

1995—No. 500

**MOUNT PANORAMA MOTOR RACING ACT 1989—
REGULATION**

(Mount Panorama Motor Racing Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Mount Panorama Motor Racing Act 1989, has been pleased to make the Regulation set forth hereunder.

GABRIELLE HARRISON
Minister for Sport and Recreation.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Mount Panorama Motor Racing Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. In this Regulation:

“Circuit” means the Mount Panorama Circuit;

“Council” means the Bathurst City Council;

“the Act” means the Mount Panorama Motor Racing Act 1989.

PART 2—REGULATION OF CONDUCT WITHIN THE MOUNT PANORAMA CIRCUIT**Application of Part**

4. This Part applies to the Circuit while it is being used (on a day or days specified in a permit under the Act) for the purposes of, or in connection with, meetings for motor racing or associated events.

Admission

5. (1) The Council may, by means of notices or the giving of directions, regulate the admission of persons or vehicles to the Circuit.

(2) Without limiting subclause (1), such a notice or direction may impose conditions of entry in relation to:

- (a) the payment of admission charges; or
- (b) the possession or consumption of liquor.

(3) A person must not do anything in wilful contravention of a notice or direction under this clause.

Maximum penalty: 5 penalty units.

Parking and driving

6. (1) The Council may, by means of notices or barriers or the giving of directions, regulate the parking or driving of vehicles within the Circuit.

(2) A person must not cause a vehicle to be parked or driven in wilful contravention of any such notice or direction or in wilful disregard of any such barrier.

Maximum penalty: 5 penalty units.

(3) The Council:

- (a) may from time to time fix a scale of charges for the parking of vehicles on the Circuit; and
- (b) may demand and receive such charges from any person parking a vehicle on the Circuit.

(4) The Council may direct a person to remove from the Circuit any unlawfully parked vehicle that is under the person's control.

(5) A person must not fail to comply with a direction under subclause (4).

Maximum penalty: 5 penalty units.

(6) A person must not drive any vehicle within the Circuit otherwise than on a road or track.

Maximum penalty: 5 penalty units.

(7) For the purposes of this clause, “park” includes stand and wait.

Damage to Circuit, vegetation and structures

7. A person must not:

- (a) climb or jump over any fence, gate, enclosure, barrier or other structure within the Circuit; or
- (b) remove, uproot or cause damage to, or remove any part from, a shrub, plant, tree or other vegetation within the Circuit; or
- (c) damage, deface or destroy any sign, fence, gate, enclosure, barrier or other structure within the Circuit.

Maximum penalty: 5 penalty units.

Camping and erection of structures on Circuit

8. (1) A person must not, within the Circuit:

- (a) camp or reside; or
- (b) erect or occupy or cause to be erected or occupied any building, tent, screen, awning, enclosure or other structure or thing.

Maximum penalty: 5 penalty units.

(2) A person who has erected or occupied or caused to be erected or occupied any building, tent, screen, awning, enclosure or other structure or thing contrary to this clause must, when required by the Council, immediately remove that building, tent, screen, awning, enclosure or other structure or thing.

Maximum penalty: 5 penalty units.

(3) If a person fails to comply with any such requirement, the Council:

- (a) may remove, or cause to be removed, the building, tent, screen, awning, enclosure or other structure or thing to the care of the person to whom the direction was given; or
- (b) may impound the building, tent, screen, awning, enclosure or other structure or thing.

(4) Property that is impounded under this clause is taken to be impounded under the Impounding Act 1993 and is to be dealt with accordingly.

Building

9. (1) A person must not erect, extend or alter a building or structure on land within the Circuit otherwise than:

- (a) with the consent of the Council; and
- (b) in accordance with:
 - (i) the technical provisions of the State's building laws (within the meaning of section 70 of the Local Government Act 1993); and
 - (ii) such other conditions (not inconsistent with those provisions) as the Council may impose on its consent.

Maximum penalty: 5 penalty units.

(2) A person must not bring on to land within the Circuit any materials or equipment for use in the erection, extension or alteration of a building or structure, otherwise than in accordance with the consent of the Council.

Maximum penalty: 5 penalty units.

Offences relating to conduct on Circuit

10. A person must not:

- (a) allow any animal under the person's control or in the person's custody to enter or remain in the Circuit; or
- (b) erect any hoarding or notice, or display or distribute any advertising matter, sign, bill, poster or other matter; or
- (c) offer for sale any article or any food or drink; or
- (d) conduct any entertainment; or
- (e) do or say anything calculated to hinder or interfere with the proper progress of the motor racing or associated events; or
- (f) deposit litter except in receptacles provided for that purpose; or
- (g) obstruct any person in the performance of that person's work or duties.

Maximum penalty: 5 penalty units.

Exclusion of public from certain areas

11. (1) The Council may, by means of notices or barriers, exclude the public from any part of the Circuit.

(2) A person must not enter any part of the Circuit from which the public has been so excluded.

Maximum penalty: 5 penalty units.

Removal from Circuit

12. (1) The Council may direct a person to leave the Circuit:

(a) if the person is unlawfully within the Circuit; or

(b) if the person is contravening any provision of this Regulation; or

(c) if the person is causing annoyance or inconvenience to members of the public who are lawfully and peaceably within the Circuit.

(2) A person must not fail to comply with a direction under this clause.

Maximum penalty: 5 penalty units.

(3) The Council may remove from the Circuit any person who fails to comply with a direction under this clause.

Exercise of Council's powers

13. (1) A power that is conferred on the Council by this Part may be exercised by any person authorised under this clause to exercise that power.

(2) The Council may authorise any member of staff of the Council, any police officer or any other person to exercise a power conferred on the Council by this Part.

Hindering and obstructing

14. A person must not hinder or obstruct:

(a) any person in the exercise of a power conferred on the person by or under this Part; or

(b) any contractor to the Council in the performance of the contractor's work.

Maximum penalty: 5 penalty units.

Certain acts and omissions not to be offences

15. (1) A person does not commit an offence under this Part if the act or omission giving rise to the offence was done or omitted:

- (a) by a member of staff of the Council in the exercise of his or her employment as such; or
- (b) in accordance with the conditions (whether express or implied) of a lease or licence granted by the Council; or
- (c) under the direction or with the consent of the Council.

(2) The consent of the Council referred to in this clause may be given generally or in a particular case.

PART 3—MOUNT PANORAMA MOTOR RACING ADVISORY COMMITTEE**Quorum**

16. The quorum for a meeting of the Advisory Committee is 4 members.

Appointment of deputies

17. (1) If a member of the Advisory Committee is appointed as the representative of a body or organisation, the body or organisation may, from time to time, nominate a person to be the deputy of the member.

(2) The Council may, from time to time, nominate a person to be the deputy of the Chairperson of the Advisory Committee.

(3) The Commissioner of Police may, from time to time, nominate a person to be the deputy of a member appointed under section 10 (4) (b) of the Act.

(4) The Minister may, from time to time, nominate a person to be the deputy of a member (other than a member referred to in subclause (1), (2) or (3)).

(5) A nomination under this clause may be revoked by the person, body or organisation who made the nomination.

Duties of deputies

18. (1) In the absence of a member of the Advisory Committee, the member's deputy:

- (a) may act in the place of the member; and

(b) while so acting, has all the functions of the member and is taken to be a member.

(2) The deputy of the member who is the Chairperson does not have the member's functions as Chairperson merely by virtue of being the member's deputy.

Vacancy in office of member

19. (1) The office of a member of the Advisory Committee becomes vacant if the member:

- (a) dies; or
- (b) completes a term of office and is not re-appointed; or
- (c) resigns the office by instrument in writing addressed to the Minister; or
- (d) is removed from office by the Minister under this clause or by the Governor under Part 8 of the Public Sector Management Act 1988; or
- (e) is absent from 2 consecutive meetings of the Advisory Committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Advisory Committee or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Advisory Committee for having been absent from those meetings; or
- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (g) becomes a mentally incapacitated person; or
- (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

(2) The Minister may remove a member from office at any time.

(3) If the office of a member becomes vacant, a person is, subject to the Act, to be appointed to fill the vacancy.

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PART 4—MISCELLANEOUS**Prescribed events: sec. 3**

20. For the purposes of the definition of “motor racing” in section 3 of the Act, the prescribed kinds of events are:

- (a) races between motor cars; and
- (b) races between motor cycles; and
- (c) races between motor cycles with sidecars.

Permits: sec. 5

21. (1) An application by the Council for a permit is to be made in the form approved by the Director of the Department of Sport and Recreation.

(2) The application must be lodged with the Minister at least 6 weeks before the date of the proposed meeting or meetings to which the application relates.

(3) The fee for a permit is \$100.

Prescribed officer for the issue of certain evidentiary certificates: sec. 14

22. The prescribed officer for the purposes of section 14 of the Act is the Director of the Department of Sport and Recreation.

Repeal

23. (1) The Mount Panorama Motor Racing Regulation 1989 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Mount Panorama Motor Racing Regulation 1989, had effect under that Regulation continues to have effect under this Regulation.

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, without any changes in substance, the provisions of the Mount Panorama Motor Racing Regulation 1989. The new Regulation:

- (a) regulates conduct within, and admission to, the Mount Panorama Circuit during race meetings and the erection of buildings and structures within the Circuit in connection with race meetings (Part 2); and
- (b) makes provision with respect to a quorum for meetings of the Mount Panorama Advisory Committee and provides for deputies of members of the Committee and vacancies in membership of the Committee (Part 3); and
- (c) prescribes events that are taken to be motor racing for the purposes of the Mount Panorama Motor Racing Act 1989 (clause 20); and
- (d) makes provision for the form of applications for permits to authorise motor racing at Mount Panorama, for fees for permits and the time for applications for permits to be made (clause 21); and
- (e) prescribes the Director of the Department of Sport and Recreation as an authorised officer for the purpose of issuing certain evidentiary certificates under that Act (clause 22); and

(f) contains formal provisions (Part 1 and clause 23).

This Regulation is made under the Mount Panorama Motor Racing Act 1989, including section 15 (the general regulation making power) and sections 3 and 14,

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
