



MOTORSPORT AUSTRALIA STEWARDS HEARINGS

RIGHTS OF A DEFENDANT

One of the most difficult parts of Motor Sport, particularly for new competitors, is to understand the workings of the judicial system. It's probably the major source of the competitor's enquiries and it is hoped the following explanations will be of assistance.

Rights of a Defendant at a Motorsport Australia Stewards Hearing / Protest:

As a defendant at a Stewards hearing;

- ✓ Know what you are charged for and have read the appropriate NCR on the Infringement Notice or Charge Sheet, collect any witnesses or evidence such as in car video footage from your car or another competitors car.
- ✓ Speak to the Event CRO for advice and if you are possibly and easily confused you are allowed an advisor but not an Advocate to assist you in the presentation of your case.
- ✓ Make sure you know and understand your rules and have read the Supplementary and any Further Regulations for the specific Event as well as the respective discipline Sporting, Technical and Standing Regulations.
- ✓ You are asked if you have any objections to any members of the Panel.
- ✓ The charge/s against you will be read and you will be asked if you wish to plead guilty or not guilty.
- ✓ If you have been issued with an Infringement Notice you are either at the hearing to plead not guilty or to give submission on the penalty.
- ✓ In the case of pleading not guilty the case against you will be presented by the prosecution who will call on evidence and witnesses to support their case.
- ✓ You can then question their witnesses with the aim of supporting your defence.
- ✓ After the prosecution has finished, you may then give your evidence in the form of witnesses or your interpretation of any written reports or video footage.
- ✓ The Stewards hearing the case can then cross examine your witnesses or query video footage content.
- ✓ You will be then asked to leave the room whilst the Stewards determine the outcome.
- ✓ The hearing is not a court of law, however it is a formal judicial process. The Chair of the Stewards Panel will remain in control of the hearing.

After considering the evidence the Stewards may:

- ✓ Find you not guilty and dismiss the case.
- ✓ Find you guilty and
 - a) Reprimand you
 - b) Exclude you from part of the event/meeting
 - c) Modify the allocated points for the event or championship if the regulations so provide
 - d) Fine you
 - e) Any combination of the above
 - f) Exclude you from the event and refer the matter to CAMS for a greater penalty
 - g) Adjourn the hearing and refer the matter to CAMS Eligibility Committee

If you do not accept the decision of the Stewards you have a right to Appeal. refer NCR 101:

Be aware that there is a time limit on the lodgement of an Appeal, refer NCR 105.

Grounds of Appeal (NCR 106):

- ✓ An Appeal may only proceed one or more of the following.
 - a) That the decision was against the weight of evidence
 - b) That the decision was contrary to the NCR
 - c) That there was a denial of natural justice
 - d) That the decision was ultra vires
 - e) That the penalty applied (other than one fixed by regulation) was inadequate; and
 - f) That the penalty applied (other than fixed by regulation) was excessive
- ✓ Such grounds must be specified in the Appeal document.

Notice of Appeal Hearing (NCR 107):

- ✓ Before the hearing shall commence each party shall be given at least seven days notice in writing of the date, time and place of the appeal hearing. It may proceed on shorter notice if all parties agree.
- ✓ In the case of an appeal to AMSAC, refer to the Judicial Appendix.