



New South Wales

Homebush Motor Racing (Sydney 400) Bill 2008

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to facilitate the conduct of an annual V8 motor race (and associated races and events) at Homebush to be known as the Sydney 400 (*the race*).

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act and contains certain other interpretive provisions.

Part 2 Homebush Motor Racing Authority

Clause 4 provides for the constitution of the Homebush Motor Racing Authority (*the Authority*) as a corporation.

Clause 5 provides that the Authority is a NSW Government agency.

Clause 6 provides that the Authority is subject to the direction and control of the Minister.

Clause 7 provides that the Chief Executive Officer of the Authority is responsible for the day-to-day management of the affairs of the Authority.

Clause 8 provides for the establishment of an Advisory Board to provide advice to the Chief Executive Officer on the functions of the Authority under the proposed Act and any other matter referred to the Advisory Board by the Chief Executive Officer.

Schedule 1 contains provisions relating to membership and procedure of the Advisory Board.

Clause 9 provides for the establishment of an Event Implementation Committee to provide advice to the Advisory Board on matters referred to the committee by the Advisory Board.

Clause 10 sets out the functions of the Authority. The functions of the Authority relate to the preparation for, and the management and conduct of, the race.

Clause 11 enables the Authority to delegate the exercise of its functions.

Part 3 Conduct of Homebush motor racing

Division 1 Authorisations

Clause 12 enables the Minister to declare, by order, any area within Sydney Olympic Park (except those areas subject to a lease) as the area within which the race may be conducted (the *declared racing area*) and to designate the period during which the race may be conducted (the *Homebush motor racing period*).

Clause 13 enables the Minister to approve, by order, a person (the *race promoter*) to apply to the Authority for authorisation to conduct a V8 motor race and associated races and events (the *Homebush motor race*).

Clause 14 provides that an order under proposed section 12 or 13 may only be made to enable the conduct of the Homebush motor race during a single period each year. Clause 14 also makes provision for the expiry and publication of, and consultation requirements relating to, such orders.

Clause 15 provides that a V8 motor race is not authorised to be conducted under the proposed Act unless the Authority authorises the conduct of the race. Clause 15 gives the Authority power to authorise the race promoter to conduct the race. Any such authorisation may be given subject to conditions. The contravention of any authorisation relating to public safety, environmental protection or insurance is an offence.

Division 2 Carrying out works

Clause 16 requires the race promoter to make a description of the proposed works to be carried out in relation to the race (and the land on which, and period during which, such works are to be carried out) publicly available.

Clause 17 makes provision for the race promoter to apply to the Authority for authorisation to carry out works associated with the race. The Authority may grant authorisation to the race promoter to carry out works on land within a specified area (the *works area*) during a specified period (the *works period*). An authorisation may be granted subject to specified conditions.

Clause 18 requires the Authority to be satisfied that the race promoter has done the following before granting authorisation to carry out works:

- (a) consulted relevant parties, and taken into account any representations made by such parties,
- (b) demonstrated that it will take adequate steps to prevent or minimise any harm to the environment and disruption of other lawful activities at Sydney Olympic Park.

Clause 19 makes it clear that an authorisation must be obtained from the Authority (rather than the Sydney Olympic Park Authority or a council) to carry out works associated with the race.

Division 3 General provisions

Clause 20 makes it clear that the race promoter is responsible for the land within the declared racing area during the Homebush motor racing period and that the rights or obligations of any other person in or in relation to the land are suspended for that period (except to the extent that an agreement between the parties provides otherwise).

Clause 21 enables the race promoter, with the authorisation of the Authority, to fence or cordon off the whole or any part of the declared racing area for the purposes of the race during a period not falling within the Homebush motor racing period. The race promoter is responsible for land within such areas and the rights or obligations of any other person in or in relation to the land are suspended for the period that the land is fenced or cordoned off.

Clause 22 makes provision for the removal of unattended motor vehicles, by a police officer or authorised officer, from the declared racing area during the Homebush motor racing period.

Clause 23 requires the race promoter to carry out reinstatement work following the Homebush motor racing period to any land affected by the race or the activities of the race promoter in connection with the race.

Clause 24 requires a government agency to co-operate with the Authority in the exercise of the Authority's functions, to provide resources and assistance to the Authority if requested and notify the Authority of actions of the government agency that may impact adversely on the exercise of the Authority's functions. Clause 24

also empowers a government agency to comply with directions and requests of the Authority and empowers the Minister to direct certain government agencies to comply with a request, direction or decision of the Authority (after consultation with the Minister responsible for that other agency).

Clause 25 requires the race promoter to comply with a direction given by the Authority in relation to public safety and environmental protection matters associated with the race. Any authorisation given to the race promoter to conduct the race is subject to compliance with any such direction as a condition of the authorisation.

Part 4 Application of other laws

Clause 26 modifies the application of the *Environmental Planning and Assessment Act 1979* in respect of the conduct of the race and the carrying out of works as authorised by the proposed Act.

Clause 27 provides that any act that is authorised or permitted by or under the proposed Act is taken to be a defence to a prosecution for various offences contained in Part 8A of the *National Parks and Wildlife Act 1974*.

Clause 28 provides that a person who is authorised or permitted to do anything by or under the proposed Act may do that thing despite the fact that the doing of it is not authorised (when it is required to be) by, or is contrary to or inconsistent with the terms and conditions of an approval granted under, the *Local Government Act 1993*.

Clause 29 provides that a person who is authorised or permitted to do anything by or under the proposed Act may do that thing despite the fact that the doing of it is not authorised (when it is required to be) by, or is contrary to, or inconsistent with, the provisions of the *Sydney Olympic Park Authority Act 2001* or any regulations made under that Act.

Clause 30 provides that the provisions of the *Motor Vehicle Sports (Public Safety) Act 1985* and section 40 of the *Road Transport (Safety and Traffic Management) Act 1999* do not apply in respect of a Homebush motor race during a Homebush motor racing period. The provisions of the *Roads Act 1993* do not apply within the declared racing area during the Homebush motor racing period. The clause also provides that the provisions of the *Protection of the Environment Operations Act 1997* that relate to noise do not apply in respect of any activity that is carried out in accordance with any authorisation given under the proposed Act during the Homebush motor racing period.

Clause 31 provides that anything done or omitted to be done by a person pursuant to the proposed Act does not constitute a nuisance.

Clause 32 makes provision for the circumstances in which compensation is not payable by the State, the Authority or a local council in relation to the race and related matters.

Clause 33 makes provision for the circumstances in which compensation is not payable by the race promoter in relation to the race and related matters.

Clause 34 protects the exercise of certain functions of the Minister and the Authority from challenge or review before a court or administrative review body or from being restrained, removed or otherwise affected by any proceedings.

Part 5 Miscellaneous

Clause 35 prohibits a person (other than the race promoter or a person who has written consent from the race promoter) from using any official title or insignia in relation to the race for a commercial purpose. The race promoter may grant consent to the use of an official title or insignia subject to conditions including a condition requiring payment to the race promoter.

Clause 36 prohibits a person from filming the race for the purpose of profit or gain except with the consent of the race promoter. The race promoter is entitled to charge a fee for giving such consent.

Clause 37 enables the Minister to designate an area within which the Authority may control advertising on buildings and structures.

Clause 38 prohibits advertising in the airspace that is within the unaided sight of the declared racing area (and such other areas as may be prescribed by the regulations) within the period specified in the regulations, except with the authorisation of the Authority.

Clause 39 provides that the Authority is, for the purposes of the *Public Finance and Audit Act 1983*, the *Annual Reports (Departments) Act 1985*, or any other Act prescribed by the regulations, taken to be part of the Department of State and Regional Development.

Clause 40 makes provision for the effect of the proposed Act on contracts, instruments and other related matters.

Clause 41 provides that directors, and other persons concerned in the management of a corporation, who knowingly authorise or permit the contravention of a provision of the proposed Act are to be taken to have contravened that same provision.

Clause 42 provides that proceedings for an offence under the proposed Act or the regulations may be dealt with summarily before a Local Court.

Clause 43 enables the Governor to make regulations for the purposes of the proposed Act, including in relation to fees and charges, the regulation of the provision of services by the race promoter and the regulation of access to the declared racing area and the conduct of persons in that area.

Clause 44 is a formal provision that gives effect to the savings, transitional and other provisions set out in Schedule 2.

Clause 45 effects an amendment to the *Subordinate Legislation Act 1989*.

Clause 46 provides for the review of the proposed Act.

Schedule 1 Membership and procedure of Advisory Board

Schedule 1 contains provisions relating to the membership and procedure of the Advisory Board.

Schedule 2 Savings, transitional and other provisions

Schedule 2 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.



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Homebush Motor Racing (Sydney 400) Bill 2008

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New South Wales

Homebush Motor Racing (Sydney 400) Bill 2008

No. , 2008

A Bill for

An Act to facilitate the conduct of an annual motor race at Homebush; to constitute the Homebush Motor Racing Authority and to confer functions on the Authority; and for other purposes.

Clause 1 Homebush Motor Racing (Sydney 400) Bill 2008

Part 1 Preliminary

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Homebush Motor Racing (Sydney 400) Act 2008*. 4

2 Commencement 5

This Act commences on a day or days to be appointed by proclamation. 6

3 Definitions 7

(1) In this Act: 8

Advisory Board means the Advisory Board of the Authority constituted under section 8. 9
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Authority means the Homebush Motor Racing Authority constituted under section 4. 11
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Chief Executive Officer means the Chief Executive Officer of the Authority holding office as such under Chapter 1A of the *Public Sector Employment and Management Act 2002*. 13
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declared racing area—see section 12. 16

exercise a function includes perform a duty. 17

function includes a power, authority or duty. 18

Homebush motor race means a V8 motor race, and any associated motor races and events, authorised under Division 1 of Part 3. 19
20

Homebush motor racing period—see section 12. 21

race promoter, in relation to a Homebush motor race, means the person who has approval under section 13 to apply to the Authority for an authorisation to conduct the race. 22
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relevant council, in relation to a declared racing area or works area, means a local council the area of which includes the declared racing area or works area (as the case may be) or part of such an area. 25
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works area—see section 17. 28

works period—see section 17. 29

(2) An order, authorisation or approval under this Act may be amended or revoked by further order, authorisation or approval, respectively. 30
31

(3) Notes included in this Act do not form part of this Act. 32

Part 2	Homebush Motor Racing Authority	1
4	Constitution of Authority	2
	There is constituted by this Act a corporation with the corporate name of the Homebush Motor Racing Authority.	3 4
5	Status of Authority	5
	The Authority is a NSW Government agency.	6
6	Ministerial control	7
	The Authority is subject to the control and direction of the Minister in the exercise of its functions.	8 9
7	Chief Executive Officer of Authority	10
	(1) The Chief Executive Officer is responsible for the day-to-day management of the affairs of the Authority.	11 12
	(2) Any act, matter or thing done in the name of, or on behalf of, the Authority by the Chief Executive Officer is taken to have been done by the Authority.	13 14 15
8	Advisory Board	16
	(1) There is to be an Advisory Board of the Authority.	17
	(2) The principal function of the Advisory Board is to provide advice to the Chief Executive Officer on the following:	18 19
	(a) the functions of the Authority under this Act,	20
	(b) any matter referred to the Advisory Board by the Chief Executive Officer.	21 22
	(3) The Advisory Board is to consist of the following members:	23
	(a) the Chief Executive Officer,	24
	(b) such other members (not exceeding 4 members) as the Minister may appoint.	25 26
	(4) The race promoter and employees of the race promoter are not entitled to be appointed, or to hold office, as members of the Advisory Board.	27 28
	(5) One of the members of the Advisory Board (other than the Chief Executive Officer) is to be appointed as Chairperson of the Advisory Board in and by the member's instrument of appointment or a subsequent instrument executed by the Minister.	29 30 31 32

Clause 9 Homebush Motor Racing (Sydney 400) Bill 2008

Part 2 Homebush Motor Racing Authority

(6)	One of the other members of the Advisory Board (other than the Chief Executive Officer) may be appointed as Deputy Chairperson of the Advisory Board in and by the member's instrument of appointment or a subsequent instrument executed by the Minister.	1 2 3 4
(7)	Schedule 1 has effect with respect to the membership and procedure of the Advisory Board.	5 6
9	Event Implementation Committee	7
(1)	There is to be an Event Implementation Committee to provide advice to the Advisory Board on matters referred to the committee by the Advisory Board.	8 9 10
(2)	The committee is to consist of the following members:	11
(a)	the Chief Executive Officer,	12
(b)	1 person appointed by the Minister to represent the Sydney Olympic Park Authority,	13 14
(c)	2 or more persons appointed by the Minister to represent government agencies,	15 16
(d)	1 person appointed by the Minister to represent the NSW Police Force,	17 18
(e)	1 person appointed by the Minister on the nomination of the race promoter to represent the race promoter.	19 20
(3)	Subject to the regulations, the term of office of appointed members of the committee, the procedure for calling meetings of the committee and the conduct of business at those meetings are to be determined by the Minister.	21 22 23 24
(4)	The members of the committee are not entitled to be paid remuneration in respect of the duties they perform as members. The members are however entitled to be reimbursed for reasonable expenses (such as for travel or accommodation) that they may incur in attending meetings of the committee.	25 26 27 28 29
10	Functions of Authority	30
(1)	The Authority has the following functions:	31
(a)	such functions relating to the preparation for, and the management and conduct of and the works associated with, a Homebush motor race as are conferred on it by or under this Act,	32 33 34
(b)	to liaise with the New South Wales Government, the race promoter and any other persons the Authority considers relevant to the preparation for, and the management and conduct of and the works associated with, a Homebush motor race,	35 36 37 38

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| (c) | to consult with relevant government agencies on matters relating to a Homebush motor race, | 1
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| (d) | to advise the Minister in relation to the Minister's functions under this Act and in relation to any other matter relating to a Homebush motor race, | 3
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| (e) | such other functions as are conferred on it by or under this or any other Act. | 6
7 |
| (2) | The Authority may do all such supplemental, incidental or consequential acts as may be necessary or expedient for the exercise of its functions, including entering into any contract or arrangement with any person in connection with the exercise of its functions. | 8
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| (3) | The Authority may exercise its functions within or outside New South Wales. | 12
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| (4) | The Authority cannot employ any staff. | 14 |
| | Note. Staff may be employed under Chapter 1A of the <i>Public Sector Employment and Management Act 2002</i> in the Government Service to enable the Authority to exercise its functions. | 15
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17 |
| 11 | Delegation of Authority's functions | 18 |
| (1) | The Authority may delegate to an authorised person the exercise of any of its functions other than this power of delegation. | 19
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| (2) | In this section, <i>authorised person</i> means: | 21 |
| (a) | a member of staff of the Authority, or | 22 |
| (b) | a government agency or member of staff of a government agency,
or | 23
24 |
| (c) | a person, or committee of persons, of a class prescribed by the regulations. | 25
26 |

Part 3	Conduct of Homebush motor racing	1
Division 1	Authorisations	2
12	Minister may declare racing area and racing period	3
(1)	The Minister may, by order, declare any area within Sydney Olympic Park as the area within which a Homebush motor race may be conducted (the <i>declared racing area</i>).	4 5 6
(2)	The Minister may, by order, designate the period during which a Homebush motor race may be conducted (the <i>Homebush motor racing period</i>).	7 8 9
(3)	In this section, <i>Sydney Olympic Park</i> has the same meaning as it has in the <i>Sydney Olympic Park Authority Act 2001</i> , but does not include any area that is subject to a lease on the date of assent to this Act and has not ceased to be subject to a lease at the time the order is made.	10 11 12 13
13	Approval of person who may apply for authorisation to conduct race (the race promoter)	14 15
(1)	The Minister may, by order, approve the person who is entitled to apply to the Authority for an authorisation under section 15 to conduct a V8 motor race (and other associated motor races and events) within the declared racing area during the Homebush motor racing period.	16 17 18 19
(2)	Any such application must be made in the manner, and lodged with the Authority within the time, determined by the Minister in the order under subsection (1).	20 21 22
14	Provisions relating to Ministerial orders	23
(1)	An order made under this Division may only be made to enable the conduct of the Homebush motor race during a single period each year.	24 25
(2)	An order under this Division remains in force until the end of the period of 5 years from the date that it took effect unless sooner revoked.	26 27
(3)	An order made under this Division must be published in the Gazette.	28
(4)	The Minister is to seek the advice of the Authority before making an order under this Division.	29 30
15	Conduct of race requires authorisation by Authority	31
(1)	A V8 motor race (and other associated motor races and events) are not authorised to be conducted under this Act unless the Authority authorises the conduct of the race (and associated races and events) under this section.	32 33 34 35

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- (2) The Authority may authorise the race promoter to conduct a V8 motor race (and other associated motor races and events) subject to and in accordance with this Act. 1
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- (3) Any such authorisation may be given for a period not exceeding 5 years. 4
- (4) Any such authorisation may be given subject to such conditions as the Authority considers it reasonable to impose, including (but not limited to) conditions relating to any of the following: 5
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- (a) public safety, 8
 - (b) environmental protection, 9
 - (c) insurance, 10
 - (d) reporting requirements, 11
 - (e) transport arrangements, 12
 - (f) reinstatement of land, 13
 - (g) consultation requirements, 14
 - (h) financial arrangements (including the provision of security), 15
 - (i) event and works planning requirements, 16
 - (j) engineering certification requirements. 17
- The race promoter must, in conducting the Homebush motor race, comply with any such conditions. 18
19
- (5) Before imposing a condition of an authorisation, the Authority must advise the race promoter of the condition by notice in writing and allow the race promoter 14 days within which the race promoter may make submissions to the Authority in relation to the proposed condition. 20
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- (6) The conditions of an authorisation may be amended (including by introducing additional conditions) or revoked at any time by notice in writing to the race promoter. 24
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- (7) The Authority must, within 4 months from the end of the declared racing period, review the conditions of any authorisation that remains in force and determine whether the conditions of that authorisation remain appropriate. 27
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- (8) The Authority may revoke an authorisation given under this section, on the grounds that a condition of the authorisation has not been complied with, only if the Authority is satisfied that: 31
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- (a) the failure to comply with the condition is of a serious or continuing nature, and 34
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 - (b) it is appropriate to do so in the circumstances. 36

- (9) If any condition of an authorisation given under this section relating to public safety, environmental protection or insurance is contravened, the race promoter is guilty of an offence. 1
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Maximum penalty: 4
(a) in the case of an individual—\$250,000, or 5
(b) in the case of a corporation—\$1,000,000. 6
- (10) It is a defence in any proceedings against a person for an offence under subsection (9) if the person establishes: 7
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(a) that the commission of the offence was due to causes over which the person had no control, and 9
10
(b) that the person took reasonable precautions and exercised due diligence to prevent the commission of the offence. 11
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Division 2 Carrying out works 13

16 Plans of proposed works 14

- (1) The race promoter must make the following information available for public inspection: 15
16
(a) the information specified in section 17 (2) (a), (b) and (c), 17
(b) any other information relating to the proposed works that the regulations, or the Authority by written notice, requires. 18
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- (2) Such information must be made available for public inspection at a place designated by the Authority during the period commencing on the date the application under section 17 to carry out the works is made and ending on the date that the works are completed. 20
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17 Authorisation to carry out works 24

- (1) The race promoter may apply to the Authority for authorisation to carry out works associated with a Homebush motor race. 25
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- (2) Any such application must be in writing and include the following information: 27
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(a) a description of the proposed works, 29
(b) a description of the land on which the works are to be carried out (including any land required to be used in order to carry out the works), 30
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(c) the period during which the works are proposed to be carried out, 33
(d) details of the outcome of consultation with the persons and bodies specified in section 18 (a) in relation to the proposed 34
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| works and the period during which the works are proposed to be carried out, | 1
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| (e) any other information relating to the proposed works that the regulations, or the Authority by written notice, requires to be included. | 3
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| (3) Subject to this Division, the Authority may authorise the race promoter to carry out specified works associated with a Homebush motor race (and do any other things on the land that are reasonably necessary for or incidental to such works) on the land within a specified area (the works area) during a specified period (the works period). | 6
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| (4) An authorisation may be granted subject to such conditions as the Authority considers it reasonable to impose, including (but not limited to) conditions relating to any of the following: | 11
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| (a) public safety, | 14 |
| (b) environmental protection, | 15 |
| (c) insurance, | 16 |
| (d) reporting requirements, | 17 |
| (e) reinstatement of land, | 18 |
| (f) consultation requirements, | 19 |
| (g) financial arrangements (including the provision of security), | 20 |
| (h) event and works planning requirements, | 21 |
| (i) engineering certification requirements. | 22 |
| The race promoter must, in carrying out any work authorised by the Authority under this section, comply with any such conditions. | 23
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| (5) Before granting an authorisation under this section, the Authority must consult with the Sydney Olympic Park Authority. | 25
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| (6) A different works period may be specified in respect of different categories of work or different works areas. | 27
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| (7) A works area may be within or outside of the declared racing area and a works period may fall within or outside of the Homebush motor racing period. | 29
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| (8) The race promoter is taken to be the owner of a works area during the relevant works period (to the exclusion of any other person): | 32
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| (a) for the purposes of the appointment of a principal contractor (in respect of an area that is a place of work) in accordance with the regulations under the <i>Occupational Health and Safety Act 2000</i> , and | 34
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| (b) for any other purpose prescribed by the regulations. | 38 |
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(9)	The race promoter must comply with any direction of the Authority:	1
(a)	to ensure compliance with this section, or	2
(b)	to rectify any matter that the Authority considers to constitute a breach of the conditions of an authorisation under this section.	3 4
18	Community and other consultation	5
	Before granting an authorisation under section 17, the Authority must be satisfied that the race promoter has:	6 7
(a)	taken all reasonable steps to consult with:	8
(i)	any person having a right of occupation of land within the works area, and	9 10
(ii)	any person occupying land immediately adjacent to the works area, and	11 12
(iii)	the Sydney Olympic Park Authority, and	13
(iv)	any relevant council, and	14
(v)	any other person nominated by the Authority (by notice in writing to the race promoter) as a person whose business or financial interests might be affected by the works, and	15 16 17
(b)	taken into account any representations made by any person or body referred to in paragraph (a), and	18 19
(c)	demonstrated that it will take adequate steps to prevent or minimise any harm to the environment, and disruption of other lawful activities, at Sydney Olympic Park and in those areas adjacent to Sydney Olympic Park.	20 21 22 23
19	Other authorisations to carry out works not permitted	24
(1)	The Authority may direct the Sydney Olympic Park Authority or a council to refuse to consider an application to carry out specified works, or to refuse to approve or authorise the carrying out of specified works, under a relevant provision if the Authority believes that the carrying out of the works are or should be authorised under section 17.	25 26 27 28 29
(2)	In this section, <i>relevant provision</i> means a provision of an Act that would otherwise enable the Sydney Olympic Park Authority or a council to consider an application for, or approve or authorise, the carrying out of specified works.	30 31 32 33
Division 3	General provisions	34
20	Control of declared racing area during Homebush motor racing period	35
(1)	The race promoter is (subject to, and in accordance with, this Act and any authorisation given under this Act) responsible for the care, control,	36 37

	management and use of land within the declared racing area during the Homebush motor racing period and the rights or obligations of any other person in or in relation to the care, control, management and use of the land are suspended for the Homebush motor racing period.	1 2 3 4
(2)	Subsection (1) does not suspend the rights or obligations of a person to the extent that an agreement between that person and the race promoter so provides.	5 6 7
21	Control of parts of declared racing area outside Homebush motor racing period	8 9
(1)	The race promoter may, with the authorisation of the Authority, fence or cordon off a part of the declared racing area for the purposes of a Homebush motor race for a period not falling within the Homebush motor racing period. The Authority may only provide authorisation under this subsection if it considers that the fencing or cordoning off is reasonably necessary for or incidental to the exercise of the race promoter's functions under this Act.	10 11 12 13 14 15 16
(2)	Section 20 applies in relation to land that is fenced or cordoned off by the race promoter in accordance with this section in the same way that it applies to land within the declared racing area. Accordingly, any reference to the Homebush motor racing period in that section is taken to include a reference to the period during which the land is fenced or cordoned off.	17 18 19 20 21 22
(3)	For the purposes of this section, cordoning off an area includes the erection of signs indicating that the area is subject to restricted access.	23 24
22	Removal of unattended motor vehicles	25
(1)	At any time during the Homebush motor racing period, a police officer or a SOPA officer may, and must at the request of the Authority, remove any unattended motor vehicle or trailer from the declared racing area.	26 27 28
(2)	At any time during the Homebush motor racing period, the race promoter may direct an authorised officer to remove an unattended motor vehicle or trailer from the declared racing area if the race promoter is of the opinion that it is necessary to do so.	29 30 31 32
(3)	The provisions of section 76 (2)–(8A) of the <i>Road Transport (Safety and Traffic Management) Act 1999</i> apply to the removal of an unattended motor vehicle or trailer in accordance with this section in the same way as they apply to the removal of an unattended motor vehicle or trailer in accordance with that section.	33 34 35 36 37
(4)	However, it is not necessary that the unattended motor vehicle or trailer is standing unlawfully.	38 39

- (5) In this section: 1
authorised officer has the same meaning as in section 76 of the *Road Transport (Safety and Traffic Management) Act 1999*, but does not 2
include a police officer. 3
SOPA officer means a person authorised by the Sydney Olympic Park 4
Authority to exercise the functions of an authorised officer under 5
section 78 of the *Sydney Olympic Park Authority Act 2001*. 6
7

23 Reinstatement of land 8

- (1) The race promoter must, within a reasonable time after the Homebush 9
motor racing period: 10
(a) repair any damage to land (including any fixtures) caused by the 11
activities of the race promoter in connection with the Homebush 12
motor race, and 13
(b) remove any rubbish from land within the declared racing area and 14
works area, and 15
(c) reinstate any land affected by the activities of the race promoter 16
in connection with the Homebush motor race, so far as is 17
practicable, to the condition it was in before the carrying out of 18
works by the race promoter and the conduct of the Homebush 19
motor race, 20
unless the race promoter and the Authority have otherwise agreed. 21
(2) If the race promoter fails to carry out the work required to comply with 22
subsection (1) within a reasonable time, the Authority: 23
(a) may cause the work to be carried out, and 24
(b) may, by proceedings brought in a court of competent jurisdiction, 25
recover from the race promoter as a debt the cost of carrying out 26
the work. 27
(3) A document signed by the Chief Executive Officer certifying the cost of 28
carrying out work in accordance with subsection (2) is admissible in any 29
proceedings and is evidence of that cost. 30

24 Co-ordination and co-operation of government agencies 31

- (1) A NSW Government agency has the following obligations in respect of 32
a Homebush motor race: 33
(a) to co-operate with the Authority in the exercise of the Authority's 34
functions, including complying with any reasonable request of 35
the Authority for information to enable the Authority to exercise 36
its functions, 37
(b) to provide resources and assistance in accordance with any 38
request of the Authority that is authorised by or under this Act, 39

(c)	to notify the Authority of any proposed exercise of the agency's functions that may impact adversely on the Homebush motor race, any works authorised under section 17 or the exercise of the Authority's functions.	1 2 3 4
(2)	A NSW Government agency is authorised to exercise any of its functions in order to comply with a request, direction or decision of the Minister or the Authority made or given under this Act.	5 6 7
(3)	The Minister may, by notice in writing given to a prescribed government agency, direct the agency to comply with a request, direction or decision of the Authority made or given under this Act. However, if another Minister is responsible for the prescribed government agency, the Minister must consult with that Minister before making such a direction.	8 9 10 11 12 13
(4)	In this section, <i>prescribed government agency</i> means a NSW Government agency prescribed by the regulations for the purposes of subsection (3).	14 15 16
25	Race promoter to comply with directions of Authority	17
(1)	The Authority may direct the race promoter to do or not to do such things, and to provide such information, in relation to public safety and environmental protection matters associated with a Homebush motor race as the Authority considers reasonable in the circumstances.	18 19 20 21
(2)	The race promoter is to comply in every respect with a direction given under subsection (1) and is not to authorise any act or omission by any person contrary to the direction.	22 23 24
(3)	A direction given by the Authority under subsection (1) is taken to be a condition of the authorisation given to the race promoter to conduct the Homebush motor race.	25 26 27

Part 4	Application of other laws	1
26	Application of Environmental Planning and Assessment Act 1979	2
(1)	Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> does not apply in respect of the conduct of a Homebush motor race during the Homebush motor racing period, or the carrying out of works as authorised under this Act.	3 4 5 6
(2)	An environmental planning instrument under the <i>Environmental Planning and Assessment Act 1979</i> cannot prohibit, require development consent for or otherwise restrict the conduct of a Homebush motor race during the Homebush motor racing period, or the carrying out of works as authorised under this Act.	7 8 9 10 11
(3)	The conduct of a Homebush motor race during the Homebush motor racing period, or the carrying out of works as authorised under this Act, cannot be declared to be a project under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> .	12 13 14 15
(4)	An order under Division 2A of Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> does not have effect to the extent that it prevents or interferes with the conduct of a Homebush motor race during the Homebush motor racing period, or the carrying out of works as authorised under this Act.	16 17 18 19 20
(5)	Subsection (2) applies to an environmental planning instrument made before or after the commencement of this section.	21 22
27	Application of National Parks and Wildlife Act 1974	23
	For the purposes of Part 8A of the <i>National Parks and Wildlife Act 1974</i> , any act that is authorised or permitted by or under this Act is taken to be an act that is essential for the carrying out of development in accordance with a development consent within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> .	24 25 26 27 28
28	Application of Local Government Act 1993	29
(1)	A person who is authorised or permitted to do anything by or under this Act may do that thing despite the fact that the doing of it is not authorised (when required to be) by the <i>Local Government Act 1993</i> .	30 31 32
(2)	A person who is authorised or permitted to do anything by or under this Act may do that thing despite the fact that the doing of it is contrary to, or inconsistent with, the terms or conditions of an approval granted under the <i>Local Government Act 1993</i> .	33 34 35 36

(3)	A person does not breach the terms or conditions of an approval relating to:	1
	(a) the management of waste, being an approval under item 1, 2, 3 or 4 of Part C of the Table to section 68 of the <i>Local Government Act 1993</i> , or	2
	(b) the hours during which an activity may take place, or	3
	(c) the means of access to land or premises, or	4
	(d) the emission of noise, including permissible noise levels, or	5
	(e) the effect of an activity on the amenity of the locality,	6
	by the doing of anything that is reasonably necessary to be done by or under, or as a consequence of the operation of, this Act.	7
(4)	A person who is exempt from the requirement to obtain an approval under section 68 of the <i>Local Government Act 1993</i> does not cease to be exempt from the requirement by the doing of anything that is reasonably necessary to be done under, or as a consequence of the operation of, this Act.	8
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29	Application of Sydney Olympic Park Authority Act 2001	17
	A person who is authorised or permitted to do anything by or under this Act may do that thing despite the fact that the doing of it is not authorised (when it is required to be) by, or is contrary to, or inconsistent with, the provisions of the <i>Sydney Olympic Park Authority Act 2001</i> or any regulations made under that Act.	18
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		21
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30	Suspension of certain Acts	23
(1)	Except to the extent that the regulations otherwise provide and subject to any modifications specified in the regulations, the provisions of:	24
	(a) the <i>Motor Vehicle Sports (Public Safety) Act 1985</i> , and	25
	(b) section 40 of the <i>Road Transport (Safety and Traffic Management) Act 1999</i> ,	26
	do not apply in respect of a Homebush motor race during a Homebush motor racing period.	27
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		30
(2)	Except to the extent that the regulations otherwise provide and subject to any modifications specified in the regulations, the provisions of the <i>Roads Act 1993</i> do not apply within the declared racing area during a Homebush motor racing period.	31
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(3)	Except to the extent that the regulations otherwise provide and subject to any modifications specified in the regulations, the provisions of the <i>Protection of the Environment Operations Act 1997</i> (being those provisions of that Act that relate to noise) do not apply in respect of any	35
		36
		37
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activity that is carried out in accordance with any authorisation given under this Act or the regulations during the Homebush motor racing period.	1 2 3
31 No liability in nuisance	4
Anything done or omitted to be done by any person:	5
(a) in the exercise of functions under this Act or the regulations, or	6
(b) pursuant to any of the provisions of this Act or the regulations, or	7
(c) in accordance with any authorisation given under this Act or the regulations,	8 9
does not constitute a nuisance.	10
32 Compensation not payable in respect of Homebush motor race-related matters	11 12
(1) Compensation is not payable by or on behalf of:	13
(a) the State or an authority of the State, or	14
(b) the Authority, or	15
(c) a local council, or	16
(d) an officer, employee or agent of the State, an authority of the State, the Authority or a local council,	17 18
for an act or omission that is a Homebush motor race-related matter or that arises (directly or indirectly) from a Homebush motor race-related matter.	19 20 21
(2) Subsection (1):	22
(a) applies only in respect of acts done or omitted to be done in good faith, and	23 24
(b) does not apply to acts or omissions that cause personal injury to a person or the death of a person.	25 26
(3) Subsection (1) does not affect compensation payable under any indemnity given, or other agreement made, by the State, an authority of the State, the Authority, a local council or a person referred to in subsection (1), that expressly relates to a Homebush motor race-related matter.	27 28 29 30 31
(4) In this section:	32
<i>compensation</i> includes damages and any other form of monetary compensation.	33 34
<i>Homebush motor race-related matter</i> means the following:	35
(a) the conduct of a Homebush motor race,	36

(b)	works conducted or other things done under an authorisation given under this Act or the regulations,	1 2
(c)	the administration or purported administration of this Act,	3
(d)	the exercise or purported exercise of functions under this Act or the regulations.	4 5
33	Compensation not payable by race promoter in certain circumstances	6
(1)	Compensation is not payable by or on behalf of the race promoter, or an officer, employee or agent of the race promoter, for an act or omission that is a Homebush motor race-related matter or that arises (directly or indirectly) from a Homebush motor race-related matter.	7 8 9 10
(2)	Subsection (1):	11
(a)	applies only to the extent that the claim for compensation is a claim for economic loss, and	12 13
(b)	applies only in respect of acts done or omitted to be done in good faith, and	14 15
(c)	applies only in respect of anything done or omitted to be done in accordance with any authorisation given under this Act or the regulations, and	16 17 18
(d)	does not apply to acts or omissions that cause personal injury to a person or the death of a person, and	19 20
(e)	does not apply to acts or omissions that cause property damage.	21
(3)	Subsection (1) does not affect compensation payable under any indemnity given, or other agreement made, by the race promoter or a person referred to in subsection (1), that expressly relates to a Homebush motor race-related matter.	22 23 24 25
(4)	In this section:	26
	<i>compensation</i> includes damages and any other form of monetary compensation.	27 28
	<i>Homebush motor race-related matter</i> means the following:	29
(a)	the conduct of a Homebush motor race,	30
(b)	works conducted or other things done under an authorisation given under this Act or the regulations.	31 32
34	Protection of exercise of certain functions	33
(1)	This section applies to a function (<i>a protected function</i>) conferred or imposed on any of the following persons (<i>a protected person</i>) by or under Part 3:	34 35 36
(a)	the Minister (including a delegate of the Minister),	37

(b)	the Authority (including a delegate of the Authority).	1
(2)	The exercise by any protected person of any protected function may not be:	2
		3
(a)	challenged, reviewed, quashed or called into question before any court of law or administrative review body in any proceedings, or	4
		5
(b)	restrained, removed or otherwise affected by any proceedings.	6
(3)	Without limiting subsection (2), that subsection applies whether or not the proceedings relate to any question involving compliance or non-compliance, by a protected person, with the provisions of Part 3 or the rules of natural justice (procedural fairness).	7
		8
		9
		10
(4)	Accordingly, no court of law or administrative review body has jurisdiction or power to consider any question involving compliance or non-compliance, by the protected person, with those provisions or with those rules so far as they apply to the exercise of any protected function.	11
		12
		13
		14
(5)	This section has effect despite any provision of this Act or other legislation or any other law (whether written or unwritten).	15
		16
(6)	In this section:	17
	exercise of functions includes:	18
(a)	the purported exercise of functions, and	19
(b)	the non-exercise or improper exercise of functions, and	20
(c)	the proposed, apprehended or threatened exercise of functions.	21
	proceedings includes:	22
(a)	proceedings for an order in the nature of prohibition, certiorari or mandamus or for a declaration or injunction or for any other relief, and	23
		24
		25
(b)	without limiting paragraph (a), proceedings in the exercise of the inherent jurisdiction of the Supreme Court or the jurisdiction conferred by section 23 of the <i>Supreme Court Act 1970</i> ,	26
		27
		28
	but does not include any investigation or proceedings under the <i>Independent Commission Against Corruption Act 1988</i> .	29
		30

Part 5	Miscellaneous	1
35	Use of official title and official insignia	2
(1)	A person, other than the race promoter, must not use any official title or official insignia for a commercial purpose without the written consent of the race promoter. Maximum penalty: 200 penalty units.	3 4 5 6
(2)	A consent under this section:	7
(a)	may be given with or without conditions (including conditions requiring payment to the race promoter), and	8 9
(b)	may be revoked by the race promoter for breach of a condition by notice in writing given personally or by post to a person who has the benefit of the consent.	10 11 12
(3)	In this section:	13
	<i>official insignia</i> means a logo, symbol or other design approved by the Authority for the purposes of this section by notice published in the Gazette.	14 15 16
	<i>official title</i> means Sydney 400 (where the expression can reasonably be taken to refer to a motor race) or any other title approved by the Authority for the purposes of this section by notice published in the Gazette.	17 18 19 20
36	Race promoter may control and charge fee for filming	21
(1)	Except with the consent of the race promoter, a person is not entitled to film, for the purpose of profit or gain, the Homebush motor race, or any part of the race, whether or not the filming takes place within the declared racing area.	22 23 24 25
(2)	The race promoter may, if the race promoter thinks fit, charge a fee for giving consent under subsection (1), being a fee of the prescribed amount or such other amount as the race promoter considers appropriate in a particular case.	26 27 28 29
(3)	If a person films the Homebush motor race, for the purpose of profit or gain, without the consent of the race promoter, the race promoter may recover, as a debt due to the race promoter, by proceedings in a court of competent jurisdiction, the fee of a prescribed amount referred to in subsection (2).	30 31 32 33 34
(4)	In this section, <i>film</i> means make a sound recording or a record of moving images (or both), whether on film or video tape or electronically or by other means.	35 36 37

37 Prohibition of certain advertising on buildings and structures	1
(1) The Minister may, by order published in the Gazette, designate any area to be an <i>advertising controlled site</i> for the period (if any) specified in the order.	2 3 4
(2) An area is an advertising controlled site for the purposes of this section only for:	5 6
(a) the period specified in the order, or	7
(b) if no period is specified in the order—the Homebush motor racing period or, if the Homebush motor race has already commenced, the remainder of that period.	8 9 10
(3) A person who is the owner or occupier or the holder of a lease or licence relating to a building or structure that is (or is part of) an advertising controlled site must not, while the land is an advertising controlled site, cause or permit any advertising material to be fixed to or placed on, or to remain on, the building or structure, except as authorised or permitted by the Authority.	11 12 13 14 15 16
Maximum penalty:	17
(a) in the case of an individual—250 penalty units, or	18
(b) in the case of a corporation—500 penalty units.	19
(4) A person authorised by the Authority for the purposes of this subsection may obliterate or remove any advertising material that is on a building or structure in contravention of this section.	20 21 22
(5) A person authorised under subsection (4) may enter:	23
(a) an advertising controlled site to undertake the obliteration or removal referred to in that subsection, and	24 25
(b) other adjacent premises, if necessary, to undertake that obliteration or removal.	26 27
(6) A person is not entitled under this section to enter a part of premises used only for residential purposes, except with the consent of the occupier of the part.	28 29 30
(7) In exercising functions under subsection (4), the person must:	31
(a) cause as little damage as possible, and	32
(b) produce to any person apparently in charge of the premises who requests its production the person’s authorisation under that subsection.	33 34 35

(8)	This section does not apply to the following advertising material:	1
(a)	any advertising material:	2
(i)	that has an area of not more than one square metre, or	3
(ii)	comprising a series of related advertisements that together have an area of not more than one square metre,	4
		5
(b)	any advertising material that was fixed or placed on a building or structure with the permission of the Sydney Olympic Park Authority (but only if the permission was provided before the area within which the material is situated became an advertising controlled site),	6
		7
		8
		9
		10
(c)	any advertising material that is exempted from this section by the regulations.	11
		12
38	Prohibition of certain aerial advertising	13
(1)	For the purposes of this section, <i>advertising controlled airspace</i> means airspace that is within unaided sight of the following places:	14
		15
(a)	the declared racing area,	16
(b)	such other areas as may be prescribed by the regulations for the purposes of this section,	17
		18
	but only during such periods as are prescribed by the regulations in relation to the place.	19
		20
(2)	A person must not display an advertisement, or cause an advertisement to be displayed, in advertising controlled airspace, except with the authorisation of the Authority.	21
		22
		23
	Maximum penalty: 1,000 penalty units.	24
(3)	An application for the authorisation of the Authority under this section may be made in such form and manner as is determined by the Authority.	25
		26
		27
(4)	The Authority may determine an application by granting the application, unconditionally or subject to conditions, or by refusing the application.	28
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		30
(5)	Before determining an application, the Authority must advise the race promoter of the details of the application by notice in writing and allow the race promoter 14 days within which the race promoter may make submissions to the Authority in relation to the application.	31
		32
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		34
(6)	For the purposes of this section, the Authority may grant authorisation to a person, or to classes or descriptions of persons, only if in its opinion the display of the advertisement will not adversely affect the organisation or conduct of the Homebush motor race.	35
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		37
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(7)	The determination of the Authority with respect to an application for authorisation is final.	1 2
(8)	For the purposes of this section: <i>advertisement</i> includes the following:	3 4
(a)	skywriting or signwriting by an aircraft,	5
(b)	a banner, or other sign, towed by or attached to an aircraft,	6
(c)	matter displayed on an aircraft, other than its normal markings and livery,	7 8
(d)	matter displayed on a hang glider, parachute, paraglider or similar device, other than its normal markings, or on a banner or sign attached to a hang glider, parachute, paraglider or similar device,	9 10 11 12
(e)	a banner, or other sign, attached to a person suspended from a hang glider, parachute, paraglider or similar device,	13 14
(f)	matter displayed by the projection of a laser light or other light source.	15 16
	<i>aircraft</i> includes an airship or a balloon.	17
39	Authority taken to be part of Department of State and Regional Development for certain purposes	18 19
	The Authority is, for the purposes of the <i>Public Finance and Audit Act 1983</i> , the <i>Annual Reports (Departments) Act 1985</i> , or any other Act prescribed by the regulations, taken to be part of the Department of State and Regional Development.	20 21 22 23
40	Effect of Act on contracts, instruments and related matters	24
(1)	The operation of this Act is not to be regarded as:	25
(a)	a breach of contract or confidence or otherwise as a civil wrong, or	26 27
(b)	a breach of any instrument, or	28
(c)	an event of default under any contract or other instrument, or	29
(d)	giving rise to any remedy by a party to a contract or other instrument, or as causing or permitting the termination of, or exercise of rights under, any contract or other instrument.	30 31 32
(2)	In this section, <i>instrument</i> does not include a statutory instrument.	33
41	Offences by corporations	34
(1)	If a corporation contravenes, whether by act or omission, any provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in the management of the corporation	35 36 37

is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.	1 2
(2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or has been convicted under the provision.	3 4 5
(3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act or the regulations.	6 7 8
42 Proceedings for offences	9
(1) Proceedings for an offence against this Act or the regulations may be dealt with:	10 11
(a) summarily before a Local Court, or	12
(b) summarily before the Supreme Court in its summary jurisdiction.	13
(2) If proceedings are brought in a Local Court, the maximum monetary penalty that the Local Court may impose for the offence is 100 penalty units or such other amount as may be prescribed by the regulations, despite any higher maximum monetary penalty provided in respect of the offence.	14 15 16 17 18
43 Regulations	19
(1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	20 21 22 23
(2) In particular, regulations may be made for or with respect to the following:	24 25
(a) the fees and charges that may be imposed for the purposes of this Act,	26 27
(b) the fees that may be charged or collected by the race promoter for admission to the declared racing area or part of the declared racing area,	28 29 30
(c) the procedures of the Authority,	31
(d) regulating the provision of services by the race promoter,	32
(e) regulating access to the declared racing area or part of a declared racing area,	33 34
(f) regulating the conduct of persons in the declared racing area and the exclusion or expulsion of persons from the declared racing area,	35 36 37

Clause 44 Homebush Motor Racing (Sydney 400) Bill 2008

Part 5 Miscellaneous

(g)	regulating, restricting or prohibiting the bringing of liquor into, or consumption of liquor within, the declared racing area during a Homebush motor racing period,	1 2 3
(h)	the driving or parking of motor vehicles within the declared racing area (including, but not limited to enabling the Authority to issue notices, with the concurrence of the Roads and Traffic Authority, to remove specified restrictions on parking within the declared racing area),	4 5 6 7 8
(i)	conferring on the Authority any function that may be exercised by a local council in relation to a public place.	9 10
(3)	The regulations may modify the application of the regulations made under the <i>Sydney Olympic Park Authority Act 2001</i> within the declared racing area during the Homebush motor racing period.	11 12 13
(4)	The regulations may create an offence punishable by a maximum penalty of 50 penalty units.	14 15
44	Savings, transitional and other provisions	16
	Schedule 2 has effect.	17
45	Amendment of Subordinate Legislation Act 1989 No 146	18
	The <i>Subordinate Legislation Act 1989</i> is amended by inserting the following at the end of Schedule 3 (Matters not requiring regulatory impact statements):	19 20 21
	10 A regulation under the <i>Homebush Motor Racing (Sydney 400) Act 2008</i> .	22 23
46	Review of Act	24
(1)	The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.	25 26 27
(2)	The review is to be undertaken within 6 months from the end of the Homebush motor racing period in 2010.	28 29
(3)	A report on the outcome of the review is to be tabled in each House of Parliament within 6 months from the end of the Homebush motor racing period in 2010.	30 31 32

Schedule 1	Membership and procedure of Advisory Board	1
		2
	(Section 8 (7))	3
Part 1	General	4
1	Definitions	5
	In this Schedule:	6
	<i>appointed member</i> means a person who is appointed by the Minister as a member of the Advisory Board.	7
		8
	<i>Chairperson</i> means the Chairperson of the Advisory Board.	9
	<i>Deputy Chairperson</i> means the Deputy Chairperson of the Advisory Board.	10
		11
	<i>member</i> means any member of the Advisory Board.	12
Part 2	Members	13
2	Terms of office of members	14
	Subject to this Schedule and the regulations, an appointed member holds office for such period as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	15
		16
		17
		18
3	Part-time appointments	19
	Appointed members hold office as part-time members.	20
4	Remuneration	21
	An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.	22
		23
		24
5	Vacancy in office of member	25
(1)	The office of an appointed member becomes vacant if the member:	26
(a)	dies, or	27
(b)	completes a term of office and is not re-appointed, or	28
(c)	resigns the office by instrument in writing addressed to the Minister, or	29
		30
(d)	is removed from office by the Minister under this clause, or	31

(e)	is absent from 3 consecutive meetings of the Advisory Board of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or	1 2 3 4 5
(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	6 7 8 9
(g)	becomes a mentally incapacitated person, or	10
(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.	11 12 13 14 15
(2)	The Minister may remove an appointed member from office at any time.	16
6	Filling of vacancy in office of appointed member	17
	If the office of any appointed member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.	18 19 20
7	Chairperson and Deputy Chairperson	21
(1)	The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if he or she:	22 23
(a)	is removed from that office by the Minister under this clause, or	24
(b)	resigns that office by instrument in writing addressed to the Minister, or	25 26
(c)	ceases to be a member of the Advisory Board.	27
(2)	The Minister may at any time remove the Chairperson or Deputy Chairperson from office as Chairperson or Deputy Chairperson.	28 29
8	Disclosure of pecuniary interests	30
(1)	If:	31
(a)	a member has a direct or indirect pecuniary interest or other interest in a matter being considered or about to be considered at a meeting of the Advisory Board, and	32 33 34

-
- (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, 1
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the member must, as soon as possible after the relevant facts have come 4
to the member's knowledge, disclose the nature of the interest at a 5
meeting of the Advisory Board. 6
- (2) A disclosure by a member at a meeting of the Advisory Board that the 7
member: 8
- (a) is a member, or is in the employment, of a specified company or 9
other body, or 10
- (b) is a partner, or is in the employment, of a specified person, or 11
- (c) has some other specified interest relating to a specified company 12
or other body or to a specified person, 13
- is a sufficient disclosure of the nature of the interest in any matter 14
relating to that company or other body or to that person which may arise 15
after the date of the disclosure and which is required to be disclosed 16
under subclause (1). 17
- (3) Subclause (1) does not apply to an interest that the member has as: 18
- (a) a member of any local authority, or 19
- (b) an office bearer of any statutory body, or 20
- (c) a member of the Government Service or an employee of a 21
statutory body. 22
- (4) After a member has disclosed the nature of an interest in any matter, the 23
member must not, unless the Minister or the Advisory Board otherwise 24
determines: 25
- (a) be present during any deliberation of the Advisory Board with 26
respect to the matter, or 27
- (b) take part in any decision of the Advisory Board with respect to 28
the matter. 29
- (5) For the purposes of the making of a determination by the Advisory 30
Board under subclause (4), a member who has a direct or indirect 31
pecuniary interest or other interest in a matter to which the disclosure 32
relates must not: 33
- (a) be present during any deliberation of the Advisory Board for the 34
purpose of making the determination, or 35
- (b) take part in the making by the Advisory Board of the 36
determination. 37
- (6) A contravention of this clause does not invalidate any decision of the 38
Advisory Board. 39
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9	Effect of certain other Acts	1
(1)	Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> does not apply to or in respect of the appointment of an appointed member.	2 3 4
(2)	If by or under any Act provision is made:	5
(a)	requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or	6 7
(b)	prohibiting the person from engaging in employment outside the duties of that office,	8 9
	the provision does not operate to disqualify the person from holding that office and also the office of an appointed member or from accepting and retaining any remuneration payable to the person under this Act as a member.	10 11 12 13
Part 3	Procedure	14
10	General procedure	15
	The procedure for the calling of meetings of the Advisory Board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Advisory Board.	16 17 18
11	Quorum	19
	The quorum for a meeting of the Advisory Board is a majority of its members for the time being.	20 21
12	Presiding member	22
(1)	The Chairperson (or, in the absence of the Chairperson, the Deputy Chairperson, or in the absence of both the Chairperson and the Deputy Chairperson, a person elected by the members of the Advisory Board who are present at a meeting of the Board) is to preside at a meeting of the Advisory Board.	23 24 25 26 27
(2)	The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.	28 29
13	Voting	30
	A decision supported by a majority of the votes cast at a meeting of the Advisory Board at which a quorum is present is the decision of the Advisory Board.	31 32 33

14	Transaction of business outside meetings or by telephone	1
(1)	The Advisory Board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Advisory Board for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Advisory Board.	2 3 4 5 6
(2)	The Advisory Board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.	7 8 9 10 11
(3)	For the purposes of:	12
(a)	the approval of a resolution under subclause (1), or	13
(b)	a meeting held in accordance with subclause (2),	14
	the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Advisory Board.	15 16
(4)	A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Advisory Board.	17 18
(5)	Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.	19 20 21
15	Minutes	22
(1)	The Advisory Board must keep minutes of proceedings at its meetings.	23
(2)	The Advisory Board must furnish to the Chief Executive Officer a copy of the minutes of each meeting within 14 days after the meeting was held.	24 25 26
16	First meeting	27
	The Minister may call the first meeting of the Advisory Board in such manner as the Minister thinks fit.	28 29

Schedule 2	Savings, transitional and other provisions	1
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	(Section 44)	3
1	Regulations	4
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	5
	this Act	6
		7
(2)	Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	8
		9
(3)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	10
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		12
(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	13
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(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	16
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