



TRIBUNAL GUIDELINE – DISCIPLINARY TRIBUNAL **MANDATORY APPEARANCE OFFENCE**

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?
- Does the Tribunal have a recording device available for the purpose of minutes?
- Was the Infringement Notice issued to the Licence Holder inside the appropriate timelines (Rule 7.1.1) and was the current copy submitted to each relevant party (Rule 7.1.3)?
- Within 14 days of being appointed, did the Tribunal set an appropriate date for the hearing (Rule 8.1.6)?
- Was the person charged informed in writing at least seven (7) days prior to the hearing (Rule 8.1.6)?

Important:

Do not proceed further with this Tribunal if:

- a. Notification timeframe has been exceeded
- b. Lodgement timeframe had been exceeded
- c. Incorrect paperwork submitted

Note:

If the Infringement Notice is filled out incorrectly, the Chief Steward 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. Hearing

ELIGIBLE / INELIGIBLE

If ineligible give reasons _____

5. Clear the room of all observers and witnesses.

6. Tribunal to arrange tape recording of proceedings.

7. Call the Licence Holder/s and the Chief Steward to the room.

Licence Holder: _____ (Name)

Chief Steward: _____ (Name)

8. Read the charge to both parties.

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



10. 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.

11. 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.

12. Chief Steward to put the case of reply to the hearing and call any witnesses.

_____ (Name of Witness)

_____ (Name of Witness)

13. Licence Holder to present case and call any witnesses.

_____ (Name of Witness)

_____ (Name of Witness)

14. The Tribunal may question the Licence Holder, Chief Steward and any witnesses called by either party.

15. The Tribunal may call any other persons to give evidence which it requires to reach an unbiased and lawful decision.

16. 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.

17. 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)



18. Decision: _____

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

19. Moved by: _____ Seconded by: _____

20. Call the Licence Holder and the Chief Steward back into the hearing room. Tribunal Chairperson to advise of decision. Tape recording to be resumed at this stage.

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

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

23. Tribunal 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 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.

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