

## LICENSING COMMITTEE

### 1.0 OBJECTIVES

The Licensing Committee (**Committee**) is a Committee established under the Harness Racing Act 2009 and the New South Wales Local Rules, incorporating the Australian Harness Racing Rules (**The Rules**).

The Committee has been established by the Board of Harness Racing New South Wales to assist in undertaking oversight and corporate governance responsibilities in respect of Harness Racing New South Wales licensing decisions.

The purpose of the Committee is to bring together, personnel from within Harness Racing New South Wales with a view to leveraging from their diversity, thereby strengthening the creditability and robustness of licensing decisions.

The Committee has been granted delegated authority by the Board of Harness Racing New South Wales, to determine approval of Licences. The type of licenses to be granted by the Committee is determined by the Board of Harness Racing New South Wales from time to time. The Committee must report on a monthly basis to the Board of Harness Racing New South Wales on all matters pertaining to licences issued or otherwise.

### 2.0 POWER TO ACCESS INFORMATION

The Committee shall be entitled to have access to all relevant information held by Harness Racing New South Wales, and or requested as part of the application process.

### 3.0 DUTIES AND RESPONSIBILITIES

The role of the Committee is to:-

1. Oversee the application of Harness Racing New South Wales Licensing Policy.
2. Oversee the assessment of applications for licences under HRNSW licensing Policy undertaken by the Registrar/Licensing officer where all criteria are met and there are no reasonable areas for concern.
3. Consider issues in relation to applications for licences under HRNSW Licensing Policy that require additional scrutiny with a view to:
  - i. determining if the criteria for the relevant licence under HRNSW Licensing Policy has been satisfied; and
  - ii. approving, denying or attaching conditions to a licence.

4. Oversee and manage the Harness Racing New South Wales Licensing Policy including authorising minor amendments. Any change to the overall intent of the Licensing Policy requires the approval of the Board of Harness Racing New South Wales.
5. Investigate issues that may impact on a person's ability to hold or continue to hold a license with Harness Racing New South Wales;
6. Inform the Board of any determinations that the Committee has undertaken in relation to:
  - i. Issuing of Licence;
  - ii. Show Cause action; or
  - iii. Non-issue or conditions imposed upon a licence.
7. Oversee the issue of show cause matters and manage show cause hearings.
8. Oversee and manage the conduct of license audits.
9. Review licensing policies to ensure that the policies continue to be appropriate to all stakeholders and make recommendations to the Board of Harness Racing New South Wales where amendment of policies is considered appropriate.
10. Report monthly to the Board of Harness Racing New South Wales about the Committee's activities and make appropriate recommendations to the Board.
11. Refer to the Board of Harness Racing New South Wales all defeated decisions of the Committee as a result of the decision of the Committee not being a unanimous decision.
12. Ensure the Board of Harness Racing New South Wales is aware of any matter:
  - i. which may significantly impact the financial condition or affairs of the business; or
  - ii. the Committee reasonably considers may have an effect on the wider community;
13. Attend to any other matter incidental to fulfilling the above roles; and
14. Perform any other function as requested by the Board of Harness Racing New South Wales.

#### **4.0 COMMITTEE MEMBERSHIP**

The Committee will comprise a minimum of 4 persons appointed by the Board of Harness Racing New South Wales.

Until otherwise determined by the Board of Harness Racing New South Wales, the Committee shall be comprised of those persons holding the following positions:

- Registrar/Licensing Manager
- Integrity Officer or their representative which must be either the CEO or COO
- Licensing Officer
- Chief Steward or their representative.

#### **4.1 The Chairperson**

The Chairperson of the Committee shall be the Integrity Officer or their representative. The Chairperson is responsible for:-

- The establishment and maintenance of systems for information flow to the Committee;
- Conveying Committee decisions to relevant stakeholders
- Chairing Committee meetings
- Initiating any emergency decision making requirements, and
- Providing leadership for the Committee.

#### **4.2 Secretarial**

The Committee will be assigned a secretary, generally the Licensing Officer will fulfill this role.

The Secretary will be responsible, in conjunction with the Chairperson, for recording and keeping the minutes of meetings.

### **5.0 COMMITTEE PROCEDURES**

#### **5.1 Meetings**

Meetings shall be held every two weeks or as otherwise reasonably determined by the Committee to best fulfill the functions of the Committee.

A Licensing Officer will be responsible, in conjunction with the Chairperson, for drawing up and circulating the agenda supported by explanatory documents where necessary to Committee members prior to each meeting.

#### **5.2 Quorum of Meetings**

The minimum number of Committee members that must be present at a meeting is three (3) in order for the proceedings to be validly and effectively conducted.

The quorum of three members must consist of:

1. representation from the Stewards to ensure the inclusion of industry intelligence and practicing knowledge; and
2. either the Registrar/Licensing Manager or Licensing Officer to ensure that the implications of Committee decisions are fully considered.

### **5.3 Voting**

Each member of the Committee possesses one (1) equal vote in relation to any Committee matter. This can be exercised individually or by representative. All decisions of the Committee must be passed by a majority decision of the Committee.

### **5.4 Referral of matters to the Board of Harness Racing New South Wales.**

The Committee shall refer to the Board of Harness Racing New South Wales:

- i. All issues which may significantly impact the financial condition or affairs of the business;
- ii. A recommendation following a Show Cause matter for final determination if deemed required.
- iii. All issues that the Committee reasonably consider have an effect on the wider industry.

### **5.5 Special Conditions**

Where the Committee decides to attach special conditions to a license, the Committee shall agree on the intent of the wording of the conditions that attach to the licence and the wording of the conditions are to be recorded in the minutes of the Committee meeting.

### **5.6 Attendance**

Other officers of Harness Racing New South Wales may be requested to attend Committee meetings to discuss or report on particular Agenda Items.

### **5.7 Show Cause Notices**

Where the Committee determines that a show cause notice should be issued upon a person, the notice is to be issued in writing to the licensed person. The notice may be delivered by fax, post, in-person or e-mail.

The show cause hearing is to be conducted in person, by written submissions or by telephone at the sole discretion of the Committee. The person will be provided with reasonable notice of the hearing.

If a person fails to attend or respond as directed, the matter will be deferred.

Following a show cause hearing, the Committee may make a recommendation to the Board of Harness Racing New South Wales regarding the application or otherwise, if they are of the opinion that such matter falls with clause 5.4.

If the Committee or the Board of Harness Racing New South Wales determines that a licence should not be issued to a person or that their licence is varied, that person may receive a written notice of the decision of the Board. This notice will be provided to the licensed person within ten (10) working days of the decision.

### **5.8 Decision conveyance**

If a decision of the Committee or Board of Harness Racing New South Wales is required to be conveyed to an applicant that decision will be conveyed by the Registrar/Licensing Manager or Integrity Officer under the direction of the of the Committee.

## **6.0 EMERGENCY DECISION MAKING**

It is recognised that on occasions decisions will need to be made by the Committee outside of the scheduled meetings. These decisions may be made in two ways:

1. Special meetings which bring a quorum of the Committee together. This would be the avenue that important issues such as show cause hearings may be heard. These meetings are conducted within the same procedures of normal Committee meetings.
2. Virtual decision making may be used either by e-mail or telephone under exceptional circumstances. Exceptional circumstances would include: licence applications where the conduct of a race or meeting may be affected; a shortage of staff to assist trainers on race day.