

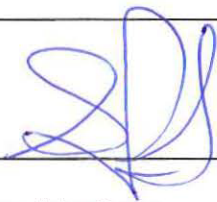
Statement of Anthony John Burke

I, **Anthony John Burke** of [REDACTED] in the State of Queensland do solemnly and sincerely declare that:

1. I have previously made a statement to the Commission dated 6 August 2013. My previous statement addresses the facts surrounding my treatment by the Toowoomba Turf Club ('TTC') committee and Racing Queensland Limited ('RQL').
2. Since making my last statement, I have reviewed a number of other statements published on the Commission's website. I make the following comments in response to some of those statements.
3. By way of background, I was a member of the TTC committee from February 2009 to October 2011. Between October 2010 and September 2011 I sought the assistance of RQL to:
 - a. ensure the good corporate governance of the TTC; and
 - b. get the protection of RQL for me as I was being bullied, discriminated against, and vilified by the Toowoomba Turf Club Committee.
4. I disagree with Mr Robert Frappell's statement, dated 26 July 2013, which states that Mr Neville Stewart urged me to make complaints to RQL in order to destabilise the TTC committee. I initially asked Mr Stewart for advice in relation to where I should direct my complaints. However, I made the decision to complain on my own. Mr Stewart had no involvement in that decision.

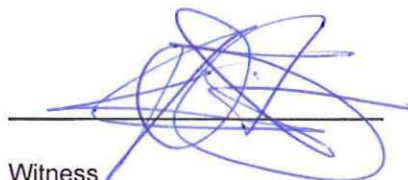
Direction to investigate complaints

5. In Mr Jamie Orchard's supplementary statement, dated 30 August 2013, he states that he initiated an investigation into my complaints. However, when I raised my complaints with Mr Orchard, he kept saying that it was nothing to do with him, even though the TTC had a licence to operate and was required to do so under the section 81 policies and the *Racing Act 2002*. My lawyer and I were contacting Mr Orchard nearly every day to try and get a resolution to my complaints.
6. I also sent a statement to Ms Shara Murray outlining my complaints. Ms Murray ignored my complaints for a number of months, even though I received a letter from her secretary, Ms Debbie Toohey, saying my complaints would be investigated.
7. My complaints were not investigated until the Office of Racing directed RQL to do a report. Mr Orchard only initiated the investigation following the direction from the Office of Racing to investigate my complaints. Subsequently, a barrister, Ms April Freeman, investigated my complaints and prepared a report.



Anthony John Burke

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Witness

8. Mr Orchard and Ms Murray did not allow equal playing fields during the investigation with Ms Freeman. They did not allow my lawyer to be present in the meeting with Ms Freeman. However, Mr Frappell, Mr Clancy and other TTC committee members were allowed the assistance of the club's solicitor during interviews conducted by Ms Freeman.
9. In his statement, Mr Orchard states that only one minor issue was discovered during the investigation. However, I believe there were five major breaches identified in Ms Freeman's report.

Court action against Mr Frappell

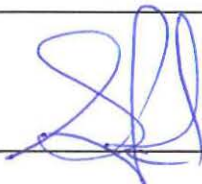
10. One of the main breaches identified by Ms Freeman was in relation to section 112 of the *Racing Act 2002*, as RQL had allowed the TTC to use club funding to sue me.
11. I had sought the assistance of Shadow Minister Ray Stevens in relation to my complaints. Mr Stevens leaked my letter of complaint directly to Mr Frappell. This incident was reported to the Crime and Misconduct Commission. After receiving my letter of complaint, Mr Frappell sued me for defamation.
12. The TTC agreed to pay Mr Frappell's costs of the defamation law suit, despite my objections to RQL about this. In her investigation, Ms Freeman found that this was a breach of section 112 of the *Racing Act 2002*. It was then agreed that the money would be repaid to the TTC. As I am still a member of the TTC, I have asked to see if Mr Frappell has repaid his legal costs to the club. However, I still have not seen proof that the money was repaid.
13. Mr Frappell also improperly obtained a slasher from the TTC, which he took to his own property. I asked Mr Orchard to follow up whether the slasher had been returned to the club. However, Mr Orchard stated that the incident had nothing to do with him.

Assault by Mr Clancy

14. Mr Aaron Clancy was charged for assaulting me in the TTC car park and was found guilty of a breach of rule 175A of the Racing Rules. However, he received nothing more than a slap on the wrist for the assault. I asked RQL to ensure that the finding against him was placed on his workplace record. I believed this would be a benefit to club members and the racing industry. However, RQL ignored my request.

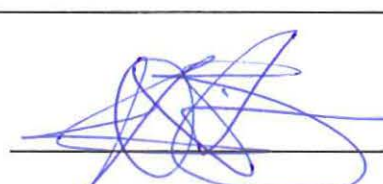
Direction in response to a members meeting of the TTC

15. The TTC called a special meeting of members to vote on whether to expel me as a member of the club. The meeting was called because I made a complaint to the government and to RQL about the possible misuse of funds by the TTC.



Anthony John Burke

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Witness

16. The Office of Racing gave a direction to RQL to stop the vote by the TTC members to cancel my membership. Just before the scheduled meeting, I received an email from my lawyer, stating that a directive had been issued by the Office of Racing to RQL. The direction was for RQL to direct the TTC not to go ahead with the meeting.
17. Following the direction, the meeting of the TTC members did go ahead, however the members did not have a vote on whether to remove me. My lawyer attended the meeting as my proxy.
18. The TTC and I both published statements and material over the internet in relation to my complaints. I believe this caused a lot of damage to the racing industry in Brisbane and Toowoomba. However, RQL took no action to stop it.

Supreme Court action

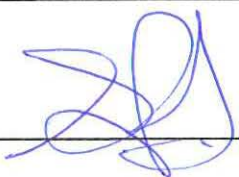
19. In April 2011 I took the TTC to Court and succeeded, at great personal cost, in having an order made that I was a member of the TTC executive. However, no costs were awarded. I suffered financially by having to go to the Supreme Court to try and protect myself. I believe I should have been able to address my complaints with RQL, without having to go to court, especially as the section 81 policies existed to ensure that the subject of my complaints did not occur.

Treatment of Ms Watson by RQL


20. I believe a parallel can be drawn between what happened to Ms Kerry Watson and my treatment by the TTC and RQL. Ms Watson was sacked for complaining to the Office of Racing. I was bullied for complaining to the Office of Racing and RQL. However, I believe Ms Watson was compensated for the damage done to her.
21. I am also aware of another incident in 2009 where the TTC illegally sacked their secretary, who had been subject to bullying. The secretary had also complained to RQL and nothing happened in response to her complaints.

Failure to follow policies

22. Given their positions as director of integrity operations and corporate counsel, Mr Orchard and Ms Murray should have been aware of and understood the section 81 policies. However, as demonstrated through my treatment by the TTC, Mr Orchard and Ms Murray failed to act in accordance with RQL's procedures and section 81 policies. Consequently, I do not believe the best interests of the racing industry have been served and I have suffered considerable damage through their failure to protect me by enforcing RQL's policies.



Anthony John Burke




Witness

I make this statement conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867* (Qld).

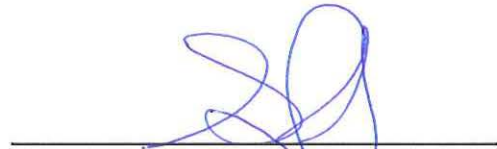
Dated: 12 November 2013

Signed and declared by Anthony Burke at
Brisbane in the State of Queensland this
12 day of November 2013

Before me:



Signature of person before whom the
declaration is made



Signature of declarant

Anna Cunningham Legal Practitioner
Full name and qualification of person before
whom the declaration is made