

IN THE MATTER of the Queensland Racing Commission of Inquiry  
before the Honourable Justice Margaret White AO  
pursuant to the *Commissions of Inquiry Order (No.1) 2013*

**AFFIDAVIT OF KEVIN WILL SEYMOUR**


**KEVIN WILL SEYMOUR** of Level 20, 260 Queen Street, company director, in the State of Queensland states on oath:

1. I refer to the Commission's Notice dated 22 November 2013 and the requirement for me to respond to 6 propositions set out in the Schedule to that Notice.
2. While I agree that as a director of Queensland Harness Racing Limited (**QHRL**) and as a director and shareholder of Watpac Limited (**Watpac**) there was a *potential* for my duties and interests to conflict, I would not agree that a conflict arose wherever there "*relations between those companies were concerned*". For example, Watpac was Australia's major sponsor of harness racing, and in particular the 2009 Interdominion held on the Gold Coast. QHRL was involved with Watpac in relation to such sponsorship. Watpac providing such sponsorship did not give rise to a conflict.
3. I was always conscious of the potential for a conflict of interest, and I believe that I was careful to avoid conflicts.
4. I agree that:
  - (a) the Albion Park Raceway was owned by joint venture trust between QHRL and Greyhounds Queensland Limited (**GQL**); and
  - (b) when Mr Lette was unavailable to do so, on occasions I attended meetings of the Albion Park Raceway Management Committee (**APRMC**) in his stead.
5. I accept that the minutes of:
  - (a) APRMC Meetings on 10 September 2008 and 12 November 2008; and

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Signed: \_\_\_\_\_



Taken by: \_\_\_\_\_



(Justice of the Peace/Solicitor)

(b) a meeting of the Board of QHRL Board on 30 September 2008 (**the QHRL Board Meeting**),


as provided to me by the Commission, record that I attended those meetings.

6. While I do not have any independent recollection of having attended those meetings on those dates, I have no reason to doubt that the minutes are accurate insofar as recording my attendance. In any event, I generally recall the events addressed in those minutes in relation to the Russ Hinze Grandstand (**the Stand**).
7. I recall that I offered to see if I could get Watpac to provide to the APRMC a cost to demolish the Stand for less than the \$2.5 million proposed by Robert Bird Group (**Bird**), and that I thought that Watpac might be able to do it for half the cost proposed by Bird. I did so because I was concerned to save as much money as possible for QHRL and GQL, while at the same time wanting to see that the demolition work was carried out as a matter of urgency for absolute safety reasons.
8. The urgency is apparent from the documents provided by the Commission, and that accords with my recollection. That is, the APRMC, and the boards of QHRL and GQL, had been advised that the Stand needed to be demolished and that it was important that it occur as soon as possible for safety reasons. I also understood QHRL (and GQL) had a duty of care in relation to the Stand, and that the unsafe state of the Stand gave rise to risks for QHRL and GQL.
9. I spoke with Errol Edwards, the General Manager of Watpac's Construction Division, and asked him to urgently prepare a price to undertake the demolition of the Stand. I also asked Errol for that price to be the best price that Watpac could do.
10. I did not personally participate in the preparation of that price, however I understood that the price would be, and I think was, the lowest price that Watpac could do. The price set out in the letter from Watpac to the APRMC dated 29 September 2009 (provided to me by the Commission) accords generally with my recollection of the cost priced at the time by Watpac.

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Signed: \_\_\_\_\_



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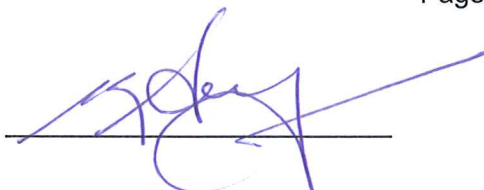
(Justice of the Peace/Solicitor)

11. The minutes of the QHRL Board Meeting refer to conflicts of interest as being "*standing conflicts as stated at inaugural meeting held 29 July 2008*". I am aware that the conflicts refer to my interest as a director of Watpac. In addition, the chairman of QHRL, Mr Lette, was also a director of Watpac and he knew that I was also a substantial shareholder of Watpac. From my discussions over the years with the other directors, David Knudsen and Janice Dawson, they were also aware of my shareholding in Watpac.
12. The Commission has put the proposition that at the QHRL Board Meeting I did not remove myself from the Board's discussion of the demolition of the Stand and the quote. I assume that "*the quote*" referred to by the Commission is the tender letter of 29 September 2008.
13. The minutes of the QHRL Board Meeting record (relevantly) only that an indicative price of \$1.64 million plus GST had been received for the demolition of the Stand, and that a confirmed price was to be forwarded by 1 October 2008, valid for 30 days. The minutes do not record any resolution or other decision being made at the QHRL Board Meeting, nor do they record there being any discussion of the demolition of the Stand or the quote. I cannot now recall whether there was any such discussion.
14. I can however say that because it was my practice to not participate in matters where there was a conflict of interest, while I may well have been quite active in a discussion about the need to demolish the Stand (because of my concerns regarding safety and risk), I would not have participated in any discussion as to whether to accept the Watpac quote, and nor would I have participated in a vote in relation to it.
15. While I cannot recall the APRMC meeting of 12 November 2008, and the minutes do not record a resolution to accept, in principle, Watpac's tender to demolish the Stand, it appears from the correspondence provided to me by the Commission that that is the case. I would not have participated in a discussion about whether to accept the Watpac quote, and nor would I have participated in a vote in relation to it.
16. As to the proposition that by my actions I failed to manage properly my conflict of duty and interest between QHRL and Watpac, and to comply with my duty to act in the best interests of QHRL, I do not believe that anything could be further from the truth.

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Signed: \_\_\_\_\_



Taken by: \_\_\_\_\_




(Justice of the Peace/Solicitor)

17. I arranged for Watpac to provide a tender within a very short space of time, and for the lowest price it could do. In doing so, I:

- (a) was able to ensure that the demolition of the Stand could proceed as a matter of urgency (which was important having regard to public and personnel safety considerations); and
- (b) fulfilled my duty to act in the best interests of QHRL not only by taking steps to ensure that it obtained what I understood to be the lowest possible price for the demolition of the Stand, but, in having it done as soon as possible, I reduced the risk to QHRL arising from its duty of care and the unsafe state of the Stand.

**SWORN** by **KEVIN WILL SEYMOUR** on 26 November 2013 at **BRISBANE** in the presence of:

Deponent



A Justice of the Peace/Solicitor

