
From: Shara Murray [smurray@racingqueensland.com.au]
Sent: Thursday, 7 July 2011 12:02 PM
To: Malcolm Tuttle
Attachments: image001.png; image002.png; Briefing to Murray Procter_070711.docx

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From: Procter, Murray [murray.procter@nortonrose.com]
Sent: Thursday, 7 July 2011 12:37 PM
To: 'Shara Murray'
Subject: RE: RQL
Attachments: image001.png; image002.png

Thanks Shara

See you at 3pm

Kind regards

Murray

Murray Procter
Partner

Norton Rose Australia
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From: Shara Murray [mailto:smurray@racingqueensland.com.au]
Sent: Thursday, 7 July 2011 12:33 PM
To: Procter, Murray
Subject: RQL
Importance: High

Dear Murray

I refer to your telephone conversation with Mr Jamie Orchard of this office.

I confirm that we are to meet with you today at your office at 3pm.

For your information, please find attached a briefing note and attachments. I confirm
that I will provide a hard copy at our meeting.

I look forward to meeting you.

Kind Regards

Shara

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Senior Corporate Counsel

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Brief to Murray Procter Norton Rose

BACKGROUND:

Racing Queensland Limited's (RQL) four (4) key executives are:

- Malcolm Tuttle, Chief Executive Officer
- Jamie Orchard, Director Integrity Operations
- Paul Brennan, Director Product Development, and
- Shara Murray, Senior Corporate Counsel.

Currently, the above executives have employment agreements commencing 1 July 2010 and expiring 30 June 2013.

Copies attached.

Current Issues:

Due to the upcoming election, there has been continued speculation within the racing industry in Queensland as to the likely replacements of key personnel both on the Board and within the executive staff of the organisation. This speculation comes about as a possible change of Government and the stated position of the LNP that RQL will undergo significant change. Following are a number of accounts that give substantial weight to the fact change will occur.

This first account below has been lifted directly from the Letsgohorseracing.com.au website on July 6, 2011. After outlining that the Board will be ousted it states that both Malcolm Tuttle and Jamie Orchard will be removed.

ALL THE SCUTTLEBUTT ABOUT CHANGES AT RQ IF LNP WINS GOVERNMENT

CONFIRMATION that the Bob Bentley Racing Queensland Board will be sacked if the LNP wins the next election has led to widespread industry speculation about who will replace them.

Lists of prospective candidates for everything from the new Board to Chief Executive Officer and even Director of Integrity Operations have done the rounds.

At first we elected not to run these e-mails but as this has become such a contentious topic – and the LNP opened this can of worms to start with by announcing it would dump the RQ Board this far out from an election – here is a precise of the scuttle-butt that has been forwarded to us.

We wish to stress at the outset that this should not be interpreted as our web-site's opinion of what might happen if and when the Government changes. It is merely a general cross-section of scuttle-butt that is doing the rounds.

The only thing of which we are certain at this stage is that the RQ Board of Chairman Bob Bentley, Deputy Chairman Tony Hanmer and Members Bob Lette, Bill Ludwig, Wayne Milner and Bradley Ryan will be shown the door as soon as a new LNP Government can rush through the necessary legislation.

That could take some time after an election and they are known to have a 'quick exit plan' for the current Board and an interim measure to take control of the three codes. Whether this means the appointment of an administrator or how it would be done has not been revealed by the LNP.

The other policy that has been revealed is that the merged board will be discontinued with each code under a new Government responsible for controlling its own destiny which would suggest a return to three separate Boards.

What happens to the harness and greyhound industries under the mooted changes has not been addressed in the e-mails that we have received. These have solely targeted the future control of thoroughbred racing in Queensland.

KEVIN DIXON THE POPULAR CHOICE AS NEW RQ BOARD CHAIRMAN

THE one common denominator points to popular Brisbane Racing Club chairman Kevin Dixon being appointed to run the new Board. Those close to him say that this will not be a long-term appointment but that he is seen as the administrator best suited and most likely to initially steer thoroughbred racing in a new direction in Queensland.

The other appointment that many are predicting is a return to the RQ fold of Bill Andrews, the Board member who lost his seat under Chairman Bob Bentley and then contested the validity of the new appointment process for the merged Board but was – in the eyes of many – a victim of the voting system that currently exists.

Beyond these two favored selections the forecast appointments reach far and wide within the industry. There is a suggestion that a prominent racing identity from the country will take over once Mr Dixon believes his job has been done.

The most likely and favored candidate – in the eyes of many – would be Kevin O’Keefe, a high profile and respected administrator and owner in both the gallops and harness codes from North Queensland. But those close to him say he is not interested.

One high profile business and racing identity continually bobbing up as a prospective new Board member and possible chairman is Gary Pemberton, a former Chairman of Racing NSW, now based in Queensland. When it comes to qualifications Mr Pemberton would win hands down.

He was formerly chairman of TAB Limited, Billabong International, Qantas Airways, Brambles Industries and a Director of CSR Ltd, John Fairfax Holdings, Commonwealth Bank, Rio Tinto Ltd, Queensland Investment Corporation and Rothschild Group in Australia.

One would doubt that a businessman of Mr Pemberton’s talents would want to involve himself in the crap fight that is Racing Queensland despite his undoubted passion for the thoroughbred industry.

Another popular duo high on the list includes members of the inaugural Queensland Country Racing Committee in Dr Tony Fitzgerald and Gary Peoples. A patron of the Esk Jockey Club, Dr Fitzgerald has served in numerous roles in Queensland racing and is currently on the First Level Appeals Panel. Mr Peoples, an outspoken country racing critic of the Bentley Board, has been Mayor of the Aramac Shire and chairman of the Central West Country Racing Association.

What some e-mail writers have referred to as ‘a couple of old war-horses from the era of National Party-Queensland Turf Club control of racing in Queensland’ have also been mentioned in dispatches. They are Bill Sexton, a former QTC chairman; one-time QR Board member and current member of the Kevin Dixon-led BRC Board and Dick Banks, a former Queensland Principal Club Board member from Blackall who resigned in controversial circumstances from the Queensland Regional Racing Council in the era of Merri Rose as Labor Racing Minister.

Another strongly tipped to play a racing role in an LNP Government is lawyer Bill Millican, the former hard-working chairman of the Gold Coast Turf Club. Mr Millican is a long-time friend of Ray Stevens, who shares the LNP racing industry responsibilities with Shadow Minister Tim Nicholls. He has also being tipped recently in the Brisbane racing media as a possible CEO in the new-look RQ.

Some of the other candidates being suggested for Board positions include:

Gerard Betros, an associate lecturer and unit leader from the Faculty of Business at the University of Southern Queensland whose alternative structure for the integrated control body for the three racing codes was well received by many sections of the industry;

Dan Bowden, a former Deputy Chairman of the QR Board and a former Ipswich Turf Club Chairman;

Allen Volz, the former CEO of the Toowoomba Turf Club, who is now on the Board there;

Sean Kelk, former CEO of the Brisbane Turf Club and now owner of The Barefoot Accountant;

Wayne Wilson, the high profile race commentator who retired recently; and

Jeremy Turner, a former CEO of Queensland Racing and former Chief Financial Officer of Queensland Motorways, who is now a Board member of Swimming Australia.

CHANGES TIPPED TO TWO MAJOR ROLES UNDER A NEW RQ BOARD

THERE is also strong speculation that two major roles will change at Racing Queensland under a new Board if the LNP wins Government and these are those of Chief Executive Officer Malcolm Tuttle and Director of Integrity Services Jamie Orchard.

In fact the mail is strong that the entire Integrity Department is set for a major shake-up and may be separated from RQ which many still claim was a recommendation of two Racing Inquiries that has never been carried out.

Mr Orchard has not been a popular figure with many since his appointment as Integrity boss (not that this is a bad thing in the eyes of the punters) but if the scuttle-butt has an ounce of truth to it he will be on the first bus out.

There has been a push for the return of Steve Rallton, the one-time QR chairman of stewards, who was sacked by the Bentley Board. There are strong moves behind the scenes within the LNP to have him return from Hong Kong where he now works but there are just as many who claim he didn't fire a shot when chief steward at QR and don't want him back.

The greatest certainty – according to those who claim to know what the LNP has planned for racing in Queensland – is that Malcolm Tuttle, the one-time steward who made a meteoric rise to CEO under the Bentley-led Board, will be dumped.

There has been widespread disapproval with the Tuttle appointment among industry stakeholders which even the current chairman would be aware of but he has stood by his loyal CEO. Removal of the Bentley Board will see that life-line disappear.

Those being touted as possible replacements for Mr Tuttle include:

Former Gold Coast Turf Club CEO Scott Whiteman who now runs Country Racing Victoria;

Former GCTC chairman Bill Millican, a lawyer with a strong racing background.

And three former Queensland Racing CEOs in Kevin Hasemann (now with Queensland Swimming), Jeremy Turner (now a Director of Momentum Consulting Group) and Greg Honchin (now a Board member of a Radio Station at Redcliffe).

There were others suggested as possible Board candidates that we have not mentioned to save them from being the butt of many racing jokes.

That completes our compilation of the e-mails received that you have asked for. We make no apology for publishing the suggestions that are doing the rounds in racing and political circles but do warn that most originate from an industry where nothing is lost in the telling.

OUR SAY ON THE SPECULATION AND WHAT THE LNP MIGHT DO WITH RQ

EDITOR'S NOTE: *ALL this speculation on prospective candidates for major roles in a new-look Racing Queensland provides plenty of fodder for the racing rumor mill, the turf columnists and web sites like ours who attract thousands of hits when we publish this sort of gossip.*

But before the victims of this fiasco, the do-gooder racing officials or our wonderful politicians start bleating about the misinformed creating industry disunity, it can easily be overcome.

The ball is now firmly in the LNP court. They threw the first punch declaring that the current Board would be sacked. It's now up to them to finish the fight and provide some policy on what they have planned for the new-look Racing Queensland. It's not good enough to keep saying we will tell you when we are ready to.

Personally, if I were framing a market on what will happen, here it is:

Kevin Dixon is odds-on to run a new-look RQ Board

Bill Andrews short odds to return to the RQ Board

Malcolm Tuttle and Jeremy Orchard odds-on to be eventually dumped from their current roles as Chief Executive Officer and Director of Integrity Services.

The present Integrity Department odds-on to be separated from RQ and become an entirely independent body run separately to, but under the arm of, the Government's Racing Department.

The wild-card of course is that the LNP could revert to the industry appointing a Board from the regions which would be a retrograde step and only create the old problems of conflicts of interest for those elected to represent their respective regions.

The LNP could also take the selection process out of the political arena and hand it over to the industry – that would be an easy cop out for a new Government.

At the end of the day if racing in Queensland is to try and keep pace with the major states it needs to adopt a professional, business and marketing approach, to the management of the control body.

There is no place in RQ racing of the future for the Jurassic Park attitudes of the past where too many decisions have been based on political square-ups and hatreds. The new Board needs to include younger members with racing, business and marketing backgrounds who can try to lure the lost generations back to the track.

Start with an experienced base – the likes of Kevin Dixon, Bill Andrews, Kevin O’Keefe or Gerard Betros but search for suitable Board members of the younger ilk with fresh ideas.

For what it’s worth I think ideal Board candidates could include: Barry Taylor, one of the most successful lawyers in the land who has raced some top horses and from his Townsville base experiences and has a knowledge of the best of both worlds in racing from the country to the city; John McCoy, a popular and experienced racing and media personality with strong links now to Tattersall’s Club; Jeremy Turner, an extremely talented and competent CEO when he worked for Queensland Racing, possessing great marketing and business skills and a passion for racing; and there is a need for a talented female on the Board with racing and marketing experience – women play an important role in racing these days – someone like Mary Collier, the former Chairman of the Brisbane Racing Club, who has a strong racing and legal background and these days co-hosts a breakfast radio show on 4BC.

Those above are just my thoughts and won’t be everybody’s cup of tea but most would agree that the new Board needs a different blend if racing in Queensland is ever going to progress from the political bun fight that has turned the industry in the north into joke status.

Ends.

Mark Oberhardt of the Courier Mail stated in the Monday, July 4, 2011 edition of that paper, the following:

“Huge tip that a country racing legend would replace Bob Bentley as RQ Chief if the LNP wins power. And a former race club chairman is tipped as likely new chief executive.”

The LNP through its racing mouthpiece, Ray Stevens, has openly declared that Racing Queensland Limited will undergo significant change in the event that there is a change of government.

RQL staff are regularly accosted at the races with claims that RQL will be gone when the LNP seizes power following the next election.

Recent incidents of this include regular approaches by the Brisbane Racing Club Chairman, Kevin Dixon, to our stipendiary stewards and more recently, on Saturday July 2, 2011, continual claims by the Toowoomba Turf Club Chairman Bob Frappell in conversation with RQL's Adam Carter that RQL has nine months left.


In an article under the hand of Terry Butts of the North Queensland Register, and reproduced on the Letsgohorseracing.com.au website, homage was paid to Ray Stevens of the LNP as a result of Stevens' pledge to sack Bentley and his Board and rearrange the integrity department and administration of Racing Queensland. The article went on to outline that Ray Stevens also vowed to scrap the one board for the three codes introduced controversially last year and will revert back to separate boards for trots and dogs and totally separate from gallops.

The following post appeared on the Thoroughbred Village forum and refers to a rotten few being expunged with a direct reference to, "porky brennan".

kornjulio2	Post Options
Members	Post Reply
Profile	Quote kornjulio2
Send Private Message	Thanks(0)
Find Members	Quote Reply Posted: 06 May 2011 at 10:26am
Posts	
Add to Buddy List	from the crew that brought stakeholders pet rocks with microphones, gondolas at palm meadows, super tracks at riverside goodna and the nullifying of base stakeholders rights.....many moons ago i declared these parasites the fawltee towers of racing admin.....im sure plenty at qr will be preparing resumes and looking for greener pastures, the reality is the rotten few will be expunged in one of the first acts of the new parliment and the core honest employees will be retained.....so its bye bye porky brennan

The following post appeared on the same site and refers to, "shara no-idea".

kornjulio2	Post Options
Members	Post Reply
Profile	Quote kornjulio2
Send Private Message	Thanks(0)
Find Members	Quote Reply Posted: 18 May 2011 at 9:49am

Posts Add to Buddy List Champion  Joined: 01 Mar 2007 Status: Offline Points: 1802	argh dont ya just love it...osama bin bentheads latest rant re-critiszm and not playing favourites is true gold spin from the hands of rq/rorters inc corporate spin doctors=sequel communications and one shaun rigby....stakeholders prizemoney dont ya just love it.....well osammy BIN BENTHEAD,dribblin billy,Integrity lemon,head steward cant hacklitt.porky brennan,basil tuttle,shara no-idea and smlthers smith one thing is certain as you read this missive the industry will not miss your rorting,neglignce,money squandering,standover tactics,vote rorting and industry wrecking tricks and drivelt ONE BIT.....ring rope-a-dope tim hes at parliment in mackay next week and would be afraid to show even a union boss the disgusting,dangerous,unsafe track in his home town of mackay.....annageddon awaits you suckhole parasites
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There is no doubt that an LNP government will seek so called retribution not only against the Board but against senior executive staff.

This heightened interest about who is to replace the Chairman and RQL's Chief Executive Officer and Director of Integrity is having a destabilising effect on RQL as an organisation. More than ever, we, as the key senior executives need to be protected to be able to proceed without fear or favour.

At present, we are expected to perform during these unreasonable and changing circumstances, whilst we have increased industry interest in who will replace us in the event the LNP is successful.

On Tuesday, 5 July 2011, we, as the key senior executives provided RQL's Chairman with the **attached** correspondence, which we set out both our current and future concerns in terms of security for ourselves and our families. Given the volatile nature of the industry at present and the fact that it has been openly declared that there will be significant change to RQL should the LNP be successful, we, as senior executives need certainty from RQL that they will recognise the commitment and value that we bring to this organisation.

By way of substance, collectively, we bring to this organisation over 40 years' experience in the racing industry.

One only has to review some of the more recent initiatives promoted by these executives to put into context the value they bring to the organisation. A brief overview is set out for your consideration below:

- Initiated the economic review that lead to the Queensland Government committing to waging tax redistribution and the 3 code merger (\$85 million Government commitment).
- Managed the amalgamation of the three codes (savings of \$1.3 million in year 1).
- Initiated and secured race club broadcast agreements to the value of \$110 million. This represents an increase of 65%. Further, two previous attempts to bundle the rights to negotiate as a whole failed.

- The implementation of initiatives that have assisted in delivering \$324 million of total wagering growth over the last six years.
- Delivered an increase in prizemoney over the last six years of \$19 million or 30%.
- Worked closely with Government to introduce race information legislation and implement policies that flowed from that legislation (income of \$32.5 million per annum).
- Restructured race club governance at: Sunshine Coast Turf Club, Rockhampton Jockey Club, and Capalaba Greyhound Racing Club.
- Implemented administrative reform in introducing an operational subsidy saving \$10million per annum.
- The introduction of contemporary club and venue licences.
- Establish local and national insurance regimes saving \$1.5million per annum.
- Driven national IT reform with the pending introduction of a single national business system with savings forecast at approximately \$2 million of operational expenditure per annum.
- Will work closely with the Government during the next six (6) months to establish a framework for a new wagering licence beyond June 30, 2014 (\$132 million per annum).
- Led the industry response to the equine influenza incursion causing even our most significant detractors to praise RQL. The incursion was estimated to have had an impact of \$1 billion on the Australian industry.
- Successfully developed the business case and will manage the distribution of \$2.5 million of Government funding to assist with the flood and cyclone remediation at Queensland venues.
- Developed the Industry Infrastructure Plan on behalf of the 3 codes of racing in Queensland. The Plan fully costed is \$235 million.
- Delivered changes to the greyhound industry funding model that will lead to \$2.1 million of increased benefits for the greyhound industry.
- Upgraded stewards' technology where we are now seen as industry leaders in this area.
- Currently leading the industry response to the Hendra Virus incursion.
- Successfully negotiated a grant of \$10million from the Government for the innovative synthetic track program.

Over the next six (6) months there are a number of activities to be undertaken by us. These include:

- Ensure compliance with governance requirements under the *Corporations Act* and *Racing Act 2002* through and audit process.
- Finalise the strategic plan for the industry.
- Review the agreement with the Racing Science Centre with a view to providing a report to the Board that ensures RQL's analytical needs are met in a cost-effective manner.
- Review, as required, all internal and external policies to ensure compliance and effectiveness.

- Review and amend the new club licensing system subsequent to its initial implementation.
- Develop and submit an audit regime to Government for licensed participants, venues and animals to comply with Section 99(1) of the Racing Act 2002.
- Undertake an audit of the minimum standards for TAB and Non-TAB meetings and trials.
- Review the effectiveness of race-day integrity operations and report to the Board on opportunities to improve efficiency.
- Develop a drug and alcohol testing framework for licensees and animals for the 2012/2013 financial year.
- Undertake a review and report to the Board in relation to the existing appeals process, including QCAT.
- Facilitate a "think tank" of key people with a view to generating initiatives to improve the wagering program and subsequently report to the Board.
- Deliver the approved Industry Infrastructure Plan on time and on budget.
- Report to the Board on commercial opportunities that exist as part of the Infrastructure Plan delivery including at venues such as Deagon, Corbould Park and Callaghan Park.
- Review the amount of Non-TAB races conducted in Queensland and report to the Board.
- Subsequent to the development of the financial key performance indicators, add to these a set of non-financial KPI's that are linked to the payment of the operational subsidy.
- Develop and implement TAB race club service level agreements.
- Work with Harness Racing Australia and Greyhound Australasia Limited to optimise opportunities to aggregate broadcast rights where possible.
- Continue to promote initiatives with RISA, HRA and GAL to optimise commercial returns from the exploitation of racing materials.
- Review and report to the Board on legal decisions and developments as they relate to race information legislation.
- Form and facilitate meetings of the New Business Development Committee.
- Report to the Board on a regular basis in relation to initiatives identified by the New Business Development Committee seeking Board approval to pursue new work initiatives.
- Actively work with Government to establish a viable framework ensuring adequate revenues flow to the industry beyond June 30, 2014.
- Review the approach taken in relation to the pricing for the use of race information leading to the expiry of the existing agreements with corporate bookmakers.
- Expand the industry-wide workplace health and safety approach to encapsulate all clubs.
- Implement and approve an internal fraud plan and policy.

- Further recommend to the Remuneration and Nominations Committee that an organisational review be undertaken.
- Undertake a satisfaction/culture survey of the organisation.
- Ensure performance appraisals with objectives are implemented for all staff.
- Implement a succession plan for the organisation including interdepartmental considerations.
- Following a process review, evaluate the increased use of technology to improve the integrity of racing in Queensland and report to the Board with recommendations.
- Develop a structured set of dates to facilitate regular meetings with key industry bodies including the State Government.

ATTACHMENTS:

- Attachment 1: Employment Agreements of Malcolm Tuttle, Jamie Orchard, Paul Brennan and Shara Murray.
- Attachment 2: Letter dated July 5, 2011, signed by Malcolm Tuttle, Jamie Orchard, Paul Brennan and Shara Murray outlining their concerns.

