

ENFORCEABLE UNDERTAKING

Pursuant to section 16 of the

Occupational Health & Safety Act 2004 (Vic) (“the Act”)

The commitments in this Undertaking are offered to the Victorian WorkCover Authority (“VWA”) by:

Wodonga & District Turf Club Inc. (“the Club”)
Hamilton Smith Drive
WODONGA VICTORIA 3690

Background

1. The VWA is the manager and regulator of Victoria's workplace safety systems.
2. The Club conducts meetings for horseracing and employs nine people.
3. The alleged offences occurred at Brockley Street, Wodonga in the state of Victoria (“the workplace”).
4. On 23 February 2006 an incident occurred whereby Mr Colin Matthews, an employee of Cox Racing, sustained injuries when he fell from a horse which he was riding at the workplace.
5. Mr Peter Rooney, an employee of the Club administered first aid to Mr Matthews. Mr Rooney offered to call an ambulance for Mr Matthews, however this offer was refused by Mr Matthews.
6. Mr Brian Cox, director of Cox Racing subsequently took Mr Matthews to the Wodonga Hospital for treatment.

Particulars of allegations

7. It is alleged that on or about 23 February 2006 at Wodonga, the Club:
 - (a) contravened sections 38(1) and 38(5) of the Act in that it failed to notify the VWA immediately after becoming aware that an incident had occurred at a workplace under its control and management; and

contravened sections 38(3) and 38(5) of the Act in that it failed within 48 hours of being required to do so, to notify the VWA of an incident by providing the VWA with a written record of the incident, in the form approved in writing by the VWA.

("Alleged Offences")

8. The particulars of the Alleged Offences are that:
- (a) on or about 23 February 2006, an incident occurred whereby Mr Matthews sustained injuries that constitute a notifiable offence under section 37 of the Act including (but not limited to) injuries that required immediate treatment as an in-patient in a hospital;

the incident occurred at a workplace, including (but not limited to) a racetrack, under the management and control of the Club;
 - (c) the Club is an employer;
 - (d) the Club failed to notify the VWA immediately after becoming aware of the incident; and
 - (e) the Club failed, within 48 hours after being required to notify the VWA of the incident, to also give the VWA a written record of the incident in the form approved in writing by the VWA.

Acknowledgment of the Alleged Offences

9. Whilst the Club does not agree with all aspects of the VWA's allegations, for the purposes of this Undertaking, the Club acknowledges that the VWA, through Inspector Alan Darwin, alleges the Club failed to notify VWA of an incident that occurred on or about 23 February 2006 and failed within 48 hours of becoming aware of the incident, to give the VWA a written incident notification form as required by sections 38(1), (3) and (5) of the Act.
10. These allegations are considered very serious and the Club has conducted its own investigations into both the incident itself and the necessary remedial measures required to ensure there is no repetition of the incident. The Club has already commenced remedial actions to address a number of the allegations.

THE CLUB'S UNDERTAKINGS AS TO FUTURE BEHAVIOUR

Commitment to comply with its obligations under the Act

11. The club undertakes to ensure its compliance with its obligations under section 38 of the Act.
12. The Club is committed to preventing the Alleged Offences from occurring again.
13. The Club undertakes to ensure that it has in place a written procedure that details the reporting requirements in the event of a workplace incident ("Incident Notification Procedure"). The procedure will as a minimum include definitions of notifiable incidents, responsibilities of relevant parties and notification requirements.
14. The Club undertakes to ensure that the Incident Notification Procedure is easily accessible to all its employees.
15. The Club undertakes to ensure that all its employees have been provided with adequate training, information and instruction on the Incident Notification Procedure.
16. The Club undertakes to engage Mr David Garrett, Risk Management Co-ordinator from Country Racing Victoria to audit the Club's compliance with this undertaking within six months of this Undertaking and again, at the date of completion of this Undertaking (see paragraph 18 below). A copy of the audit reports will be provided to the Manager of Legal Services, WorkSafe within 14 days of the Club receiving the reports.
17. The Club undertakes to publish an article in Racing Victoria's Limited newsletter titled "*Inside Racing*". The article will educate readers about the circumstances of the incident, notification requirements in Victoria and what the Club in conjunction with Racing Victoria will do to prevent Alleged Offences from occurring again. Before entering into this undertaking the Club will provide the Manager of Legal Services, WorkSafe with a proposed draft article for his approval.

COMPLETION OF UNDERTAKING

18. Unless otherwise specified herein, all undertakings given by the Club herein will be completed within 12 months of the signing of this Undertaking.

BREACH OF UNDERTAKING

19. The Club understands that if any of the undertaking is contravened, the Authority may apply to the Magistrates' Court for enforcement of the undertaking.

STATEMENT OF REGRET

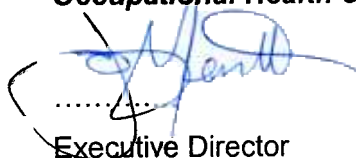
20. The Club regrets that the alleged offending occurred.



Peter McIntyre
Group Club Manager
Authorised Officer of Wodonga & District Turf Club Inc.

Dated this 31 day of JULY . 2007

**Accepted by the Executive Director, WorkSafe pursuant to section 16 of the
Occupational Health & Safety Act 2004 (Vic)**



Executive Director
WorkSafe

Dated this 30 day of July 2007