Judicial Advisory Panel Report to SACC – November 2017

My apologies for not attending, but I have my own club's AGM and as treasurer I have to attend. At our last JAP meeting I tabled a report that questioned the operation of the National court. I asked 6 questions.

1   Why is it that the National Court seems to operate on the basis of "Beyond Reasonable Doubt when clearly in the Blue Book officials are told via Appendix 4 item 6 says that "The degree of proof required is what is more probable i.e. the balance of probability." Also appeals should be conducted as "de novo" hearings which clearly does not happen and written evidence is not worth the paper it is written on as it can't be cross examined!

2   Why is it (mainly relates to Karting) that the National Court applies revised penalties (normally reduced sanctions) that are not those mandated by the MSA to their officials.

3   Why do we constantly hear of appeals to the National Court being accepted "Out of Time" when that case should only be reserved for exceptional sets of circumstances.

4   Why was it that we constantly hear of dates of hearings being changes for the Appellant, but not to suit our officials and witnesses?

5   Why is it that many cases are clearly frivolous and vexatious that realistic costs are made against failed appellants and even fines levied?

6   Why is that those sitting on the Appeal Panel do not relate to the discipline that is the subject of the appeal. Realising that several (possibly two) appeals are heard on one day it could be possible, but it appears that there is no attempt to match like for like. After all, we all know that each discipline is unique in the way it operates.

I am pleased to say that JAP agreed with all the points except for no. 4. Our Chairman, Richard Norbury agreed to take the matter forward to Executive. So far accounts or recent proceedings have shown that nothing has been done, but then Rome wasn't built in a day. We shall see if anything is reported back to the panel when we meet in January.

Rod Taylor