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## **SPEEDWAY AUSTRALIA Licensing Policy**

### **1. DEFINITIONS**

1.1 In this Policy:

"**Applicant**" means a person who has applied for a Licence or who has been issued a Licence.

"**Licence**" means a licence issued by SPEEDWAY AUSTRALIA to drivers and officials which entitles that person to take part in speedway events.

"**SPEEDWAY AUSTRALIA**" refers to N.A.S.R. Incorporated (A24134).

"**Policy**" means this National Association of Speedway Racing Licensing Policy as amended from time to time.

"**Serious Offence**" means a criminal offence which SPEEDWAY AUSTRALIA, at its sole discretion, considers to be a criminal offence of a serious nature including, without limiting the foregoing, any offence which:

- (a) is an indictable offence;
- (b) is punishable by a term of imprisonment; or
- (c) involves the possession, supply or production of an illegal drug or substance.

"**Speedway Rules**" means the Australian Speedway Racing Rules and Regulations.

1.2 Words in the singular include the plural and vice versa.

1.3 A person includes a body corporate.

### **2. REFUSAL TO ISSUE LICENCE**

SPEEDWAY AUSTRALIA may, at its sole discretion, refuse to issue a Licence to an Applicant including, without limitation, if the Applicant:

2.1 does not comply with any rules, regulations or policies issued by SPEEDWAY AUSTRALIA; or

2.2 does not properly complete an application for a Licence or does not meet all of the requirements stated in the application.

### **3. CONDITIONAL LICENCES**

- 3.1 If SPEEDWAY AUSTRALIA issues an Applicant with a Licence SPEEDWAY AUSTRALIA may impose any such conditions on the Licence as it sees fit including, without limitation, if the Applicant:
- (a) does not comply with any rules, regulations or policies issued by SPEEDWAY AUSTRALIA; or
  - (b) does not properly complete an application for a Licence or does not meet all of the requirements stated in the application form.
- 3.2 If an Applicant notifies SPEEDWAY AUSTRALIA that they wish to withdraw their application for a Licence within the time period specified in clause 6.2(c) then SPEEDWAY AUSTRALIA must:
- (a) cancel the Licence issued to the Applicant; and
  - (b) refund to the Applicant any licence fee paid by the Applicant to SPEEDWAY AUSTRALIA in respect of their application for the Licence.

### **4. SERIOUS OFFENCES**

- 4.1 Without limiting the preceding paragraphs of this Policy, if an Applicant is charged with a Serious Offence then SPEEDWAY AUSTRALIA shall be entitled to:
- (a) refuse to issue a Licence to the Applicant;
  - (b) if it has already issued the Applicant with a Licence, revoke the Applicant's Licence;
  - (c) if it has not already issued the Applicant with a Licence but decides to issue the Applicant with a Licence, impose conditions on the Licence; or
  - (d) if it has already issued the Applicant with a Licence, impose conditions on the Licence,
- but only if SPEEDWAY AUSTRALIA believes that the charging of the Applicant with a Serious Offence has brought the sport of speedway into disrepute.
- 4.2 If a court of law subsequently determines that the Applicant is not guilty of the Serious Offence (and there is no appeal to that decision) then, if the Applicant requests, SPEEDWAY AUSTRALIA must reprocess the Applicant's application for a Licence, reinstate their Licence or remove any conditions imposed on their Licence (as applicable), subject to the Applicant's compliance with SPEEDWAY AUSTRALIA's rules, regulation and policies.

### **5. BREACH OF SPEEDWAY AUSTRALIA RULES, REGULATIONS OR POLICIES**

If an Applicant has been issued with a Licence and does not comply with any of the rules, regulation or policies issued by SPEEDWAY AUSTRALIA then SPEEDWAY AUSTRALIA may:

- 5.1 revoke the Applicant's Licence; or
- 5.2 impose conditions on the Applicant's Licence.

## 6. NOTIFICATION

6.1 If SPEEDWAY AUSTRALIA refuses to issue a Licence to an Applicant SPEEDWAY AUSTRALIA must:

- (a) inform the Applicant of the decision;
- (b) provide the Applicant with the reason or reasons why the Applicant's application for a Licence has been refused; and

refund to the Applicant any licence fee paid by the Applicant to SPEEDWAY AUSTRALIA in respect of their application for the Licence.

6.2 If SPEEDWAY AUSTRALIA imposes conditions on a Licence it must notify the Applicant:

- (a) of the conditions imposed on the Applicant's Licence;
- (b) of the reason or reasons why conditions have been imposed on the Applicant's Licence;
- (c) if conditions are imposed under clauses 3.1 or 4.1(c), that the Applicant has 14 days to notify SPEEDWAY AUSTRALIA that they wish to withdraw their application for a Licence; and
- (d) if conditions are imposed under clauses 4.1(d) or 5.2, that the Applicant has the right to appeal the decision under clause 7 of this Policy.

6.3 If SPEEDWAY AUSTRALIA has revoked a Licence it must notify the Applicant:

- (a) of the reason why the Applicant's Licence has been revoked; and
- (b) that the Applicant has the right to appeal the decision under clause 7 of this Policy.

## 7. APPEAL

7.1 An Applicant may appeal a decision made by SPEEDWAY AUSTRALIA under clauses 4.1(b), 4.1(d) or 5 of this Policy by lodging a written notice to SPEEDWAY AUSTRALIA within 14 days of being notified of the relevant decision in the form of Schedule 2 of the Speedway Rules together with a fee of \$1,500.

7.2 An appeal under this clause 7 shall be heard by the Speedway Appeal Tribunal in accordance with rules 8.2.2 to 8.2.5 of the Speedway Rules.