

NATIONAL OFFICIALS ACCREDITATION SCHEME

STEWARDS MANUAL



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MA Steward Manual



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Contents

CHAPTER 1	
INTRODUCTION	5
CHAPTER 2	
NATIONAL OFFICIALS' ACCREDITATION SCHEME	6
CHAPTER 3	
LEGAL RESPONSIBILITIES OF OFFICIALS	7
CHAPTER 4	
THE CONTROL OF MOTORCYCLE SPORT	8
CHAPTER 5	
PROCEDURAL GUIDELINES FOR STEWARDS	13
CHAPTER 6	
JUDICIAL FUNCTIONS & PROCEDURES	21
CHAPTER 7	
STEWARDS' HEARINGS	23
CHAPTER 8	
PENALTIES & APPEALS	30

CHAPTER 1

INTRODUCTION

This manual is intended to be a guide for all Stewards, irrespective of which disciplines they are involved with or what their level of experience may be.

Terms in it are to be defined and interpreted in accordance with the Constitution of MA and the General Competition Rules (GCRs). Its contents do not conflict in any way with the GCRs contained within the Manual of Motorcycle Sport (MoMS). It contains no new rules and is not intended to be used in isolation. It is designed to provide clarification of the GCRs by way of additional information and some direction as to the application and interpretation of the rules.

Also, this manual is to provide all those involved in motorcycle sport with as much consistency as possible. Competitors tend to travel greater distances and go to more race meetings than do Stewards. There can be no doubt competitors have the right to be treated in a consistent fashion, under similar circumstances, no matter which region or state they choose to compete in. It falls on us, therefore, to ensure our actions are fair and reasonable under any given set of circumstances and, importantly, consistent with the actions of other key officials throughout Australia.

In carrying out the functions of a Steward, you undertake one of the most important roles at a race meeting. The Relevant Controlling Body (RCB) appoints Stewards to meetings. **As a Steward, throughout the meeting you are the agent and representative of the body which appointed you.** The decisions you make and the directions you give at race meetings reflect on those controlling bodies and other Stewards.

Throughout this manual, reference to the position of Steward means and includes the position of a Referee at a Speedway meeting. Under our GCRs, there is very little difference in the two roles or their authorities and responsibilities. Referees generally have a more 'hands-on' involvement at speedway meetings but the judicial functions are very similar to that of a Steward.

CHAPTER 2

NATIONAL OFFICIALS' ACCREDITATION SCHEME

One of the recognised keys to the future of motorcycle sport is the development and training of officials. Effective officiating calls for specialist skills which **must be** learned and developed.

The National Officials' Accreditation Scheme aims to:

- increase confidence and competence in officiating ability; and
- improve communication skills; and
- promote progressive improvement in officiating knowledge and expertise; and
- provide a credible education and training process to attract new officials and retain existing ones; and
- Ensure a uniform approach to officiating throughout the country.

The following levels of accreditation are offered:

- Level 1 - Club level (not available for Stewards)
- Level 2 - Interclub level
- Level 3 - Open / State championship level
- Level 4 - National championship level.
- International (FIM) accreditation

For more information on the National Officials' Accreditation Scheme contact your SCB.

CHAPTER 3

LEGAL RESPONSIBILITIES OF OFFICIALS

Any person acting as an official has a legal responsibility to provide the utmost care for competitors and any other person at an event.

This is known as the “**duty of care**”.

Every official must use common sense and act in a reasonable manner and exercise what is legally known as a “**reasonable standard of care**”.

Will the law involve itself in sport?

Many people are surprised that the law **will** become involved in sport. The reality is that many sports are multi-million dollar businesses and are as much a part of the commercial world as any other business.

A number of sports have experienced litigation as a result of the negligence of officials and office bearers.

A legal action in negligence is available to an injured party whether the injury or damage arises directly from an act or omission of the official.

For a claim of negligence to be successful, four elements must be present:

- **the official must owe a legal duty of care to the persons in his or her care.**
The standard of care required is that which is reasonable in the circumstances; and
- **the discharge of that duty of care will be judged according to a standard of care.**
The standard is the foresight and caution shown by the ordinary, or average, careful official. An official will be expected to exercise the same standard of care that is considered as reasonable and careful as shown by other competent officials of the same level of expertise and experience; and
- **the person to whom the duty of care is owed must suffer some injury or damage; and**
- **there must be a necessary degree of proximity of relationship between the official and the person.**

Thus officials are under a legal duty to exercise reasonable care not to cause or allow injuries to competitors and other personnel under their control.

All licensed officials are indemnified and covered under the Directors’ and Officers’ Liability Insurance, a service provided by MA. Directors’ and Officers’ Liability Insurance protects officials for legal expenses incurred in defending claims made against them personally and for any damages awarded against them for wrongful acts committed or alleged to have been committed.

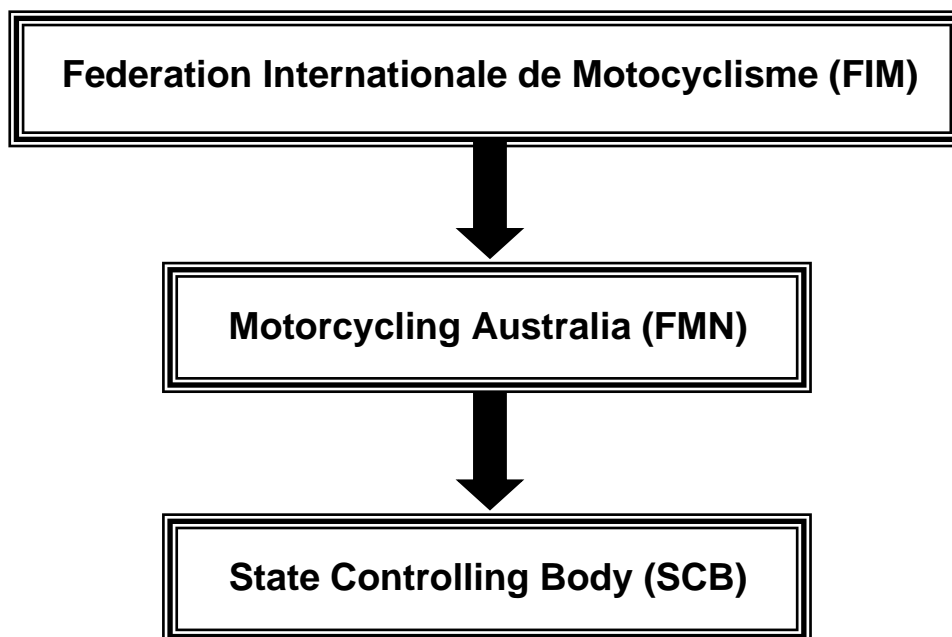
- Reference should be made to the policy documents for specific details of insurance coverage, terms and conditions. The terms and conditions of the policy will prevail.

CHAPTER 4

THE CONTROL OF MOTORCYCLE SPORT

The bodies with authority and responsibility for the administration of rules regulating the conduct of motorcycle sport competition are the FIM (world authority), the FMN (national sporting authority) in the country (in Australia it is Motorcycling Australia) and the SCB (the State Controlling Body in each state). FIM does not, however, have jurisdiction over events controlled by MA or the SCBs.

The following chart shows the structure of the control and supervision of the sport.



Stewards are appointed by and are responsible to either the State Controlling Body or Motorcycling Australia, depending upon the level of the meeting.

The Relevant Controlling Body (RCB) is the body which has jurisdiction over a particular event. Motorcycling Australia (MA) is the RCB for all Australian Championship events, National Series and International events conducted under the FIM Sporting Code. For all other race meetings, the State Controlling Body remains the relevant controlling authority.

For meetings where MA is the RCB, the Steward will report directly to MA, where previously they would have been liaising with their SCB. Further information regarding the RCB policy is contained in the GCRs.

THE ROLE OF MA

MA is responsible for administration and promotion of motorcycle sport in Australia and in conjunction with the SCBs, ensures that the sport is organised and governed in an orderly and fair manner.

MA has a role in fostering training and building the networks that are designed to assist Stewards in performing their duties to the highest standards possible.

THE PURPOSE OF STEWARDS

Stewards are required to oversee the organisation of events, to ensure that they are conducted in accordance with the rules and to protect the proper interests of the competitors, spectators, entrants, sponsors, officials, government bodies, etc.

Further, RCBs need accurate and timely reports to appropriately amend competition and event rules as may be necessary from time to time. The suitability of a GCR can best be based upon reports of its use and effectiveness in operation.

For these reasons MA requires a Steward to be appointed to each authorised meeting. Ideally, the person should have no function other than as a Steward at that meeting, however in some circumstances it may be necessary for the Steward to perform another role. **The introduction of “Club Steward” as an adaption of the Steward role is an example of this.**

Stewarding is an important function in the conduct of Motorcycle Sport and, if properly performed, results in raising the standard of events.

SELECTION & TRAINING OF STEWARDS

Seminars and workshops for the training of Stewards are held from time to time throughout Australia. Details are available from your SCB office.

Upon satisfactory completion of a training seminar, consideration is given to the appointment as an entry level Steward. Each State Officials' Review Panel has the authority to make these decisions and takes the following into account when considering the appointment of Stewards:

- Is the allegiance of the nominee primarily to the sport as a whole, rather than to the narrow interests of a discipline or club?
- Can the nominee handle people with tact and strength without departing from the principals involved in the supervision of the sport?
- Does the nominee have the required qualifications, sufficient experience in, and knowledge of, the sport?
- Does the nominee have an appropriate understanding of the rules?
- Has the nominee had personal experience as a competitor and/or experience in the administration and organisation of at least one facet of the sport?
- Does the nominee possess those positive attitudes, which are essential for Motorcycle Sport to continue to grow?

ACCREDITATION OF STEWARDS

The appointment of a Steward must refer to the national accreditation system which has three classifications. A Stewards accreditation should line up with, or be higher than, the level of event they are to be appointed to*:

- Level 2 accreditation = Club and Inter Club events
- Level 3 accreditation = Open events and State Championships
- Level 4 accreditation = National Championships

****Note the introduction of MoMS item 2.4.3.1 d) which allows the use of non-aligned officials at the discretion of the RCB.***

Details of the criteria required for the upgrading of accreditation can be sourced from a candidates SCB.

Club and Inter Club events (Level 2)

Stewards in this category are eligible for appointment to Club and Inter Club events.

Level 2 Stewards:

- are nominated by the promoting club and approved by the SCB; and
- should have experience acting as a Clerk of Course at race meetings; and
- must have the capacity to interact with people; and
- must be capable of dealing successfully with the various situations which arise.

Open event and State Championship (Level 3)

Stewards in this category are eligible for appointment to Open Meetings, State Championships as well as Club/Inter Club events.

Level 3 Stewards:

- are appointed by the SCB; and
- have spent a considerable time in the sport; and
- have had reasonable experience as a Level 2 Steward; and
- must have the capacity to interact with people; and
- must be capable of dealing successfully with the various situations which arise.

National Championship (Level 4)

Endorsement to Level 4 can only be achieved with the approval of MA following the successful completion of a Level 4 Clerk of Course/Steward Seminar.

Stewards in this category are eligible for appointment to National Championship meetings as well as Open Meetings, State Championships and Club/Interclub events.

Level 4 Stewards:

- are appointed by the RCB, which is usually MA; and
- will have extensive experience in Motorcycle Sport and in particular the discipline of the appointment; and
- will have extensive experience as a Key Official in the discipline of the appointment; and
- will have worked as a Steward at State Championships (Level 3); and
- must have the capacity to interact with people; and
- must have demonstrated their ability to properly manage situations arising at these meetings.

International (FIM)

Only Stewards holding accreditation in this category are eligible for appointment to International meetings.

Endorsement by MA to attend an FIM accreditation seminar can only be achieved if the candidate has successfully completed Level 4 Clerk of Course/Steward accreditation and has proven experience working as a Key Official at National events.

Stewards in this category are eligible for appointment to International meetings in the discipline of accreditation, as well as National Championship meetings, Open Meetings, State Championships and Club/Interclub events.

International Stewards:

- are nominated by MA and approved by the FIM; and
- must have extensive experience as a Steward; and
- must have been heavily involved with National Championship events as a Level 4 Steward; and
- must have successfully attended an FIM seminar before applying for an International Licence.

SELECTION OF STEWARD(S) FOR A MEETING

For all National Championship meetings, National Series and International events, MA will appoint the Steward. For all other events, the selection of the Steward will be made by the RCB responsible.

Where a National Championship comprises a number of meetings, one Steward, known as the "Series Steward", may be appointed for all meetings, thus ensuring a uniform standard for that series.

It should be noted that an RCB has the authority to appoint more than one Steward to a meeting. Whilst this is not common practice, it may occur for a major International or National championship event. Where more than one Steward is appointed, a senior Steward will also be nominated whose determination on any matter relating to the meeting will be binding.

RULES - SOURCE AND APPLICATION

The FIM Sporting Code

This is the supreme authority and is the basis for most GCRs. It is published yearly and is recommended reading for those aspiring to become Stewards at International Meetings. These rule books may be purchased from MA through an SCB or are available on the Internet site of the FIM (www.fim.ch).

Manual of Motorcycle Sport (MoMS)

The philosophies and rules governing Australian motorcycle racing are laid out in the MoMS, which includes the GCRs. The MoMS is available via MA's dedicated site www.ma.org.au.

General Competition Rules (GCRs)

The GCRs stipulate the structure and processes which control motorcycle racing in Australia.

The Philosophy of the General Competition Rules

No set of rules can ever anticipate every problem which may arise in the conduct of a sport with as wide a variety of disciplines and competing interests as exist in motorcycling.

The philosophy of the rules is that good sense, co-operation and a fair and reasonable interpretation of reasonable rules, will take over from "rule book racing".

"Rule book racing" holds that, if a situation arises in the conduct of the sport, the answer is to be found not by the exercise of independent judgment but by "looking up the book". If that does not provide the answer then pass a new rule to "plug the hole". "Rule book racing" assumes that controlling bodies have little or no interest in working effectively with each other, and with promoters, for the benefit of the sport and those who participate in it. It also assumes that officials have no common sense or understanding of the sport. Neither proposition is true or fair.

It is intended that discretion will be exercised, as is stated by the very first rule, in a way that ensures that competition is "safe, free and fair".

Officials are required to exercise judgment wisely and fairly on the understanding that their decisions, other than those made in the heat of competition, will be open to review through protest and appeal. Officials are encouraged to take responsibility for the value and fairness of their actions and to apply them in a way that supports the underlying philosophy of the rules.

One essential part of being a Steward is having a working knowledge of the rules.

Every competitor is required to know the GCRs and it is not unreasonable to expect that the persons controlling their activities have a better knowledge of the rules. Stewards are not expected to quote the rules word for

word from memory but they are expected to know the basic rules, where they are and be able to find what it is that they seek confidently and quickly.

The GCRs are subject to constant change to remove redundancies, ambiguities, impracticalities and errors. Stewards making recommendations for change in their reports can assist this process.

Stewards should familiarise themselves with the GCRs and note, in the margin of their copy, any points of interest relating to their functions. This will assist in increasing their knowledge of the entire GCRs.

Supplementary Regulations

Most Supplementary Regulations are in standard form for most disciplines of the sport. Further Supplementary Regulations, Final Instructions, Route Instructions and other items of information are produced by the Promoters/Organisers for the conduct of the meeting in question. Regulations that have not been approved by the relevant controlling body have no standing or status. The Steward of the meeting has the authority to amend supplementary regulations – **such action, however, should only be taken in exceptional circumstances.**

AUTHORITY OF STEWARDS

The Steward is the representative of MA at a meeting and has supreme control. While the Clerk of Course acts as the Chief Executive Officer and is in control of the actual running of the meeting, the role of the Steward is to ensure that the meeting is conducted according to the rules and to act as the on-site judiciary to deal with protests.

When the meeting is over, the responsibility returns to the appropriate permanent administrative personnel of the RCB - with the exception of the hearing of any outstanding protests or charges and the compilation of the Steward's Report.

The GCRs authorise the Steward to:

- a) Amend any supplementary regulation applicable to the meeting if, in the opinion of the Steward, exceptional circumstances arise requiring amendments;
- b) Amend the program for the meeting;
- c) Give any instruction or direction to the Clerk of the Course of the meeting;
- d) Determine the time for the commencement and conclusion of the meeting;
- e) Stop the meeting or any part of it;
- f) Order any event to be re-started or re-run;
- g) Hear and determine any protest;
- h) Institute, hear and determine any prosecution for any offence committed during the meeting and impose any penalty or penalties under these Rules;
- i) Abandon any meeting provided that all entry fees must be refunded unless otherwise provided for in the SR for the meeting;
- j) Order any competitor to submit to a medical examination to determine if the competitor is fit to participate in the meeting;
- k) Order the administration of any fuel, drug, or other test;
- l) Impose on a competitor any penalty of exclusion or relegation or any time or points penalty;
- m) Order any machine, which the Steward considers does not comply with these Rules or the relevant SR, to be impounded at the end of the meeting and detained under the control or direction of the Steward for such period as may reasonably be necessary for it to be examined;
- n) Do any act, publish any document and make any declaration, not inconsistent with these Rules, which is necessary for the fair and proper conduct of the meeting;
- o) Refer any matter to the RCB.

CHAPTER 5

PROCEDURAL GUIDELINES FOR STEWARDS

CONDUCT OF STEWARDS

This section should be read in conjunction with MA's Code of Conduct.

Stewards are representatives of the RCB - not the promoter, organisers, competitors or other participants. However, they must co-operate with organisers and others to ensure the smooth running of the meeting. Be careful that this relationship does not affect your ability to make impartial decisions.

In addition to the duties and functions set out in the GCRs, a Steward does have a responsibility to the organisers of the meeting, which primarily involves being readily available to provide impartial advice and guidance for the conduct of the meeting. In fact, to fulfil your duties to all participants as a Steward, you must ensure that you are always accessible.

If you are unable to attend a meeting to which you have been appointed, you must notify the RCB at the earliest opportunity. This allows alternative arrangements to be made.

Upon arrival at the meeting, you should introduce yourself to the Clerk of Course and Secretary of the Meeting. Make it clear to the Clerk of Course that you wish to be kept fully informed of the progress of the meeting and of any incident or problem.

In relation to gaining access to the track, you may:

- Not enter on to the track or course without the agreement of the Clerk of Course. Hopefully, you should not need to do so without such approval;
- Position yourself at any reasonable place around the circuit, making sure not to stand in any dangerous position or run-off area;
- If you need to enter a dangerous area, request the Clerk of Course to stop the meeting until you have left that area.

A Clerk of Course may from time to time have a difference of opinion with you about the conduct of the meeting. As senior officials at a race meeting, you must resolve your differences in a professional manner, without having a detrimental effect on the conduct of the meeting. This means resolving disputes in private and in a rational manner. However, you have ultimate control of the meeting and the final decision in any matter lies with you, the Steward. You should, however, exercise your authority with great discretion and diplomacy.

Any request or direction you give to a Clerk of Course should be explicit and without ambiguity. Do not leave people confused or inadequately informed about your decisions. It is equally important that where a decision is required that this responsibility is not shirked or made ineffective by delaying the decision.

Occasionally, MA receives reports of Stewards becoming involved in the management of meetings by offering directions to officials, interfering with the roles of other officials and becoming involved with other than their appointed function. Some examples are the Stewards who direct Flag Marshals to wave flags, or the Steward who perhaps unthinkingly offers advice to a competitor when the question asked and information provided should have proceeded through other officials.

The measure of the performance of a Steward is a reflection of the maturity that is required in dealing coolly and impartially with controversy and disputation. Rather than inflame matters by reacting aggressively, cool things down so that the problem can be resolved in an orderly and controlled fashion. In most cases, a Steward does not have to make an instant decision. The Steward can take some time to think about the evidence and coming to a decision. If tempers of the interested parties flare, adjourn the hearing until the situation has calmed down.

A positive attitude is required when advising both officials and competitors in respect of the GCRs. You are not expected to be able to quote every rule chapter and verse, so you should take time to look up the relevant rule and quote it accurately.

PERSONAL RELATIONSHIPS

You may have established personal relationships with some officials and/or competitors. As a Steward, you are obliged to put aside any personal feelings and treat each case on its merits. The occasion will arise where this may mean making a finding against a personal friend or relation.

How impartially this is handled will determine your reputation as a Steward and also reflects upon the standing of Stewards and the sport generally.

If circumstances require you to conduct a hearing or make a finding for or against a person with whom you are related or have a personal relationship with, consider your position and the nature of the charge very carefully before proceeding. It may be prudent to engage another official, with the appropriate experience and/or qualifications, to advise you on an appropriate determination or assist you in conducting the hearing. If the case can be viewed as a clear conflict of interest and no alternative official is available to assist you at the meeting, you can conduct a hearing and then refer the evidence gathered to the RCB for independent advice on making the determination.

And remember, a person who makes the correct decision will gain the respect of their peers and, ultimately, the esteem of all parties.

PRESENTATION OF STEWARDS

Presentation is extremely important. Remember that you are representing MA not only to the competitors and officials of the meeting but also to sponsors, VIPs, spectators, police, ambulance and possibly personnel from government bodies.

For most meetings, neat casual clothing together with your uniform shirt, jacket and hat is appropriate. For all major race meetings, more formal dress including a shirt with tie and a jacket (for men) and smart casual attire for women is expected.

In summary, be:

- well dressed
- on time
- constructive
- positive
- informed
- responsible
- consistent
- available

STEWARDS' IDENTIFICATION

The RCB may issue you with a Steward's badge or uniform which confirms your position at the meeting. Wear it at all times when acting as a Steward at a meeting.

Do not wear your badge or uniform when not officiating as a Steward appointed to a meeting. It is NOT a generic Level 4 official's uniform, it is the uniform of an MA Steward only.

STEWARDS' EQUIPMENT

Most SCBs have a Steward's kit available for race meetings. It should contain a set of standard forms to cover accidents, reports, licence declarations, a receipt book, etc. It can be worthwhile to take some material of your own, such as a notebook. A voice recording device and digital camera are useful items to have at a meeting.

The camera is critical in the case of a major problem or a serious incident. Obviously, it would be difficult to take a photo of an incident when it is happening, but the aftermath can be easily documented using photographs.

LICENCES AND COMPETITION DOCUMENTS

All competitors at an MA permitted event are required to hold an MA licence. The type of licence varies with the type of competition - from club and national licences to international licences.

Motorcycling Australia is in the process of phasing out the printing and distribution of "hard card" licences and replacing them with direct access to the Ridernet database via a smart phone app.

As a Steward, you should be familiar with the electronic form of licencing and you are encouraged to download the "MA Licence app" onto your own smart phone.

Please note that an electronic version of the licence has the **same authority and function as a hard card licence. (a photo of the current licence stored on a phone is acceptable)**

On occasions when a competition licence cannot be produced in any form, the Steward must be satisfied a licence has indeed been issued to the person concerned and that it is current and has not been suspended. If there is any doubt that a licence has not been issued, or has expired, it is more effective to issue a separate "One day competition licence" to the competitor.

In the case of a "Medical" suspension, the Steward can accept bona-fide Doctors Medical clearance paperwork provided by the competitor on the day and allow them to compete.

If you suspect that the licence has been suspended and you have not been provided with clearance information, then the competitor simply cannot compete.

You should advise the competitor that it is:

- a serious offence to ride whilst under suspension;
- a serious offence to ride without a valid licence;
- not possible to compete unless proof can be provided that he or she has a current licence.

Excuses such as the licence is in the mail from the SCB or an application has been sent to the SCB or there is no internet coverage at the meeting, are not acceptable.

MODIFICATIONS TO THE PROGRAM

Modifications to the program of a race meeting become necessary or desirable for any one of a number of reasons. It may be best to treat a program running late with encroaching darkness by reducing the distance of several races in order to ensure that all can be safely conducted. Accidents in an earlier race may cause some races to be abandoned completely or combined with others. An incident which causes a red flag to be shown may require the duration of the restarted race be reduced in accordance with the GCRs.

The Clerk of Course, Race Secretary or promoter does not have the authority to modify the program - but the Steward and Race Director do.

Normally the Clerk of Course would suggest amendments to the program and the Steward would approve these if appropriate. However, it is within the power of the Steward to amend the program without receiving an approach from the Clerk of Course. This would be a highly unusual course of action and, if taken, the Clerk of Course must be informed of the amendments.

BRIEFINGS

Briefings for riders:

- are an essential component of risk management; and
- are compulsory for all riders and parents/guardians of junior riders to attend; and
- provide the opportunity to obtain feedback from competitors;
- must be conducted by the Clerk of Course, Speedway Referee or a nominee of the Clerk of Course; and
- Must include a duty of care statement. (Please note that there is a revised Riders briefing template, including a shorter duty of care statement, now available on the MA website)
- Riders must sign to show that they have attended the briefing

In events other than Speedway, prior to the rider's briefing, the Steward should discuss the contents of the briefing with the Clerk of Course to determine what should be said, enabling all important issues to be discussed with the riders. The Steward should be introduced to the competitors. Generally the Steward would not speak at the briefing, as any information a Steward would wish conveyed to the competitors should be via the Clerk of Course.

In relation to Speedway events, the Rider's Briefing must be done by the Referee, as the official in supreme control of racing. A Clerk of Course, with permission, may brief the riders about pit control issues, and messages from the promoter about presentation and parades.

RELATIONSHIP WITH RACE DIRECTOR

A Race Director may be appointed to a National Championship Series to give advice and assistance to the Steward and Clerk of Course to enable consistent decisions in the running of the Series.

Obviously, without feedback and guidance, it is difficult to obtain consistent decisions at different venues in different States. The Race Director can provide advice from the experience gained at previous rounds of the Series. For example, it would be quite unjust for a rider to be given a month's licence suspension at Round 1 of a Series and another rider fined \$20 at Round 2 for the same offence in similar circumstances.

The Race Director has the authority to initiate a prosecution for any offence committed during the round of a Series. That prosecution would, of course, normally be heard and determined by the Steward of the Meeting. The Race Director also has the authority (under similar circumstances to the Steward) to alter Series Supplementary Regulations.

STOPPING A RACE

Whilst it is within the power of a Steward to stop a race, it would normally be the decision of the Clerk of the Course. **Only in exceptional circumstances would a Steward use a red flag to stop a race.** Of course, this does not apply to a Speedway Referee who is empowered to stop a race with the red flag or lights.

If a Steward believes that, due to a dangerous incident, a race should be stopped and the Clerk of Course disagrees, it is within the power of the Steward to order the red flag/s to be displayed to stop a race.

Any rider responsible for a race being stopped prematurely is not eligible to restart in any re-run. Appropriate enquiries should be made to determine who actually caused the stoppage and there should be no doubt in the minds of the officials, before they exclude riders on that basis, which riders are responsible for a race stoppage.

However, if Rider 1 collides with Rider 2 and causes Rider 2 to fall without Rider 1 falling, Rider 1 would not be permitted to restart. In this instance, Rider 1 caused the incident that led to the race being stopped

prematurely. Rider 2 was an innocent party in the collision and has the right to restart in any re-run of the event if he is capable of doing so by the time the re-run is scheduled.

PERSONAL INJURY REPORTS

The following matters must be investigated and reported.

- Injury to riders or passengers or injury to officials arising from an incident involving a vehicle in a competition.
- Injury to officials, pit crew, service crew, riders, passengers, occurring during the event but not arising from an incident involving a vehicle in competition.
- Injury to a spectator or any other person not connected with the competition arising from an incident that can be related to the event.

The detail required, the forms to be completed, the depth of investigation and the consequent action are obviously related to the extent and/or severity of the incident. It is the responsibility of a Steward to ensure the appropriate procedures are undertaken and to make every attempt to ensure that other parties fulfil their responsibilities.

The adequate reporting and recording of all relevant facts is of paramount importance. The information recorded is extremely important to the RCB, MA and the affected insurers during the processing of any claims or the determination of liability.

The necessary forms and procedures are to be found in the Stewards kit. That part of the Manual of Motorcycle Sport dealing with the Personal Accident policy should be examined and understood.

SERIOUS ACCIDENTS & INCIDENTS

A procedure has been developed for action in the case of a serious accident or incident at a meeting. A serious accident or incident is one in which:

- a participant is killed or is seriously injured as the result of a sport-related incident; or
- a member of the public or other non-participant is injured or killed; or
- a safety barrier is breached, even though no members of the public may have been injured.

Serious accident/incident reports must be referred to the RCB as soon as possible after the incident and in any case within 24 hours. It is vitally important to properly report and record the facts of a serious accident/incident to satisfy the requirements of the local authorities and MA's insurers.

STEWARDS REPORT (Competition Report)

Unless prompt and accurate reports are available, the controlling bodies cannot reasonably be expected to amend the GCRs as is necessary from time to time or to take further action for serious infringements of the rules.

A Stewards report must be sent to the RCB within 5 days after the meeting*. Any report loses much of its impact if it is weeks late - the RCB must know how the meeting was conducted. Was it run well, indifferently or badly? This would have a bearing on issue of future permits or the levels of accreditation of officials. Similarly, were there any reports of foul or dangerous riding? This may have a bearing on whether any further action should be taken against a rider.

A meeting of almost any nature is a large undertaking, involving the expenditure of effort and money by competitors, teams, sponsors, officials and spectators. A lot will happen at any meeting making it virtually impossible to rely on memory. Therefore remember the golden rule - write it down.

In order to assist in reporting and answering questions afterwards, Stewards will find it useful to maintain a journal in which they record the times at which action is taken, incidents occur, reports are received, directions given, observations made and judicial action taken. It may prove to be invaluable in case of an appeal or subsequent investigation.

A standard Stewards Report Form is produced for all meetings. Procedures for handling incidents are covered later in this manual. Attachments to the report must include the reports of the Scrutineer, Timekeeper, and Chief Flag Marshal; Results; Program; Accident Investigation Reports; Personal Injury Reports; Incident Reports; Protests; Written Depositions; Appeal Notices; Licence Declarations, etc.

Again it is stressed that reports be submitted promptly, allowing the RCB to see that any:

- rules or procedures requiring amendment can be given attention;
- recommendations of the Steward can be promptly considered;
- shortcomings of the organisation of the meeting can be taken up with the organisers;
- recommendations for action against persons breaching the rules can be considered;
- feedback may be provided to organisers and officials.

If there is more than one Steward at a meeting, the initial drafting of the report is best handled by the group on the day but the Chief Steward subsequently compiles the actual report.

If all this report writing appears to be a bother, remember you are the eyes and ears of the RCB. Stewards reports are MA's window to the sport; it is the least you can do to give your fullest consideration and care.

****Where MA is the RCB, the following information must be conveyed to the MA office no later than 24 hours after the end of the meeting:***

- 1. Number of competitors (adjusted for cross entries)***
- 2. Names, details and condition of any person injured and transported from the meeting***
- 3. Details of any determinations where results were changed, fines delivered or licenses suspended***

TERMINATION, REVISED STATUS, STAND DOWN

Stewards may be removed from office or downgraded by the State Officials' Review Panel or MA for misconduct or poor performance.

An RCB, which orders an investigation into the conduct of a meeting, may stand down any official involved in the subject meeting until the investigation is concluded.

POINTS TO REMEMBER

The following points are applicable to meetings generally. Obviously for some types of meeting some points may not be relevant.

Arrival: Advise the Clerk of Course of your arrival. Sign on and collect any information or material, which may be needed.

Permits: Sight and note details of the Meeting Permit, Track Licence, the licenses of the other Key Officials and the Chief Scrutineer to ensure that they are current, Police and Forestry Permits and any other permits which may be required such as those issued by State or Local Government.

Scrutineering: Seek out the Chief Scrutineer as soon as possible after arrival. Do not interfere with the scrutineering of machines but ensure that basic principles and safety are being observed.

Briefing: Attend the rider's briefing, whether it is on the day of competition or before. You should advise the Clerk of Course of any matter requiring notification to the competitors. There should be no need for you to address the competitors, unless you are the Referee, in which case you must do the briefing.

The Clerk of Course should introduce the key officials to the competitors at this time.

Medical Officer: Make yourself known to the Medical Officer and ensure that the requirements are being met and that the communication procedures are clearly understood. Ensure that the ambulance officers have been properly briefed at all meetings.

Pits: Check to ensure that requirements are being followed, especially as to pit access control and refuelling. Be aware that there can be a difference between the pit area and paddock area, if provided.

Competition: Keep an eye on the general conduct of the meeting. Is it running smoothly and to schedule? If not, why not? This applies to all events, not just race meetings. Check whether incidents are reported to the Clerk of Course and whether these are acted upon as required.

Stewards Actions: Keep a record of all decisions, fines, etc. for inclusion in your report. Issue receipts for all monies taken - whether fines or otherwise.

General Notes: Any constructive thoughts and criticisms should be recorded. You should note your times of arrival and departure, times of anything notable, accidents etc. and details of the weather.

Keeping in Touch: Should you have occasion to leave the control area at a meeting, let the Clerk of Course know where to find you and when you will be returning. Remember that the Clerk of Course is the Chief Executive Officer of the meeting but they may need your advice or assistance for the resolution of a problem.

Track/Route Inspection: If it is a circuit meeting, there is no problem - you can inspect the track in full. For Enduro or cross-country meetings, there are obvious constraints. You may assume that public roads are acceptable but the increased use of private land raises the question of suitability of the course. Here you often have to rely on a course check by other experienced senior officials.

In all cases, you must be satisfied that:

- the track is suitable for competition, prior to giving authorisation to commence;
- during your inspections, the necessary personnel, flags and fire extinguishers are in position;
- any damage to the track or fencing has been repaired to the required standards;
- all track access points other than those being used are secured and under control.

Following an incident, which has damaged any of the track facilities, an inspection should be undertaken and clearance given before practice or competition resumes. This includes oil spills, etc. on the track surface;

During a meeting, certain tracks will require watering. The Clerk of Course should supervise this. If you are not happy with the way that the Clerk of Course is maintaining the track, you may need to intervene to ensure the track is presented in a safe condition. You may have to make decisions regarding stopping or delaying competition until the track is made safe. These decisions should be made after consultation with the Clerk of Course.

Track Inspection: All permitted meetings are covered by Public Liability Insurance. The permit is issued, and therefore insurance cover provided, on the understanding the entire venue is well maintained and safe for public use.

Your duties prior to the commencement of the meeting include inspecting:

- venue infrastructure
- the availability of fire control devices;
- access roads;
- spectator control fencing;
- safety and warning signs.

The Clerk of Course must be immediately advised of facilities that pose a potential risk with a direction that the potential problems be rectified or that part of the facility is not to be used. Failure to comply will result in the Steward withdrawing the permit in the same manner as would occur if the course or track became unsafe to use.

Taking Action: Your role is to oversee others, in this case officials and competitors. This "supervision" is meant in a passive rather than active sense.

Should you notice a problem developing, advise the Clerk of Course before it becomes a major problem. Remember that you are the eyes and ears of the RCB and you are acting in the interest of the sport on behalf of the RCB.

If there is more than one Steward, the Stewards act as a body unless there are conditions of over-riding emergency. A Steward taking separate action must advise fellow Stewards and the Clerk of Course as soon as possible. This should rarely happen.

Incidents & Enquiries: You are expected to properly enquire into all incidents except minor incidents.

Use of the red flag by the Clerk of Course (or nominee) or Speedway Referee to stop a race or practice session is certainly a matter which should be included in the Steward's Report.

Aggressive, threatening or dangerous riding should be the subject of a report from track-side observers to the Clerk of Course. The Clerk of Course or in speedway, the Referee, may decide to either take action within his own scope of authority or lay charges. If regulations allow for the determination of the Clerk of Course or Referee to be protested, a protest may be received, delivered to the Steward and the Steward will arrange a hearing.

If no charges have been laid, you must decide whether any further action is to be taken. Certainly, if injury results from such an incident, proper enquiries **MUST** be undertaken.

Stewards Report: The Steward's report must be concise, accurate and informative.

The Steward's Report must be forwarded to the RCB within 5 days of the conclusion of the meeting.

CHAPTER 6

JUDICIAL FUNCTIONS & PROCEDURES

JUDICIAL FUNCTIONS

While the Clerk of Course is the Chief Executive of the meeting and actually organises the competition and directs the operation of the meeting, it is the Steward who ensures that it is carried out safely and according to the rules. In doing so, the Steward/Referee is the representative of the controlling bodies.

You are most likely to be called upon to act in a judicial capacity as a result of:

- a protest by one competitor against another; or against the organiser; or against a decision of an official; or
- incidents arising from competitions, or at competitions, of a kind which call for disciplinary action. This normally results from a complaint from an official of alleged misbehaviour or a breach of the rules and/or Supplementary Regulations by a competitor. In these cases, the Clerk of Course will normally lay a charge against the offender and act as a prosecutor in presenting the case and the offender will call evidence in rebuttal of the alleged offence; and
- investigative hearings, where the Steward investigates a matter to determine if there has been any breach of the rules. Normally, no charge has been laid before an investigative hearing, however, charges may be laid depending on the evidence brought before the Steward; and
- consequently, the Steward is empowered to apply penalties.

A serious incident should be the subject of a report to the RCB. Alternatively, the Steward may be able to determine the issues and then refer the question of penalty to the RCB; or the Steward may resolve the matter completely.

There are times when a matter is so serious that the Police may get involved. If this happens, the Steward should gather whatever evidence possible without interfering with the Police investigation. The names of the persons involved and any witnesses should be recorded to enable an investigation by the Steward or RCB at a later date, if required.

Serious matters that should be referred to the RCB (and possibly the Police) include:

- assaults (which includes threats of physical violence);
- theft;
- fraud; and
- drug or alcohol abuse.

JUDICIAL PRACTICE

Officials may impose certain penalties without a judicial hearing because MA regards certain infractions, particularly “rules of the game”, as being able to be determined by observation and best dealt with by application of an arbitrary performance penalty. Only infractions that occurred during the event may be penalised without a hearing. See ‘Imposition of Penalties during Events’ in Chapter 7 for further guidance.

If you have any reason to believe that you may be called upon to adjudicate in any matter, you should distance yourself from any discussion on that matter. Under no circumstances should you place yourself in a position where you could be deemed to have prejudged any matter which comes before you.

When a hearing is required to determine a matter, certain procedures and guidelines must be followed to ensure a fair and equitable outcome for all parties concerned.

As far as the imposition of penalties or the making of decisions that could affect those involved in any motorcycle event is concerned, Stewards are the first step in the judicial process. Bear in mind that the results of this process could lead to MA and even, in the case of foreign licence holders, to the FIM.

If you carefully consider the evidence brought before you when you are hearing a matter, and act in the manner suggested by this Manual and the GCRs, it is unlikely that anyone could reasonably suggest that you have acted in an improper or unfair manner.

It is very important to bear in mind that, in order to reach your decision, you consider only such evidence as is placed before you at a hearing. The GCRs allow you to be informed on a matter in any way that you deem appropriate. However, you should not place any reliance on, or be in any way influenced by, rumour or idle gossip. Hearsay may be admitted in evidence but it should be treated with caution. You can draw upon your own observations but any matters so arising must be introduced as evidence.

NATURAL JUSTICE

One of the most important concepts of judicial procedures is natural justice.

Natural justice is basically a concept of judicial fairness.

All accused persons have the right to:

- know the accusation; and
- know the identity of the accuser; and
- have adequate time to prepare a defence; and
- call and question any witnesses needed to raise a defence; and
- remain silent with no undue inference being taken from that silence; and
- be treated fairly and equitably in any decision making process; and
- have the issue dealt with promptly and expeditiously; and
- appeal any decision seen as unfair or unsound.

Natural justice requires that before imposing any penalty, you shall require the parties concerned to be summoned before you.

If any party does not attend the hearing after all reasonable efforts have been made to advise the parties of the hearing, the hearing may go ahead without those parties and a determination may be made.

All affected parties shall be entitled to call witnesses and to speak in their defence. All parties must present their case in person unless you grant permission for an advocate to speak on their behalf. Normally an advocate would not be appointed unless the defendant would have difficulty in presenting a case personally – for example, a person who has difficulty with the English language, someone who is deaf or a very young Junior who has difficulty in presenting a case.

A legal representative is not allowed to act as an advocate at these hearings.

CHAPTER 7

STEWARDS' HEARINGS

PROTEST HEARINGS

One of the main judicial functions of a Steward is to determine protests.

A protest is the formal way which allows competitors to seek to redress an alleged wrong. In this context, the word "competitor" applies to the entrant only and not to the rider unless the rider is the entrant. The "entrant" is the person nominated on the entry form as the owner of the machine. The entry form must nominate the entrant and the entrant must hold an MA entrant's licence or a competition licence.

A protest must be:

- made out to the Steward but lodged with the Clerk of the Course; and
- made in writing; and
- made by a competitor; and
- signed by the protestor; and
- not a 'class protest' or a 'class action'; and
- lodged within the prescribed time frame; and
- accompanied by the prescribed fee.

Remember that for meetings held under any level of MA permit, the protest must be accompanied by the prescribed fee which will be refunded if the protest is upheld, or if not, must be remitted to the RCB.

Lodging a protest with the Clerk of Course may allow the matter to be resolved without referring it to the Steward for a protest hearing. The Clerk of Course must, however, forward the protest if the protester insists on the matter being heard by the Steward.

A protest should only be given directly to the Steward if the Clerk of Course is unavailable. The details and rules to follow for lodging a protest are set out in the MoMS.

Check that the protest is made by a competitor or by a duly authorised agent in the name of the competitor. It must be in writing and signed by the competitor. If the entrant has difficulty in writing out the protest, ask the Clerk of Course to assist in writing the protest.

The Clerk of Course should make sure that the protest makes sense.

A class protest or group action is not permitted. A class protest is a protest against a class of competitors such as the entire field. A class action is a protest submitted by more than one entrant or competitor. A number of protests, on the same matter by individual competitors, are acceptable providing separate protests are received each with the prescribed fee.

If a protest is against a team, that is, against a number of machines entered by the one entrant, then the one protest may cover all machines as long as the grounds of the protest are the same for each machine.

Make sure that the protest is lodged within the prescribed timeframe. There are time limits for protests, so when you receive a protest, note on it the date and time of when it was lodged.

You must be reasonable when enforcing the time limits for protests. The GCRs require a protest to be lodged within 30 minutes of an action or conduct within an event. There are times when this is not possible, for example, in a long distance event. The normal practice is to accept a protest if it is lodged within 30 minutes of the end of the event but note that there are exceptions for Speedway and Supercross.

Make sure that the correct protest fee accompanies the protest and issue a receipt. You should have a receipt book for such occasions. The RCB will issue a formal receipt after you forward the protest fee.

Again, remember that for meetings held under any level of MA permit, the protest must be accompanied by the prescribed fee which will only be refunded if the protest is upheld, or if not, must be remitted to the RCB. While the protest hearing should be held as soon as possible, often no one will be prejudiced if the hearing of the protest is conducted at the conclusion of the event. If the parties are immediately given notice of the time and place of the protest hearing, it is difficult to allege that insufficient time was given to prepare a case and organise witnesses to be present. Also bear in mind that you will be unable to attend to your other duties as Steward if you are tied up in a protest hearing.

Nevertheless, there are some occasions when the protest must be heard immediately or the reason for the protest will have disappeared.

For example, it would be unreasonable to hear a protest about the eligibility of a machine after an event has been held, if the original decision by a machine examiner prevented the machine from taking part in the event. However, under no circumstances may someone “compete under protest”. Issues of eligibility are to be determined prior to the first event and in such circumstances it is worthwhile remembering the onus of proof of eligibility rests entirely with the rider/entrant.

It will be necessary for you to promptly hear protests regarding eligibility.

The Steward is not bound by the rules of evidence and may be informed about the matter in any way that the Steward deems fit.

The fact that you may have been a spectator or bystander to an incident does not bar you from sitting in judgment on the matter.

In general, you should be aware that the authority of a Steward extends for the duration of the meeting and so far past the meeting as is necessary for the determination of protests arising from the event.

The decision must be written down and read to those present, including the parties concerned, and all parties advised of their rights of appeal.

DISCIPLINARY HEARINGS

The Steward, Race Director or Clerk of Course all have the power to lay a charge to prosecute a competitor, promoter, entrant or official for infractions of the Rules, as specified in the MoMS.

A charge may be laid by:

- the **Clerk of Course** and:
 - heard and determined by the Clerk or Course; or
 - referred to the Steward; or
- the **Race Director** (in a Series) and:
 - heard and determined by the Steward; or
 - referred to the RCB; or
- the **Steward** and:
 - heard and determined by the Steward; or
 - referred to the RCB.

For all but extremely serious matters, the Clerk of Course should hear and determine the matter. This allows the defendant to protest against the decision of the Clerk of Course giving the Steward, as an independent arbiter, the opportunity to determine the matter at the meeting. If the defendant is still not satisfied

with the outcome, the right of appeal to the RCB is available. If the Steward deals with the matter initially, there is no opportunity to protest and the only recourse to the defendant is to appeal.

Where the Clerk of Course or Race Director lays a charge against a person for a breach of the rules and they cannot or do not wish to deal with the matter, the Steward should convene a disciplinary hearing. In this case, the Steward calls the parties together and hears all the evidence in full.

Where possible, a charge should be laid in writing. This eliminates a situation where a person can claim that they did not understand the charge. If you think there is a possibility that a person may not understand the charge, read the charge to that person.

The procedure for a disciplinary hearing is as for a protest hearing. If the party is found guilty, you should hear further submissions from the guilty party, if offered, regarding mitigating circumstances and/or sentence before imposing a penalty.

The decision must be written down and read to those present, including the parties concerned, and all parties advised of their rights of appeal.

Cases may arise where you witness what you consider is a breach of regulations. In such cases, you may lay a charge yourself but it is always better to report the matter to the Clerk of Course. The Clerk of Course can then decide whether to investigate and determine the matter or refer it to you for action.

It is quite proper for you to conduct a protest hearing or hear a charge laid before you by the Clerk of Course or Deputy Clerk of Course, even if you reported the incident.

The onus of proof lies upon the protestor or official laying the charge and relies on the evidence they can bring before you. You may rely on your own observations but should always disclose to the parties when you are doing so.

The question then arises as to how much you should see or attempt to see in the course of competition. Take an interest in the conduct of the meeting, without interfering with the operations of the various officials. It is clearly not possible or practicable for you to be aware, either first or second hand, of all that happens during the running of a meeting, nor are you obliged to attempt to be so.

INVESTIGATIVE HEARINGS

The Steward(s) may also call any person(s) before them to enquire into incidents that have taken place or which have been officially reported. This may be solely for the purpose of ascertaining what occurred to enable a full and accurate report to be submitted to the RCB.

If, during the course of the enquiry, it appears that charges may be laid against any person(s), the proceedings must be terminated and the person(s) liable to be charged must be advised before proceeding further.

If a charge is laid, during the ensuing hearing, the Steward(s) must dismiss from their minds what has previously transpired and reach a decision only on the evidence brought before them in the presence of the person charged with the breach concerned.

It may be, for example, that Steward(s) enquire into a matter and call before them a number of riders. As the facts become known, it may become apparent that one or more riders have a case to answer. At that point, the Steward should warn the competitors of that possibility and adjourn the hearing. The charge should then be laid, preferably in writing.

If the matter is serious, it may be referred to the RCB for action.

The decision must be written down and read to those present, including the parties concerned, and all parties advised of their rights of appeal.

PROCEDURAL GUIDELINES FOR HEARINGS

The following is a suggested procedure for holding protest, judicial or disciplinary hearings. It is best practice to hold a hearing at the relevant race meeting, as all the parties are present (that is, Stewards, protester, respondent, witnesses, etc.). There are other occasions, and particularly those associated with Speedway, Enduro or Cross-Country events where the timing of hearings are event specific.

Arranging a hearing at the meeting:

- during the race meeting, sometimes it can be difficult to find a venue which offers quiet and privacy. You have to do the best you can in the circumstances.
- all parties must be given adequate notice and have a reasonable opportunity to attend the hearing to present relevant evidence – this includes any competitor or entrant whose placings, prize money, trophies, championship points, etc. may be affected by the outcome of the hearing. The responsibility for this, and for arranging the hearing, rests with the organiser. In practice, the Clerk of Course or assistant(s) will assist in arranging the hearing;
- satisfy yourself that those likely to be affected by the result are aware of the impending hearing;
- do not rush proceedings. If required, the proceedings can be adjourned to another place at another time. This may be preferable to continuing a hearing until an inordinately late hour.

Arranging a hearing after the meeting:

- adequate notice must be given to all parties concerned – this includes any competitor or entrant whose placings, prize money, trophies, championship points, etc. may be affected by the outcome of the protest. The responsibility for this, and for arranging the hearing, rests with the organiser. In practice, the **RCB** concerned will assist with this process;
- the date set should be suitable to all parties required to be present at the hearing. However, it may not be possible to satisfy all parties with a suitable date. It is not necessary that the requirements of all parties be met if it results in a protracted delay in hearing the protest. Inevitably, some parties may not be satisfied with the proposed date but as long as the main parties will be available (that is, Stewards, Clerk of Course, protester and respondent), the hearing should proceed;
- a venue, suitable for the hearing, is required and provision should be made for an area for witnesses to be segregated from the hearing before and after giving evidence;
- notice can then be given of the time and place and basis of the hearing. This advice should also be mailed separately by the organisers or RCB to the Steward, Clerk of Course, the respondent and to other affected parties;
- it is the responsibility of the RCB to arrange a replacement for any Steward(s) appointed to the hearing, who cannot be present, and of the protester and the respondent to ensure that their witnesses are present. If the protest is against the organisers or the organisation, it is the organiser's responsibility to ensure its witnesses are available; this task normally being undertaken by the Race Secretary following the request of the Clerk of Course.

The Hearing:

- the proceedings should be disciplined and controlled by the **Steward(s)**, who should be in full command of the proceedings.
- The hearing should be relatively formal;
- if there is more than one Steward present, the senior Steward will normally preside over the hearing. However, the RCB may nominate the presiding Steward or a consensus among the Stewards present can appoint the presiding Steward;

Those entitled to be present at hearing:

- any Steward(s) who has a personal or business interest or bias relating to any of the parties present at the hearing **MUST** declare that interest and disqualify themselves from the hearing, if warranted;
- the Steward(s) must be present at all times during the hearing. An informed decision cannot be made unless all the evidence has been heard and the behaviour of all the witnesses observed;
- normally the Clerk of the Course and/or Deputy Clerk of Course will be present, particularly if acting in the role of prosecutor against a competitor;
- other persons directly involved in the matter will also be present:
 - ❖ in the case of an alleged breach of the rules by a competitor, the rider concerned (known as the respondent) and the entrant if the rider was not also the entrant; or
 - ❖ in the case of a protest, the protestor(s) and the respondent(s) and entrant(s);
- the competitors and officials directly concerned with the hearing should be present at all times so that they can hear all evidence given, whether in their favour or not;
- the hearing should not proceed or be conducted in the involuntary absence of any party directly involved in it. If such a party chooses to leave or not attend, that is their decision which you should note in the record of proceedings. However, if any of the parties or witnesses are unavailable after reasonable attempts to notify them of an intended hearing, then the hearing may proceed without them;
- any party involved may call witnesses to dispute, diminish or support any evidence given. If the proceedings are conducted in this manner, it greatly increases the chance of all relevant evidence coming before the Steward(s) who, having heard all parties, can make an informed decision

During the hearing:

- begin by introducing all those present and state why you are there;
- read the protest or alleged breach of the rules to the parties present;
- as each person gives their evidence, make notes of their names, addresses and positions on the day. This is important as it may be necessary to contact them later, particularly if the matter should go on to appeal or if the RCB requires any further information from them;
- it is strongly recommended that you make comprehensive notes of what is said by each witness, as the matter may go to Appeal. Tape or video record the proceedings if possible but ensure that all parties are aware of the proceedings being recorded;
- all persons giving evidence should be advised that they are required to give their evidence truthfully. If false testimony is given, the person that gave false testimony should be charged under the regulations in the MoMS.
- the protestor or the official (normally the Clerk of Course or an Deputy Clerk of Course) alleging a breach of the rules presents their case first and calls witnesses. When each witness has given evidence, the other interested party is entitled, in turn, to question them to clarify points and check the consistency of their evidence;
- it is your duty to offer the interested parties the right to cross-examine any witness when they have completed giving evidence;
- witnesses should be required to wait outside until they are called to give evidence. The reason for this is that human nature is such that if witnesses hear others give evidence, they may, or may tend to, modify their evidence in the light of what they have heard others say. This is not to say that this behaviour is for the purposes of being dishonest or misleading, but it is human nature to try to rationalise what we have seen in the light of what other people say they have seen;
- once a witness has given evidence, the other side has the right to cross-examine the witness. After cross-examination concludes, the person who presented the witness has the right to re-examine the witness to clarify any matters arising during cross-examination;
- do not allow any witness to be badgered or abused by any other party. If the hearing starts to overheat, adjourn the proceedings until things have cooled down. If any person fails to act properly after due warning, charges should be laid against that person;

- whilst the number of witnesses giving evidence may add to the credibility of the case, unnecessary repetition of the obvious is to be avoided. If witnesses are adding nothing new, there is no reason for them to be heard, unless they have other evidence;
- the Steward(s) may then seek clarification of any points considered not clear;
- once witnesses have given their evidence, they should be asked to leave unless you expect that they may be recalled at a later stage to clarify some points. This will avoid a large build up of people at the hearing which can cause difficulties in controlling the hearing. If there is any possibility of recall, they should not remain in the vicinity of the hearing for the reasons outlined earlier;
- evidence should not be taken nor should persons be questioned after the interested parties have left;
- the accused does not have to do or say anything but any evidence given must be truthful;
- when all evidence has been given and all interested parties have been given the opportunity to summarise and argue their cases, all persons are asked to leave the hearing room to enable you to deliberate.

Reaching a decision:

- it is best to have all points clear in your mind before adjourning for deliberation;
- if you require clarification on some aspect of the evidence given by any party, you have no alternative but to recall all of the interested parties directly involved. This avoids allegations that evidence was given in their absence, thus depriving them of the opportunity giving an explanation or disputing the additional evidence;
- in your deliberation, you must weigh the evidence before reaching a decision. Your decision must be based on the merit of the evidence. You are entitled to give greater weight to some evidence compared to other evidence. For example, because of their conduct when giving evidence and because of an unsatisfactory performance when questioned, you may believe that a certain witness was untruthful or otherwise unsatisfactory and that you should discount their evidence or certain aspects of it. You are quite entitled to do so. Conflict of evidence under some circumstances is inevitable but should not prevent the making of a decision;
- do not forget that the person protesting or appealing, or the official bringing the charge of an alleged breach of the rules, has the onus of proof cast upon them. That is, it is up to them to prove what they allege; it is never the responsibility of the “defendant” or “accused” to prove that they are blameless or innocent. In fact, they cannot be forced to give any evidence if they do not wish to do so. If the complaining or prosecuting party cannot prove the allegations, the protest or disciplinary attempt must fail;
- upon reaching a decision, commit it to writing. Give reasons for your decision so that each party knows that their submissions were understood;
- recall the parties, read the decision, note the time and advise the parties of their rights of appeal;
- where a protest is related to the measuring of an engine, a bond will be obtained by the Steward prior to hearing the protest. Other costs may be incurred in the transport, storage, dismantling or other of the motor cycle concerned. All or a portion of the bond may be awarded to the competitor protested against if the protest fails but under no circumstance should costs be allocated to or awarded against the RCB or MA;

Matters Arising from the Decision:

- the Steward may impose any penalty that is sanctioned by the GCRs. See Chapter 7 for further discussion on penalties;
- if the decision of the Steward affects the eligibility of any competitor or machine, ensure that the Clerk of Course advises the appropriate officials (such as grid officials, etc.) of the results of the hearing;
- if the decision of the Steward changes the Provisional Results, the organisers must issue a new set of Provisional Results to all competitors. Should other Competitors be aggrieved at the decision, they can appeal against the decision in the same way in which the protester or the respondent can appeal if the decision goes against them but only within the prescribed time.

Effect of Giving Notice of Appeal:

- the MoMS specifies that the lodgement of an appeal or Notice of Intention to Appeal means that the decision shall not take effect until the appeal has been heard;
- if a competitor or machine has been excluded from or found to be ineligible for a competition, lodging an appeal does not permit that machine or rider to take part in that competition. There is no provision for competing “under appeal” in these circumstances.

SPECIAL CONSIDERATION FOR JUNIOR COMPETITORS

Special care should be taken when dealing with Junior competitors.

Where a Junior is under investigation or is involved in a hearing (other than as a witness), the Junior should have a responsible adult in attendance. This person should be a parent or guardian.

The job of the responsible adult is to advise the Junior and ensure that the Junior’s interests are protected. It is not that person’s role to be an advocate on behalf of the Junior (unless the Steward appoints that person as an advocate). If the responsible adult continually interrupts the proceedings or speaks on behalf of the Junior, that person should be excused from the proceedings and another responsible adult appointed.

Obviously, it is the Steward’s role to act impartially, protect the interests of the Junior and ensure that the Junior is not “bullied” by other participants at the hearing.

If you think that a Junior may have difficulty in presenting a case or defending charges, appoint an advocate. If possible, the advocate should be an impartial person.

CHAPTER 8

PENALTIES & APPEALS

THE IMPOSITION OF PENALTIES

The question of penalties is one of considerable importance as the imposition of a penalty can have far-reaching consequences.

Before a penalty is imposed on any person, there should be some degree of “judicial” consideration given as to whether or not that penalty should be imposed. That is, whether a penalty is fair and consistent.

What you must remember is that any decisions you make or penalties you impose will have a real, and in some cases, profound effect on one or more of the interested parties. Therefore, any action you take or contemplate should be carefully considered. In all cases, you must act fairly and properly, after due consideration. Central to this is that a person who charges another and the person charged have the right to be heard – that is to present their entire case with the full co-operation and attention of the Steward. They must be allowed to give evidence, call witnesses, make submissions on the evidence admitted and the rules or law governing the issues.

The authority to impose penalties is intended to enable appropriate action to be taken as soon as possible after an incident at a meeting. In most cases, the Steward is the most appropriate person to impose a penalty as being a person “on-the-spot”. Remember that justice delayed can be justice denied. It can be difficult for a tribunal, the RCB or MA to fairly impose a penalty weeks or months after a meeting

This authority is not designed to allow Stewards to take over the judicial powers of tribunals, the RCB or MA itself in areas which have nothing to do with the actual competition or to deprive accused persons of their natural rights under the judicial system.

As a Steward, you may:

- fine (up to \$4000); and/or
- exclude; and/or
- impose penalty or time points; and/or
- relegate; and/or
- suspend the licence of any competitor. (Refer to the MoMS.)
- remove or eject an offender from the venue

Penalties:

- must be fair and consistent;
- should not ‘double dip’, that is, a person should not be penalised twice for the same offence. However, this does not preclude imposing a penalty of, for example, a one month suspension and a \$200 fine if the gravity of the offence so warrants;
- must reflect gravity & consequences of the offence;
- must reflect the interests of the Sport;
- should increase for repeated offences by the same person.
- Must take into account mitigating factors as well as the effects on others.

There are two types of penalties normally imposed by a Steward. Penalties may be imposed during an event or as a result of a protest, judicial or disciplinary hearing for a matter arising before, during or after an event.

Any penalty imposed at a meeting must be included in the Steward’s Report to allow the RCB to take further action should, for example, there be an appeal, an unpaid fine or dispute over results.

If you feel that you do not have the power to impose a penalty that suits the offence, you should include the findings of your hearing in your Steward's Report and request that further action be taken against that person by the RCB. In this case, you should do no more than exclude the person whose penalty you wish to refer to the RCB.

The Steward holds the right to determine the timeframe in which a penalty should be paid – it is recommended that any timeframe provide for payment as soon as practicable.

The following is to be noted by all Stewards:

- if Stewards wish to finalise a penalty on the day, they may reprimand, relegate, exclude and impose fines or time penalties;
- if Stewards consider the offence is sufficiently serious to warrant greater penalties, they may exclude the person AND refer the matter for hearing as to penalty by the RCB. If the Steward does intend to refer the matter to the RCB, he/she must clearly indicate to the person that the issue has not been concluded;
- the RCB will be obliged to hear the matter, but only as to penalty – unless an appeal has been lodged;
- the decision must be written down and read to those present, including the parties concerned.

PENALTIES IMPOSED DURING AN EVENT

The GCRs provide specifically for the imposition of penalties during an event. The penalties include fines, exclusion, penalty points, time points, and relegation, by a Steward/Referee or Clerk of Course during the course of an event.

The power to do so is intended to operate where:

- a machine has left the track and thereby gained an advantage (see GCR 6.1.2.1 a) and b) for exceptions);
- a competitor has gained an advantage as a result of an unfair start;
- a competitor has been guilty of unsafe or unfair conduct;
- a competitor has received outside assistance (see GCR 6.1.2.1 e) for exceptions);
- a machine is dangerous;
- a machine does not comply with the rules or the SR;
- a competitor has refused to comply with a medical test that a Steward has been authorised to require;
- there has been a breach of the refueling rules.

Normally, the Clerk of Course or Referee applies the penalty for the breaches mentioned above. For example, a Clerk of Course may impose the penalty of exclusion for late time limit or ineligibility of a machine.

There is no right of appeal against a penalty imposed during the course of an event provided the decision has been notified, if practicable, to the rider or his representative during the event.

In other words, a competitor or entrant cannot protest about any penalty imposed during the course of an event. Therefore, if a penalty is imposed while an event is actually in progress (say, a one minute penalty for jumping the start), the competitor or entrant has no protest rights. If a competitor or entrant attempts to protest about such an incident, the Steward(s) of the Meeting cannot accept the protest. This means that this type of penalty is final.

NB. An event begins when the order to start is given or, for a flying start, when the start line is crossed, and finishes when the finish flag is waved or displayed (see discipline chapters in the MoMS).

PENALTIES IMPOSED FOLLOWING PROTEST, JUDICIAL OR DISCIPLINARY HEARINGS

A decision made, in relation to an event, can be appealed if it is made **before or after** the event. For example, a decision to impose penalty points in an enduro or trials event can be appealed, if it is made after the event, even if the decision relates to an incident that occurred during the event.

A protest against a competitor lodged after an event must be the subject of a hearing, even if the incident happened during the event.

If you feel that you do not have the power to impose a penalty that suits the offence, you should include the findings of your hearing in your Steward's Report and request that further action be taken against that person by the RCB. In this case, you should do no more than exclude the person whose penalty you wish to refer to the RCB.

APPEALS

The next step up the appeal ladder after a Steward's hearing is the RCB or its appointed tribunal. For further details refer to the protests and appeals section of the GCRs.

If a decision is appealed, never take the appeal personally and certainly never regard it as being an attempt to humiliate or denigrate you.

Any person affected by a decision of the Stewards has the right to appeal. Under no circumstances should you attempt to dissuade anyone from exercising that right.

In fact after you have given your decision it is your duty to inform the parties of their right of appeal and advice that you have properly advised all parties must be included in your written determination.

The correct way of advising the parties of their appeal rights, time limits and fees to be paid is to read to them, word for word, the relevant parts of the rules concerned. In this manner no person can allege that you did not properly inform them of the rules. Take time to ensure that the parties understand the appeal rules and ask for confirmation that they do understand.

You should not engage in any further discussion of matters addressed in the hearing after you have handed down your decision.

There is no disgrace in having a decision upset, reversed or amended on appeal. There is no Judge sitting on the bench of the Supreme Court who has not had a judgment set aside or amended on appeal. There is, however, some cause for embarrassment if your decision is set aside on the basis that you acted unfairly or improperly or did not consider adequately the evidence that was placed before you.

This manual is designed to provide clarification of the GCRs by way of additional information and some direction as to the application and interpretation of the rules.

It is designed to provide all those involved in motorcycle sport with as much consistency as possible. Competitors tend to travel greater distances and go to more race meetings than do Stewards. There can be no doubt competitors have the right to be treated in a consistent fashion, under similar circumstances, no matter which region or state they choose to compete in. It falls on us, therefore, to ensure our actions are fair and reasonable under any given set of circumstances and, importantly, consistent with the actions of other key officials throughout Australia.

In carrying out the functions of a Steward, you undertake one of the most important roles at a race meeting. The Relevant Controlling Body (RCB) appoints Stewards to meetings.

As a Steward, throughout the meeting you are the agent and representative of the body which appointed you.

The decisions you make and the directions you give at race meetings will reflect on you, our controlling bodies and other Stewards.