

8 JUDICIAL COMMITTEE GUIDELINES

8.1 MA HEARING GUIDELINES

8.1.1 Composition of the Committee

8.1.1.1 The Judicial Committee is the National appellate tribunal of MA.

8.1.1.2 Appointed members of the Committee must be either:

- a) A qualified lawyer; or
- b) A person with appropriately extensive knowledge of, and experience in the sport.

8.1.1.3 The Committee's President must be a qualified lawyer.

8.1.1.4 The Committee sits either as a:

- a) Panel of up to three members chaired by a lawyer; or
- b) Committee of one who must be a lawyer.

8.1.1.5 Matters generally come before the Committee either as:

- a) Appeals from State appellate tribunals.
- b) Appeals from protest hearings, conducted by Stewards or juries, where the event is National or is part of a National series; or
- c) As disputed questions on the interpretation of the GCRs.

8.1.2 Notice of Appeal

8.1.2.1 When considering lodging an appeal to the Committee. It is important to note:

- a) The Notice of Appeal must be lodged at the MA office in Melbourne.
- b) The time limit for the lodging of the Notice is 21 days from the date of the written notification of the decision being appealed.
- c) The Notice must be accompanied by the prescribed lodging fee.
- d) There is no particular setting out or style required, however, the Notice should specify:
 - i) The person or body whose decision is being challenged;
 - ii) The date and place of the decision;
 - iii) What the decision was;

iv) A short outline (preferably in point form) of why the decision is said to be wrong.

8.1.2.2 A copy of the Notice of Appeal should be posted to the person or body whose decision is being challenged.

8.1.3 Conduct of Hearings

8.1.3.1 Hearings are usually, but not always, held in Melbourne. Interstate telephone hook-ups are used on occasions.

8.1.3.2 Hearings are normally conducted on a mid-week evening from 1900 hours. They are scheduled, as far as is possible, as the parties' request.

8.1.3.3 Hearings generally last 2-3 hours.

8.1.3.4 Parties to an appeal can present their own case may choose to be represented by a lawyer, or they may choose to be represented by a person who, though not a lawyer, is familiar with their case and who can explain it to the Committee.

8.1.3.5 About one third of appellants have legal representation, another third had non-legal representation – and the other third presented their case themselves.

8.1.3.6 Typically, the parties are notified in writing of the Committee's decision within 10 to 14 days of the hearing.

8.1.3.7 Written reasons for the Committee's decision accompany the decision itself. Where the Committee sits as a panel it arrives at one decision, i.e. it does not produce a majority decision and a dissenting minority decision.

8.1.3.8 When a hearing has concluded there can be no further communication between the parties and the Committee.

8.1.3.9 If a party loses an appeal, any request it may make of the Committee to reconsider its decision will be ignored.

8.1.3.10 Enquiries and requests about the scheduling of hearings should be directed to the MA office.