



New South Wales

Mount Panorama Motor Racing Amendment Act 2006 No 117

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New South Wales

Mount Panorama Motor Racing Amendment Act 2006 No 117

Act No 117, 2006

An Act to amend the *Mount Panorama Motor Racing Act 1989* to make further provision with respect to the holding of meetings for motor racing; and for other purposes. [Assented to 4 December 2006]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Mount Panorama Motor Racing Amendment Act 2006*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Mount Panorama Motor Racing Act 1989 No 108

The *Mount Panorama Motor Racing Act 1989* is amended as set out in Schedule 1.

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Omit “City” from the definition of *Council*. Insert instead “Regional”.

[2] Section 3

Insert in alphabetical order:

exercise a function includes perform a duty.

function includes a power, authority or duty.

public safety report means a report issued by the Commissioner of Police under section 12B.

race track means any part of a road or road related area within the Mount Panorama Circuit that is used for motor racing, and includes:

- (a) pit areas, and
- (b) run-off areas, and
- (c) any other area within the Mount Panorama Circuit prescribed by the regulations.

[3] Section 3, definition of “Mount Panorama Circuit”

Omit “City of Bathurst”.

Insert instead “local government area of Bathurst Regional”.

[4] Section 4 Designation of Mount Panorama Circuit

Omit “the whole, or part, of” from section 4 (1).

[5] Section 5 Permits for conduct of specified motor racing meetings

Omit “2 meetings” from section 5 (4). Insert instead “5 meetings”.

[6] Section 5 (5)

Insert after section 5 (4):

- (5) Subject to subsection (4), the Minister may issue a single permit authorising the holding of one or more meetings for motor racing and associated events.

[7] Section 6 Conditions of permits generally

Omit section 6 (1) (b). Insert instead:

- (b) the condition that the Council must not hold or authorise the holding of a meeting for motor racing or associated events (including events not connected with motor racing) under the permit unless a public safety report has been issued under section 12B (1) (a) or (b) in relation to the meeting or event, and the meeting or event is held in accordance with such conditions (if any) relating to public safety as are specified in the report, and

[8] Section 6 (2) (e)

Insert at the end of section 6 (2) (d):

, and

- (e) the sanctioning or endorsement by specified persons, bodies or organisations of the holding of meetings for motor racing and associated events.

[9] Part 2B

Insert after Part 2A:

Part 2B Regulation of conduct on race track

8B Definition

In this Part:

authorised person means any of the following:

- (a) a police officer,
- (b) a person who is a member of staff of the Department of the Arts, Sport and Recreation authorised for the purposes of this Part by the Director-General of the Department,
- (c) a person who is a competitor in the meeting or event,
- (d) a person who is engaged in the control or management of the meeting or event,
- (e) a person (or a member of a class of persons) authorised for the purposes of this Part by the Council,
- (f) a person (or a member of a class of persons) prescribed by the regulations,

- (g) a person (or a member of a class of persons) authorised by a person referred to in paragraph (a), (b), (c), (d), (e) or (f).

8C Race track invasions prohibited

A person (other than an authorised person) must not, without reasonable excuse, enter or remain on the race track on a day specified in a permit for the holding of a meeting for motor racing or an associated event.

Maximum penalty: 100 penalty units.

8D Race track not to be interfered with

A person (other than an authorised person) must not cause or permit any substance or thing to be placed on, or applied to, the race track on a day specified in a permit for the holding of a meeting for motor racing or an associated event if the placement or application of the substance or thing creates a risk to the safety of a competitor or other authorised person.

Maximum penalty: 100 penalty units.

[10] Section 10 Advisory Committee

Omit “the Police Force” from section 10 (4) (b). Insert instead “NSW Police”.

[11] Section 10 (4) (c)

Omit “Department of Sport, Recreation and Racing”.

Insert instead “Department of the Arts, Sport and Recreation”.

[12] Sections 12A and 12B

Insert after section 12:

12A Delegation

The Minister may delegate the exercise of any function of the Minister under this Act or the regulations (other than this power of delegation) to:

- (a) the Director-General of the Department of the Arts, Sport and Recreation, or
- (b) the General Manager, Sport and Recreation, Department of the Arts, Sport and Recreation or such other member of staff of that Department as may be prescribed by the regulations instead of the General Manager.

12B Public safety reports

- (1) The Commissioner of Police may, if the Commissioner is satisfied that a member of NSW Police has conducted a public safety inspection of the race track, issue a public safety report stating that, in the opinion of the Commissioner:
 - (a) the race track is safe for the holding of the meeting for motor racing specified in the report without the need for any further action, or
 - (b) the race track will be safe for the holding of the meeting for motor racing specified in the report only if the meeting is held in accordance with such conditions relating to public safety as are specified in the report, or
 - (c) the race track is not safe for the holding of the meeting for motor racing specified in the report.
- (2) Without limiting subsection (1) (b), a report may include conditions relating to measures to be taken for the health, safety and convenience of the public or competitors or other persons at or near the race track or on any other part of the Mount Panorama Circuit.
- (3) A report issued under this section must include the following:
 - (a) the date on which the public safety inspection was carried out,
 - (b) a statement of an opinion referred to in subsection (1) (a), (b) or (c),
 - (c) in the case of a report stating the opinion referred to in subsection (1) (b)—the conditions relating to public safety to which the report is subject.
- (4) If the Commissioner of Police issues a report under this section, the Commissioner is to cause a copy of the report to be sent to both the Minister and the Council no later than one month before the event in respect of which the report is issued.

[13] Section 14 Proceedings for offences

Omit “the regulations” wherever occurring in section 14 (1) and (2).

Insert instead “this Act or the regulations”.

[14] Section 15 Regulations

Omit “5 penalty units” from section 15 (4). Insert instead “20 penalty units”.

[15] Schedule 1 Savings and transitional provisions

Insert at the end of clause 1 (1):

Mount Panorama Motor Racing Amendment Act 2006

[Second reading speech made in—

Legislative Assembly on 26 September 2006

Legislative Council on 14 November 2006]

BY AUTHORITY