

Statement of Colin Cedric Truscott

I, **Colin Cedric Truscott**, Thoroughbred Country Racing Manager for Queensland All Codes Racing Industry Board t/-as Racing Queensland ABN 80 730 390 733 (**Racing Queensland**), of [REDACTED] in the State of Queensland, state as follows:

- A. Between 1 January 2007 and 30 June 2010, I was employed by Queensland Racing Limited (**QRL**) as Country Racing Liaison Officer.
- B. Between 1 July 2010, when QRL merged into Racing Queensland Limited (**RQL**) (the **Merger**), and 30 April 2012, I was employed by RQL as Non-TAB Thoroughbred Racing Manager.
- C. I have worked in racing administration in Queensland since 1981. Before the formation of a State racing body in the early 1990s, I worked with the Rockhampton Jockey Club (one of five Principal Clubs in Queensland at the time) in various roles including handicapper, steward and general administration roles.
- D. Since the State racing body was formed, I have worked continuously with that body (in its various forms) except for a period of 16 months between May 2003, when I was made redundant, and November 2004, when I was re-appointed to a similar role held previously.
- E. I became the State Regional Operations Manager for thoroughbreds in about 2000. Since then, my roles (albeit under different titles) have all been essentially the same, namely to look after the day-to-day operations of non-TAB thoroughbred racing in Queensland.
- F. Attachment "CCT-1" is a copy of a Requirement to Provide Written Statement Notice dated 23 July 2013 (**Notice**) directed to me from the Queensland Racing Commission of Inquiry (**Commission**) and received under cover of a letter from the Commission dated 23 July 2013 and received by me on 24 July 2013. This Statement is provided in response to the Notice.
- G. Unless otherwise stated, the matters set out in this Statement are based on my own knowledge.
- H. I set out below my responses to each of the questions set out in the Notice.

1. MANAGEMENT (paragraph 3(b) of the Terms of Reference)

1.1 As to the Relevant Entities during the Relevant Period, the

- (a) management policies;
- (b) management processes;
- (c) management guidelines; and



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*(d) workplace culture and practices
that were in place and whether each one:*

- (a) ensured integrity; and*
- (b) was adhered to.*

*1.2 The involvement of the boards or members of the boards of the **Relevant Entities** in the exercise of functions of:*

- (a) the executive management team; and*
- (b) other key management personnel, including the company secretary and those involved in integrity matters.*

1. I understand that the policies, processes, guidelines and measures of each of the Relevant Entities have been provided to the Commission under cover of a statement provided by Adam Carter (General Manager, Corporate Services for Racing Queensland). I do not intend to reproduce those documents in this Statement.
2. Although my title with RQL was "Non-TAB Thoroughbred Racing Manager", my roles with RQL and QRL during the Relevant Period were operational not managerial. As noted above, my job was essentially to look after the day-to-day operations of non-TAB thoroughbred racing in Queensland. This involved mostly race programming, scheduling, budgeting prize money and day-to-day assistance to non-TAB clubs and other racing stakeholders such as licensees, club and committee officials, owners and trainers.
3. I reported to Paul Brennan and, after Mr Brennan left in March 2012, Warren Williams. I spoke with Mr Brennan reasonably frequently and from time to time he would seek my views on issues, for example a change in the prize money structure for country racing in 2009. In my view, Mr Brennan had a very professional approach to his work and is one of the better racing administrators who I have worked with.
4. Mr Brennan and Mr Williams in turn reported to Mal Tuttle and Adam Carter, respectively. I had limited involvement with management. I did not deal directly with Mr Tuttle at all and had limited interactions with Mr Carter. The interactions I did have with Mr Carter (who had a financial background) were in relation to him seeking to learn more about country racing after he took over as acting CEO of RQL.
5. During the Relevant Period I was the secretary of the Country Racing Committee (CRC). Non-TAB clubs are separated into eight regions, each of which has a Country Racing Association (CRA) and appoints a representative to sit on the CRC together with a representative of RQL who chaired the CRC.



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6. Attachment "CCT-2" is a copy of a print-out from Racing Queensland's website which provides further details about non-TAB racing and the eight regions.
7. The Chair of the CRC, until he left RQL in April 2012, was Bill Ludwig. After he left he was replaced in that role by Greg Hallam.
8. The role of the CRC was to keep the Board of QRL/RQL informed about country racing. The functions of the CRC were to:
 - (a) consider submissions made by CRAs about matters, including funding, prize money distribution and race date allocations;
 - (b) give advice to QRL/RQL about any submissions received from CRAs; and
 - (c) monitor the performance of country race clubs and advise QRL/RQL on such performance.
9. My role on the CRC was to keep minutes of meetings and from time to time I would be asked questions, through the Chair, about country racing.
10. In mid-2008, I travelled throughout the State with Mr Ludwig and Bob Bentley, the Chairman of QRL for stakeholder meetings with non-TAB clubs. The purpose of those meetings was to update stakeholders and discuss a change of direction for the betterment of the Queensland racing industry as a whole, which involved a proposal to restructure non-TAB clubs into two tiers being strategic non-TAB clubs (of which there were 28) and non-strategic non-TAB clubs (of which there were about 79) that was subsequently implemented. That structure allows for 3 to 4 strategic non-TAB clubs in each of the eight regions, which each have a CRA and select a person to be that region's representative on the CRC. In that way, each non-TAB club gets a voice in the Queensland racing industry.
11. I am aware of the following policies which were relevant to my roles with QRL or RQL:
 - (a) a policy about the allocation of race dates;
 - (b) a policy about the disposal of assets by race clubs;
 - (c) a financial management procedures manual for race clubs;
 - (d) the Queensland Community Racing Scheme, which relates to community or picnic races only;
 - (e) risk and event management;



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- (f) rules of racing;
- (g) licensing;
- (h) formation, management and licensing of race clubs;
- (i) standards for licensed venues; and
- (j) ways races to be run.

12. I am, and was during the Relevant Period, based in Rockhampton and I work from a home office. Accordingly, I have limited scope to comment upon the workplace culture of QRL and RQL. However, I did visit the head office in Brisbane several times a year and had regular telephone interactions with members of that office. In my experience, those interactions were very good and QRL and RQL had a good team who banded together as required.
13. I am not aware and cannot otherwise comment upon the matters raised in paragraph 1 of the Notice.

2. EMPLOYMENT CONTRACTS: TUTTLE, ORCHARD, BRENNAN, REID (paragraph 3(c) of the Terms of Reference)

2.1 The events surrounding the renegotiation of employment contracts in 2011, for the following senior executives of Racing Queensland Limited:

- (a) Malcolm Tuttle;
- (b) Jamie Orchard;
- (c) Paul Brennan; and
- (d) Shara Reid (formerly Murray).

2.2 The events surrounding the payouts made under the abovementioned contracts on the voluntary termination in March 2012 of the employment of:

- (a) Mr Tuttle;
- (b) Mr Orchard;
- (c) Mr Brennan; and
- (d) Ms Reid.

2.3 The actions of the directors and senior executives of Racing Queensland Limited referred to in paragraph 5.1 and 5.2 hereof and:

- (a) the responsibilities;
- (b) duties; and
- (c) legal obligations of those persons.

14. I am unaware and cannot comment upon the matters raised in paragraph 2 of the Notice.



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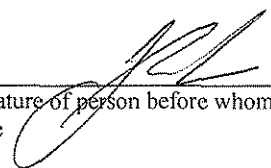
3. ANY OTHER RELEVANT MATTER

3.1 Any other matter relevant to the Commission's Terms of Reference.

15. During the Relevant Period, the Office of Racing would from time to time contact me seeking information if:
- (a) someone had contacted them regarding an issue with country racing; or
 - (b) the Minister for Racing was attending at a Country Racing venue.
16. In 2011, the government provided funding of \$900,000 to non-TAB clubs for essential maintenance and flood remediation works. I am aware, as a consequence of my role with RQL, that the government:
- (a) required individual funding agreements with each non-TAB club to be put in place; and
 - (b) directed what documentation was required and required that two quotes were sought for any proposed works.
17. To the best of my knowledge, there is no other matter relevant to the Commission's Terms of Reference that I can comment upon.
18. I make this statement conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867* (Qld).


Dated 8 August 2013

Signed and declared by Colin Cedric Truscott at Rockhampton in the State of Queensland this 8th day of August 2013
Before me:




Signature of person before whom the declaration is made

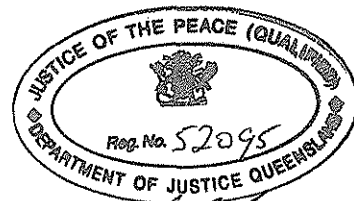
JAMIE BURKE J.P. (QWA)
Full name and qualification of person before whom the declaration is made

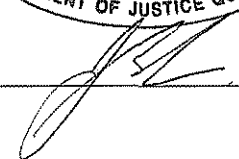


Colin Cedric Truscott



Signature of declarant





Witness

Queensland Racing
Commission of Inquiry

2242879 - R1

23 July 2013

Mr Colin Truscott
C/- Clayton Utz
GPO Box 55
BRISBANE QLD 4001

Dear Mr Truscott


**REQUIREMENT TO PROVIDE WRITTEN STATEMENT TO RACING
COMMISSION OF INQUIRY**

Please find enclosed a notice requiring you to give written information in a statement to the Queensland Racing Commission of Inquiry established by the *Commissions of Inquiry Order (No. 1) 2013*.

The statement is to be provided to the Commission on or before 9 August 2013, at the place and in the manner specified in the notice.

If you require further information, clarification or assistance, please contact (at first instance) the Commission's Secretary, Joanne Bugden, on 1300 763 087.

Yours sincerely



Commissioner
The Hon. Margaret White AO



QUEENSLAND RACING COMMISSION OF INQUIRY

Commissions of Inquiry Act 1950
Section 5(1)(d)

REQUIREMENT TO GIVE INFORMATION IN A WRITTEN STATEMENT

To: Colin Truscott
Of: C/- Clayton Utz, GPO Box 55, BRISBANE QLD 4001

I, **THE HONOURABLE MARGARET WHITE AO**, Commissioner appointed pursuant to *Commissions of Inquiry Order (No. 1) 2013* to inquire into certain matters pertaining to racing in Queensland ("the Commission") require you to give a written statement to the Commission pursuant to section 5(1)(d) of the *Commissions of Inquiry Act 1950* in regard to your knowledge of the matters set out in the Schedule annexed hereto.

YOU MUST COMPLY WITH THIS REQUIREMENT BY:

Giving a written statement prepared either in affidavit form or verified as a statutory declaration under the *Oaths Act 1867* and in accordance with the Practice Guideline (which is published on the Commission website at www.racinginquiry.qld.gov.au) to the Commission on or before 9 August 2013, by delivering it to the Commission at Level 1, 50 Ann Street, BRISBANE, or to the Commission's secretary at PO Box 12369, George Street, BRISBANE, or electronically to info@racinginquiry.qld.gov.au.

If you believe that you have a reasonable excuse for not complying with this notice, for the purposes of section 5(2)(b) of the *Commissions of Inquiry Act 1950* you will need to provide evidence to the Commission in that regard by the due date specified above.

DATED this *twenty third* day of *July* 2013

The Hon. Margaret White AO
Commissioner
Queensland Racing Commission of Inquiry

SCHEDULE

Commission of Inquiry Act 1950

1. **MANAGEMENT** (paragraph 3(b) of the Terms of Reference)
 - 1.1 As to the *Relevant Entities* during the *Relevant Period*, the
 - (a) management policies;
 - (b) management processes;
 - (c) management guidelines; and
 - (d) workplace culture and practicesthat were in place and whether each one:
 - (a) ensured integrity; and
 - (b) was adhered to.
 - 1.2 The involvement of the boards or members of the boards of the *Relevant Entities* in the exercise of functions of:
 - (a) the executive management team; and
 - (b) other key management personnel, including the company secretary and those involved in integrity matters.
2. **EMPLOYMENT CONTRACTS: TUTTLE, ORCHARD, BRENNAN, REID**
(paragraph 3(c) of the Terms of Reference)
 - 2.1 The events surrounding the renegotiation of employment contracts in 2011, for the following senior executives of Racing Queensland Limited:

- (a) Malcolm Tuttle;
- (b) Jamie Orchard;
- (c) Paul Brennan; and
- (d) Shara Reid (formerly Murray).

2.2 The events surrounding the payouts made under the abovementioned contracts on the voluntary termination in March 2012 of the employment of:

- (a) Mr Tuttle;
- (b) Mr Orchard;
- (c) Mr Brennan; and
- (d) Ms Reid.

2.3 The actions of the directors and senior executives of Racing Queensland Limited referred to in paragraph 2.1 and 2.2 hereof and:

- (a) the responsibilities;
 - (b) duties; and
 - (c) legal obligations of
- those persons.

3. ANY OTHER RELEVANT MATTER

3.1 Any other matter relevant to the Commission's Terms of Reference.

GLOSSARY

Officers - means:

- the directors of Racing Queensland Limited;
- the executive management team of Racing Queensland Limited;
- other key management personnel of Racing Queensland Limited;
- the company secretary of Racing Queensland Limited.

Relevant Entities – means:

- Racing Queensland Limited
 - before July 2010: Queensland Racing Limited, Greyhounds Queensland Limited and Queensland Harness Racing Limited;
 - before July 2008: Greyhound Racing Authority and Queensland Harness Racing Board;
- entities controlled by Racing Queensland Limited or the other entities mentioned above, including Queensland Race Product Co Limited.

Relevant Period means 1 January 2007 to 30 April 2012.

Terms of Reference: the terms of reference for the Commission are contained in *Commissions of Inquiry Order (No. 1) 2013* which is available on the Commission's website at www.racinginquiry.qld.gov.au/.

INFORMATION TO ADDRESSEE

YOU MUST COMPLY WITH THIS SUMMONS OR NOTICE

Pursuant to sections 5 and 7 of the *Commissions of Inquiry Act 1950* ("the Act"), a failure without reasonable excuse to comply with this summons or notice, and (if summonsed to give evidence) a failure to continue to attend as required by the Commissioner until excused from further attendance, constitutes an offence which carries a maximum penalty of 200 penalty units or 1 year's imprisonment. Non-compliance with this summons or notice may result in a warrant being issued for your arrest.

LEGAL REPRESENTATION

You may be legally represented at a Commission hearing, if you first obtain leave from the Commissioner. The procedure for seeking such leave is set out in the Initial Practice Guidelines available on the Commission's website at www.racinginquiry.qld.gov.au.

IF THIS NOTICE REQUIRES YOU TO GIVE A STATEMENT OR ANSWER QUESTIONS

Pursuant to section 14 of the Act, a person attending before the Commission is not entitled to remain silent upon being required to give evidence, refuse or fail to answer any question they are required by the Commissioner to answer, or refuse or fail to produce any thing that the person has been summonsed or required to produce, on the ground that to do otherwise would or might tend to incriminate the person.

Pursuant to section 14A of the Act, a statement or disclosure made by any witness in answer to any question put to the witness by the Commission or the Commissioner shall not be admissible in evidence against the witness in any civil or criminal proceedings save for any proceedings for contempt or in relation to the offences specified in section 22 of the Act.

IF THIS NOTICE REQUIRES YOU TO PRODUCE A DOCUMENT OR THING

You must bring the stated document or thing to the Commission, if the stated document or thing is in your possession, custody or control. You must produce the document or thing to the Commission, unless you have a reasonable excuse. A claim of privilege, other than legal professional privilege, is not a reasonable excuse. However, legal professional privilege is not a reasonable excuse if the privilege is waived by any person (including you) who has authority to waive it.

PROTECTIONS AND ALLOWANCES FOR A WITNESS

Every witness attending before the Commission has the same protection and the same liability as a witness would in any action or trial in the Supreme Court of Queensland.

Pursuant to section 23 of the Act, penalties apply to any employer who dismisses an employee from employment, or prejudices him or her in their employment because the employee appeared as a witness before the Commission.

Pursuant to section 24 of the Act, a person attending a Commission hearing under summons is entitled to be paid the allowances and expenses as allowed by regulation or by the Commissioner.

Clubs

- Clubs - Non TAB
- Clubs - TAB
- Clubs Cooperation Scheme
- Country Racing Associations
- Country Racing Protocol
- Insurance
- Minimum venue and equipment standards
- Non-TAB Racing
- Queensland Country Racing Committee
- Race dates

Non-TAB Racing

Rich with history, steeped in tradition and poised for the future - is an apt description of country (Non-Tab) racing in Queensland.

Country racing is conducted across the length and breadth of Queensland from the south of the State at Texas to the north at Laura and from the east at Gympie to the extreme west of the State at Camooweal.

There are 107 race clubs that that conduct more than 280 race meetings at 98 racetracks throughout Queensland. Country racing is conducted every month of the year although some of the regions go into recess during the summer months.

Of the 107 race clubs, 28 are designated as Strategic non-Tab clubs and three (3) conduct Queensland Community Racing Scheme (picnic) race meetings. The remaining 76 clubs are designated non-Tab status.

Strategic non-Tab clubs are strategically located to ensure regional sustainability. These clubs provide increased levels of infrastructure to support training and racing requirements in each region.

Strategic race clubs offer a minimum of \$6,000 prizemoney per race conducted, whilst non-Strategic clubs offer a minimum of \$5,000 per race.

Racing Queensland will program approximately \$9M in prizemoney and QTIS bonuses for non-Tab racing each year, whilst race clubs will value-add in the vicinity of \$1.5M to that figure.

Non-TAB racing is conducted in eight (8) geographical regions throughout Queensland:

- Capricornia
- Central West
- Eastern Downs
- Downs
- Far North
- Leichardt
- North West
- South East

The governance of country (non-Tab) racing sees both regional and state-wide representation.

Every race club in each region is afforded the opportunity to have a

representative on the Country Racing Association (CRA) of that region. A jockey, trainer, bookmaker and owners representative is also on each CRA.

The CRA provides advice to Racing Queensland about country (non-Tab) issues.

