

QUEENSLAND RACING COMMISSION OF INQUIRY

AFFIDAVIT OF BRETT THOMSON

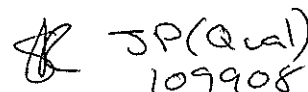
I, **BRETT ALEXANDER THOMSON**, of [REDACTED] in the State of Queensland, director, state on oath:

1. I am a director of Contour Consulting Engineers Pty Ltd ("**Contour**") together with Chris Fulcher.
2. I hold the following professional qualifications:
  - (a) Bachelor of Civil Engineering (B Eng) –University of Southern Queensland;
  - (b) Advanced Diploma in Business (AdvDipBus) – University of Southern Queensland;
  - (c) Diploma - Australian Institute of Company Directors;
  - (d) Certified Environmental Practitioner (CenvP) – The Environment Institute of Australia and New Zealand.
  - (e) Registered National Professional Engineer – The Institute of Engineers Australia;
  - (f) Chartered Professional Engineer – The Institute of Engineers Australia;
  - (g) Certified Professional in Erosion and Sediment Control – EnviroCert International;'
  - (h) Registered Professional Engineer of Queensland – The Board of Professional Engineers of Queensland.
3. Contour was established in 2005 as a consulting engineering company which provides civil, structural and environmental engineering services to a range of market sectors within Australia. The directors of Contour, Chris Fulcher and I, are experienced consulting engineers in the areas of land development, road-works and drainage, water supply, sewerage, civil, structural and environmental engineering. Contour's area of expertise and experience include the development of sporting facilities such as golf courses, sporting fields and racecourses.
4. On about 4 July 2013 I received a notice of "Requirement to Produce Documents" ("**the Document Notice**") from the Queensland Racing Commission of Inquiry ("**the Commission**").
5. On about 5 July 2013 I received a notice of "Requirement to Give Information in a Written Statement" ("**the Statement Notice**") from the Commission.
6. In attempting to comply with the Document Notice and Statement Notice and assisting the Commission, Contour has incurred significant costs and disruption to its business operations.
7. In regard to paragraphs 1.1 and 1.2 of the Statement Notice, which paragraphs refer to internal policies, processes, guidelines and measures of the Relevant Entities, I say that I had no direct knowledge of the matters referred to therein up until about late 2011 as they were internal policies of the Relevant Entities. I became aware of some policies and draft policies in late 2011 when I received email correspondence from the Relevant Entities. My knowledge of those policies, processes, guidelines and measures is limited to the information contained in those emails.



Brett Thomson

Sheet 1



Justice of the Peace/Solicitor/  
Commissioner of Declarations

**AFFIDAVIT OF BRETT THOMSON**  
Filed on behalf of the Respondents

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8. In regard to paragraph 1.3 of the Statement Notice, Contour was a party to 63 projects during the Relevant Period ("**the Projects**").
9. On 18 July 2013 I delivered to the Commission a summary of the Projects in the form of a table entitled "Project Summary Table".
10. Since receiving the Document Notice I have attempted to identify all of the relevant documents within the possession of Contour which relate to the Projects. Those documents include digital data which was not in Contour's original archived files and has involved many hours of work identifying digital data going back to 2007.
11. Due to the time constraints imposed by the Commission to comply with the Document Notice I have not had sufficient opportunity to access and properly consider those documents so as to provide a responsive statement to paragraph 1.3 of the Statement Notice. I do not have a clear or sufficient recollection of events as far back as 2007 to prepare a statement from memory.
12. I have identified and collated documents, which together form a chronology of the events surrounding the Projects, which I have provided to the Commission in a course of emails during the period of 24 and 25 July 2013 ("**the Chronology**") The Chronology contains all of the documents which I have been able to identify to date relevant to the Projects.
13. Many of the documents which are relevant to the events surrounding all contractual arrangements between the Relevant Entities and Contour are currently within the possession of the Commission for the purpose of copying. Those documents span some 63 projects and many thousands of pages.
14. Once those documents are returned to Contour by the Commission and I have had an opportunity to properly consider them, I will be in a position to provide a more detailed statement which will be responsive to paragraph 1.3 of the Statement Notice.
15. In regard to paragraph 1.4 of the Statement Notice, I am not aware of the internal practices and processes of the Relevant Entities but I say that the form and content of Contour's fee proposals provided to its other clients were generally the same as those provided to the Relevant Entities during the Relevant Period, including the schedule of hourly rates charged by Contour.

#### Employment of Paul Brennan


16. In regard to paragraph 2.2 of the Statement Notice and with respect to the events surrounding the employment of Mr Brennan, I say:
  - (a) In October 2010, Contour employed Mr Russell Thompson as a senior project manager and more specifically to assist Contour with the projects involving the Relevant Entities.
  - (b) Throughout the period of 2011 I became aware that the Relevant Entities were interested in taking a more active role in managing their infrastructure projects and had employed additional staff for that purpose. Contour's role in co-ordinating the Relevant Entities' projects and acting as lead consultants was reduced significantly during that time.
  - (c) In early 2012 I became aware that Russell Thompson had been offered employment with the Relevant Entities as a project manager and on 23 March 2012 he ceased employment with Contour to fulfil that role.
  - (d) Having lost Russell Thompson as an employee, Contour was left with a vacant senior executive role which it needed to fill.
  - (e) On 15 March 2012, Chris Fulcher and I had a meeting with Paul Brennan ("**Brennan**") to ventilate our grievances regarding the conduct of the Relevant Entities in approaching Russell Thompson with an offer of employment. During that meeting, Brennan stated that he would very likely be resigning from the Relevant Entities if the Liberal National Party won the up-coming election as he believed that the existing board would be dismissed.

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Brett Thomson

Sheet 2




Justice of the Peace/~~Solicitor~~  
Commissioner of Declarations


- (f) After that meeting, Chris Fulcher and I discussed the possibility of Contour employing Brennan to fill the void that had been left by Russell Thompson's departure. Chris Fulcher and I held Brennan in high regard, were familiar with his management abilities, as a result of Contour's dealings with the Relevant Entities, and considered that his knowledge of the equine industry would be a significant advantage for Contour when seeking future work within the racing industry.
- (g) Both Chris and I were very motivated to have Brennan commence employment with Contour as soon as possible as we had both planned significant periods of annual leave in the coming months and were concerned that Contour would be left with limited senior management to oversee operations in our absence.
- (h) Chris Fulcher and I met with Brennan again on 27 March 2012 and he commenced employment with Contour on 28 March 2012.
- (i) The Commission has been provided with a copy of the employment contract between Contour and Brennan and the terms of that contract and basis for Brennan's employment were genuinely commercial.

**Employment of Malcolm Tuttle**

- 17. In regard to paragraph 2.2 of the Statement Notice and with respect to the events surrounding the employment of Mr Tuttle, I say that his employment at Contour was well outside the Relevant Period but notwithstanding this fact I confirm that:
  - (a) In about late September 2012 Brennan informed me that Tuttle was employed by the Brisbane marketing firm, Chandler Macleod and that Tuttle had contacted him with a view to discussing services that Chandler Macleod could offer to Contour.
  - (b) Chris Fulcher, Brennan and I, subsequently, had a meeting with Tuttle and during that meeting Tuttle indicated that he was not entirely satisfied with his current employment.
  - (c) Following that meeting, Brett Thomson and I discussed the possibility of Contour employing Tuttle in a marketing role to promote Contour and attempt to expand its client base. We considered that his experience and contacts within the racing industry was a significant advantage to Contour and would add weight to Contour's horse racing expertise.
  - (d) Additionally I considered that Tuttle could assist Contour's business development within the Queensland coal and gas resource sector.
  - (e) Tuttle commenced employment with Contour on 15 October 2012 in the role of "Director of Business Development".
  - (f) The decision to employ Tuttle and the terms of his employment with Contour were genuinely commercial.
- 18. In regard to paragraph 2.3 of the Statement Notice, I have no knowledge of the responsibilities, duties or legal obligations of the directors and senior executives of Racing Queensland Limited with respect to the matters referred to in paragraphs 2.1 and 2.2.
- 19. In regard to paragraph 3 of the Statement Notice, I have no knowledge of the matters referred to therein.
- 20. All the facts and circumstances to which I have deposed above are within my own knowledge except those to which I have deposed from information only and my means of knowledge and belief and sources of information appear on the face of this affidavit.

Sworn by **BRETT THOMSON** on **05 AUGUST 2013** at [REDACTED]  
 [REDACTED] in the presence of:

  
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 Deponent

 JP (Qual)  
 109908  
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 Justice of the Peace/Solicitor/  
 Commissioner of Declarations