

CHAPTER 4

OFFICIALS AND DUTIES

General Duties of Officials

It will be the general duty of all officials, irrespective of the duties assigned to them and whether appointed by the AKA, the SKC or the promoters of any meeting, to act honestly and in good faith and in accordance with these regulations and rules and the general interests of the sport of Karting.

In particular an official will be bound by the provision of chapter five insofar as that chapter may relate to offences that may be capable of being committed by an official.

4.01 List of Officials:

- (a) The staff of officials whose duty it shall be to direct and control competitions may include: -
- The Stewards of the Meeting
 - The Chief Observer
 - The Clerk of Course (or Director) and Assistants
 - **The Race Prosecutor**
 - The Secretary of the Meeting
 - The Timekeepers
 - The Chief Scrutineer and Scrutineers
 - The Technical Inspectors
 - The Fuel Tester
 - The Tyre Tester
 - The Scale Marshals
 - The Flag Marshals
 - The Pit Marshals
 - The Starter
 - The Grid Marshals
 - The Observers
 - The Lap Scorers
 - The Noise Control Marshal
 - Officials Secretary (Steward's Secretary)
- (b) They shall be termed "officials" and must be a minimum 18 years of age. All Officials, except for Stewards and Technical Inspectors, may have assistants to whom any of their duties may be delegated.
- (c) All States shall be responsible to conduct schools for Scrutineers and Stewards annually.
- (d) All State Karting Councils must appoint a State Stewards' Coordinator annually. The State Stewards' Coordinator can act as a Steward in his/her own State.
- (e) **State Karting Councils, at their discretion, may nominate additional official positions e.g. announcer, race controller and / or Clerk of the Course Prosecutor to any race meetings. These positions must be included in the approved supplementary regulations for the race meeting.**

Proviso:

Section 4.01(c) does not apply if pre-arranged schools were in place for Scrutineers and Stewards in regional areas to be satisfactorily completed by such Scrutineers and Stewards prior to the 30th Day of June of the year applicable to the current Karting Manual.

4.02 Right of Supervision:

- (a) In addition to the Officials above, the AKA may confer on persons specially qualified, the right to observe any person or body of people promoting or organising or taking part in the promotion or organisation of any competition within the territory of the AKA or any person acting as an official, competitor or driver, or any holder of a licence issued by the AKA in any competition held in any country whatsoever under the Code.
- (b) Whether so named in the relevant documents or not, the members, for the time being, of the NKC or Executives of State Councils shall, ex officio, be observers at all meetings organised under the Permit of the AKA, and shall, on production of their Badge of Office, be accorded free access to all parts of the course at such meetings, and shall have the power to take decisions and issue instructions, with regard to safety and orderly conduct of the meeting.

4.03 Essential Officials:

- a) At a meeting there shall be at least two licensed Stewards of the Meeting. National Office to supply all grades of Stewards with a current AKA Manual.
- b) Only Stewards may officiate as Stewards at a race meeting except as allowed for in Rule 4.09(m)
- c) Clerk of the Course or Director, and in the case of speed competitions decided wholly or partially by time, one (1) or more timekeepers shall be appointed as essential officials at the meeting.

NATIONAL SPRINT CHAMPIONSHIP (Bitumen)

1. There will be a minimum of Eight (8) Stewards for the National Sprint Championship.
2. In consultation with the National Events Coordinator and National Coordinators, the Secretariat shall appoint a minimum of four (4) Interstate Stewards and two (2) Interstate Technical Officers and up to four (4) Interstate Scrutineers.
(Each Interstate Steward will be from a different State and must have grade 1 qualifications).
The Chief Steward for the event must be chosen by the Stewards and be One (1) of the Secretariat appointed Interstate Stewards.
3. The relevant State Council will appoint the remaining Stewards from recommendations made by the State Steward Coordinator.
4. The AKA shall cover travel/accommodation expenses and costs associated with the provision of the interstate AKA appointments. (See Championship criteria document).

STATE SPRINT CHAMPIONSHIPS (Bitumen)

1. There will be a minimum of Six (6) Stewards. In consultation with the National Events Coordinator, the Secretariat shall appoint one (1) Interstate Steward who has grade 1 qualifications who will act as the Chief Steward and one (1) Interstate Technical Officer who shall act as Chief Technical Inspector for the event.
2. The AKA shall cover travel expenses associated with the provision of the Interstate AKA appointments.
All other expenses including the evening meal (recommended \$40 limit per night) are the responsibility of the promoting club.

4.04 Nomination of Officials:

The Stewards of the Meeting and the Clerk of the Course will be nominated by the SKC and be responsible to the AKA.

All Officials, other than the Stewards of the Meeting and Clerk of the Course, shall be appointed by the Promoters and approved by the SKC and the AKA.

At any International Open Meeting held within the territory of the AKA, and at all meetings in

which there is any event carrying a national title, the Stewards and Clerk of the Course shall be appointed by the SKC or AKA, and approved by the AKA.

4.05 Plurality of Duties:

At State and National Championships plurality of duties of key officials is not permitted. At club meetings it is strongly recommended plurality of duties is not undertaken by any official. (At no time may a steward perform more than one duty).

4.06 Separation of Duties:

- (a) An Official shall not, at any meeting, perform any duties other than those which are clearly attached to his/her appointment or appointments. He/she shall not be eligible to compete in any competition at a meeting at which he/she is acting as an Official, except as covered in Rule 4.06(c).
- (b) A competitor may be a flag marshal or may assist an official, except the Clerk of the Course or Steward, at a non-championship event provided it is announced at the driver's briefing and the competitor is not responsible for any official documentation, except as covered in Rule 4.06(c).
- (c) At club level race meetings, where there are less than 50 legitimate entries, a competitor may act as any Official except Chief Steward or Clerk of the Course, providing they possess the appropriate accreditation.

4.07 Remuneration of Officials:

All officials at any AKA Permitted race meeting shall act in an honorary capacity. Appointed officials may be reimbursed for their expenses by the organisers/promoters of the meeting. The AKA shall cover travel and accommodation expenses for appointed Interstate Steward/s for National Sprint Championships (bitumen), and travel expenses for appointed Interstate Steward for State Sprint Championships (bitumen). All refreshments, breakfasts and lunches as required at the track are the responsibility of the promoting club. Evening meal expenses are the responsibility of the promoting club with a recommended \$40 limit per night. Other Officials may be remunerated for their services by the organisers of the meeting.

4.08 Appointment of Chairman and Secretary of Stewards:

- (a) When the NKC has appointed one or more of the Stewards of the Meeting, such Steward, or if more than one have been appointed by the NKC, the Steward appointed from that group as the Chief Steward, shall act as Chairman of the Stewards of the Meeting.
- (b) In the case of equality of votes amongst all of the Stewards of the Meeting, the Chief Steward shall have a casting vote. If the judgement cannot be given immediately after the hearing of the parties, they must be advised of the time and place at which the decision will be given.
- (c) The Stewards/Clerk of Course of the Meeting may use an Officials secretary to complete paperwork at a race meeting.

4.09 Powers of the Stewards of the Meeting:

The Stewards of the Meeting shall have general power and authority to enforce compliance with the Code, these Rules, the Supplementary Regulations, the Programme, and the Instructions to Drivers (if any), and to adjudicate upon any dispute or complaint arising during the meeting subject to the rights of appeal provided by these Rules and in particular shall have power in accordance with these Rules to:

- (a) Keep order in conjunction with such military and police authorities as have undertaken the policing of the meeting and who are especially responsible for public safety.
- (b) Decide what penalty to inflict for a breach of these Rules.
- (c) Modify the Supplementary Regulations in exceptional circumstances.

- (d) Alter the composition of or consolidate heats.
- (e) Authorise a run-off in the case of dead-heats.
- (f) Accept a correction made by a Judge.
- (g) Amend placing's and awards as laid down in Rule 4.17(f) and Rule 6.01.
- (h) Prohibit from competing any driver who, or any kart which they consider to be dangerous, or is reported as such by the Clerk of the Course or a Scrutineer.
- (i) Exclude from one or more competitions or for the duration of the meeting any entrant or driver whom they consider to be or who is reported to them by the Clerk of the Course or Director or Promoters, to be ineligible to take part therein or whom they consider guilty of misbehaviour or unfair practice.
- (j) Exclude from the course and its precincts any competitor or driver who refuses to obey the order of a responsible Official.
- (k) Postpone or alter the conditions of a competition for reasons of safety and "force majeure."
- (l) Modify the position of the starting area or finishing line, or alter the programme at the request of the Clerk of the Course or the Promoters where necessary to ensure reasonable safety for drivers and spectators.
- (m) Appoint a temporary substitute or substitutes to replace any Steward or Stewards not able to perform his/her duties. Such power shall be exercised by the remaining Steward or Stewards and shall be used to ensure that there are always at least TWO Stewards of a Meeting.
- (n) View Cinematographic, photographic or similar apparatus to facilitate the Stewards decision.

4.10 The Stewards of Meeting to Report:

As soon as practicable, but no later than five days after the conclusion of a Meeting, the Stewards of the Meeting shall, with the help of information provided by the Clerk of the Course, or Director, compile, sign and send to the AKA a report giving the results of each competition together with particulars of all complaints lodged, action taken thereon, penalties imposed, together with any recommendation in respect of such cases. The report shall also contain the Stewards' general comments on the organisation of the Meeting and the exercise of their own powers in relation thereto, and any other observations as to the conduct of the Meeting which they consider should be made to the AKA as the authority under whose permit the Meeting was held. There shall be submitted with the report any notices of intention to appeal and appeal fees received in accordance with these Rules.

4.11 Powers of the AKA Following the Stewards' Report:

- (a) If it appears to the AKA from the Stewards' Report or otherwise that a mistake has been made during competition or that the results of a competition have been improperly or incorrectly made out, the AKA shall be entitled to inquire into the matter, and, after giving the interested parties an opportunity to be heard, make such order as it deems proper, even though no complaint or appeal may be outstanding. Provided that no such inquiry shall be ordered after the expiration of 60 days after the publication of the results.
- (b) A copy of the Stewards' Report from all National Championships will be circulated to the States after completion of Hearing of Complaints, Appeals, etc.

4.12 Duties of the Clerk of the Course or Director:

All Clerks of Course must attend an Officials Training School once a year.

In the case of a meeting comprising several competitions there may be a different Clerk of the Course or Director for each competition. The Clerk of the Course is responsible for the general

conduct of the meeting in accordance with the Supplementary Regulations, Programme and Organising Permit, and, in particular, he/she shall:

- (a) Ascertain whether all Officials are at their posts, and report the absence of any of them to the Stewards of the Meeting.
- (b) Ensure that all Officials are provided with the information and equipment necessary for carrying out their duties.
- (c) Before each race meeting the drivers of the ambulance and pick-up vehicle/s are to be instructed not to move their vehicles inside the race track area whilst Karts are in motion.
- (d) Control competitors and their karts and prevent any ineligible competitor, driver or kart from taking part.
- (e) Ensure that each kart and (where appropriate) each competitor carries the proper identification marking in accordance with the programme.
- (f) Ensure that the correct driver is in each kart and marshal the kart as necessary.
- (g) Send the karts to the start in their right order and, if necessary, start them.
- (h) Convey to the Stewards of the Meeting any proposal to modify the programme or any report that deals with the misbehaviour of, or breach of rule by, a competitor or driver.
- (i) Receive complaints from competitors or drivers and immediately transmit them to the Stewards of the Meeting. Collect the reports of the Timekeepers, Scrutineers, Assistant Scrutineers and Observers together with such official information as may be necessary for the determination of the results.
- (j) Prepare a written statement of the information necessary to enable the Stewards of the Meeting to complete their report.

4.13 Duties of the Secretary of the Meeting:

The Secretary of the Meeting shall be responsible for the organisation of the meeting as regards all material and notices required in connection therewith. He/she shall satisfy himself that the various officials are acquainted with their duties and are furnished with the necessary equipment and issue armbands or a form of identification designating their status at the meeting. If necessary he/she shall assist the Clerk of the Course or Director in the preparation of the information required for the Stewards' Report. He/she shall send to the AKA and make available via electronic means, within 72 hours of the end of the meeting, a dated list of the provisional results of a State or National Championship.

4.14 Duties of the Timekeepers:

The principal duties of Timekeepers shall be:

- (a) At the commencement of the Meeting to report personally to the Clerk of the Course or Director for instructions.
- (b) To start speed competitions if so instructed by the Clerk of the Course. In the case of a handicap competition, where the handicap is applied at the start, the starter shall be a timekeeper.
- (c) In races and speed events, and such other events as may be required by the AKA, to use only such apparatus for timing attempts at records where it is necessary to take times within one hundredth of a second.
- (d) To register such times as are appropriate, having regard to the conditions of the competition, or are required by the Clerk of the Course or Director.
- (e) To prepare and sign their reports relating to the timing which is their individual responsibility, and to send them, with all necessary supporting documents, in the case of a meeting to the Clerk of the Course or Director and in the case of an attempt at record or test to the AKA.

- (f) To send on request their original time sheets either to the Stewards of the Meeting or to the AKA.
- (g) To communicate any times or results only to the Stewards of the Meeting and the Clerk of the Course or in accordance with their instructions.
- (h) Chief Time Keeper shall be Judge of Fact as to confirm and register times as are appropriate.

4.15 Duties of Chief Scrutineer, Scrutineers and Technical Inspector:

The Scrutineers are generally responsible for ensuring compliance with Chapter 12. – Scrutineering and Technical Inspection.

The functions of Chief Scrutineer, Scrutineers, Technical Inspector, Fuel Tester and Tyre Tester may be combined at the discretion of the Chief Scrutineer, who, in particular shall:–

- (a) Make inspections before a meeting at the request of the Promoters,
- (b) At the commencement of a meeting report personally to the Clerk of the Course or Director.
- (c) Make inspections during, or if required, after a meeting.
- (d) Use only such measuring instruments as may be specified or approved by the AKA or as deemed necessary by the Technical Inspector / Scrutineer to determine compliance.
- (e) Communicate official information only to the AKA, the Promoters, the Stewards of the meeting and the Clerk of the Course or Director.
- (f) Prepare and sign the reports of their inspections and forward them to the Stewards of the meeting or the Clerk of Course as may be appropriate.

4.16 Duties of Observers, Flag Marshals and Starters:

- (a) The Observers shall occupy posts along the course assigned to them by the Stewards of the Meeting, the Promoters, or the Clerk of the Course or Director. As soon as the meeting commences each observer is under the orders of the Clerk of the Course, to whom he/she shall immediately report by any means at his/her disposal all incidents and accidents which occur on the section of track for which he/she is responsible.
- (b) At the end of each competition all Observers must give to the Clerk of the Course or Director a written report of all incidents noticed by them.
- (c) During a competition Observers/Announcers may be required to inform a specified official of the order in which competitors pass their post, lap by lap in case of a circuit competition.
- (d) Flag Marshals are marshals appointed to give signals by flags to the competitors in accordance with the signals laid down in these Rules. Only professional or fully experienced persons to officiate at State and National Championships. They may also act as Observers.
- (e) Officials under the age of 18 years are not permitted to act as Flag Marshals at any Race Meeting.

4.17 Duties of Judges:

- (a) The Judges of Fact at each race meeting are the Starter, Chief Lap Scorer, Chief Time Officer, Weigh in Marshal, GC Analyst, Grid Marshal and Noise Control Marshal and Chief Scrutineer.
- (b) Other Judges of Fact (if any) will be specified in the Supplementary Regulations.
- (c) The duty of a Judge of Fact is to decide when or whether a kart has touched or passed a given line, or upon some other fact of the same type laid down in these regulations or the Supplementary Regulations.
- (d) A complaint may not be made against the decision of a judge, which shall be accepted as final unless corrected as herein after provided. The finding, though final as regards the fact decided, shall not constitute a statement of results because it will not have taken into account the conditions under which the karts have completed the course.

- (e) Cinematographic, photographic or similar apparatus may be used to facilitate a Judge's decision.
- (f) A mistake by a judge may be corrected by him/her with the approval of the Stewards of the meeting.

4.18 Duties of the Starter:

- (a) To signal the start of competition in a manner that is fair for all competitors.
- (b) To signal competitors with flags and boards as required by these Rules.
- (c) To report to the Stewards, and/or Clerk of Course any competitor whose conduct, before the commencement of the race, is not satisfactory. (Refer also Rule 19.26)
- (d) The Starter shall be Judge of Fact and will determine competitors who are in breach of Rule 19.26 (i) (iv) (v) (vi) (vii).

4.19 Duties of the Pit/Paddock Marshals:

The Pit/Paddock Marshal shall be responsible for the general organisation, lay-out and control of the pit/paddock area.

4.20 Duties of the Grid Marshals:

The Grid Marshals shall be responsible for the marshalling of the karts in their correct grid positions, controlling karts until such time as they are placed in the hands of the Starter and at all times to co-operate with the Pit/Paddock Marshal.

4.21 Duties of Scale Marshals:

- (a) The Scale Marshals shall be responsible for weighing karts/drivers in accordance with these regulations
- (b) Competitors must weigh to the scales of the day. It is recommended that the scale marshal has a set of test weights that will enable the accuracy of the scales to be verified during competition.
- (c) Should a competitor fail their first test they may request one (1) additional test.
- (d) The Scale Marshal shall be Judge of Fact as to measure the weight of any kart and driver at the completion of any section of any event.

4.22 Duties of Noise Control Marshal:

- (a) The Noise Control Marshal shall be Judge of Fact as to the noise level recorded by any individual kart.
- (b) The Noise Control Marshal shall be responsible for monitoring and reports on noise levels of all karts in accordance with these regulations.

4.23 Duties of Lapscorer:

- (a) The Chief Lapscorer shall be Judge of Fact as to the number of laps completed and the race order of any section of any event.
- (b) Lapscorers shall record the order that karts cross the line, each lap and shall tally points and record all places in each event.
- (c) The final placing of every kart should then be placed on a master sheet, from which the grid positions for the next heat of that class can be obtained.
- (d) The grid positions should then be posted on the notice board, as soon as possible after each heat, to assist the Pit and Grid Marshals.

4.24 Duties of a Race Prosecutor:

Each State Association may appoint one or more Race Prosecutors. The Race Prosecutor's principal role is to act on the instructions of the Officials at an AKA sanctioned race meeting and appear at a Steward's hearing on behalf of Officials of the meeting, as their advocate. Instructions are to be provided by either the Clerk of the Course, the Race Secretary or the Chief Scrutineer / Technical Inspector.

Refer to policy document AKAPD01, available from the National Office or at www.karting.net.au.

4.25 Other Official Positions:

The preceding rules outline the type and duties of Officials who direct and control competitions at AKA sanctioned race meetings.

The following rules outline the type and duties of Officials who may be required for the AKA's judicial process to function.

a) **State Prosecutor:** Each State Association may appoint one or more State Prosecutors.

The State Prosecutors principal role is to act on the instructions of the State Association and appear on its behalf in Tribunals and Appeal Tribunals, as their advocate.

Refer to policy document AKAPD02, available from the National Office or at www.karting.net.au.

b) **State Tribunal Registrar:** Each State Association may appoint a State Tribunal Registrar.

The principal role of a State Tribunal Registrar is to ensure that the State Tribunals function in an efficient and proper manner and that the Tribunal rules are complied with.

The Office of State Tribunal Registrar ("STR") is an administrative position, not a judicial position.

Refer to policy document AKAPD03, available from the National Office or at www.karting.net.au.

CHAPTER 5

GENERAL OFFENCES

5.01 A person subject to these rules must not:

- (a) Use foul language or threatening language;
- (b) Do any act or speak in an intimidating manner;
- (c) Assault, strike, touch or move or otherwise apply force of any kind to the person of another or attempt to do so, except as the circumstances may justify or excuse such action.
- (d) Speak words or act in a manner which in the opinion of the officials, is likely to bring the Sport into disrepute;
- (e) Do any act which in the opinion of the officials is likely to bring the Sport into disrepute;
- (f) Bribe or attempt to bribe another person or accept a bribe;
- (g) Compete whilst not currently licenced (minimum penalty of three years suspension);
- (h) Conspire to enable an ineligible person to enter a race or compete in a race;
- (i) Act in any way dishonestly;
- (j) Act in any way which is to the prejudice of karting;
- (k) Remove or be in the possession of, without permission, an official notice or list of competitor's times or results;
- (l) Make a false statement to any official or a tribunal member or member of the AMSAC;
- (m) Make a frivolous complaint or appeal;
- (n) Make a complaint or appeal for an improper purpose;
- (o) Use an engine, part or accessory which, in the opinion of the officials, is illegal under these rules or has been illegally modified;
- (p) Take part in a competition in breach of the regulations;
- (q) Use a fuel, lubricant or other substance not permitted by these regulations;
- (r) Fail to comply with the weight specifications set out in these regulations;
- (s) Fail or refuse to present as directed, or prevent;
 - (i) an inspection or test of any part of a kart
 - (ii) an inspection or test of any part of a driver's clothing or equipment
 - (iii) the weighing of a kart, accessory or driver
- (iv) an inspection or test of any fuel, lubricant or other substance in the possession of the driver or the Parc Ferme crew or under the control of any of them.
- (t) Fail to attend a Tribunal or inquiry when required by the State Tribunal Registrar or the Tribunal;
- (u) Fail to give evidence as a witness before a tribunal or inquiry when called, except to avoid self-incrimination;
- (v) Fail to pay to the AKA or an SKC within one month of its falling due any amount;
- (w) Fail to obey a proper order of an official of a meeting or the SKC or AKA or of a Tribunal or Court;
- (x) Remove a seal or mark without the consent of the official who placed it in position;
- (y) Remove a kart impounded for testing without the express permission of the proper official.

- 5.02** A person found to have committed an offence against Rule 5.01 (o) will be excluded from the section of the event to which the offence relates. This offence will be subject to a stewards hearing and possible further penalty.

- 5.03** 1. A person found to have committed an offence against Rule 5.01(q) shall be automatically excluded from the section of the competition to which the offence relates. (Refer Chapter 22 and Rule 25.18(c).
2. A person found to have committed an offence against Rule 5.01 (r) shall be automatically excluded from the section of the competition to which the offence relates, EXCEPT during timed qualifying sessions when rule 19.17(e)i applies.
- 5.04** 1. Any competitor who breaches Rule 19.26 starting of a race may face action taken by the issue of a Penalty Notification Form which will be issued without a Officials Hearing and signed by at least one Steward and one other Steward, Clerk of the Course or Starter. A complaint / appeal cannot be lodged against this action.
2. Any competitor who does not comply with weights Rule 5.01 (r) will have action taken by the issue of a Penalty Notification Form which will be issued without a Officials' Hearing and signed by at least one Steward and one other Officials, Scale Marshal, or Clerk of the Course. A complaint / appeal cannot be lodged against this action.
3. Any competitor who does not comply with Noise Rule 24.2 will have action taken by the issue of a Penalty Notification Form which will be issued without an Official's hearing and signed by at least one (1) Steward and one (1) other official, Noise Control Marshal or Clerk of the Course. A complaint / appeal cannot be lodged against this action.
- 5.05 These regulations apply to anything done or not done:**
- (a) on any land occupied or used by any kart club
 - (b) at any temporary circuit
 - (c) at any meeting of any kart club, karting council, karting tribunal or motor sport appeal court
 - (d) in connection with any karting competition.
- 5.06** In proceedings before a karting tribunal or the AMSAC, any reference in a rule to the opinion of the officials must be taken as a reference to the opinion of that tribunal or the court, as the case may be.

CHAPTER 6

PENALTIES

6.01 Types of Penalties: (during a race meeting)

The Stewards of the meeting may impose a penalty consisting of ONE or More of the following:

1. A fine (up to \$1,000.00)
2. Revise finishing order
3. Revise grid position
4. Time penalty
5. Place Penalty
6. Points Penalty
7. Exclusion from that section of the event
8. Exclusion from the event
9. Exclusion from the meeting
10. Suspension (up to 6 months)

6.02 Explanation of Penalties:

Any penalty imposed on a driver must be noted on the competitors "electronic licence page" of the AKA Licence System.

If any penalty is varied by a Tribunal or Court, the notation on the competitors "electronic licence page" must then be altered by the relevant State Secretary after notification from the Tribunal or the Registrar.

1. A fine (up to \$1,000.00)

Fines are imposed for a breach of rule/s where no other listed penalties are deemed appropriate.

When a fine has been imposed as a result of a Stewards hearing, the competitors licence is automatically suspended until one of the following conditions is met:

- (a) fines of \$250.00 or less must be paid within 1 hour of the Stewards decision.
- (b) for fines greater than \$250.00, a minimum of \$250.00 must be paid within 1 hour of the Stewards decision, with the balance paid within 14 days of the date of the decision. Competitors may continue to compete only after payment of the minimum amount (\$250.00), prior to the balance being paid.

If the licence holder does not comply with the time limits for payment of a fine, the licence is automatically suspended for a period of two days for every day between the date notified as the date by which the fine/fee was due to be paid and the date on which all directions in the notification have been complied with.

2. Revise finishing order.

A revision of the finishing order of a race may be imposed when the Stewards deem a competitor has gained an unfair advantage, or unfairly disadvantaged other competitor/s. Generally used when the finishing order determines a grid position or placing with no points attached (pre-final or final only counts). Succeeding competitors affected by the revised finishing order will receive the entitlements associated with their revised placing.

When circumstances permit, revision of the finishing order of a race may also permit the reinstatement of unfairly disadvantaged competitors.

3. Revise grid position.

Generally only imposed for a starting infringement issued prior to the re-start of a race. Imposed by the Stewards / Starter using a penalty notification form.

4. Time penalty.

A time penalty may be imposed in any race where approved timing equipment is used to record timing / lap scoring recording. A time penalty, when added to the competitors total race time, may alter the original placings for that section of the event.

5. Place Penalty

A place penalty revises the finishing order of a race. All competitors affected by the revised placing will receive the relevant placing / points entitlements associated with their revised placing.

6. Points Penalty

A points penalty only changes the points allocated to the penalised competitors finishing position in the race. It does not affect the finishing positions or points allocation of any other competitors in the race.

7. Exclusion from that section of the event.

Excludes the competitor from any entitlements (points / placing) for that race only. Refer to Consequences of Exclusion, below.

Points / placing allocated will be the same as a disqualification (DSQ).

8. Exclusion from the event

Excludes the competitor from any further participation in any section of that event (class), and any entitlements already gained for the relevant class, for the entire race meeting. Refer to Consequences of Exclusion, below.

Competitor may still compete in other events (classes) at that meeting.

9. Exclusion from the meeting

(1) When a licence holder is excluded from a meeting,

(a) the penalty is applied immediately it is imposed and the licence holder cannot take any further part in that meeting.

(b) the competitor loses any points, placings or awards in all sections of events (classes) completed at that meeting before the penalty of exclusion was imposed. Refer to Consequences of Exclusion, below.

(c) the competitor forfeits any fees paid in respect of that meeting.

(2) An automatic exclusion does not prevent the imposition of any additional penalty (after the hearing of a complaint) for the same offence.

(3) A penalty of exclusion may be imposed by stewards who refer a matter to a Disciplinary Tribunal for further penalty. This does not prevent the tribunal from varying or imposing a further penalty.

10. Suspension (up to 6 months)

(1) When a licence holder has their licence suspended;

(a) the sentence of suspension is applied immediately it is imposed, subject to provisions relating to appeals as stated in Rules 8.17, 8.18 and 8.19.

(b) the competitor loses any points, placings or awards in all sections of events (classes) completed at that meeting before the licence suspension was imposed.

(c) the competitor forfeits any fees paid in respect of that meeting.

(d) the Stewards may refer the matter to a Disciplinary Tribunal for further penalty. This does not prevent the tribunal from varying or imposing a further penalty.

(2) A licence holder who is suspended cannot Practice, Race or act as an Official at any AKA licensed track during the period of their suspension.

Consequences of Exclusion or Suspension:

For the purposes of lap scoring / recording, when a competitor is excluded from a section of an event, excluded from an event, excluded from a meeting or suspended during a meeting, their relevant placings / points entitlements will be assumed by the relevant succeeding competitors with all subsequent placings / points adjusted accordingly.

6.03 Referral to a Disciplinary Tribunal:

The Stewards of a meeting may refer a matter / competitor to a SKC Disciplinary Tribunal when:

- (a) there is good reason why the matter cannot be dealt with during the course of the race meeting.
- (b) a competitor receives a third written warning (within a twelve month period) on their “electronic licence page” of the AKA Licence System. Refer to rule 6.04(5)
- (c) The Stewards, after conviction, determine that a penalty is warranted which they are not authorised to impose. In that case, the written statement of the Stewards that the charge has been found proved shall be conclusive evidence of that fact. Refer to rule 9.02(a)(iv).
- (d) The Stewards must also advise the competitor/s what penalty, if any, will be recommended to the Tribunal, but advise that the Tribunal may vary the penalty.
- (e) There is no fee for officials of a race meeting who refer a matter to a Disciplinary Tribunal.

NOTE: Matters requiring referral to a Disciplinary Tribunal during the running of a State or National Championship must be referred direct to the Tribunal registrar of the host State Karting Council

6.04 WARNING (NOT A PENALTY)

1. Any competitors under the age of 18 years who are called before a Clerk of the Course or Steward for a verbal or written warning must be accompanied by a parent or adult guardian before being addressed by an AKA Official.

2. Verbal warning.

A verbal warning is given for a minor infringement that does not advantage or disadvantage any body, and which is normally caused by inexperience, lack of familiarity or an error of judgement, and is unlikely to be repeated.

A verbal warning cannot be given as a penalty as a result of a stewards hearing.

A verbal warning is not recorded on the competitors “electronic licence page” and does not appear on the Steward’s Report for the meeting.

3. Written warning.

A written warning is given for an infringement that has not greatly advantaged or disadvantaged anybody, but is one the offender should have known better, and if a similar offence is repeated, it will result in a complaint.

A written warning cannot be given as a penalty as a result of a steward’s hearing.

A written warning is recorded on the competitors “electronic licence page” and does appear on the Steward’s report for the meeting.

4. A steward may, if no complaint has been made concerning an incident, verbally warn a person subject to these rules, and may make a notation to that effect on the person’s “electronic licence page” of the AKA Licence System. The steward must first advise the person what offence the steward believes the person has committed and must give the person an opportunity to provide an explanation. If a complaint is subsequently made concerning the

incident which resulted in the warning, a hearing must be held. If a stewards' hearing is held, and the complaint proven, the notification of the warning on the person's "electronic licence page" of the AKA Licence System may be cancelled. If the complaint is dismissed the notation on the person's "electronic licence page" of the AKA Licence System must be cancelled.

5. A person who has three or more written warnings recorded on their "electronic licence page" of the AKA Licence System in a 12 month period will be required to show cause to a Disciplinary Tribunal why that person should not be penalised. A Tribunal must deal with the matter as a matter of penalty only, and must accept that the person has committed the offences which were the subject of the warnings.

SUGGESTED PENALTIES FOR NON CONFORMANCE OF AN ENGINE OR PART

RULE	NON -CONFORMANCE	SUGGESTED PENALTY
26.01	Engine failed CC test	Exclusion from meeting plus 1 month suspension
5.01 (o)	Illegally machined part	Exclusion from meeting plus 3 months suspension
5.01 (o)	Tampering of engine ports	Exclusion from meeting plus 6 months suspension
5.01 (o)	Airbox infringement (tampering)	Exclusion from meeting
5.01 (o)	Exhaust infringement (tampering)	Exclusion from meeting
5.01 (o)	Restrictor plate infringement	Exclusion from meeting
40.08.2 41.29.2	Total exhaust length (midget/rookie)	Excluded from section of event
25.24	Airbox missing	Excluded from section of event
25.09.2	Exhaust missing	Excluded from section of event
5.01 (r) 25.19	Weight infringement	Excluded from section of event
Chapter 25	Kart formula infringement	Excluded from section of event

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OFFENCE	A.K.A. RULE	SUGG. PENALTY
Abuse or intimidation	5.01(a-e)	#1, #9 or #10
Alcohol/Drugs – consumption	17.16, 19.38	#9
Baulk line infringement	17.04 & 5	#5
Baulking	16.17	#1 – #7
Chequered Flag Infringement	15.17	#1 or #7
Contact between karts	16.13(a)	#1 – #10
Dangerous or over aggressive driving	16.13(b)	#1 – #10
Driver's briefing – failure to attend	19.18	#1
Ducking Head	16.14	#1, #2, #5, #6 or #7
Engines – non conforming (as determined by STO, Chief Tech Insp, Chief Scrutineer)	5.01(o)	#1, or #5 – #10
Fuel infringement	5.03(1), 5.01(q)	#8 – #10
Instruction – failure to obey	5.01(w)	#5 to #10
Inspection – failure to present	5.01(s), 12.02	Refer to rule 12.02
Kart – obstruction of circuit	16.03	#1, #5, #6, #7
Kart Direction	16.02	#5 – #9
Noise infringement	24.2	Refer to Rule 24.7
Practice – failure to take part	16.10	Refer to Rule
Rejoining circuit	16.05	#2 – #8
Restart during race	16.08	#1 or #9
Scrutineering – failure to comply, to comply during the event.	Chapter's 12, 14 & 25	#1 – #10
Shaking hands whilst driving	16.15	#1
Smoking	17.14	#1
Speeding/Ingrid	16.13(b)	#1 – #10
Starts	19.26	#3 – #8
Transponder	19.17(d)	#1 or #7
Tyres – incorrect use	19.34	#8 - #10
Tyres – markings and / or recording	19.10(ii)	#7
Weight infringement	5.01(r), 5.03.2	Refer to Rule #7
Yellow flag – passing	15.04, 15.10	#2 or #5 – #8

6.05 Penalties from a Tribunal or Court:

1. A Tribunal, the AKAC or the AMSAC may impose any penalty except;
 - (a) The maximum fine which can be imposed by a Tribunal for a single offence is Two Thousand Dollars;
 - (b) The maximum fine which can be imposed by the Court for a single offence is Three Thousand Dollars;
 - (c) There is no maximum for other penalties.
2. The time limit for payment of fines / costs from a tribunal or court is 14 days from the date of the decision.
3. Some penalties are by these regulations imposed automatically. For example, suspension for failure to pay a fine/fee.
4. Suggested penalties from a Tribunal or Court.

SUGGESTED PENALTIES LIST FOR TRIBUNALS	SUSPENSION
Abuse / Intimidation of Official	3 mth – 10 yr
Assault of Official	1 yr – life
Assault / Intimidation of Competitor or Pit Crew or any other person	3 mth – 5 yr
Non Conforming Engine	3 mth – 3 yr
Non Conforming Fuel	3 mth – 5 yr
Tyre Treatment	3 mth – 5 yr
Alcohol / Drug Offences	1 yr – 5 yr

6.06 Action if Person Present at Time of Decision:

If the licence holder is present when the penalty is imposed:

- (a) the decision must be recorded on the competitors "electronic licence page".
- (b) if a fine has been imposed, the licence is suspended until the fine has been paid. Time frame for payment of fines as per Rule 6.03.2.
- (c) if a suspension has been imposed, the licence holder must be advised that the period of suspension commences immediately, (subject to provisions relating to appeals).

6.07 Address for Notification of Hearings and Penalty:

A notification of a hearing or penalty is effectively given if sent by ordinary mail to the address given on the application for the person's current kart licence, or the most recent subsequent address notified in writing to the Secretary of the State Karting Council.

6.08 If the licence holder is not present, the Tribunal Registrar must notify the licence holder by ordinary mail to the address referred to in the previous rule.

- (a) what penalty has been imposed.
- (b) that the penalty has been recorded on the competitors 'electronic licence page'.
- (c) if a fine has been imposed, then it must be paid within fourteen (14) days of the notification.
- (d) if a suspension has been imposed, that the suspension applies from the date of the imposition of the penalty.
- (e) there is, except in the case of the decision of the AMSAC, a right of appeal under these regulations.

6.09 Manner of Notification:

A licence holder may be notified of a penalty in person or as referred to in Rule 6.07.

6.10 Date of Notification if by Post:

If the licence holder is notified by post, the date of notification is deemed to be the second business day after the day of posting.

6.11 Suspension for Failure to Comply with Time Limits:

If the licence holder does not comply with the time limits for payment of a fine, the licence holder is automatically suspended.

The period of automatic suspension is two days for every day between the date notified as the date by which the fine/fee had to be paid and the date on which all directions in the notification have been complied with.

6.12 Publication of Penalty:

The AKA shall have the right to publish or cause to be published the orders made by an Appeal Tribunal, including the AKAC, and to publish the names of all the parties to the appeal. Any person or body whose name is published pursuant to this rule shall have no cause of action against the AKA or against any person publishing such order.

For the avoidance of doubt, this rule authorises only the publication of the orders made and the names of the parties and does not authorise, in part or in whole, the publication of the judgment or publication of any transcript relating to the appeal proceeding.

CHAPTER 7

COMPLAINTS

- 7.01** A reference elsewhere in these regulations to a protest must be taken in this Chapter as a reference to a COMPLAINT.
- 7.02** A reference elsewhere in these regulations to a charge or report must be taken in this Chapter as a reference to a COMPLAINT.
- 7.03** A body or an official or a person directly affected may make a Complaint.
- 7.04** A Complaint or appeal may be made about any act or omission, which is believed to be a breach of these regulations except:
- (a) a refusal of entry
 - (b) a decision of a judge or a judge of fact
 - (c) a direction to remove or cover advertising. (refer Rule 19.13)
 - (d) a starter's decision (refer Rule 19.26(vi))
 - (e) accuracy of scales
 - (f) the use of the red flag (refer Rule 16.11)
 - (g) Stewards decision re Chief Scrutineer's report (refer Rule 12.01(d))
 - (h) injured driver clearance (refer rule 16.12)
 - (i) baulk line (refer Rule 17.05)
 - (j) a decision made re Rule 19.17
 - (k) a decision concerning non-conforming fuel and tyre or tyres as the result of a test by gas chromatograph.
 - (l) a decision concerning non conforming noise level as a result of a test by a sound level meter. Refer R24.2
 - (m) a decision made regarding rule 23.01
 - (n) a decision from the clerk of the course and Chief Steward pertaining to rule 19.34 (ii) a)
- 7.05** A Complaint save a complaint in relation to the actions of an official, if lodged at a meeting must be made in writing to the Clerk of the Course or Chief Steward on the correct form if available.
- 7.06** All other Complaints save a complaint in relation to the actions of an Steward, must be made in writing to the Tribunal Registrar.
- 7.07** A complaint in relation to an official must be made in writing to the National Tribunal Registrar. Complaints must relate to assault/intimidation of a competitor or pit crew or any person and not procedural or judgmental errors.
- 7.08** A written report of an official is a Complaint, if it states or implies that a regulation has been broken.
- 7.09** Where practical, an Steward who lays a complaint should not be involved in hearing that complaint, except when called as a witness.
- 7.10** A fee must be paid when a person makes a Complaint.
- 7.11** An official (of the day) does not have to pay a fee when making an official Complaint.
- 7.12** When the Clerk of Course receives a Complaint the Stewards must be notified.

7.13 When the Tribunal Registrar receives a Complaint, a hearing of a Tribunal must be arranged save and except as provided by regulation 7.18. The date for the hearing of a disciplinary tribunal must be notified to all parties concerned within 90 days of receipt by the State Tribunal Registrar of the complaint.

7.14 The time limits for Complaints are as follows:

NATURE OF COMPLAINT	LATEST TIME FOR MAKING COMPLAINT
(i) Validity of entry, Right to take part	2 Hours after end of time for scrutineering
(ii) Handicap / Make up of heat Instructions to drivers or race	Half an hour before commencement of relevant heat
(iii) Decision of Scrutineer	Immediately
(iv) Anything happening during a race (ie. Between leaving the grid and returning to pit area)	Half an hour after returning to pit area
(v) Decision of Technical Inspector	Half an hour after notification of decision
(vi) Final results	Half an hour after announcement or display on the official notice board. Where results are notified by post or other means, 72 hours after results are transmitted.
(vii) Any complaint concerning the actions of an official	48 hours after the incident complained of
(viii) Any other situation	Half an Hour after the alleged situation occurred.
(ix) Complaints laid by Officials of the Meeting shall not be subject to the time limits set out in previous parts of this rule, but must be lodged "where practical" prior to the expiration of the relevant meetings permit.	

7.15 The Stewards or Tribunal Registrar (whether national or state) may always permit a Complaint to be made out of time for a good reason.

7.16 A Complaint made at a race meeting must be dealt with by the Stewards unless there is a good reason why they cannot do so.

7.17 A Complaint not dealt with by the Stewards must be dealt with by a Disciplinary Tribunal save and except in relation to a complaint against an official which must be dealt with in the manner set forth in regulation 7.18

7.18 (a) A complaint against an official shall be made in writing and signed by the complainant and shall be accompanied by signed statements of witnesses (if any) to the incident complained of.
(b) The written signed complaint and the signed witness statement or statements shall be forwarded to the National Tribunal Registrar by post within the time limited by regulation 7.14 (vii).

- (c) The National Tribunal Registrar, upon receipt of the material referred to in subparagraphs (a) and (b) hereof shall, in the first instance, in the exercise of his/her absolute discretion, decide if the nature of the complaint, prima facie, indicates that a breach of the regulations or rules has been committed by an official or is an issue of sufficient importance, or of sufficient weight or is a matter of public interest or is in the interest of karting generally, in which case, he/she shall refer the said material to a State Disciplinary Tribunal which shall be constituted for the purpose of considering and inquiring into the complaint and, if thought fit, imposing a penalty.
- (d) If the National Tribunal Registrar, in the exercise of his/her discretion, considers that the complaint is trivial or frivolous and vexatious then in that case, the National Tribunal Registrar may reject the complaint.
- (e) No appeal shall lie against any decision made by the National Tribunal Registrar in exercising his/her discretion in any matter/s referred to in this regulation.
- (f) The National Tribunal Registrar, if he/she considers that the complaint should be referred to a Disciplinary Tribunal, shall forward the material referred to in subparagraphs (a) and (b) hereof to the State Tribunal Registrar who in the opinion of the National Tribunal Registrar is the most appropriate to consider and determine the matter.

Stewards Hearings:

- 7.19** The procedure for an Stewards' Hearing is set out in this Chapter. The Stewards are not a Tribunal and Chapter 9 does not apply to them. Any necessary interviews by the Stewards of the Meeting must be conducted outside the racetrack area. Refer Rule 1.07.
- 7.20** In the rest of this Chapter the person or body making the Complaint is called "the Complainant".
- 7.21** If the Complainant does not know what regulation is relevant, the Stewards must attempt to find the relevant regulation.
- 7.22** The Stewards must, when all parties are present, tell the other parties which regulation is believed to be relevant.
- 7.23** If the Stewards believe that a regulation is relevant which is different from that stated by the Complainant, all parties must be advised.
- 7.24** The Complaint must then be dealt with on that basis. It is the intention of these Rules that a person should not escape responsibility for a breach of these Rules because a Complaint is wrongly framed.
- 7.25** When a Complaint is made, the Stewards must decide which persons may be materially affected by the decision of the Complaint.
- 7.26** Those persons must then be invited to attend when the Complaint is dealt with.
- 7.27** A person need not be invited to attend if the only way in which that person may be affected is by being advanced in position (without being placed).
- 7.28** An invitation to attend the hearing of a Complaint made at a race meeting may be made by announcement on the public address system. However, the Stewards must ensure that a person against who a complaint has been made is aware of the hearing, by personal contact if necessary. Failure by the invitee to attend a hearing does not mean the complaint cannot be dealt with.
- 7.29** **Any person under the age of 18 years who attend the hearing of a Complaint as either, the Complainant, the Defendant or a Witness, must be accompanied by a parent or adult guardian before being addressed by an AKA Official.**
- 7.30** The young person may consult the adult, but the adult must not speak to the Stewards unless,

in the opinion of the Stewards, the young person will suffer serious prejudice unless the adult is permitted to speak.

- 7.31** A person invited to attend the hearing of a Complaint may nominate another person to attend as the representative of that person.
- 7.32** The Stewards may treat the nominee, in the absence from the hearing of the nominator, in all respects as the nominator.
- 7.33** The nominator cannot complain of not being given an opportunity to speak or to exercise any other right, if the nominee is given that right while the nominator is absent from the hearing.
- 7.34** A Complaint made at a race meeting must be dealt with as soon as possible.
- 7.35** At least two Stewards must deal with a Complaint made at a race meeting.
- 7.36** The Complainant must outline the facts on which the Complaint is based and to produce evidence.
- 7.37** The other parties must then be asked what they have to say in support or in reply and to provide any other relevant evidence.
- 7.38** The Stewards must decide whether a regulation has been broken and, if so, who has broken it.
- 7.39** If it is decided that a regulation has been broken by a particular person, that person must be asked whether there is anything that person wishes to say which will be relevant in determining the appropriate penalty.
- 7.40** The Complainant must also be asked the same question.
- 7.41** The Stewards must decide whether the appropriate penalty is within the power of the Stewards as set out in these Regulations.
- 7.42** Types of Penalties: (during a race meeting)
The stewards of the meeting may impose a penalty consisting of ONE or More of the following:
1. A fine (up to \$1,000.00)
 2. Revise finishing order
 3. Revise grid position
 4. Time penalty
 5. Place Penalty
 6. Points Penalty
 7. Exclusion from that section of the event
 8. Exclusion from the event
 9. Exclusion from the meeting
 10. Suspension (up to 6 months)
- 7.43** **Exclusion and referral for penalty. Refer rule 6.03 (c)**
The Stewards must also advise the parties what penalty, if any, will be recommended to the Tribunal, but advise that the Disciplinary Tribunal may vary the penalty.
- 7.44** In all other cases the Stewards must decide what is the appropriate penalty. Any penalty shall be given in writing on the AKA official form.
- 7.45** If the Stewards do not make a decision which is favourable to the Complainant or if the complaint is withdrawn, the fee for the complaint shall normally be forfeited.
- 7.46** Once a decision on a Complaint is made, all parties must be advised that they have a right of appeal to an Appeal Tribunal. (Refer Rule 8.12 and 8.13 for vital conditions if an Appeal involves engines/fuel/accessory or part).

CHAPTER 8

APPEALS

8.01 There are five kinds of appeals:

- (a) an appeal from a decision of the Stewards
- (b) an appeal from a decision of a Disciplinary Tribunal
- (c) an appeal from a decision of an Appeal Tribunal to the Australian Karting Appeal Court (AKAC) or to the Australian Motor Sport Appeal Court (AMSAC)
- (d) an appeal from a decision of the AKAC to the AMSAC
- (e) an appeal to the AMSAC on the grounds that a decision of the NKC or the Secretariat was not within the power of that body or was otherwise unconstitutional.

8.02 "A party to proceedings conducted as a Steward's Hearing, a Disciplinary Tribunal or an Appeal Tribunal may appeal the decision of that Steward's Hearing, that Disciplinary Tribunal or that Appeal Tribunal on the grounds of severity of penalty, error of law, error of fact. For the avoidance of doubt, a party is a person or entity who has appeared in the proceeding as a Defendant, a Complainant, a Prosecutor, or a person or entity otherwise joined in the proceeding."

8.03 A State Karting Council or the AKA Secretariat, may appeal to an Appeal Tribunal, the AKAC or the AMSAC if it is satisfied that the appeal should be brought in the best interests of karting.

8.04 All appeals to the AMSAC are subject to leave being granted by the AMSAC.

8.05 All Appeals shall be lodged with the appropriate Tribunal Registrar. (Refer Rule 1.07 (ss)). All Appeals shall be in writing, which shall be in the form of the AKA Appeal Form. All Appeals shall be accompanied by the appropriate fee otherwise the Appeal form shall not be accepted for lodgment.

8.06 A Notice of Intention to Appeal FROM A DECISION OF THE STEWARD'S shall be made in writing and hand delivered to one of the Stewards at the Meeting and shall be accompanied by the appropriate fee. A Notice of Intention to Appeal shall, unless a contrary intention appears in this Chapter 8, be subject to the same rules and bear the same consequences as an Appeal.

8.07 The time limits for Appeals are:

BODY APPEALED TO	TIME LIMIT FOR NOTICE OF INTENTION TO APPEAL	TIME FOR NOTICE OF APPEAL
Appeal Tribunal	One hour of decision	Hand delivered to the Steward's at the meeting or posted to the State Tribunal Register by registered mail before 12 midnight on third day after day of decision
<p>NOTE: Appeal Tribunals are not applicable to State or National Championship events. At these events, the first avenue of appeal from a Steward's Hearing is to the AKAC. Time limits for notice of intention to appeal and notice of appeal are the same as for an appeal tribunal.</p> <p>All Appeal documentation from these events must be forwarded directly to the: AKA National Tribunal Registrar P.O. Box 4222, Penrith Westfields Penrith, N.S.W. 2751 Email: admin@austkarting.com.au</p>		
The Australian Karting Appeal Court (AKAC)	Not applicable	Hand delivered or posted by registered mail before 12 midnight of the seventh (7th) day after the handing down of the decision of the appeal.
Australian Motor Sport Appeal Court (AMSAC)	Not applicable	Hand delivered or posted by registered Mail before 12 midnight of the seventh (7th) day after day of decision

- 8.07.1** A Tribunal Registrar may, for a good reason, accept an out of time Appeal providing it is hand delivered or posted by registered mail and received by the appropriate Tribunal Registrar within 72 hours out of time.
- 8.07.2** Any Appeal out of the time limit specified in 8.07.1 shall not be accepted for lodgement.
- 8.07.3** An Appeal by a State Karting Council or the AKA under Rule 8.03 shall not be subject to the time limits set out in previous parts of this rule.
- 8.08** Appeal fees (including GST) are as follows :
- | | |
|-----------------------|---|
| To an Appeal Tribunal | \$550.00 |
| To the AKAC | \$1,100.00 for an appeal in writing
\$2,200.00 for an appeal in person |
| To the AMSAC | \$6,600.00 |
- 8.09** A State Karting Council or the AKA Secretariat or the National Karting Council shall not be required to pay an appeal fee.
- 8.10** A Notice of Intention to Appeal or Notice of Appeal shall indicate whether the Appeal is an appeal against a conviction, a penalty, or against both and shall fully set out the grounds of appeal.
- 8.11** The body hearing an appeal has the discretion to permit an appellant to rely on a ground not set out in the Notice of Appeal.
- 8.12** If a person appeals against a decision with respect to an offence committed against Rule 5.01 (o), then the engine, the part or the accessory found to breach Rule 5.01(o) shall:

- (a) be handed to the Clerk of the Course or the Clerk's Deputy; and
- (b) be sealed for transmission to the Tribunal, the AKAC or the AMSAC; and
- (c) remain sealed until the engine, the part or the accessory is inspected in the presence of the Appellant or the Appellant's representative and a person or persons approved by the appropriate Tribunal Registrar.

8.13 If the engine, the part or the accessory is:

- (a) removed from the inspection area at any time by anyone except an Official of the meeting; or
- (b) not personally handed to the Clerk of the Course or the Clerk's Deputy; or
- (c) altered at any time it is in the inspection area by either the Appellant or a member of the Appellant's crew or by any other person, then the evidence used to found the offence shall be accepted as correct on the hearing of the Appeal.

8.14 (a) When a person is found to have used a fuel, lubricant or other substance not permitted by the regulations, and that person then wishes to appeal against the finding, then an appropriate Official must, in the presence of the person intending to appeal, or that person's representative:

- (i) take a sample or samples of the fuel, lubricant or other substance and place those samples in an airtight container(s) ;
 - (ii) seal the airtight container(s) containing the sample(s) and forward the container(s) to the appropriate Tribunal Registrar or to an address directed by the Registrar.
- (b) If the sample(s) referred to in 8.14(a) is to be further tested, then the seals on the airtight container(s) must be verified as intact by an approved person immediately prior to the commencement of testing of the sample(s).

(c) An approved person is a person who is a member of, or eligible for membership of the Royal Australian Chemical Institute or a similar body approved by the AKA .

8.15 It is an offence for a person whose fuel, lubricant or other substance is to be tested or for the crew of that person or for any other person:

- (a) to alter any part of the test material in any way;
- (b) to remove any part of the material to be tested from the inspection area without the permission of the tester;
- (c) to remove, alter or damage any sealed sample at any time.

8.16 If a person commits an offence under Regulation 8.15, then the evidence of the fuel tester as to the legality of the fuel, lubricant or other substance shall be accepted by the body hearing the Appeal, and no evidence of whatsoever nature shall be accepted by or on behalf of the Appellant concerning the legality of the fuel, lubricant or other substance.

8.17 When a Notice of Intention to Appeal or a Notice of Appeal is lodged, a penalty of exclusion or suspension shall only take effect prior to the hearing of the Appeal in circumstances outlined in rules 8.18 and rule 8.19:

Any driver who's appeal against a licence suspension is subsequently dismissed, may have their original licence suspension increased

- 8.18** When:
- (a) the decision cannot be the subject of a complaint and therefore cannot be appealed against or
 - (b) the decision appealed against was made under Rule 4.09(h), (i) or (j)
 - (c) the decision appealed against relates to an offence referred to in Rule 12.02 in which case a penalty of exclusion or suspension takes effect immediately.
- 8.19** When an Appellant is advised in writing that the Appeal will be heard within one month from the date of the decision appealed against, the penalty of exclusion or suspension shall take effect on the later of:
- (i) the end of the event to which the Appeal relates, or
 - (ii) the date on which the Appellant receives written notification of the result of the Appeal.
- 8.20** (a) Any person participating in any AKA sanctioned competition whilst under Appeal shall not receive any award, trophy or points in the event that gave rise to the Appeal unless the Appeal is successful.
- (b) Any person who races, practices, or acts as an Official at any AKA licenced track whilst under appeal will forfeit all their rights to be able to withdraw their appeal.
- 8.21** (a) The appropriate Tribunal Registrar shall ensure that a Notice of Hearing of the Appeal is forwarded to the Appellant and any other parties to the Appeal not later than:
- (i) 10 days before the date on which the Appeal is to be heard.
 - (ii) 17 days before the date on which the Appeal is to be heard in matters where the Appellant is normally domicile in a State other than the State in which the Appeal is to be heard.
- (b) A Notice of Hearing of Appeal may be delivered personally. A Statutory Declaration is required by the person who delivers the notice. A posted or faxed Notice of Hearing shall be deemed as proof, or a proof of delivery slip for a registered letter.
- (c) The date for hearing of the Appeal shall be notified to all parties concerned within 30 days of receipt by the appropriate Tribunal Registrar of the Notice of the Appeal or within 30 days of any directions hearing whichever is the latter.
- (d) Failure by the appropriate Tribunal Registrar to notify all parties to the Appeal within the required time limit shall result in the Appeal being decided in favour of the Appellant and the appeal fee shall be returned to the Appellant.
- (e) Any date set for hearing of the Appeal shall be within 30 days of the date of receipt by the Appropriate Tribunal Registrar of the Notice of Appeal or within 30 days of the date of any directions hearing, whichever is the later, except that the date of the hearing of the Appeal may be altered by consent of the parties to the Appeal.
- 8.22** If the appropriate Tribunal Registrar forms the view that a matter under Appeal involves complex scientific or technical evidence, then that Registrar may request the Chairperson of the Tribunal to conduct a telephone directions hearing. The Tribunal Chairperson has the power at a directions hearing to direct the parties to exchange technical or scientific information by a date that shall not be less than one week prior to the hearing, and may give directions concerning tests or other matters, including directions for adjournments with a view to simplifying the matters in dispute.

Any material that is directed to be provided to any party to an Appeal and is subsequently not provided as so directed shall not be admitted into evidence at the hearing unless all parties to the Appeal agree to its admission.

- 8.23** If an Appellant wishes to raise legal argument concerning:
- (a) the right of the Tribunal, the AKAC or the AMSAC to hear the Appeal or
 - (b) the validity of the regulations on which the decision appealed from is based, then a written statement of the legal argument to be raised must be received by the appropriate Tribunal Registrar at least 7 days prior to the date set for the hearing. Failure to comply with this rule will result in such argument being disallowed.
- 8.24** A body hearing an Appeal may impose or vary any penalty provided such imposition or variation is within the range of penalties it is empowered to impose pursuant to the provisions of this manual.
- 8.25** A body hearing an Appeal may not order a race to be re-run.
- 8.26** A body hearing an Appeal may alter any decision made by an Official or Officials or by a State Karting Council.
- 8.27** A body hearing an Appeal shall not alter a decision of the National Karting Council unless the body decides that the decision:
- (a) was not within the power of the National Karting Council to make or
 - (b) was not permitted by the registered Rules of the AKA or
 - (c) was not permitted by these regulations.
- 8.28** An Appeal fee shall be returned to the person appealing if:
- (a) the Appeal is successful or
 - (b) the body hearing the appeal considers that there are exceptional circumstances which warrant the return of the fee.
- 8.29** **“The AKA shall have the right to publish or cause to be published the orders made by an Appeal Tribunal, including the AKAC, and to publish the names of all the parties to the appeal. Any person or body whose name is published pursuant to this rule shall have no cause of action against the AKA or against any person publishing such order.**
For the avoidance of doubt, this rule authorises only the publication of the orders made and the names of the parties and does not authorise, in part or in whole, the publication of the judgment or publication of any transcript relating to the appeal proceeding.”
- 8.30** If an Appeal is on the grounds that the procedure adopted at a Steward’s hearing or at a Tribunal was not in accordance with these regulations, then the body hearing the Appeal must determine whether the failure to follow the regulations was so serious that the decision appealed against should not stand. If the body makes a determination that the decision cannot stand, then that body shall re-hear the matter or refer it for re-hearing. Failure to follow procedures will not result in dismissal of a complaint by an appeal body.
- 8.31** If an Appeal Tribunal or the AKAC forms the view that an Official has acted improperly, it may:
- (a) call upon that Official to state, after an adjournment if necessary, why he or she should not be prohibited from acting as an Official for a period of time and
 - (b) after considering all relevant material presented to it, prohibit the Official from acting as an Official or a particular Official for a stated period.
- 8.32** Appeals directed to the AMSAC are subject to the AMSAC’s own time limits and rules and not those referred to in regulation 8.21 (d) (e) and (f).

8.33 Preamble

The Australian Karting Appeal Court (AKAC) is karting's own Court of Appeal which **shall be chaired by an accredited AKAAP**. The aim of AKAC is to provide a Court of Appeal whereby appeals are available by way of right and not by way of leave as is the case with the AMSAC. The intention is to be able to conduct appeal hearings where Appeals involve less expense on the part of all parties and where Appeals can be heard more quickly than through the AMSAC. The right to seek leave to appeal to the AMSAC shall remain. It is the intention of the AKAC to keep its processes as flexible as possible by, amongst other things, encouraging Appeals to be by way of written submissions rather than in person, and by conducting Appeals via telephone hook-up and if feasible via video-link.

8.34 Constitution

- a) The AKAC is a duly constituted body that is independent of the AKA and specifically charged with hearing Appeals arising from decisions of an Appeal Tribunal **or a Stewards Hearing from a State or National Championship**.
- b) Any body, official or person affected by any decision of an Appeals Tribunal **or a Stewards Hearing from a State or National Championship** may appeal to the AKAC.
- c) A State Karting Council or the AKA Secretariat or the National Karting Council (NKC), may appeal to the AKAC if it is satisfied that the Appeal should be brought in the best interests of karting.

8.35 Composition

- a) The AKAC shall comprise three (3) members, at least one of whom shall be an AKAAP
- b) **An AKAAP shall chair the court. (Australian Karting Association Appeals Person)**
- c) The chairperson shall have the powers to act as the Court Registrar but may appoint an independent person to act as the Court Registrar.

8.36 Time

- a) A Notice of Appeal shall be lodged with the AKAC Registrar at the AKA National Office within 7 days of the handing down of the decision that is being appealed. Notices of Appeal should preferably be lodged by email addressed to court@austkarting.com.au
- b) The Notice of Appeal shall be in writing and in a form approved by the AKAC and accompanied by the appropriate fee. Where a Notice of Appeal is lodged by email, the Appeal shall be deemed to have been lodged only when the Appeal fee is received by the AKAC Registrar.
- c) The AKAC may allow an Appeal out of time upon application being made to it in writing setting out the reasons for the out of time application. Such reasons shall be satisfactory to the AKAC before it shall allow the Appeal. No application shall be accepted by the AKAC when such application is received more than 72 hours out of time. The proposed Notice of Appeal shall be lodged with the application together with a late application fee, which fees are as follows:
 - (i) where the Appeal for which leave is sought is to be by written submissions only, \$100;
 - (ii) where the appeal for which leave is sought is to be in person, \$200;

- d) An Appeal by a State Karting Council or the AKA Secretariat or the National Karting Council (NKC) shall be lodged within 14 days of the handing down of the decision being appealed and rule (c) above shall not apply.

8.37 Fees

- a) The fee for an Appeal to the AKAC is \$2,200 (including GST) where an Appeal in person is required, or \$1,100 (including GST) where an Appeal is required by way of written submissions only.
- b) A State Karting Council or the AKA Secretariat or the NKC is not required to pay an appeal fee or late fee.

8.38 Notices

- a) A Notice of Appeal must state whether the Appeal is an appeal against a conviction, a penalty, or both and shall fully set out the grounds of Appeal.
- b) The AKAC may allow an Appellant to rely on a ground of Appeal not set out in the Notice of Appeal provided that such ground is not prejudicial to any other party to the Appeal.
- c) The AKAC Registrar shall ensure that a Notice of Hearing of the Appeal is forwarded to the Appellant and any other parties to the Appeal not later than:
- (iii) 10 days before the date on which the Appeal is to be heard.
 - (iv) 17 days before the date on which the Appeal is to be heard in matters where the Appellant is normally domicile in a State other than the State in which the Appeal is to be heard.
- d) A Notice of Hearing of Appeal may be delivered personally, by post, by email or by facsimile. A Statutory Declaration duly declared by the person who delivered personally, posted, emailed or faxed the Notice shall be deemed as proof of personal delivery, emailing, posting or faxing.
- e) The date for hearing of the Appeal shall be notified to all parties concerned within 30 days of receipt by the appropriate AKAC Registrar of the Notice of the Appeal or within 30 days of any directions hearing, whichever is the latter.
- f) Time frames in this rule 8.38 may be varied by the National Tribunal Registrar or by the AKAC in circumstances where variation is warranted and such variation is convenient to the court.

8.39 Directions

- a) The National Tribunal Registrar or the Chairperson may at any stage prior to the date fixed for the hearing, conduct a directions hearing to ascertain each parties understanding of the issues at large, the parties preparedness for hearing, what material should be exchanged between the parties and otherwise as provided for in rule 8.22.
- b) Subject to this rule 8.39, the National Tribunal Registrar or the Chairperson shall give the parties a timetable for the parties to provide a written outline of the submissions to be made to the AKAC. A copy of such written outline shall be provided to the AKAC and to each party to the Appeal.

8.40 Hearings

- a) Hearings shall preferably take place by telephone conference but otherwise, at a location determined by the AKAC Registrar.
- b) An Appellant's attendance at hearings and associated costs shall be at the Appellant's sole cost.
- c) An appellant may be represented by an advocate but only with leave of the court. **Advocates shall not be persons who are legally qualified.** An application for leave to be represented by

an advocate shall be lodged with the AKAC not less than 14 days prior to the date fixed for hearing. Such application shall be in writing and shall at a minimum state the name of the advocate and the reason that leave is sought to be represented by an advocate.

8.41 Penalties

- a) The AKAC when hearing an Appeal may impose or vary any penalty provided such imposition or variation is within the range of penalties it is empowered to impose pursuant to the Provisions of this manual.
Any driver who's appeal against a licence suspension is subsequently dismissed, may have their original licence suspension increased.
- b) The AKAC may alter any decision made by an official or officials or by a State Karting Council.
- c) AKAC may not alter a decision of the National Karting Council unless it decides that the decision:
 - (i) was not within the power of the National Karting Council to make or
 - (ii) was not permitted by the registered Rules of the AKA or
 - (iii) was not permitted by these regulations.
- d) An Appeal fee will only be returned to the Appellant if:
 - (i) the Appeal is successful or
 - (ii) The AKAC considers that there are exceptional circumstances, which warrant the return of the fee.
- e) Notwithstanding rule 8.41, an out of time application fee is not refundable in any circumstances.

8.42 "The AKA shall have the right to publish or cause to be published the orders made by the AKAC and to publish the names of all the parties to the appeal. Any person or body whose name is published pursuant to this rule shall have no cause of action against the AKA or against any person publishing such orders.

For the avoidance of doubt, this rule authorises only the publication of the orders made and the names of the parties and does not authorise, in part or in whole, the publication of the judgment or publication of any transcript relating to the appeal proceedings."

8.43 Further Appeal

- a) The Appellant has the right to appeal against the decision of the AKAC to AMSAC. This is subject to AMSAC time limits and rules. As laid down in the 2010 CAMS Manual of Motor Sport. Section 5: Judicial, Appendix G.

9.01 The Machinery of Justice:

In the course of normal competition, whether it be as affecting an organiser, an official or a participant, occasions arise from time to time which require adjudication of disputes, or the just settlement of conflicting interests. Moreover, the discipline necessary in all organised activity, and vital in motor sport are maintained by a system of law which involves the enacting of Rules and Regulations, the appointment of officials to administer them and the provision of machinery to impose penalties for breaches of them.

Provision has been made by the AKA for the discharge of all these functions. In accordance with the Code, general laws applicable in Australia have been enacted and published, and form the Rules embodied in this Manual. Further restrictions, in more particular detail, are published from time to time in Supplementary Regulations and Agenda of individual events.

To police these rules and regulations, the AKA appoints from time to time individual officials such as Stewards and Clerks of the Course and requires organisers to appoint others, such as Scrutineers, Secretaries, Timekeepers and so on each with their duties and responsibilities. The Stewards of the Meeting have by right (and others may have by special delegation) certain powers to impose penalties and it follows that there should exist avenues of appeal which may be followed by any persons penalised by them. Similarly, persons against whom any action has been taken, though not of punitive nature, should have the opportunity to lodge a complaint, except in certain special cases.

Lastly, those who commit offences against the Rules in circumstances unrelated to a meeting, or of a kind which appears to merit penalties beyond the power of Stewards to inflict, are liable to be charged with those offences. In such cases, they are entitled as of right to be confronted by their accusers, to hear the evidence against them, to test that evidence and call their own, and to be assured of impartial justice.

All these requirements and the need to provide avenues of appeal referred to above, have resulted in the authorisation by the AKA, or affiliated State Karting Councils, to appoint what are known as Tribunals.

9.02 The Duality of Tribunals:

Tribunals are of two kinds, viz.

- (a) **DISCIPLINARY TRIBUNALS:** which are essentially minor courts, are set up to try cases brought before them by the AKA, by way of charges against persons or groups subject to AKA Disciplinary Tribunals and have two primary duties:
 - (i) to determine whether or not a charge heard is proved, and
 - (ii) if so, to impose the appropriate penalty.
 - (iii) To these may be added the right to make any recommendation to the AKA, that may seem fitting and relevant.
 - (iv) A Disciplinary Tribunal may also have the responsibility of determining a penalty, if the Stewards after conviction, determine that a penalty is warranted which they are not authorised to impose. In that case, the written statement of the Stewards that the charge has been found proved shall be conclusive evidence of that fact and so much of this chapter as applies to the proving of the case shall not apply to that hearing.

(b) **APPELLATE TRIBUNALS:**

which are appointed to hear pleas arising from decisions by:

- (i) Officials of a Meeting, or
- (ii) Disciplinary Tribunals. Appellate Tribunals are obliged to confine their decisions to matters actually appealed, though they are free also to make recommendations to the AKA, arising out of their deliberations.

9.03 Stewards Hearing:

Stewards conducting a hearing at a race meeting are not a Tribunal under this Chapter.

9.04 Constitution of Tribunals:

Certain basic qualifications are required of any person acting in a judicial capacity. He/She must not for instance, be involved personally or have any interest in the matter at issue, he/she must have had no connection, other than as a spectator, with any meeting where the matters arose; he/she must have had no prior contact with, or made any decision affecting the matter at issue; he/she must be impartial and must take into account only the evidence brought before him/her and he/she must act only in accordance with the body of law under which he/she is appointed.

In Karting it is not always easy to find such persons. It is not desirable (in general terms) for those who enact laws also to interpret them, and hence the voting national councillors of the NKC are virtually stopped as judicial officials. It is not desirable for administrative officials to act in a judicial capacity, especially in disciplinary tribunals, as frequently they are involved in prosecuting charges and it is undesirable to appoint active organisers and competitors to such positions primarily because of their potential or actual interests in events or persons.

9.05 Conduct of Tribunals:

Location and Arrangement: A suitable room, with adequate space for the tribunals, the parties and witnesses, and preferably in a neutral venue should be selected. The bench should be at one end, flanked at right angles by tables for each party with a chair at least for witnesses in front of the bench. Provisions may be made for the press, if the Tribunal permits press reporting, and arrangements must be made to record the hearing in full, preferably on tape. A party or a witness may, subject to approval of the Tribunal, take part in the proceedings by telephone conference.

1. Procedure at Disciplinary Tribunals:

- (a) The Chairman should announce the opening of the Tribunal, stating its authority, its composition, and the purpose of its sitting. Leave may be granted for advocates to represent the parties, and if so appearances are then taken. Representation by the Legal Profession or Police Force is not permitted.
- (b) The accused is to be asked whether he/she objects to any member sitting if so, on what grounds. If no objection is received, the case proceeds. If an objection is received, it must be examined and may involve one or more member being declared ineligible to sit. (If more than one member steps down as ineligible the hearing must be adjourned, two being the minimum number acceptable on the bench). If the objections are not considered valid, they may be overruled by the Tribunal, and the case will then proceed. (In such case the objection must be noted and in due course included in the transcript of the proceedings).

- (c) The complaint or complaints shall then be read to the accused, either by a clerk of the tribunal (if there is one) or by the Chairman and the accused will plead to each complaint. If a plea of "guilty" is received, the proceedings in such case may be shortened but the onus still lies on the prosecution to produce evidence in support of such complaint. If a plea of "not guilty" is received, the case proceeds as follows:
- (d) The prosecution proceeds first, and is normally required to adduce evidence of the existence of a rule or regulation allegedly breached, and evidence of the breach.
- (e) If a Tribunal believes that a regulation is relevant which is different from that stated by the Complainant, all parties must be advised. The complaint must then be dealt with on that basis, after adjournment, if that is necessary. It is the intention of these regulations that a person should not escape responsibility for a breach of these regulations because a complaint is wrongly framed.
- (f) The defence may then lead evidence in rebuttal of the prosecution's case.
- (g) The defence will then address the Tribunal, summarising the case for the accused.
- (h) The prosecution will then address the Tribunal, summarising the case for the prosecution.
- (i) The Tribunal will then determine the guilt or otherwise of the accused, adjourning the Tribunal if necessary to do so. No other persons shall be present or partake in any discussion with the Tribunal at this stage, unless the Tribunal has both parties before it together.
- (j) The Tribunal may hear arguments if any on the question of costs and may make or not make an award of costs as is proper and fitting in all of the circumstances provided always that no costs shall be awarded against the AKA Incorporated, a Member Karting Association or any member club of a Member Karting Association unless any of these bodies are an unsuccessful appellant.
- (k) If the Tribunal finds the complaints or any of them proved, it shall announce a finding of "guilty" and then hear argument on the question of penalty.
- (l) The Tribunal shall determine and announce whether a penalty is imposed, and if so, its nature (and if relevant, the duration of a term of suspension).
- (m) The Tribunal, in giving judgement for or against the accused, shall do so by writing down its judgement and reading it aloud to the parties appearing. Such judgement shall include the Tribunal's reasons for its findings, and shall include a statutory reminder to the parties of their rights of appeal. Such judgement may, moreover, include any recommendation which the Tribunal deems fitting.
- (n) The Chairman will then declare the proceedings closed.

2. Procedure at Appeal Tribunals:

- (a) The Chairman will announce the Tribunal's authority, its composition and its purpose. Leave may be granted for advocates to represent the parties, and if so, appearances will then be taken, representation by the Legal Profession or Police Force is not permitted.
- (b) To shorten the proceedings, the parties may at this stage stipulate certain facts of the admissibility of certain documents (eg. if a transcript summary, or both, has been made available to the Tribunal and to both parties, of either proceedings giving rise to the appeal, such may be stipulated as accurate on appeal).
- (c) The appellant goes first, addressing the Tribunal and/or calling evidence.
- (d) The respondent follows similarly also addressing the Tribunal and/or calling evidence.
- (e) The respondent then makes his/her final address, if he/she desires to do so.
- (f) The appellant then makes his/her final address, if he/she desires to do so.

- (g) The Tribunal then determines whether, and if so, to what extent, the appeal shall succeed, adjourning the hearing if necessary in order to do so.
- (h) No other persons shall be present or partake in any discussion with the Tribunal at this stage, unless the Tribunal has both parties before it together.
- (i) The Tribunal shall then deliver its judgement by writing it down and reading it aloud to the parties concerned. Such judgement shall include the reasons for the findings, a statutory reminder to the parties of their rights of appeal, if any, and also a direction as to the disposition of the Appeal Fee, either by way of its return to the Appellant (if the appeal has succeeded) or its estreatment by the AKA (if the appeal has failed).
- (j) The Tribunal may hear arguments if any on the question of costs and may make or not make an award of costs as is proper and fitting in all of the circumstances provided always that no costs shall be awarded against the AKA Incorporated, a Member Karting Association or any member club of a Member Karting Association unless any of these bodies are an unsuccessful appellant.
- (k) The Chairman will then declare the proceedings closed.

9.06 Witnesses and Examination:

Procedure: Witnesses are presumed to be speaking the truth. They may be examined by the party calling them, and shall give evidence directly and/or by answers to questions. They may not be “led” on examination by the advocate calling them, that is to say, they may not be asked questions generally which put words into their mouths, though this is relaxed somewhat for formal identification, etc.

On cross-examination this does not apply.

Questioning may take the form of “leading” or suggestions, and opposing counsel is entitled to test the credibility of the other side’s witnesses. Re-examination, ie. questioning by the witnesses’ own side, is usually confined to clarification of matters raised in cross-examination.

9.07 The Nature of Evidence:

Direct evidence is usually the oral evidence of a witness (though it may include documentary evidence as below), and is given by some person who himself saw or heard or otherwise perceived the fact or facts to which he/she testifies.

“Hearsay” evidence (ie. evidence that the witness was told something) is not valid evidence of the thing itself, and is usually inadmissible as such. A witness may have been told this; it is no evidence that the kart did go over the fence.

“Opinion” is not in itself generally admissible. An exception is when a person is accepted by the Tribunal as an “expert” in respect of the particular matter at issue. For example, any engineer or a doctor or even a noted driver may qualify or be stipulated as an expert in his/her particular field, and hence give expert opinion as evidence. He/She will, however, be subject to cross-examination in such areas of evidence and his/her evidence will be evaluated, not by other experts in his/her field necessarily but by the Tribunal.

Opinions expressed by witnesses other than experts are valueless as evidence of the matter at issue, though they may be illuminating as to the credibility of the witness. They are inadmissible. Documents may be tabled in evidence; in such case, they must be proved as to their source, validity, relevance, etc. and to do so it may be necessary to call direct evidence (eg. an official letter from a company, a parts manual, etc.) Things may be submitted as evidence, to speak for themselves, as for instance a cylinder head in question. Other evidence is usually required to prove the authenticity or relevance of such "real" evidence.

Circumstantial evidence, the fact of the existence of a number of situations or occurrences or circumstances may be put in. It may be cogent (a man seen running from the otherwise deserted scene of an offence at the time it was committed) or it may be valueless but it is admissible.

It is not permitted to introduce, prior to conviction, any evidence relating to other convictions. However, should a person be found guilty of a charge, the fact of his/her earlier breaches of the Rules may relevantly be pressed in pleas as to penalty. They must be established, mere suspicion only of these is inadmissible unless, of course, admissions have been made by the accused person. Similarly it is forbidden to introduce material in addresses that could have been and should have been produced in evidence. Failure to give evidence is not in itself an admission of guilt, but it may give rise to certain conclusions by reasonable men; the innocent usually in human experience assert their innocence, and failure to do so while subject to examination is rightly capable of being interpreted as an admission of guilt.

Judicial Notice. Certain facts need not be proved by evidence in respect of AKA Tribunals. The general authority of the Tribunal to sit is assumed, if stated (subject to objections as to its individual members) the booklet entitled "Australian Karting Association Manual" is taken to be an official AKA publication, and the Rules and Regulations included therein together with any amendments notified by the National Secretary to all State Secretaries to be the National Competition Rules and Regulations applying to the hearing. Persons acting as officials of a meeting are assumed to have been properly appointed, though if called as witnesses they usually assert the same to be so, the AKA are by statute entitled to intervene in any Tribunals, whether or not an opposing party; the meaning of the English language is presumed to be as understood by ordinary men, and so on. There would be no end to litigation if everything had to be proved.

Tribunals also take judicial notice of decisions handed down by the AMSAC.

9.08 Degree of Proof:

In civil cases (such as AKA affairs usually are), the degree of proof is usually required only to be by the preponderance of evidence – they are settled on the balance of probability, ie. what seems most likely from the evidence. Although some social or sporting stigma may accrue to persons found guilty of a charge under the Rules of a sporting body, it is not usually sufficient to justify the necessity of proof "beyond reasonable doubt", though such a case could arise.

9.09 General Conduct:

Though AKA Tribunals do not have either the status or the authority of Courts of Law, though witnesses can neither be compelled to attend or give evidence, and though many of the parties and the Tribunal members are known to each other more or less well, there can be no justification for informality prevailing at hearings of Tribunals (other than in isolated instances of natural humour).

Formality, the maintenance of form, is a means of ensuring that (a), all the things that ought to be done are in fact done in an orderly manner and (b) that nothing that should not be done is done. An added effect is that of natural gravity, the ceremony associated with formality always lending to proceedings the appropriate air of seriousness.

Informal proceedings may achieve a just end, but they seldom appear to do so. The Tribunal in such loose stature and authority and the law itself becomes, or may become, an object of contempt. The use of first names, the relaxing of basic rules of evidence, lapses from decorum, the permissibility granted to interjectors, the acceptance of casual or intemperate behaviours -these add nothing to the tribunal's stature and take much away from its purposes. The conduct of any Tribunal is a question for the Chairman himself, and it is to the advantage of all if he/she insists upon the above guidelines being followed.

- 9.10** (a) A State Tribunal Registrar, upon receipt of the material referred to in sub-paragraphs (a) and (b) of Regulation 7.18 relating to a complaint against an official, shall formulate a notice of complaint directed to the respondent official setting forth full particulars of the nature of the complaint. The State Tribunal Registrar shall also forward a notice specifying the date, time and place for the hearing of the complaint by a Disciplinary Tribunal and shall forward the notice of complaint together with copies of the witness statements (if any) to the respondent official prior to the date nominated for the hearing of the Disciplinary Tribunal.
- (b) If the Disciplinary Tribunal after considering all the evidence presented both by and against the official is of the opinion the official has breached any regulation or rule shall make a finding in that regard and in that case shall be entitled to impose a penalty of suspension on that official from the performance of any duties of an official for such period as the Disciplinary Tribunal considers warranted and irrespective of the provisions of regulation 6.03 to the intent that the only penalty that may be imposed on an official is the penalty of reprimand or suspension.

CHAPTER 10

AUSTRALIAN MOTOR SPORT APPEAL COURT

10.01 The Australian Motor Sport Appeal Court (AMSAC):

This Court is the final court of Appeal in respect of Karting, as administered by the AKA in Australia and is referred to in these regulations as “the Court”.

Functions:

- (i) To act as a final court of appeal after the earlier avenues of
 - (a) complaint and
 - (b) appeal to a National Appeal Tribunal have been exhausted
- (ii) To act as a third and final court of appeal for a person upon whom an AKA disciplinary tribunal or AKAC has imposed penalty, and who have, subsequent to each action, exhausted their right of appeal to an AKA Appeal Tribunal or AKAC Appeal Tribunal.
- (iii) To act as a first and final court of appeal for a person against whom the NKC has taken disciplinary action in the first instance
- (iv) To act as a court of first and final appeal for a person who claims that any ruling, direction or decision by the NKC is ultra virus or unconstitutional.
- (v) The Chairman or if he/she is unavailable the Deputy Chairman, have sole discretion to determine whether the hearing of any complaint by the Stewards of a Meeting or of an appeal by a National Appeal Tribunal has been properly held and if necessary, refer such complaint or appeal for re-hearing by the Stewards or National Appeal Tribunal (as the case may be).

10.02 Jurisdiction of the AMSAC as to Appeals:

The AMSAC shall constitute a final court of appeal empowered to settle finally any dispute arising out of or in connection with the control by the AKA of kart competitions within its territory save as specifically provided in these Rules.

10.03 Hearing of Appeals by AMSAC:

- (a) In the case of hearings by the AMSAC, all parties concerned and the AKA shall have the right to representation by advocates.
- (b) Evidence shall be given on oath or affirmation, unless the Court decides otherwise, and the giving of false evidence shall constitute an offence against these Rules punishable by at least a period of national suspension.
- (c) The AMSAC shall normally sit in Melbourne, but may, by consent of the Court and agreement between the parties concerned, sit in any other venue within Australia.
- (d) The Appellant has the right to appeal against the decision of the AKAC to AMSAC. This is subject to AMSAC time limits and rules. As laid down in the 2009 CAMS Manual of Motor Sport. Section 5: Judicial, Appendix G.

10.04 Awarding of Costs:

When giving judgement on any complaint or appeal AMSAC may make such order as to costs as it may deem fit against a person or body found guilty or unsuccessful in an appeal. Provided always no cost shall be awarded against the AKA unless the AKA itself is an unsuccessful appellant. Any delay in the payment of such costs shall entail suspension for the period during which they remain unpaid.