



TRIBUNAL GUIDELINE – DISCIPLINARY TRIBUNAL **APPEAL AGAINST A CHIEF STEWARD'S DECISION**

CHECKLIST

Please ensure all checklist items below are ticked off before starting a Disciplinary Tribunal Hearing.

- ☐ Does the Tribunal have a current copy of the Australian Speedway Racing Rules and Regulations?
- ☐ Does the Tribunal consist of three (3) independent members (Rule 8.1.4)?
- ☐ Has the Tribunal appointed a Chairperson, who will be responsible for the meeting and any paperwork regarding the decision?
- ☐ Has the appeal fee been lodged, along with Annexure A – Forms, Schedule 1, inside the appropriate timelines (Rule 8.1.5)?
- ☐ Does the Tribunal have a recording device available for the purpose of minutes?

Important:

Do not proceed further with this appeal if:

- a. Appellant has used an incorrect notification procedure
- b. Notification timeframe has been exceeded
- c. Lodgement timeframe had been exceeded
- d. Incorrect paperwork or lodgement fee submitted

Note:

If either the Appeal Form, Schedule or Infringement Notice are filled out incorrectly each party shall be given the opportunity to correct same, before the appeal is heard.



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RECORD OF TRIBUNAL HEARING AND MINUTES

Pursuant to Australian Speedway Racing Rules and Regulations – October 2013

TRIBUNAL GUIDELINES

1. Name of Tribunal: _____
2. Elected Chairperson: _____
3. Other members of the Tribunal _____

4. Appeal

ELIGIBLE / INELIGIBLE

If ineligible give reasons _____

5. Clear the room of all observers and witnesses.

6. Call the Appellant and the Respondent to the room.

(Advise that Tribunal has the right to dismiss, uphold the appeal, or to vary the penalty imposed by waiving, vary, reduce or increase of penalty.) Ensure the Appellant understands this.

Appellant: _____ (Name)

Respondent: _____ (Name)

7. Read the Appeal to both parties.

8. Each party will have the opportunity to present their case regarding the appeal, call any witnesses and present any other relevant evidence, including video evidence.



9. Each party will have the opportunity to cross-examine witnesses called by any other party. Legal advisors do not have the right to cross-examine witnesses.
10. Ensure that once a person has been called to give evidence then that person remains in the room during the hearing and is able to be cross examined by other parties if required.
11. Respondent to put the case of reply to the Appeal and call any witnesses.

_____ (Name of Witness)

_____ (Name of Witness)

12. Appellant to present case and call any witnesses.

_____ (Name of Witness)

_____ (Name of Witness)

13. The Tribunal may question the appellant, respondent and any witnesses called by either party.
14. The Tribunal may call any other persons to give evidence which it requires to reach an unbiased and lawful decision.
15. When all evidence has been heard or sighted, Tribunal to adjourn hearing to consider determination. Tribunal will ask all parties to leave the hearing room, and tape recording will be ceased at this time.
16. If additional evidence or clarification is required, the Tribunal may adjourn the hearing to a later time that date or to another date:

Adjournment: **YES/NO** ____ / ____ / ____ (date) ____:____ (time)



17. Decision: _____

(Once a decision has been made the Tribunal must make sure it is in the form of a motion)

18. Moved by: _____ Seconded by: _____

19. Call the Appellant and the Respondent back into the hearing room. Tribunal Chairperson to advise of decision. Tape recording to be resumed at this stage.

20. If practicable, Tribunal chairperson to advise parties of the decision and the reasons for that decision.

21. Tribunal Chairperson to ensure tape recording and a record of matters heard is sent to relevant Speedway Australia State Branch.

22. Tribunal Chairperson to advise Speedway Australia Competitions Manager of the decision within seven (7) days. Speedway Australia Competitions Manager will notify the decision to all parties, and ensure that only the appeal findings are communicated to interested parties. All other information provided to the Tribunal and any Tribunal report must remain Confidential so as not to compromise any subsequent appeal.

23. Notify any parties of their right of appeal, as per Speedway Australia Rule 8.2.1, to a Speedway Appeal Tribunal.

Note:

If an appeal is dismissed, the appeal fee is retained by the Host Club.

If the appeal is upheld, the appeal fee is returned to the appellant.