

# Mount Panorama Motor Racing Act 1989 No 108

[1989-108]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Road Transport Legislation \(Repeal and Amendment\) Act 2013 No 19](#) (not commenced)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Mount Panorama Motor Racing Act 1989 No 108



New South Wales

An Act to facilitate and regulate major motor racing meetings at Mount Panorama, near Bathurst; and for other purposes.

## Part 1 Preliminary

### 1 Name of Act

This Act may be cited as the *Mount Panorama Motor Racing Act 1989*.

### 2 Commencement

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

### 3 Definitions

In this Act:

**Advisory Committee** means the Advisory Committee appointed under this Act.

**Council** means the Bathurst Regional Council.

**exercise** a function includes perform a duty.

**function** includes a power, authority or duty.

**motor racing** includes a prescribed kind of event involving motor vehicles.

**motor vehicle** includes a motor cycle.

**Mount Panorama Circuit** means the land within the local government area of Bathurst Regional designated under section 4.

**permit** means a permit issued under this Act.

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

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

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

**road** means a road within the meaning of the [Road Transport \(General\) Act 2005](#) (other than a road that is the subject of a declaration made under section 15 (1) (b) of that Act relating to all of the provisions of that Act).

**road related area** means a road related area within the meaning of the [Road Transport \(General\) Act 2005](#) (other than a road related area that is the subject of a declaration made under section 15 (1) (b) of that Act relating to all of the provisions of that Act).

**Tribunal** means the Administrative Decisions Tribunal.

## **Part 2 Motor racing at Mount Panorama**

### **4 Designation of Mount Panorama Circuit**

- (1) The Minister may, by order published in the Gazette, designate land as being the Mount Panorama Circuit, for the purpose of its use for the holding of a meeting or meetings for motor racing and associated events, for a period or periods specified in the order.
- (2) An order shall not be made under this section unless the Minister is satisfied that the owners and occupiers of the land (other than land that is a road or road related area) to be designated by the order have consented to the order being made.

### **5 Permits for conduct of specified motor racing meetings**

- (1) The Minister may, on the application of the Council, issue a permit to the Council authorising it to hold or authorise the holding of a meeting or meetings for motor racing and associated events (including events not connected with motor racing) at the Mount Panorama Circuit on a day or days specified in the permit.
- (2) A permit may:
  - (a) authorise the Council to carry out or permit the carrying out of activities in connection with, or that are necessary for the purposes of, the meeting or events, and
  - (b) authorise the Council (in accordance with the [Local Government Act 1993](#)) to enter into contracts or arrangements with persons or bodies in relation to the holding of the meeting or events, and
  - (c) authorise the Council (in accordance with the [Local Government Act 1993](#)) to enter into contracts or arrangements with the owners and occupiers of land that is

part of the Mount Panorama Circuit for the purposes of, or in connection with, the holding of the meeting or events, and

- (d) authorise the Council to regulate or prohibit the use of or temporarily close any road or road related area that is part of the Mount Panorama Circuit and to control traffic on any such road or road related area, and
  - (e) specify the types of motor vehicles to be used, and the types of motor racing to be conducted, at the meeting, and
  - (f) specify associated events that may be held or conducted.
- (3) The Minister may not grant a permit unless the Minister is satisfied that satisfactory arrangements have been or will be made with the owners and occupiers of land (other than public land) that is part of the Mount Panorama Circuit for the use of that land for the purposes of, and in connection with, the holding of the meeting or events.
- (4) No more than 5 meetings for motor racing may be permitted under this Act to be held at the Mount Panorama Circuit in any calendar year.
- (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.

## **6 Conditions of permits generally**

- (1) A permit is subject to:
- (a) such conditions as may be prescribed, and
  - (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
  - (c) any other conditions specified in the permit (as varied from time to time).
- (2) Without limiting subsection (1), a permit may include conditions relating to:
- (a) measures to be taken for the health, safety and convenience of the public or competitors or persons at or near the race track or on any other part of the Mount Panorama Circuit, and
  - (b) the race track, and
  - (c) public amenities or facilities, and
  - (d) noise or pollution, and

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

#### **7 Commissioner of Police to be advised of proposed permit**

The Minister may not issue a permit until 7 days after the Minister has notified the Commissioner of Police that a permit is proposed to be issued.

#### **8 Variation of conditions and cancellation of permit**

The Minister may, by notice in writing given to the Council:

- (a) vary the conditions of a permit by adding new conditions or amending or revoking an existing condition, or
- (b) for any reason, cancel a permit.

### **Part 2A Reviews by the Tribunal**

#### **8A Applications for reviews by the Tribunal**

A person may apply to the Tribunal for a review of any of the following decisions:

- (a) a decision of the Minister refusing to issue a permit to the person,
- (b) a decision of the Minister imposing conditions on the person's permit,
- (c) a decision of the Minister cancelling, varying or suspending the person's permit.

### **Part 2B Regulation of conduct on race track**

#### **8B Definition**

In this Part:

**authorised person** means any of the following:

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

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

### **8C Race track invasions prohibited**

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

Maximum penalty: 100 penalty units.

### **8D Race track not to be interfered with**

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

Maximum penalty: 100 penalty units.

## **Part 3 Miscellaneous**

### **9 Aid of police**

The Council or an employee of the Council may call in the aid of the police for the removal, by force if necessary, of any person:

- (a) who is found committing a breach of a regulation on the Mount Panorama Circuit, or
- (b) who, by disorderly or insulting conduct on the Circuit or in any public place, causes annoyance or inconvenience to persons on the Circuit or going to or from the Circuit,

while it is being used for the purposes of, or in connection with, meetings for motor racing or associated events on a day or days specified in a permit.

### **10 Advisory Committee**

- (1) There is constituted by this Act a Mount Panorama Motor Racing Advisory Committee.
- (2) The functions of the Advisory Committee are:
  - (a) to advise the Minister on the conduct of meetings for motor racing permitted by this Act, and
  - (b) at the request of the Minister, to advise the Minister on other matters in connection with this Act.
- (3) The Advisory Committee consists of not less than 3 and not more than 9 members appointed by the Minister.



- (4) Of the members:
- (a) at least 1 shall be a member or an employee of the Council nominated by the Council and shall, in and by the instrument by which the member is appointed, be appointed as Chairperson of the Advisory Committee, and
  - (b) at least 1 shall be a member of the NSW Police Force nominated by the Commissioner of Police, and
  - (c) at least 1 shall be an officer of the Department of the Arts, Sport and Recreation.
- (5) The procedure for the calling of meetings of the Advisory Committee and for the conduct of business at those meetings are to be as determined by the Advisory Committee.
- (6) A member holds office for such period (not exceeding 3 years) as may be specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

#### **11 Operation of Act in respect of private land**

Nothing in this Act or the regulations limits or affects any rights of a person who is an owner or occupier of land that is part of the Mount Panorama Circuit (other than public land) arising because the person is the owner or occupier of the land.

#### **12 Suspension and application of certain legislation etc**

- (1) Except to the extent that the regulations otherwise provide and subject to any modifications specified in the regulations, the provisions of:
- (a) (Repealed)
  - (b) section 40 of the *Road Transport (Safety and Traffic Management) Act 1999*, and
  - (c) the *Protection of the Environment Operations Act 1997* (being those parts of that Act that relate to noise).
  - (d) any instrument in force for the purposes of any of the provisions referred to in paragraphs (a)-(c), and
  - (e) the *Roads Act 1993*,
- do not apply to or in respect of the use of land that is, or is part of, the Mount Panorama Circuit for the purposes of, or in connection with, meetings for motor racing and associated events on a day or days specified in a permit.
- (2) No activity carried on by or with the permission of the Minister or the Council on land that is, or is part of, the Mount Panorama Circuit for the purposes of, or in connection with, meetings for motor racing and associated events on a day or days specified in a

permit constitutes a nuisance.

- (3) For the purposes of the road transport legislation within the meaning of the *Road Transport (General) Act 2005*, any road or road related area temporarily closed for the purposes of constituting the whole or part of the race track at the Mount Panorama Circuit on a day or days specified in a permit is not, while so closed, a road or road related area within the meaning of that legislation.

#### **12A Delegation**

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

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

#### **12B Public safety reports**

- (1) The Commissioner of Police may, if the Commissioner is satisfied that a member of the NSW Police Force has conducted a public safety inspection of the race track, issue a public safety report stating that, in the opinion of the Commissioner:
- (a) the race track is safe for the holding of the meeting for motor racing specified in the report without the need for any further action, or
  - (b) the race track will be safe for the holding of the meeting for motor racing specified in the report only if the meeting is held in accordance with such conditions relating to public safety as are specified in the report, or
  - (c) the race track is not safe for the holding of the meeting for motor racing specified in the report.
- (2) Without limiting subsection (1) (b), a report may include conditions relating to measures to be taken for the health, safety and convenience of the public or competitors or other persons at or near the race track or on any other part of the Mount Panorama Circuit.
- (3) A report issued under this section must include the following:
- (a) the date on which the public safety inspection was carried out,
  - (b) a statement of an opinion referred to in subsection (1) (a), (b) or (c),
  - (c) in the case of a report stating the opinion referred to in subsection (1) (b)—the conditions relating to public safety to which the report is subject.

- (4) If the Commissioner of Police issues a report under this section, the Commissioner is to cause a copy of the report to be sent to both the Minister and the Council no later than one month before the event in respect of which the report is issued.

### **13 Other motor racing meetings**

Nothing in this Act prevents, or applies to, the holding or conducting of a meeting for motor racing on land that is part of the Mount Panorama Circuit on a day other than a day specified in a permit.

### **14 Proceedings for offences**

- (1) Proceedings for an offence against this Act or the regulations shall be dealt with summarily before the Local Court.
- (2) For the purposes of proceedings for an offence against this Act or the regulations, a certificate by the Minister or a prescribed officer to the effect that the owners and occupiers of land that is part of the Mount Panorama Circuit consented to an order being made under section 4 is evidence of that consent.

### **15 Regulations**

- (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.
- (2) In particular, the regulations may make provision for or with respect to the following:
  - (a) applications for and fees for permits,
  - (b) the membership (including provisions relating to vacancies in the offices of members and provision for deputies for members) and a quorum of the Advisory Committee.
- (3) The regulations may make provision for or with respect to the following matters relating to the Mount Panorama Circuit while it is being used for the purposes of, or in connection with, meetings for motor racing or associated events on a day or days specified in a permit:
  - (a) the use of land that is, or is part of, the Mount Panorama Circuit and the regulation of its use and enjoyment,
  - (b) the admission of persons to the Mount Panorama Circuit for the purposes of, or in connection with, meetings for motor racing and associated events,
  - (c) requirements in respect of track construction, safety fences and devices, fire precautions, amenities and other matters relating to meetings for motor racing and associated events,

- (d) the protection of any fence, gate, building, structure, plant, machinery or equipment on the Mount Panorama Circuit,
  - (e) the preservation or protection of, or prevention of damage to, trees, shrubs, plants, lawn, turf or other vegetation on the Mount Panorama Circuit,
  - (f) the maintenance of order on the Mount Panorama Circuit,
  - (g) the removal of persons found committing offences against the regulations or causing annoyance or inconvenience to members of the public who are lawfully and peaceably on the Mount Panorama Circuit,
  - (h) the regulation or prevention of taking liquor or other intoxicants on to, and the consumption of any such liquor or intoxicants on, land that is, or is part of, the Mount Panorama Circuit,
  - (i) the regulation and control of animals on land that is, or is part of, the Mount Panorama Circuit, or the prohibiting or permitting of animals or animals of specified kinds to be on the land,
  - (j) the regulation, control or prohibition of parking of vehicles on land that is, or is part of, the Mount Panorama Circuit, the making of charges for any such parking and the collection and disposal of any such charges,
  - (k) the regulation, control or prohibition of private trading on land that is, or is part of, the Mount Panorama Circuit.
- (4) A regulation may create an offence punishable by a penalty not exceeding 20 penalty units.

## **16 Savings and transitional provisions**

Schedule 1 has effect.

## **Schedule 1 Savings and transitional provisions**

(Section 16)

### **Part 1 General**

#### **1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following:

*Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act.

*Mount Panorama Motor Racing Amendment Act 2006*

- (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.
- (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:
  - (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
  - (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.