

**QUEENSLAND RACING  
COMMISSION OF INQUIRY**

**STATEMENT OF ROGER WILESMITH**

I, **ROGER WILESMITH** of c/o Crown Law, State Law Building, 50 Ann St, Brisbane do solemnly and sincerely declare that:

**Role**

1. I worked in the Office of Racing between August and October 2009 and since December 2010 as a Principal Compliance Office.
2. My duties include preparing briefing notes for the Director-General and the Minister about a range of topics related to racing issues, preparing correspondence for the Minister and others about a range of topics related to racing issues, participating in control body compliance activities like conduct of the annual review program, conducting other investigations, involvement in legislative projects and taking telephone calls from the public. I am the holder of a delegation of investigation powers under the *Racing Act 2000*.
3. In this role, I am subject to the supervision and management of the Director of the Office of Racing Regulation, Carol Perrett. She allocates tasks to me and gives me instructions about the way that I am to perform them.

**Contract management and Financial Accountability**

4. I have no knowledge of the procurement, contract management and financial accountability policies, processes, guidelines and measures to ensure that contracts delivered value for money of Racing Queensland Limited, Queensland Racing Limited, Greyhounds Queensland Limited, Queensland Harness Racing Limited, Greyhound Racing Authority or the Queensland Harness Racing Board ('the Relevant Entities'), nor of whether they were adhered to.

Signature:



Witness signature:



Page 1 of 4

5. I have seen the name Contour Consulting Engineers referred to in the business cases for the funding for the Infrastructure Projects, but I do not have any knowledge of the contracts between it and the Relevant Entities.

### **Management**

6. I have no knowledge of the management policies, processes, guidelines and workplace culture and practices of the Relevant Entities, or of involvement of the boards or members of the boards in the exercise of functions of the executive management team or other key management personnel.

### **Corporate Governance**

7. I do not know about the corporate governance arrangements of Racing Queensland Limited, other than that I am aware Racing Queensland Limited was a company Limited by Guarantee under the *Corporations Act 2002* (Cth) and as such, is governed by corporations law.
8. I have not had to consider whether Racing Queensland and its officers acted with integrity or in accordance with policies made under section 81 of the Racing Act.
9. I am aware of a complaint made by Anthony Burke in relation to the appointment of board members of the Toowoomba Turf Club, but I understand that the result of the investigation into the complaint did not find that Racing Queensland Limited had acted inappropriately. My involvement in the investigation was limited to attending a meeting with Mr Burke and the Director and Executive Director of the Office of Racing and ensuring documents, including emails and other written correspondence were kept on file. I also drafted briefing notes on the issue. The investigation was conducted by the Director of the Office of Racing.

### **Oversight by the Minister, the Executive Government, the Chief Executive**

10. I was involved in the early stages of the 2010 annual control body assessment program carried out by the Office of Racing. My involvement was to attend the initial meeting between Racing Queensland Limited officers and Kirsty Karauria, Principal

Signature: 

Witness signature: 

Compliance Officer, Office of Racing. After this stage Ms Karauria completed the assessment program.

11. As mentioned previously, I had a minor role in the investigation of the complaints made by Anthony Burke.
12. Part of my duties includes drafting Ministerial responses, and as such I often draft responses to complaints made by the public. This sometimes involves following-up the issue with Racing Queensland officers or other agencies relevant to the matter. I do not recall any particular complaints, other than that made by Mr Burke, in which I was involved that concern or relate to matters about which I have been asked to provide this statement.

#### **Employment Contracts**

13. I have no knowledge of the employment arrangements for Mr Tuttle, Mr Orchard, Mr Brennan and Mrs Reid.

#### **Queensland Race Product Co Limited and Tatts Group**

14. I have no knowledge of the operations of the Relevant Entities with respect to the arrangements between Queensland Race Product Co Limited and Tatts Group concerning fees paid for Queensland wagering on interstate races through TattsBet or about the response to the introduction of race information fees.

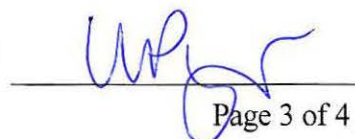
#### **Funds Transfer in February 2012**

15. I had some involvement in the funds transfer. I drafted ministerial briefing notes and correspondence in relation to the approval of funding deeds for the funds transfer, examples of which are attached in Annexure 'A'.
16. I was not involved in the writing or assessment of the business cases submitted by Racing Queensland Limited.

Signature:



Witness signature:



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17. Any document drafted by me, particularly documents such as Briefing Notes to Ministers, or sent by me should have my name recorded upon it as the relevant author or action officer. If there are any specific such document upon which the Commission would like to direct my attention for specific comment I would be happy to assist.
18. I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Dated 1<sup>ST</sup> day of AUGUST 2013 at BRISBANE in the State of Queensland.

  
.....

Roger Wilesmith

  
.....

Witness Signature

MELINDA JOY WINT  
.....  
STULTON

Witness Name

CTS  
RAC-00688

Advisor .....	OK
Dated	/ /
<b>Approved / Not Approved</b>	
<b>Further information required</b>	
Minister .....	
Dated	/ /

To:  
Rob Setter, Associate Director-  
General, Science, Agriculture,  
Food and Regional Services

Copy:  
Mark Bermingham,  
Acting Director-General,  
Department of Employment,  
Economic Development and  
Innovation

From:  
Mike Kelly, Executive Director,  
Office of Racing  
**17 February 2012**

Endorsed:  
Mike Kelly, Executive Director,  
Office of Racing

**Execution of Funding Deed – Racing Industry Capital  
Development Scheme Funding**

**Summary/Recommendation**

1. That you sign the attached funding deed and the duplicate copy, between the State (represented by DEEDI) and Racing Queensland Limited (**Attachment 1**).
2. The funding provided under the attached funding deed is from the Racing Industry Capital Development Scheme (RICDS) and will be used for infrastructure upgrades to the Gold Coast Turf Club.
3. Under Schedule 5 – Grants and Subsidies of DEEDI’s Financial Delegations and Authorisations, you are authorised to execute agreements under the RICDS.

**Timing**

4. It is proposed to transfer the funding to RQL on 20 February 2012.

**Background**

5. On 7 July 2011, CBRC (Decision No. 3255) approved Racing Queensland’s revised Industry Infrastructure Plan (IIP) and a one year extension, until 30 June 2015, to the wagering tax arrangements under the RICDS.
6. On 27 January 2012, Racing Queensland submitted a further revised IIP which was approved by government on 30 January 2012.
7. By Decision No. 3255, CBRC provided that access to draw funds from the RICDS would only be available once business cases for each project had been submitted and accepted by the Treasury Department.

8. A business case for the above project has been submitted and accepted by the Treasurer. The Treasurer has approved the release of funds to RQL (see **Attachment 2**).
9. The attached funding deed has been executed by Racing Queensland and provides for the payment of \$3,850,000 (GST incl) to Racing Queensland for the upgrades to the Gold Coast Turf Club.
10. The above funding represents the first instalment for the project and it is anticipated Racing Queensland will request the second instalment in the 2012-13 financial year.
11. The funding is available within the Office of Racing budget.

**Attachments**

12. Attachment 1 - Funding Deed between the State (as represented by DEEDI) and Racing Queensland.
13. Attachment 2 - Letter from the Treasurer approving release of funds.


**Clearance**

1. Crown Law drafted the funding deeds.

**Author**

Mike Kelly, Executive Director, Office of Racing *MK 17/2/12*

Action Officer: Roger Wilesmith, Principal Compliance Officer  
Tel: 323 41404

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Not approved <input type="checkbox"/> Noted	<b>Comments</b>
<hr/>  <b>Rob Setter</b> Associate Director-General Science, Agriculture, Food and Regional Services	

*Handwritten initials*



Hon Andrew Fraser MP  
Member for Mount Coot-tha



Queensland  
Government

Deputy Premier and Treasurer  
Minister for State Development  
and Trade

TRX-18557

17 FEB 2012

The Honourable Tim Mulherin MP  
Minister for Agriculture, Food and Regional Economies  
GPO Box 46  
BRISBANE QLD 4001

*Tim*

I refer to recent correspondence regarding business cases for proposed capital works under the Industry Infrastructure Plan, including recent correspondence to you from the Chairman of Racing Queensland Limited (RQL.)

Treasury Department has recently received a further business case for capital works for the Gold Coast Turf Club (GCTC). The business case discloses reasonable information regarding the proposed upgrades and construction.

Treasury advises that the business case for the Gold Coast facility demonstrates that the long term viability of the facilities is dependent on continuing support from RQL. The letter provided by RQL on 14 February 2012 provides an important assurance that the RQL will continue to support any losses incurred by the GCTC, and on this basis I am prepared to approve the release of funds for the capital works at the Gold Coast.

As previously advised it would be prudent to seek confirmation that RQL will establish a reserve fund through setting aside a portion of wagering revenue to use as a buffer for increased operating deficits in the event that betting distributions decline in the near future.

Yours sincerely

ANDREW FRASER

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Queensland 4001 Australia  
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Facsimile +61 7 3229 0642  
Email [deputypremierandtreasurer@qld.gov.au](mailto:deputypremierandtreasurer@qld.gov.au)  
ABN 65 959 415 158

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CTS 01146/12

CTS  
RAC-00687

Advisor .....	OK
Dated	/ /
Approved / Not Approved	
Further information required	
Minister .....	
Dated	/ /

To:  
Rob Setter, Associate Director-  
General, Science, Agriculture,  
Food and Regional Services

Copy:  
Mark Bermingham,  
Acting Director-General,  
Department of Employment,  
Economic Development and  
Innovation

From:  
Mike Kelly, Executive Director,  
Office of Racing  
**16 February 2012**

Endorsed:  
Mike Kelly, Executive Director,  
Office of Racing

*Execution of funding  
& payment  
approved  
15.02.12*

**Execution of Funding Deeds – Racing Industry Capital  
Development Scheme funding**

**Summary/Recommendation**

1. That you sign the attached four funding deeds and the duplicate copy of each, between the State (represented by DEEDI) and Racing Queensland Limited (**Attachment 1**).
2. The funding provided under the attached funding deeds is from the Racing Industry Capital Development Scheme (RICDS) and will be used for infrastructure upgrades to racecourses located at Beaudesert, Cairns and Rockhampton, and the development of a new greyhound racing facility at Logan.
3. Under Schedule 5 – Grants and Subsidies of DEEDI’s Financial Delegations and Authorisations, you are authorised to execute agreements under the RICDS. *✓ noted*

**Timing**

4. It is proposed to transfer the funding by 17 February 2012.

**Background**

5. On 7 July 2011, CBRC (Decision No. 3255) approved Racing Queensland’s revised Industry Infrastructure Plan (IIP) and a one year extension, until 30 June 2015, to the wagering tax arrangements under the RICDS.
6. On 27 January 2012, Racing Queensland submitted a further revised IIP which was approved by government on 30 January 2012.
7. By Decision No. 3255, CBRC provided that access to draw funds from the RICDS would only be available once business cases for each project had been submitted and accepted by the Treasury Department.

*MS  
WPO*



8. Business cases for the above projects have been submitted and accepted by the Treasurer (see **Attachment 2**).
9. The attached funding deeds have been executed by Racing Queensland and provide for the immediate payment of \$6,807,359.64 (GST incl) to Racing Queensland for:
  - Beaudesert -\$4,344,215.44;
  - Cairns - \$825,000;
  - Rockhampton - \$121,000; and
  - Logan - \$1,517,144.20.
10. The above funding represents the first instalment for each project and it is anticipated Racing Queensland will request the second instalments in the 2012-13 financial year.
11. The funding is available within the Office of Racing budget.

#### **Attachments**

12. Attachment 1 - Funding Deeds between the State (as represented by DEEDI) and Racing Queensland.
13. Attachment 2 - Business case approvals from the Treasurer.

#### **Clearance**

1. Crown Law drafted the funding deeds.

#### **Author**

Mike Kelly, Executive Director, Office of Racing

*AK*  
*16/2/12*

Action Officer: Roger Wilesmith, Principal Compliance Officer  
Tel: 323 41404

*W*  
*W*

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RAC-00687

<input type="checkbox"/> Approved <input type="checkbox"/> Not approved <input type="checkbox"/> Noted	<b>Comments</b>
<hr/> <b>Rob Setter</b> <b>Associate Director-General</b> <b>Science, Agriculture, Food and Regional Services</b> / /	

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