



New South Wales

Mount Panorama Motor Racing Regulation 2015

under the

Mount Panorama Motor Racing Act 1989

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mount Panorama Motor Racing Act 1989*.

STUART AYRES, MP
Minister for Sport

Explanatory note

The object of this Regulation is to remake, without substantial amendments, the provisions of the *Mount Panorama Motor Racing Regulation 2010*, which is repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation makes provision with respect to the following:

- (a) the regulation of conduct within the Mount Panorama Circuit,
- (b) the membership and procedures of the Mount Panorama Motor Racing Advisory Committee,
- (c) savings and formal matters.

This Regulation is made under the *Mount Panorama Motor Racing Act 1989*, including sections 3 (definition of *motor racing*), 14 (2) and 15 (the general regulation-making power).

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Mount Panorama Motor Racing Regulation 2015*.

2 Commencement

This Regulation commences on 1 September 2015 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Mount Panorama Motor Racing Regulation 2010*, which is repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

Circuit means the Mount Panorama Circuit.

the Act means the *Mount Panorama Motor Racing Act 1989*.

(2) Notes included in this Regulation do not form part of this Regulation.

Part 2 Regulation of conduct on Circuit

4 Application of Part

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.

5 Entry

- (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.

6 Parking and driving

- (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: 20 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 comply with a direction under subclause (4).
Maximum penalty: 20 penalty units.
- (6) A person must not drive any vehicle within the Circuit otherwise than on a road or track.
Maximum penalty: 20 penalty units.
- (7) For the purposes of this clause, *park* includes stand and wait.

7 Damage to vegetation and structures

A person must not, within the Circuit:

- (a) remove, uproot or cause damage to, or remove any part from, a shrub, plant, tree or other vegetation, or
- (b) damage, deface or destroy any sign, fence, gate, enclosure, barrier or other structure.

Maximum penalty: 20 penalty units.

8 Camping and erection of structures

- (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 tent, screen, awning, enclosure or other structure or thing.Maximum penalty: 10 penalty units.
- (2) A person who has erected or occupied or caused to be erected or occupied any tent, screen, awning, enclosure or other structure or thing contrary to this clause must, when required by the Council, immediately remove that tent, screen, awning, enclosure or other structure or thing.
Maximum penalty: 10 penalty units.
- (3) If a person fails to comply with any such requirement, the Council:
 - (a) may remove, or cause to be removed, the 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 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.

9 Building

- (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 109R of the *Environmental Planning and Assessment Act 1979*), and
 - (ii) such other conditions (not inconsistent with those provisions) as the Council may impose on its consent.Maximum penalty: 20 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: 20 penalty units.

10 Other conduct prohibited

- (1) A person must not, without the consent of the Council:
 - (a) allow any animal in the person's custody or under the person's control to enter on or remain within the Circuit, or
 - (b) erect any hoarding or notice, or display or distribute any advertising matter, sign, bill, poster or other matter, within the Circuit, or
 - (c) sell, offer for sale, or distribute any service, article or thing within the Circuit, or
 - (d) conduct any entertainment within the Circuit, or
 - (e) deposit litter within the Circuit except in receptacles provided for that purpose.Maximum penalty: 10 penalty units.

- (2) A person must not, without the consent of the Council:
 - (a) do or say anything calculated to hinder or interfere with the proper progress of the motor racing or associated events within the Circuit, or
 - (b) obstruct any person in the performance of that person's work or duties within the Circuit, or
 - (c) climb or jump over any fence, gate, enclosure, barrier or other structure within the Circuit.

Maximum penalty: 20 penalty units.

11 Exclusion of public

- (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: 20 penalty units.

12 Removal of public

- (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 inconvenience to members of the public who are lawfully and peaceably within the Circuit.

- (2) A person must comply with a direction under this clause.
Maximum penalty: 20 penalty units.

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

13 Exercise of Council's powers

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, and the power may be exercised accordingly.

14 Hindering and obstructing

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 at the Circuit.

Maximum penalty: 20 penalty units.

15 Certain acts and omissions not to be offences

- (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 course 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

16 Quorum

The quorum for a meeting of the Advisory Committee is a majority of the members of the Committee as constituted for the time being.

17 Appointment of deputies

- (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.

18 Duties of deputies

- (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.

19 Vacancy in office of member

- (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 6 of the *Government Sector Employment Act 2013*, 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 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.

Part 4 Miscellaneous

20 Prescribed events

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, and
- (d) races between karts.

21 Permits

- (1) An application by the Council for a permit under section 5 of the Act is to be made in the form approved by the Chief Executive of the Office of Sport.
- (2) The application must be lodged with the Minister at least 8 weeks before the date of the first meeting to which the application relates.
- (3) The fee for a permit is \$2,500.

22 Prescribed officer for issue of certain evidentiary certificates

For the purposes of section 14 (2) of the Act, the Chief Executive of the Office of Sport is a prescribed officer.

23 Savings

Any act, matter or thing that, immediately before the repeal of the *Mount Panorama Motor Racing Regulation 2010*, had effect under that Regulation continues to have effect under this Regulation.