

QUEENSLAND RACING COMMISSION OF INQUIRY

Commissions of Inquiry Act 1950

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

I, **ALFRED JAMIE ORCHARD** care of level 10, 300 Adelaide Street, Brisbane QLD 4000, do solemnly and sincerely declare as follows:

1. I refer to my statement dated 26 July 2013.
2. I have not had an opportunity to review all statements that the Commission has released to my lawyers. However, I wish to make the following comments in relation to certain statements that I have managed to review. In making this supplementary statement, this should not be taken as any admission by me that I accept any assertions made relevant to me in witness statements unless the assertion is specifically put to me either in writing or in a hearing.

Hydroxy Camphor

3. I have read the statement of Wade Birch dated 2 August 2013 and the statement of William Andrews dated 25 July 2013.
4. When I commenced at Queensland Racing Ltd (QRL) there had been a number of positive swabs in Queensland to hydroxy camphor. Trainers regularly claimed that these positives were as a result of horses eating leaves and bark from camphor laurel trees. This was a particular issue in Toowoomba where there were a number of such trees around the racecourse and surrounding stables.
5. This matter came to my attention in 2008. I discussed the matter in some detail in September 2008 with the Director of the Racing Science Centre (RSC) (Alan Roberts) and the Chief Veterinary Surgeon (Bruce Young). We discussed the substance, its



toxicity, whether we could develop threshold levels and possible approaches to testing going forward. The RSC was the government facility responsible for the initial testing of all samples taken from racing animals in Queensland.

6. I also spoke to Robert Cassidy at the Office of Racing about the issue. I do not recall the details of the conversation but I advised him there was a general investigation being undertaken into the camphor issue. I think this occurred in response to a press article.
7. I believe there was a further positive in December 2008. Subsequently, in January 2009, I had a meeting with the Australian Trainers Association (QLd Branch) represented by its then President, Ron Maund, and deputy, Pat Duff. We discussed their concerns with continued testing for camphor, the difficulty associated with identifying when the substance was ingested by eating leaves and bark and so on.
8. By that point, I had decided to put a paper to the Board of QRL explaining the issue and suggesting that we no longer seek reports from the RSC in respect of positives for camphor. I felt it important that the Board be aware of, and approve, the proposed approach given the significance of, and the external interest in, the issue.
9. Prior to the Board meeting I recall a further camphor discrepancy (not a positive) being received. I recall this as I had a conversation with the Chief Steward about it. I did not receive notice of discrepancies, as they were sent directly to the Chief Steward. I recall the conversation with him saying that he should defer proceeding with the matter until the Board had expressed a view.
10. The Board considered the matter on 6 Feb 2009 and they resolved to accept my view not to further test for camphor. At the conclusion of the discussion on the issue at the Board meeting, I pointed out that we had a current matter with the lab and if the Board was not inclined to test into the future I did not intend to proceed to have the sample further tested with a view to determining if it was indeed a positive.



11. Subsequently I advised the Chief Steward of the Board decision and that I had informed the Board we would not proceed with the current matter.
12. I did not inform the Board of the identity of the trainer with the discrepancy as I did not believe the identity of the trainer was relevant to the Board decision.

Burke

13. I have read the statement of Robert Frappell dated 26 July 2013 and have briefly scanned the statement of Anthony Burke dated 6 August 2013.
14. Mr Burke was a member and Committee member of the Toowoomba Turf Club. A dispute arose between Mr Burke and the Toowoomba Turf Club. The dispute evolved over several months in 2011 over how Mr Burke was being treated as a member and committee member of the club. Mr Burke through his solicitor was not only in a hostile dispute with the club (which even involved court proceedings), but Mr Burke also sought to involve RQL, the Office of Racing and members of Parliament in his dispute by making complaints to all such bodies. At one stage, I engaged in correspondence with the parties in the hope that they would mediate their issues. However, the dispute between the parties was very hostile and showed no signs of going away.
15. Mr Burke made formal complaints to RQL on numerous issues. Given the hostility of the dispute, and the fact that complaints were being made to the Office of Racing as well, I had an investigation into the complaints commenced. The investigation was difficult as on the one side the club through its chairman, Mr Frappell, was claiming there was no basis for our involvement and on the other hand I had Mr Burke and his lawyer emailing material and calling daily demanding action.
16. Given the nature of the allegations and the fact that both parties were claiming that QRL was not acting appropriately, I decided to appoint an independent investigator to consider the matters raised. I appointed April Freeman of counsel to conduct the


 

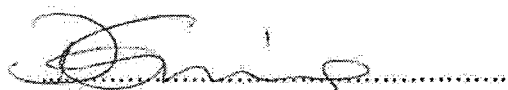
independent review. She conducted an independent review and reported her findings. I think she only identified one minor issue requiring attention.

17. During all of this the club convened a meeting at which it was planned to remove Mr Burke. I cannot now recall the precise reasons (as it is so long ago and I do not have access to any records to refresh my memory) but I think we formed the view that the meeting should not proceed to consider Mr Burke's removal. I cannot now recall what steps were taken in that regard.

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 *MELBOURNE*)
on: *30 AUGUST 2013*)
in the presence of:)


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~~Solicitor / Justice of the Peace~~