

QUEENSLAND RACING COMMISSION OF INQUIRY

Commissions of Inquiry Act 1950

FURTHER SUPPLEMENTARY STATEMENT PURSUANT TO SECTION 5(1)(d).

I, **MALCOLM NICHOLAS TUTTLE** of Level 10, 300 Adelaide Street, Brisbane, director – business development, do solemnly and sincerely declare as follows:

1. I refer to my previous statement dated 26 July 2013, my supplementary statement dated 10 September 2013, 21 October 2013 and to the notice dated 10 October 2013 (“Notice”) sent by the Commission to my solicitors informing me of potential adverse findings that may be made by the Commission.
2. In paragraph 6 of the Notice the Commission alleges:

Mr Tuttle:

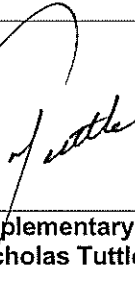
(a) was a director of Rockhampton Racing Pty Ltd and Racing Queensland Venue Management Pty Ltd, both related bodies corporate to RQL for the purposes of section 200AA(3)(b) of the Corporations Act, and thereby held a “managerial or executive office” for RQL; and

(b) on or about 28 March 2012, received:

- i. payment from RQL pursuant to the terms of his employment as amended on or about 5 August 2011; and thereby
- ii. a benefit in connection with his retirement from RQL, the giving and receipt of which was prohibited by sections 200B(1) and 200D respectively of the Corporations Act.

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Declarant:



Taken By:



**Further Supplementary Statement of
Malcolm Nicholas Tuttle**

RODGERS BARNES & GREEN

Lawyers
Level 10, 300 Adelaide Street
Brisbane QLD 4000
Tel: + (61 7) 3009 9300
Fax: + (61 7) 3009 9399
Email: admin@rbglawyers.com.au
Ref: GWR:AKM:130250

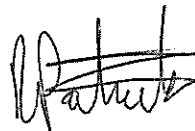
3. In response to the allegations in paragraph 6 of the Notice, I say as follows:

- (a) Rockhampton Racing Pty Ltd was incorporated on 30 June 2010 and I was appointed a director on 1 July 2010;
- (b) Racing Queensland Venue Management Pty Ltd was incorporated on 31 March 2010, and I was appointed a director that same day;
- (c) I agreed to being appointed as director of both those companies following a request by Bob Bentley. The strategy, at that time, was to investigate alternative management and marketing structures (Racing Queensland Venue Management Pty Ltd) as well as ensuring a vehicle was in place to enable the industry, through the Control Body, to hold equity in racecourses as a result of investment in infrastructure (Rockhampton Racing Pty Ltd);
- (d) At the time of my agreeing to be a director of Rockhampton Racing Pty Ltd and Venue Management Pty Ltd I was never advised of the impact, if any, that my becoming a director of those two companies could have on my terms of employment whilst at RQL;
- (e) Rockhampton Racing Pty Ltd never held a meeting and my only role was to sign a single set of accounts at the request of RQL's auditors and RQL's CFO, Adam Carter. Rockhampton Racing Venue Management Pty Ltd, after its incorporation in March 2010, never traded and was essentially parked;
- (f) Bob Bentley indicated to me, during discussions about the establishment of those two companies, that the management and function of these two companies was a role for the executives and not something that the then current directors of RQL needed to be involved with;

Declarant:



Taken By



- (g) I was already, at the time of my appointment as director of Rockhampton Racing Pty Ltd and Racing Queensland Venue Management Pty Ltd, a director of other racing related entities;
- (h) I was not remunerated for my role as a director of Rockhampton Racing Pty Ltd or Venue Management Pty Ltd;
- (i) At no time was I given any advice by either RQL or Norton Rose as to the possible consequences of my being a director of other racing related entities, nor was I asked, before any advice by Norton Rose, whether I was a director of a company with business associated with RQL;
- (j) Had the question of whether I was a director or associated with any other companies with business related to RQL been raised, I would have advised of my positions in Rockhampton Racing Pty Ltd and Venue Management Pty Ltd.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1867.


SIGNED AND DECLARED

at Birtinya

on 25 October 2013

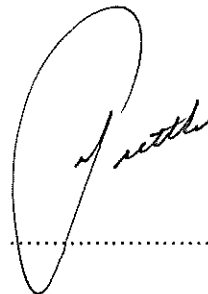
in the presence of:

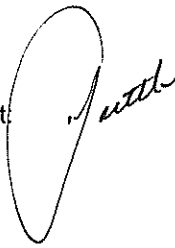
Rebecca Ann Patrick


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Justice of the Peace Reg NO. 106955

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Declarant: 

Taken By 