



New South Wales

Mount Panorama Motor Racing Amendment Bill 2006

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Mount Panorama Motor Racing Act 1989*:

- (a) to increase the number of motor racing events that may be held annually under a permit from 2 to 5, and
- (b) to require motor racing events to be held in accordance with a public safety report issued by the Commissioner of Police after a member of NSW Police has conducted a public safety inspection of the race track, and
- (c) to allow the Minister administering that Act (*the Minister*) to delegate his or her functions under the Act, and
- (d) to create offences relating to the invasion of and interference with the race track at the Mount Panorama Circuit, and
- (e) to update certain out of date references.

Outline of provisions

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 is a formal provision that gives effect to the amendments to the *Mount Panorama Motor Racing Act 1989* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Schedule 1 [2] defines certain terms that are used in provisions to be inserted by the proposed Act in the *Mount Panorama Motor Racing Act 1989* (*the principal Act*). For instance, *race track* is defined as being any part of a road or road related area within the Mount Panorama Circuit that is used for motor racing and includes the pit area and any other area within the Mount Panorama Circuit prescribed by the regulations.

Schedule 1 [4] amends section 4 of the principal Act to clarify the area in respect of which the Minister may designate as being the Mount Panorama Circuit.

Schedule 1 [5] amends section 5 of the principal Act to increase the number of events that may be permitted by the Minister under the principal Act from 2 to 5.

Schedule 1 [6] amends section 5 of the principal Act to make it clear that the Minister may issue a single permit authorising the holding of one or more meetings for motor racing and associated events.

Schedule 1 [7] amends section 6 of the principal Act to make it a condition of a permit issued by the Minister under the principal Act that Bathurst Regional Council must not hold or authorise the holding of a meeting for motor racing unless a public safety report has been issued by the Commissioner of Police and the event is conducted in accordance with the conditions (if any) that the Commissioner has imposed on the issue of the public safety report.

Schedule 1 [8] amends section 6 of the principal Act to make it clear that the Minister may impose conditions on a permit relating to the sanctioning or endorsement of meetings for motor racing by specified persons, bodies or organisations.

Schedule 1 [9] inserts a new Part 2B in the principal Act (proposed sections 8B–8D) relating to the regulation of conduct on the race track. The proposed Part contains the following provisions:

Proposed section 8B defines the term *authorised person* for the purposes of the proposed Part.

Proposed section 8C makes it an offence for a person (other than an authorised person) to enter or remain on the race track on a day specified in a permit for the holding of a meeting for motor racing or associated event without reasonable excuse.

Proposed section 8D makes it an offence for a person (other than an authorised person) to 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 associated event if that placement or application creates a risk to the safety of a competitor or other authorised person.

Schedule 1 [13] amends section 14 of the principal Act to make amendments that are consequential on the insertion of proposed Part 2B.

Schedule 1 [12] inserts new sections 12A and 12B in the principal Act.

Proposed section 12A enables the Minister to delegate his or her functions under the principal Act to the Director-General of the Department of the Arts, Sport and Recreation, or a member of staff of that Department.

Proposed section 12B enables the Commissioner of Police to issue a public safety report stating that:

- (a) the track is safe for the holding of a meeting for motor racing, or
- (b) the track will be safe for the holding of such a meeting if it is held in accordance with the conditions specified by the Commissioner in the report, or
- (c) the track is not safe for the holding of such a meeting.

Schedule 1 [14] increases the maximum penalty for an offence under the regulations from 5 penalty units to 20 penalty units.

Schedule 1 [15] amends Schedule 1 to the principal Act to enable the Governor to make regulations of a savings or transitional nature.

Schedule 1 [1], [3], [10] and [11] update outdated references.

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Explanatory note

First print



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No. , 2006

A Bill for

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.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Mount Panorama Motor Racing Amendment Act 2006</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5
3 Amendment of Mount Panorama Motor Racing Act 1989 No 108	6
The <i>Mount Panorama Motor Racing Act 1989</i> is amended as set out in Schedule 1.	7 8
4 Repeal of Act	9
(1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.	10 11
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	12 13

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 3 Definitions	3
	Omit “City” from the definition of <i>Council</i> . Insert instead “Regional”.	4
[2]	Section 3	5
	Insert in alphabetical order:	6
	<i>exercise</i> a function includes perform a duty.	7
	<i>function</i> includes a power, authority or duty.	8
	<i>public safety report</i> means a report issued by the Commissioner of Police under section 12B.	9
	<i>race track</i> means any part of a road or road related area within the Mount Panorama Circuit that is used for motor racing, and includes:	10
	(a) pit areas, and	11
	(b) run-off areas, and	12
	(c) any other area within the Mount Panorama Circuit prescribed by the regulations.	13
[3]	Section 3, definition of “Mount Panorama Circuit”	14
	Omit “City of Bathurst”.	15
	Insert instead “local government area of Bathurst Regional”.	16
[4]	Section 4 Designation of Mount Panorama Circuit	17
	Omit “the whole, or part, of” from section 4 (1).	18
[5]	Section 5 Permits for conduct of specified motor racing meetings	19
	Omit “2 meetings” from section 5 (4). Insert instead “5 meetings”.	20
[6]	Section 5 (5)	21
	Insert after section 5 (4):	22
	(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.	23
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[7] Section 6 Conditions of permits generally	1
Omit section 6 (1) (b). Insert instead:	2
(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	3 4 5 6 7 8 9 10
[8] Section 6 (2) (e)	11
Insert at the end of section 6 (2) (d):	12
, and	13
(e) the sanctioning or endorsement by specified persons, bodies or organisations of the holding of meetings for motor racing and associated events.	14 15 16
[9] Part 2B	17
Insert after Part 2A:	18
Part 2B Regulation of conduct on race track	19
8B Definition	20
In this Part:	21
<i>authorised person</i> means any of the following:	22
(a) a police officer,	23
(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,	24 25 26
(c) a person who is a competitor in the meeting or event,	27
(d) a person who is engaged in the control or management of the meeting or event,	28 29
(e) a person (or a member of a class of persons) authorised for the purposes of this Part by the Council,	30 31
(f) a person (or a member of a class of persons) prescribed by the regulations,	32 33

(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).	1 2
8C Race track invasions prohibited	3
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.	4 5 6 7
Maximum penalty: 100 penalty units.	8
8D Race track not to be interfered with	9
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.	10 11 12 13 14 15
Maximum penalty: 100 penalty units.	16
[10] Section 10 Advisory Committee	17
Omit “the Police Force” from section 10 (4) (b). Insert instead “NSW Police”.	18
[11] Section 10 (4) (c)	19
Omit “Department of Sport, Recreation and Racing”.	20
Insert instead “Department of the Arts, Sport and Recreation”.	21
[12] Sections 12A and 12B	22
Insert after section 12:	23
12A Delegation	24
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:	25 26 27
(a) the Director-General of the Department of the Arts, Sport and Recreation, or	28 29
(b) a member of staff of the Department of the Arts, Sport and Recreation.	30 31

12B	Public safety reports	1
(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:	2
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	(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	6
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	(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	9
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	(c) the race track is not safe for the holding of the meeting for motor racing specified in the report.	13
		14
(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.	15
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		19
(3)	A report issued under this section must include the following:	20
	(a) the date on which the public safety inspection was carried out,	21
		22
	(b) a statement of an opinion referred to in subsection (1) (a), (b) or (c),	23
		24
	(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.	25
		26
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(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.	28
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		31
[13]	Section 14 Proceedings for offences	32
	Omit “the regulations” wherever occurring in section 14 (1) and (2).	33
	Insert instead “this Act or the regulations”.	34

[14] Section 15 Regulations	1
Omit “5 penalty units” from section 15 (4). Insert instead “20 penalty units”.	2
[15] Schedule 1 Savings and transitional provisions	3
Insert at the end of clause 1 (1):	4
<i>Mount Panorama Motor Racing Amendment Act 2006</i>	5