

**QUEENSLAND RACING COMMISSION OF INQUIRY**

**SUPPLEMENTARY AFFIDAVIT**

**I, TIMOTHY SEAN MULHERIN** of [REDACTED] in the State of Queensland, Member of the Queensland Parliament, solemnly and sincerely affirm and declare:

1. On the 26<sup>th</sup> of July 2013 I lodged with the Queensland Racing Commission of Inquiry ("the Commission") an Affidavit sworn by me on the 26<sup>th</sup> of July 2013.
2. At the time of swearing that Affidavit, due to Parliamentary commitments, I had not had the opportunity to read certain documents which had been made available to me by the secretary of the Commission on the 25<sup>th</sup> of July 2013.
3. The documents to which I refer are:-
  - (a) a Cabinet Budget Review Committee ("CBRC") Decision No: 3255 dated the 7<sup>th</sup> of July 2011, a copy of which is attached to this Affidavit and marked "TSM-1";
  - (b) a Submission No. 4210 ("the Submission") to CBRC dated the 7<sup>th</sup> of July 2011 attached to the CBRC Decision No: 3255, a copy of which is attached to this Affidavit and marked "TSM-2";
  - (c) Attachment 1 - Racing Queensland Revised Infrastructure Plan, a copy of which is attached to this Affidavit and marked "TSM-3";
  - (d) Attachment 2 - Business Case for Ooralea Park Mackay, a copy of which is attached to this Affidavit and marked "TSM-4";

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Signed:

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Taken by:

  
Solicitor

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**SUPPLEMENTARY AFFIDAVIT OF  
TIMOTHY SEAN MULHERIN**

**TAYLORS SOLICITORS**  
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Mackay Q 4740  
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Ref: JCT:KB: 130632

4. The Submission was prepared by officers of the Office of Racing in consultation with officers of my department. I signed the Submission on advice from officers of my department and from the Office of Racing and in the belief that the Submission set out proposals which were in the best interests of the racing industry in Queensland.
5. The CBRC's Decision adopted all nine of the recommendations made in the Submission including:-
  - approval in principle of Racing Queensland's Revised Capital Works Program;
  - the Business Case (Attachment 2) totalling \$7,443,000.00 for urgent works at Ooralea Park, Mackay.
  - that each capital works project would only receive funds if its business case was accepted by the Treasury.
6. In paragraph 48 of my Affidavit sworn the 26<sup>th</sup> of July 2013 I refer to the fact that I had written to Mr Bob Bentley of Racing Queensland Limited on the 27<sup>th</sup> of April 2011 requesting RQL's Industry Infrastructure Plan to be amended. In response to this letter the RQL submitted a Revised Infrastructure Plan being Attachment 1 to the Submission.
7. The business case submitted by the RQL for urgent works at Ooralea Park Mackay indicated significant workplace health and safety issues at that racetrack. RQL had commissioned an inspection of the racetrack facilities in 2010 which inspection identified numerous safety and operational issues that needed to be addressed. The CBRC considered the business case for approval of \$7,443,000.00 for urgent works was appropriate given the safety and operational risks involved.
8. In accordance with the CBRC Decision of the 7<sup>th</sup> of July 2011, business cases for other racetracks capital works' projects were submitted to the Treasury Department for acceptance. I recall that in some cases the Treasury Department approved capital works' expenditure but in others they did not consider that the business case supported expenditure and as such no approval was given by either the Treasurer or myself.

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*Tim Mulhearn*  
Signed:

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*[Signature]*  
SS 01/12/2013  
Taken by:

9. All the facts and circumstances above deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my affidavit.

**SWORN** by Timothy Sean Mulherin on:

At *WEEKENDS* in the presence of:

*Tim Mulherin*

Deponent

\*Delete whichever is inapplicable

*9<sup>th</sup> SEPTEMBER 2013*



Barrister/Solicitor/Justice of the Peace/  
Commissioner for Declarations