yes, I do.

18 Just to remind you of what you said about this, the group 1
19 syndicate that was the first in time was something that
20 was struck up between you and Mr Pinder, and Mr Pinder put
21 in \$5,000 which he said was on behalf of himself and
22 Mr Bollas; is that right?---If my memory serves me
23 correct, yes, that would have been shortly after - - -

24 No, hang on, just one question at a time, please?---I am
25 answering your question, Mr Lawrie. It's just difficult
26 switching from one area to another.

27 I have introduced this new topic. I've said - - -?---But you
28 are switching from one topic to the other topic.

29 We're going to do that a little bit, but I will announce the

1 topic, okay? I just want to ask you a few questions,
2 please. I know we discussed it yesterday about the
3 gambling syndicate, but I just want to ask you a few more
4 questions about that. That's why I said we spoke
5 yesterday about it. We identified three separate periods
6 before the group 1, group 2, group 3; do you remember
7 that?---Yes, Mr Lawrie, just continue.

8 I'm sorry, I can't hear you?---I do understand. Continue on.

9 Thank you. Group 1 you said yesterday involved a contribution
10 of \$5,000 by you into the kitty and 5,000 by Mr Pinder
11 that he said was on behalf of himself and Mr Bollas; do
12 you remember saying that yesterday?---I remember saying
13 that yesterday that, yes, they could have been. He said,
14 'That's my 5,000 from me and Pete.' I believe that's what
15 he said, correct.

16 When you were dealing with the payouts from that group 1
17 syndicate, you dealt only with Mr Pinder, didn't
18 you?---I did.

19 You never met with Mr Bollas to pay him any cash, did
20 you?---Never.

21 The group 2 syndicate was simply between you and Mr Pinder,
22 wasn't it?---Correct. If we call it group 1, group 2 and
23 3 and so forth, group 1 probably ran for a few months and
24 whatever the betting funds at the time was was disbursed.
25 So, two or three months later, this is just an example.

26 Mr Haritos, I appreciate that we've gone through this
27 yesterday. I just want to focus on a couple of discrete
28 aspects, if I may?---Yes.

29 Just to be clear. The group 2 syndicate was an enterprise that

1 was just between you and Mr Pinder, wasn't
2 it?---I wouldn't call it an enterprise. I call it a
3 betting fund.
4 It was just between you and Mr Pinder, wasn't it?---Correct.
5 Group 3 again was just between you and Mr Pinder, wasn't
6 it?---Also correct, yes.
7 Have you ever made any cash payments to Mr Bollas?---Never.
8 Have you ever made any cash payments to any members of staff or
9 executives of Metro Trains?---Never.
10 Have you made, apart from what you say are the syndicate
11 payouts to Mr Pinder, have you made any cash payments or
12 other payments of funds to any employees of
13 V/Line?---Never.
14 You would frequently meet with both Mr Bollas and Mr Pinder,
15 though, wouldn't you?---I would meet with Mr Pinder
16 regularly. Mr Bollas, pre-COVID, maybe three, four times
17 a year, in a year, and that would have been in a meeting
18 either at Epping or Craigieburn.
19 Did you ever - - -?---In a meeting, sorry, I mean with Peter,
20 his train person station staff and my management team.
21 Did you - - -

22 COMMISSIONER: I'm sorry, Mr Lawrie, can I just ask Mr Haritos:
23 Your meetings with Mr Pinder after he became the CEO at
24 V/Line, were they social meetings or were they for the
25 purpose of discussing issues concerning Transclean's
26 business and V/Line?---Meetings with Mr Pinder, CEO of
27 V/Line, upon commencement for a couple of years, not very
28 frequent, 20 - - -

29 What was the purpose - Mr Haritos, I'm asking you about the

1 purpose of the meetings?---Non-work related.

2 Why were you meeting him?---Non-related.

3 Only work related---Non-work related.

4 Non-work related?---Correct.

5 So they were social?---Social meetings, always.

6 MR LAWRIE: Were some of these social meetings at cafes?---Yes.

7 Did you have meetings where you would meet on occasion with

8 both Mr Pinder and Mr Bollas?---There could have been two,

9 maybe three occasions, if I can remember.

10 Did you ever take the opportunity from any of these social

11 meetings to pay Mr Pinder funds from any of the gambling

12 syndicates?---I can't recall, Mr Lawrie. When are we

13 talking about payouts from these syndicates?

14 Let's think specifically during this year, 2020?---20 - - -

15 Commencing at the start of the year?---Commencing at the start

16 of the year? If the betting fund had substantial amount

17 of money, by substantial I'm saying five, 10,000 or so

18 forth, if Mr Pinder came and said, 'Well, I got a son's

19 birthday or my wife's birthday, what's the fund like?'

20 And I said, 'How much do you want?' He said, 'Oh, 2,000,

21 3,000,' it could have happened. What I can recall about

22 the fund is this year it was in a very healthy state.

23 Like, before the shutdown it could have been 45,000, the

24 betting fund. There was one, if I can recall, there was

25 one big win during this particular time, we're talking

26 about January to March, quite substantial, so the fund did

27 have money to advance.

28 I think you said yesterday that, of the three groups, group 3

29 was the most successful?---That's leading up to - yes, to

1 six months ago before the Coronavirus, correct.

2 And the initial investment of \$5,000 each to form a pool of

3 10 - - -?---Yes.

4 Netted a profit something like \$35,000. I think that's what

5 you said?---It could have been possibly more. I remember

6 on one occasion for an outlay, again approximately, say,

7 700, \$800, may have returned 15,000 in a single day.

8 10 or \$15,000 win on a single day?---Yes, on a single - on a

9 particular meeting. For example, the pool could have

10 started at 25,000 on a Saturday morning and at the end

11 let's say our money could have been 45,000, could have

12 been around that figure.

13 Did you ever communicate with Mr Pinder when you say, you know,

14 you're coming up to the start of a Saturday race meeting,

15 did you ever communicate to him the bets that you were

16 going to put on so that he could follow those bets?---No,

17 never discussed it. James was happy enough to provide the

18 bank, his 5,000. We'd catch up. As I said yesterday, our

19 livelihood did not depend on this.

20 So it's correct to say that he had zero interest, apparently,

21 in which horses were running?---Never.

22 Okay?---I think at the beginning he might have, but I told him

23 to stay away.

24 Yes, fair enough. And as long as the - - -?---Staying away is

25 I mean staying away in terms of his input.

26 As long as you're making good bets and successful bets, he was

27 happy?---He was happy. He was saying if - like he would

28 watch the races as well on a Saturday. He was happy as

29 long as the betting fund wasn't becoming thin and it was

1 going in the opposite direction.
2 And the fund was dissolved, the last funds of group 3 were
3 divided up and paid out on 19 August 2020, weren't they,
4 just before Mr Pinder's house was searched?---Correct,
5 simply because the TABs are shut. We don't know when they
6 were going to be re-opening. At that particular time,
7 I think earlier discussions I had with him he was
8 restoring a car or some sort, running around getting bits
9 and pieces for it. So I've got 10,000 and I gave it to
10 him. I don't think he knew he was even expecting it.
11 I happened to be - I think he ring me up for a catch-up
12 that particular week because - - -
13 Okay. That's a very long answer to - - -

14 COMMISSIONER: Mr Lawrie.

15 MR LAWRIE: Sorry, Commissioner.

16 COMMISSIONER: Mr Lawrie, the form of the question, though,
17 might be misleading because the witness might be taken as
18 understanding from the way you put the question that you
19 accepted that explanation. Do you follow?

20 MR LAWRIE: I do. I'll make that clear, Commissioner.

21 WITNESS: Mr Lawrie, I'd like to make this a bit clear too,
22 like - - -

23 MR LAWRIE: No, no, I'll ask the question first, if I may,
24 please, and then I'll give you an opportunity?---It may
25 help with your question, because - ask me your questions
26 first.

27 COMMISSIONER: Yes, go ahead. Do you want to say
28 something?---Mr Commissioner, I thought I was speaking to
29 Mr Lawrie. Please, apologies.

1 No, no, you wanted to add something. If you wish to add
2 something, please do?---About the syndicate, the
3 impression I want to give is it's not that our livelihoods
4 depended on it. When you talk of a bet return of 45,
5 50,000 in a two-year period, it was not like a full-time
6 occupation for us. I mean, I wasn't sitting at the end of
7 the chair waiting for a result. We had some good wins
8 and, as I said, on one occasion with an outlay of, say,
9 \$1,000, we make - the pool money may have grown from
10 20,000, as an example, to 40,000, which, you know, was a
11 big jump. So when we come to - and this is not just a
12 statement. Any payout in the TAB over 10,000 you have to
13 produce ID, to collect any money in cash above 10,000.
14 You go with your ID, licence, (indistinct) ring up - I
15 don't know what (indistinct) they ring up, they get the
16 ticket number and they will advance the cash payment,
17 which in this case could have been as high as 15, 16,
18 17,000. And this is sort of the money that was left of
19 the pool together with whatever was there, say, end of
20 March which was disbursed during - between then and
21 August. The final payment was 10,000 and that's
22 extinguished, diminished whatever the pool money was.

23 I think we understand what you say, Mr Haritos.

24 MR LAWRIE: Perhaps I can just clarify my position,
25 Commissioner. Mr Haritos, you would appreciate from the
26 questions that I've asked you about the manner in which
27 these syndicates were said to have operated, how the funds
28 were said to be pooled and allegedly paid out, but my
29 suggestion to you is this, and it's a quite clear

1 suggestion, is that there was no syndicate in the terms
2 that you're talking about or perhaps not at all. This is
3 just a cover story to account for large cash payments that
4 you were making regularly to Mr Pinder?---No, Mr Lawrie,
5 to the best of my knowledge the money given to Mr Pinder
6 was as a result of our betting fund. When you refer to
7 large amounts of money, what are we talking about?

8 Well, you say the largest amount you ever paid out in one hit
9 was \$10,000; correct?---Correct.

10 And you say that that was when you wound up group number 3;
11 correct?---Yes.

12 And you say you did that on 19 August 2020, the same day that
13 Mr Pinder was the subject of a search warrant;
14 correct?---Correct.

15 And on no other occasion have you paid out a sum that large,
16 you say?---From the betting fund, to the best of my
17 memory, nowhere near that sum.

18 Nowhere near that sum?---It could have been 8,000, it could
19 have been 7,000 or 5,000.

20 COMMISSIONER: Mr Haritos, I just want to clarify your use of
21 the phrase 'to the best of my knowledge' when asked were
22 the funds, the amounts paid to Mr Pinder from the gambling
23 syndicate. It may just have been a poor choice of words
24 on your part, but you would know, wouldn't you, if there
25 were funds paid to Mr Pinder that didn't come from
26 gambling profits? You would know that, wouldn't
27 you?---I would know that, Mr Commissioner, yes.

28 So it's not about to the best of your knowledge. I take it
29 you're able to say - you're saying to me positively that

1 the only source of funds that you paid Mr Pinder was from
2 your gambling profits?---Yes, Mr Commissioner, over a
3 period of three and a half years and probably, don't hold
4 me to it, in the sum of 50, 55, could have been higher,
5 could have been lower, around those. That was the amount.
6 But from, you say, only from gambling profits?---Yes, sir.
7 Being the cash that you kept at home, I think you told
8 me?---The betting pool money would just lay in a drawer at
9 home, yes.
10 Yes, Mr Lawrie.
11 MR LAWRIE: Which TAB do you say that you used?---Most of
12 the time Toorak Road, South Yarra, occasionally Burnley or
13 wherever I had been on a Saturday lunchtime because
14 there's a closing time before you could put the bets. But
15 I would say 80 per cent of the time it would have been
16 Toorak Road, South Yarra.
17 And when you took winnings from the TAB or the TABs, you took
18 them in cash on each occasion?---Always, because we bet in
19 cash as well. I haven't got an account specifically to
20 deposit TAB money into. I haven't got a betting account
21 to bet - - -
22 Okay. We'll just take it one step at a time. You made the
23 bets in cash. You took the winnings in cash; is that
24 right?---Correct.
25 You have no TAB betting account, correct?---Correct.
26 And you didn't use any other bank account for the purposes of
27 running either the group 1, group 2 or group 3 syndicates,
28 did you?---No, that was the money that we put in from the
29 pool and there was always the pool money used, and

1 whenever - on two occasions when we needed to top up the
2 fund, we contributed to it.

3 Okay. As has been asked before, when you had cash that was the
4 winnings from time to time, that would simply be kept at
5 home and if it was to be distributed in any way to
6 Mr Pinder, it would be collected from home and given to
7 him; is that right?---Correct. I'd probably - whatever
8 the relevant amount was, yes, I'd get it from the betting
9 fund or sometimes I would beat Mr Pinder to the punch. If
10 I needed 5,000 or 6,000, I'll take 6,000 out and when
11 I saw Mr Pinder down the track three, four, five, six,
12 'That's your share.'

13 But when you say you're taking it out, you're taking it out of
14 the drawer at home, aren't you?---Yes, for the betting
15 fund money, yes. It's separate. I never mixed it with my
16 own money.

17 It wasn't as though you had to go and visit a bank in order to
18 pay Mr Pinder his sum out of the syndicate?---No, never.
19 It was always there - - -

20 All right?---It was kept separately from my, you know,
21 day-to-day money that I had on me. Whatever was wanted
22 from the - whatever collections there were in a drawer,
23 various notes, various (indistinct) and probably when the
24 syndicate was dissolved maybe a couple of kilos of coins.

25 Can we take a look at - - -

26 COMMISSIONER: I'm sorry, Mr Lawrie, forgive me again. You
27 said at the very conclusion of evidence yesterday to me,
28 Mr Haritos, that within about a year of Mr Pinder becoming
29 the CEO at V/Line you realised that it would not be

1 desirable for you to be paying him these gambling profits
2 in a very open public way; you started to pay him in a
3 more secretive way to avoid any embarrassment on his part.
4 Is that the thrust of what you said to me
5 yesterday?---Yes, Mr Commissioner, it's like in the last
6 12 months or so. But beforehand, I'd say three years ago
7 when there weren't many winnings, it wasn't uncommon over
8 a coffee that, you know, I may hand him over \$2,000, 2 and
9 a half thousand or three, and I thought or we both thought
10 it's not appropriate, because by that time - - -

11 Did you - I'm sorry, did you ever use personnel from Transclean
12 to help you make those payments?---In what way,
13 Mr Commissioner?

14 No, I mean was it always you that would make the payments
15 directly to Mr Pinder?---Yes, yes, it would always be me
16 making the payments to Mr Pinder, because although my
17 office knows that me and James were involved in the
18 syndicate and I'd come in Monday morning and [REDACTED] will
19 say, 'How did youse two go on the weekend? You had a bet,
20 how did you go?' So I'd say, 'Oh, no, it was average.'
21 'How did you go that particular day?' 'We had a terrific
22 day, we won 15,000,' for example, or 16,000, or whatever
23 the case might be. So it wasn't a secret.

24 No, no?---All the transactions were handled by - through me.

25 Yes, thank you?---Thank you, Mr Commissioner.

26 MR LAWRIE: Mr Haritos, earlier this morning you made a comment
27 when you were asked a question from the Commissioner about
28 whether or not you thought you might have been creating a
29 conflict of interest for Mr Pinder and you said that you

1 were concerned not to put him into any difficult or
2 inappropriate situations; do you remember saying that, or
3 words to that effect?---I think I gave two answers to
4 that, Mr Lawrie. I said that I would never ask Mr Pinder
5 anything to do with work that may have compromised his
6 position. But if I was to compromise his position by
7 having a coffee or being in a betting fund and so forth,
8 well, that's happened. I would never compromise his
9 position as a CEO by asking him to get involved with my
10 contract with V/Line before or after. I would never ask
11 him that question.

12 As at the end of 2018, how many phones did you operate? How
13 many telephones?---I've always said I always had two
14 phones. Not always, but most of the time.

15 Did you use a phone that was - I'm sorry, I'll ask this
16 question. Do you know a person by the name of [REDACTED]
17 [REDACTED]?---My secretary.

18 That's [REDACTED], right. On 6 August 2018 a telephone was
19 connected as a new account in the name of [REDACTED].
20 Was that a phone that you used from that time?---I'm not
21 sure, Mr - - -

22 Stop and have a good think about this, please. The date I'm
23 putting to you is 6 August 2018. A new phone is - well, a
24 phone is connected as a new account in the name of [REDACTED]
25 [REDACTED], and if you require it I can give you the mobile
26 phone number. Do you recall using that
27 phone?---I remember using a phone. I always have a second
28 phone most of the time and I'm happy to proceed on the
29 basis that supposedly that was the phone.

1 You would accept the - - -?---I'll accept, yes, because - - -
2 I'm sorry. Do you accept that that was your second phone, do
3 you, from that time?---I accept that I had a second phone.
4 Giving me the number will not help me. I can't remember
5 the number.

6 Okay?---But [REDACTED] is my secretary. We probably got 130, 140,
7 maybe as much as 150 phones. Some are permanent, some are
8 short-term, because all of our employees or most of our
9 employees have to carry an iPhone in order for reporting
10 that comes with you, so there's always people losing
11 phones, people breaking phones, not having a proper phone,
12 et cetera, so it's not unusual.

13 Can I say I'm not asking about other mobile phones. I'm just
14 wanting to focus on this one?---I did have a second phone
15 and I've still got a second phone now. I'm not sure if
16 that was the phone you were referring to.

17 Was this because you wanted to operate, as many people do, a
18 personal phone and a work phone separately?---Primarily
19 along those lines, but in my case it's not uncommon for me
20 to go up the street for a coffee and give my normal
21 business phone to someone that may be responding to my
22 emails and vice-versa.

23 Can you please move forward because we're going to have audio
24 difficulties. Sorry. The audio is marginal at your
25 end?---Mr Lawrie, as I said, it's not unusual to leave the
26 office, leave my office phone behind, because my staff may
27 respond to emails that come through my phone, downloading
28 emails, replying to emails, messages, et cetera. So it's
29 not uncommon to be away from the office with my regular

1 office phone being left behind. Private phone, yes,
2 I would conduct, you know, private phone calls.
3 Have you got a private phone that the account is in your
4 name?---No, they're all work related.
5 So all the phones that you've got, you're able to use a
6 particular phone for work or for personal reasons, are
7 they all with - apart from the one we're speaking about -
8 are they all in a Transclean account name, are
9 they?---That could be in a Transclean account or they
10 could be pay (indistinct). They all come from Transclean.
11 It would make sense to have a work phone in the Transclean
12 name, wouldn't it, so that you could claim a tax deduction
13 on the phone account where appropriate? Everyone does
14 that when it's appropriate, don't they?---There's probably
15 a tax saving at the end of the day of a few dollars. Why
16 that phone that I had was prepaid, it was probably the
17 only available if and when they needed it, and [REDACTED]
18 keeps a tab on the - and when used, payment when due.
19 Did you know that Mr Pinder from December of 2016 had a phone
20 where the account was in the name of Maria
21 Tsakopoulos?---That came up in earlier in the week,
22 Mr Lawrie, yes.

23 Did you know - - -

24 COMMISSIONER: Prior to hearing that evidence, did you know
25 that one of the phones Mr Pinder used was a phone
26 registered to Ms Tsakopoulos?---Mr Commissioner, I do not
27 think so, but I think I would have had the number. Where
28 the actual phone came from, I would not have known. But
29 I would have had the number relating to that phone.

1 Yes?---I had both of his numbers on my phone.

2 MR LAWRIE: To be quite clear, Mr Haritos, the calls that we
3 have between you and Mr Pinder are in the vast majority,
4 or if not all, calls that take place between the phone
5 that you have registered in the name of your secretary,
6 [REDACTED], and the phone that Mr Pinder has registered in
7 the name of Maria Tsakopoulos. Does that surprise
8 you?---No, it doesn't surprise me, Mr Lawrie, because
9 90 per cent of the - I would never - I would never ring
10 Mr Pinder on his work phone.

11 Mr Haritos, have you got a document in front of you?---Just
12 scrap piece of paper. Scraps piece of paper. No
13 document.

14 All right. Perhaps you could - - -?---I can put it on the
15 side, if you like.

16 If you would, please?---Yes. I will keep my hands here.

17 If you need for me to put a document up on screen to give an
18 adequate answer to any question I ask or if you think that
19 I may have a document that may assist you, can I invite
20 you to ask me to do so, but otherwise there ought be no
21 reason to refer to documents that you have?---No, I'm not
22 referring to documents. It was just I took some dates
23 earlier because I was pretty - when we were going through
24 the loan account, because I knew the 120 but I didn't know
25 how it was broken up. So I did take some notes with dates
26 and so forth before you showed me the chart.

27 Now, I've characterised those phones that we've just spoken
28 about as secret phones or burner phones. You understand
29 what I mean when I use that term, don't you, a burner

1 phone?---I don't agree with your characterisation,

2 Mr Lawrie.

3 You don't agree that they were secret phones?---Why would they
4 be secret? I've had - - -

5 That's the question, Mr Haritos, with respect, why would they
6 be secret?---Correct.

7 COMMISSIONER: Well, he doesn't accept that they were secret.

8 WITNESS: Why would it be secret when I've got in my office
9 phone, I've got Mr Pinder's mobile work and I've got his
10 second phone his mobile number as well, and there were
11 calls made between - from his office to my second phone,
12 from my second phone to his office phone and so forth over
13 the years. But most of the time most of the calls were
14 from him to me because I don't want to ring Mr Pinder when
15 he's in board meetings with government, for example.

16 MR LAWRIE: Okay. Excuse me for one moment, Commissioner. Did
17 you ever operate another phone that was connected on
18 23 August 2020 where the account was commenced in the name
19 of [REDACTED]?---I did not operate that phone, no.

20 You did not operate that phone?---No.

21 That was a phone that was found - - -?---Sorry, your definition
22 of operating a phone?

23 Using it. Whether it's to text or for voice calls or whatever,
24 using it. Did you ever use that phone?---Would I have
25 spoken on that phone, is your question? Would I have
26 spoken - - -

27 COMMISSIONER: No, did you use it in any way, is the
28 question?---Yes, Commissioner.

29 MR LAWRIE: Did you use it to communicate with

1 Mr Pinder?---I would have communicated with Mr Pinder on a
2 couple of occasions in regards to what was going - - -
3 I'm sorry, the question is simple. Did you use it to
4 communicate with Mr Pinder?---Yes, I did.
5 And that was after - sorry, Mr Commissioner.
6 COMMISSIONER: You finished that answer by saying you did it to
7 speak with Mr Pinder about what was going - what were you
8 going to say?---As to what had happened.
9 You mean involving the search warrants and so on?---Yes, and
10 all the media attention and so forth and so forth and so
11 forth. And I spoke to Mr Pinder - - -
12 Yes, I see?---Sorry, Mr Commissioner, if I can finish. And
13 I spoke to Mr Pinder on a couple of occasions because
14 Marie was very concerned as to her money and obviously
15 I spoke with him about his general wellbeing and would
16 have asked, you know, as to what all this is all about and
17 I would have asked him the question, which I've asked him
18 early on when it came to the loan agreement because I knew
19 Marie was an officer of mine, if he had any involvement in
20 the V/Line contract, and the answer was no, and I asked
21 him again because there was reference made in the media to
22 do with contracts, and I asked him again repetitively,
23 'Did you have an involvement in Transclean being awarded
24 V/Line's cleaning contract?' And his answer was, 'No,
25 categorically no.' So these were all the sort of things
26 that were in my head that I needed to clarify,
27 Mr Commissioner.
28 MR LAWRIE: When you used this new phone from 23 August 2020
29 and following to communicate with Mr Pinder, you were

1 calling a different number to the number that you had
2 previously been calling; is that right?---That phone that
3 I was calling from was not in my possession. Marie had
4 that phone to communicate with Mr Pinder and also from
5 what we had earlier in the week she had actually given him
6 a phone to communicate.

7 Marie Tsakopoulos gave Mr Pinder a new phone after the warrant
8 was executed on 19 August 2020; is that right?---I believe
9 so, yes, because I also at that particular time which
10 I was - which I heard the conversation, there were
11 discussions taking place that Marie through her lawyer
12 would be putting a caveat on Mr - - -

13 I'm sorry, are you looking at notes again, Mr Haritos?---No,
14 I'm writing. It's just scraps pieces of paper. I've got
15 the biro and as I'm talking I'm scribbling.

16 Okay?---During this meeting - during this particular
17 time - Mr Commissioner, would we be able to have a break
18 after I respond to - - -

19 COMMISSIONER: We will?---Thank you.

20 We'll just conclude this point in the examination and then
21 we'll have a break?---Yes. During this particular time
22 after the warrant, with all the publicity and so forth and
23 so forth, (a) I wanted to know what the noise was all
24 about. It mentioned contracts, and I asked Mr Pinder
25 repetitively, maybe on two, three occasions, 'Did you have
26 anything to do with the tender process?' He said,
27 'Absolutely not. I was never involved.' And I asked him
28 a second time. Marie is concerned about her money. She's
29 spoken to him. She's spoken to a lawyer. He asked

1 Mr Pinder's permission to agree to putting a caveat on the
2 property to secure her money. That's what it was all
3 about.

4 MR LAWRIE: Did that ever happen?---And obviously, you know,
5 being a close friend and so forth, being concerned about
6 his wellbeing, et cetera, et cetera, because it's a big
7 issue and a big thing to deal with, and I know well that
8 Mr Pinder through his personality and so forth would not
9 have been coping with it very well.

10 Did that ever happen? Was a caveat ever placed on Mr Pinder's
11 property or was a solicitor engaged to commence that
12 process?---I think Marie engaged a solicitor to go through
13 the process at the instant this whole thing happened.

14 Did that eventuate in a caveat on Mr Pinder's property?---I'm
15 not quite sure. But if not, it's in the process of
16 happening.

17 In any event, these communications are taking place via
18 telephone, are they not, these communications you're
19 having with Mr Pinder after the execution of the warrant
20 in August? They're telephone communications,
21 yes?---I presume so, yes.

22 Well, did you have any face-to-face meetings with Mr Pinder
23 after the warrant?---On one occasion where Marie needed to
24 see Mr Pinder, I would have been - I would have went along
25 as well just - - -

26 Sorry, would that have been on the occasion where he was
27 delivered his new phone, would it?---No.

28 Okay?---Not that occasion. I think - not quite sure the
29 timeframe on the time that I would have caught up briefly

1 with Mr Pinder to see how he's doing and even then I was
2 not clear as to what all this was about. This only became
3 clear to me when the proceedings commenced and after being
4 served. When was I served? On - - -
5 On 14 October?---Yes, 14 October. Before that I was in the
6 dark.
7 In any event, the telephone communications that you are having
8 with Mr Pinder after his house was searched on 19 August
9 are phone conversations that you're having on the new
10 phone that you've got which is in the name of [REDACTED]
11 [REDACTED]; is that right?---I was not in possession of that
12 phone, no.
13 You were never in possession of that phone?---No.
14 Never used it to send - - -?---We used it. It's not a phone
15 that I carry with me. I used that phone to speak to
16 Mr Pinder on a couple of occasions, three occasions maybe
17 I did.
18 Did someone lend it to you?---That was the phone that Marie
19 used to communicate with Mr Pinder.
20 Why was it registered in the name of [REDACTED]
21 [REDACTED]?---I think it's one of her close friends.
22 Okay. So it's not a secret phone for you; it's a secret phone
23 for Maria, is it?---I wouldn't call it a secret phone.
24 I'd probably call it a second phone or I don't know why
25 she had it. Maybe perhaps she did not have her phone.
26 Who is [REDACTED]?---Marie's personal friend and she
27 also I believe in the last six months or so works for the
28 organisation as well.
29 So she's an employee of Transclean?---She's an employee of

1 Transclean and maybe contracted to provide other services
2 for Transclean.

3 But as far as you knew it, this was the phone that Maria would
4 use?---I think this is the phone that Maria would possibly
5 use, yes. Well, she would have been using the phone
6 because I spoke to Mr Pinder on that particular phone.

7 And you've used it - you've borrowed it essentially from Maria
8 to ring Mr Pinder?---Yes, I would have - after her
9 discussing the situation and further security that she was
10 seeking to, I would have spoken to him and said, you know,
11 'What's going on and what's all this about,' and again,
12 you know - - -

13 Of course, the phone you're ringing to get Mr Pinder is not the
14 phone that you've traditionally rung; it's the new phone
15 that was delivered to him, is that right?---Which phone
16 are we talking about? His original phone?

17 After the execution of the search warrant in August 2020, when
18 you are telephoning Mr Pinder you are not ringing the
19 number you had usually rung him on; you're ringing a new
20 number, aren't you?---Because he didn't have possession of
21 the old number.

22 So the answer is yes. And the new number you're ringing was a
23 phone that he was delivered four days or it was connected,
24 I should say, four days after that warrant. Were you
25 aware of that?---Yes, it's another phone because he didn't
26 have his old phone.

27 And that was a phone that was delivered to him by Maria
28 Tsakopoulos, yes?---That's what Mr Pinder's evidence at
29 the time I think it was, yes.

1 And you accept that, do you? Does that make sense to

2 you?---Makes sense in what - - -

3 Well, does it make sense to you that Maria Tsakopoulos would be
4 delivering him a phone after the - you know, perhaps even
5 the same day that he lost his last one?---It makes to me a
6 lot of sense because she needs to communicate with him
7 because she's got to, according to whatever level advice
8 that she had, in order for her to put a caveat she would
9 have needed to consult with him in advance and get his
10 consent.

11 About what?---Sorry?

12 What does she need to get his consent about?---Putting a caveat
13 on the property.

14 Okay.

15 COMMISSIONER: I see the time, Mr Lawrie. If you're about to
16 go on to something else - - -

17 MR LAWRIE: This is an appropriate time from my point of view,
18 Commissioner, if it's convenient.

19 COMMISSIONER: Very good. We'll have a break now, Mr Haritos,
20 and I'll resume at 1.30?---Thank you, Mr Commissioner.

21 Thank you, Mr Lawrie.

22 <(THE WITNESS WITHDREW)

23 LUNCHEON ADJOURNMENT

24

25

26

27

28

29