



## **POWERS & DUTIES OF A NATIONAL PROSECUTOR**

The Australian legal system is an adversarial process whereby one party or a number of parties (variously referred to as Complainant, Plaintiff, Applicant, Appellant) make a claim, assertion or charge and another party (variously referred to as Defendant or Respondent) refutes in part or in full the claim, assertion or charge.

The majority of matters requiring determination by an AKA Steward's Hearing, Tribunal, Appeals Tribunal or the AKAC relate to charges made as a consequence of an alleged breach of the rules of the AKA Karting Manual.

In such circumstances, the AKA will be a complainant with respect to a breach of the rules or will be a Respondent with respect to an appeal against an earlier decision. In order to carry out its function as a Complainant or Respondent the AKA has created the position of National Prosecutor.

The National Prosecutor's principal role is to act on the instructions of the AKA Secretariat and appear on its behalf in the AKAC and when required in the AM. The appointment of the National Prosecutor shall be made by the NKC at the Annual General Meeting of the AKA and such appointment shall be for a period of 12 months.

The Secretariat may unilaterally terminate the National Prosecutor's appointment in such circumstances where the National Prosecutor has failed to carry out its duties in a proper manner or has breached the rules in purporting to carry out its duties. In this event the Secretariat may appoint another National Prosecutor and thereafter seek ratification of such appointment from the NKC.

The Secretariat may appoint an assistant National Prosecutor as it sees fit from time to time.

Subject always to any other provision in the AKA Karting Manual, the National Prosecutor:

1. Shall advise the Secretariat in relation to proceedings brought by the AKA or proceedings which are to be responded to by the AKA.
2. Shall act as an advocate for the AKA.
3. Shall act always on the instructions of the AKA Secretariat.
4. Shall deal with all matters in accordance with the rules.
5. Shall not provide legal advice or otherwise assist any party (except the AKA) to

- a proceeding to promote its case.
6. Shall not liaise with the AMSAC or with CAMS. Any communications received by the National Prosecutor from the AMSAC or from CAMS or from any other party whether or not that party is a party to a proceeding involving the National Prosecutor, shall be forwarded to the Secretariat for further instructions.
  7. Shall not hold any position within the AKA (except a position of Prosecutor for an AKA Member) whilst ever it holds the position of National Prosecutor.
  8. May make recommendations to the Secretariat regarding procedures, rules and other matters but the Secretariat shall not be bound to accept such recommendations.
  9. Shall be independent of the National Tribunal Registrar and vice versa.
  10. Does not have a power or a duty unless the power or duty is specifically conferred on the National Prosecutor by this rule or by another rule in the AKA Karting Manual.
  11. Shall as expeditiously as possible and in any case within 72 hours provide to the Secretariat copies of all correspondence received by or generated by the National Prosecutor.
  12. Shall not communicate directly with the AKA's legal advisers without the written consent of the Secretariat.