

Motor Racing (Sydney and Newcastle) Regulation 2017

[2017-82]



New South Wales

Status Information

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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**
[Statute Law \(Miscellaneous Provisions\) Act 2020 No 30](#), Sch 4.53 (not commenced — to commence on 22.1.2021)

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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Motor Racing (Sydney and Newcastle) Regulation 2017



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Motor Racing (Sydney and Newcastle) Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Definitions

(1) In this Regulation:

the Act means the *Motor Racing (Sydney and Newcastle) Act 2008*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

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

4 Consultation with Transport for NSW and RMS regarding authorised works

The following bodies are prescribed for the purposes of sections 17 (5) (c) and 18 (a) (iiib) of the Act:

- (a) Transport for NSW,
- (b) Roads and Maritime Services.

Part 2 Newcastle 500

Division 1 Preliminary

5 Application of Part

This Part applies in relation to the conduct of the Newcastle 500.

6 Definitions

(1) In this Part:

authorised person means:

- (a) a police officer, or
- (b) any other person appointed under clause 17.

authorised security officer means a person who is appointed by the race promoter as an authorised security officer to exercise functions under this Part and who holds a class 1 licence under the [Security Industry Act 1997](#) that authorises the person to exercise those functions.

business entry pass means a business entry pass issued under clause 10.

business premises has the same meaning as it has in the [Standard Instrument—Principal Local Environmental Plan](#) and includes a home office.

entry pass means a resident entry pass or business entry pass.

home office means a part of residential premises that:

- (a) is used for the purpose of carrying on a business by an occupant of the residential premises, and
- (b) was used by the occupant for that purpose for at least 3 months, before the commencement of the motor racing period.

motor racing circuit—see clause 15.

Newcastle 500 means the motor race conducted in the declared racing area during the motor racing period.

official traffic controller means a person designated by Destination NSW or the race promoter as an official traffic controller for the purposes of clauses 34 and 35.

relevant authority means Destination NSW, the race promoter, an authorised security officer or an authorised person.

reserved area—see clause 13.

resident entry pass means a resident entry pass issued under clause 9.

restricted area—see clause 16.

restricted vehicle area—see clause 33.

the Act means the *Motor Racing (Sydney and Newcastle) Act 2008*.

ticket means a ticket issued by or under the authority of Destination NSW or the race promoter authorising entry to the ticketed area or a reserved area.

ticket collector means a person authorised by Destination NSW or the race promoter to inspect and collect tickets and inspect entry passes.

ticketed area—see clause 7.

- (2) A reference in this Part to the premises to which an entry pass relates is a reference to premises owned or occupied by the person who applied for the entry pass if the person applied as an owner or occupier of those premises.

Division 2 Entry to ticketed area

7 Ticketed area

- (1) Destination NSW may designate a part of the declared racing area as the **ticketed area**.
- (2) The ticketed area must be:
- (a) clearly identified as the ticketed area by appropriate signs, markings or other means, and
 - (b) separated from other parts of the declared racing area by means of signs, barriers, markings or fencing.

8 Permitted entry to ticketed area

- (1) A person must not enter the ticketed area during the motor racing period unless the person:
- (a) is in lawful possession of a ticket, or an entry pass, authorising the entry and produces it for inspection at the entrance on request by a ticket collector, or
 - (b) is otherwise authorised by Destination NSW or the race promoter to enter the ticketed area during the motor racing period.
- (2) A person who enters the ticketed area (other than a person in lawful possession of an entry pass) must comply with any conditions of entry relating to the ticketed area that are determined by Destination NSW or the race promoter and that are:
- (a) exhibited on signs at or near an approved entrance to the ticketed area, and

- (b) exhibited on signs at or near a place at which a ticket is or can be purchased, and
 - (c) published on the race promoter's website.
- (3) A person who is in lawful possession of an entry pass and who enters the ticketed area must comply with any conditions of entry relating to the ticketed area that are:
- (a) determined by Destination NSW or the race promoter, and
 - (b) notified in writing to the applicant for the resident entry pass or business entry pass.
- (4) A person must not:
- (a) enter the ticketed area except through an entrance approved by the race promoter (an **approved entrance**), or
 - (b) leave the ticketed area except through an exit approved by the race promoter.
- (5) Despite subclause (1), any person may enter the ticketed area (other than a reserved area) through an approved entrance without a ticket, resident entry pass or business entry pass if there is no ticket collector on duty at the approved entrance to inspect or collect tickets, resident entry passes or business entry passes at the time of the entry. Subclause (2) does not apply to the entry.
- (6) A relevant authority may direct a person who is in a ticketed area to produce the person's ticket for inspection by the relevant authority.
- (7) A relevant authority may direct a person who contravenes this clause to leave the ticketed area.
- (8) A person must immediately leave a ticketed area when directed to do so under subclause (7).
- (9) In this clause:
- ticket** includes a pass issued by or under the authority of Destination NSW or the race promoter authorising re-entry to the ticketed area after exiting the ticketed area.

Maximum penalty: 10 penalty units.

9 Resident entry passes

- (1) A person who owns or occupies residential premises within the ticketed area may apply to the race promoter for resident entry passes.
- (2) A resident entry pass authorises any person in lawful possession of the pass (whether or not the applicant for the pass) to enter the ticketed area during the motor racing period.

- (3) A resident entry pass does not authorise entry to a reserved area, the motor racing circuit or a restricted area.
- (4) An application under this clause must be granted by the race promoter if the race promoter is satisfied that the applicant is:
 - (a) the registered proprietor of the residential premises concerned and either occupies those premises as the person's primary place of residence or will occupy the premises during the motor racing period, or
 - (b) a tenant under a current residential tenancy agreement that is a periodic agreement or a fixed term agreement for a fixed term of not less than 3 months in respect of the residential premises concerned.
- (5) An applicant whose application is granted under this clause is entitled to be issued by the race promoter with one or more resident entry passes.
- (6) The race promoter may, in its discretion, determine the number of resident entry passes that it issues to an applicant, up to the maximum number determined in accordance with the table below.

Number of bedrooms in the residential premises concerned	Maximum number of residential entry passes
1	4
2	6
3	8
4 or more	10

- (7) Despite subclause (6), the race promoter may, in its discretion, issue additional resident entry passes to the applicant:
 - (a) to replace a resident entry pass that is lost or stolen, or
 - (b) for use by any person whom the race promoter is satisfied has a scheduled appointment to provide, during the motor racing period:
 - (i) child care, or services as a carer, at the residential premises concerned, or
 - (ii) repair or maintenance services in respect of the residential premises concerned.

- (8) In this clause:

carer means a person who provides ongoing personal care, support and assistance to another person because the other person:

- (a) is a person with disability within the meaning of the [Disability Inclusion Act 2014](#),

or

- (b) has a medical condition (including a terminal or chronic illness), or
- (c) has a mental illness, or
- (d) is frail and aged.

fixed term agreement, periodic agreement and ***residential tenancy agreement*** have the same meanings as they have in the [Residential Tenancies Act 2010](#).

- (9) A reference in this clause to personal care, support and assistance is a reference to personal care, support or assistance that includes:
 - (a) nursing care, support and assistance, or
 - (b) care, support and assistance in the course of doing voluntary work for a charitable, welfare or community organisation.

10 Business entry passes

- (1) A person who owns or occupies business premises within the ticketed area may apply to the race promoter for business entry passes.
- (2) A business entry pass authorises any person in lawful possession of the pass (whether or not the applicant for the pass) to enter the ticketed area during the motor racing period.
- (3) A business entry pass does not authorise entry to a reserved area, the motor racing circuit or a restricted area.
- (4) An application under this clause must be granted by the race promoter if the race promoter is satisfied that the applicant is:
 - (a) the registered proprietor of the business premises concerned, or
 - (b) the person who carries on a business at the business premises concerned.
- (5) An applicant who is granted an application under this clause is entitled to be issued by the race promoter with one or more business entry passes.
- (6) An applicant is entitled to be issued with a business entry pass for each of the following persons:
 - (a) the applicant,
 - (b) any employee of the applicant whose attendance for the purpose of the conduct of the business is required at the business premises during the motor racing period,

- (c) any client or customer of the applicant whom the race promoter is satisfied has a scheduled appointment at the business premises during the motor racing period,
 - (d) any supplier of goods or services to the business whom the race promoter is satisfied has a scheduled arrangement to supply such goods or services at the business premises during the motor racing period.
- (7) The race promoter may, in its discretion, issue any additional business entry passes to the applicant.

11 Request to undergo search as condition of entry

- (1) A person's entry to the ticketed area is subject to the condition that the person must comply with any request by a relevant authority that:
- (a) the person undergo a search conducted by electronic means (such as by passing an electronic detection device over or in close proximity to the person or by the person passing through a detection device), or
 - (b) the person allow a search of items in the person's possession or identify items in the person's possession, or
 - (c) the person remove the person's overcoat, coat, jacket, gloves, shoes, scarf or hat and allow an examination of those items, or
 - (d) if the person enters by means of a vehicle—the person enable access to any part of the vehicle (including by opening any part) and allow the vehicle or any part to be inspected or searched.
- (2) This clause does not apply to a person's entry to the ticketed area, other than entry to a restricted vehicle area by means of a vehicle, if the person is in lawful possession of an entry pass.
- (3) This clause does not apply to a person's entry to the ticketed area at a time when there is no ticket collector on duty at the approved entrance to inspect or collect tickets.

12 Persons may be refused entry

- (1) A person may be refused entry to the ticketed area by a relevant authority if:
- (a) the person fails to comply with any condition of entry applying to the person, or
 - (b) the relevant authority reasonably believes that the person will not comply with any conditions of entry applying to the person.
- (2) An authorised person may use reasonable force to prevent a person who has been refused entry under this clause from entering the ticketed area.

- (3) Subject to subclause (4), a person must not enter, or attempt to enter, the ticketed area after having been refused entry under this clause.

Maximum penalty: 10 penalty units.

- (4) A person who has been refused entry under this clause may be permitted to enter the ticketed area if the person can demonstrate to the satisfaction of the relevant authority that the person will comply with the conditions of entry applying to that person.

- (5) This clause does not apply to a person who is in lawful possession of an entry pass.

Division 3 Tickets and seating

13 Reserved areas and reserved seating

- (1) Destination NSW or the race promoter may set aside any area (a **reserved area**) of the declared racing area for reserved seats, or for such other purposes as may be determined by Destination NSW or the race promoter, for the duration of the motor racing period or for part of the motor racing period.

- (2) Destination NSW or the race promoter may issue tickets that entitle the person in lawful possession of the ticket:

- (a) to enter and remain in a reserved area, or
- (b) to occupy a reserved seat in a reserved area, or
- (c) to occupy a seat in a reserved block of seats in a reserved area.

- (3) A reserved area, a reserved block of seats or a reserved seat must be clearly identified as such by a sign or marking.

- (4) A person must not do any one or more of the following things unless the person holds a ticket entitling the person:

- (a) to enter or remain in a reserved area, or
- (b) to occupy a reserved seat, or
- (c) to occupy a seat in a reserved block of seats.

Maximum penalty: 10 penalty units.

- (5) A relevant authority may direct a person who is in a reserved area to produce the person's ticket for inspection by the relevant authority.

- (6) A relevant authority may direct a person who contravenes this clause to leave the reserved area.

- (7) A person must immediately leave a reserved area when directed to do so under this clause.

Maximum penalty: 10 penalty units.

14 Offences relating to sale and possession of tickets

- (1) A person must not sell or offer for sale:
- (a) a ticket at a price greater than that fixed by or under the authority of the race promoter, or
 - (b) an entry pass, or
 - (c) anything that is not, but could reasonably be mistaken for, a ticket or entry pass (a **counterfeit ticket or entry pass**).
- (2) A person who is in possession of:
- (a) a ticket being offered for sale by the person in contravention of this clause, or
 - (b) a counterfeit ticket or entry pass,

must surrender the ticket, or counterfeit ticket or entry pass, to a relevant authority or ticket collector on request by the relevant authority or ticket collector.

Maximum penalty: 10 penalty units.

Division 4 Designated areas

15 Motor racing circuit

- (1) The race promoter may designate a part of the declared racing area as the **motor racing circuit**.
- (2) The motor racing circuit must be:
- (a) clearly identified as the motor racing circuit by appropriate signs, markings or other means, and
 - (b) separated from other parts of the declared racing area by fencing.
- (3) A person must not be on the motor racing circuit at any time during the motor racing period unless the person is:
- (a) the driver or other occupant of:
 - (i) a racing car, or
 - (ii) a vehicle used to service, load or carry a racing car, or

- (iii) an emergency vehicle, or
- (iv) a vehicle that may be driven on the motor racing circuit under an authorisation issued by the race promoter, or
- (b) a member of the support crew of a racing car on the motor racing circuit at that time, or
- (c) authorised or directed by Destination NSW or the race promoter to enter the motor racing circuit.

Maximum penalty: 50 penalty units.

16 Restricted areas

- (1) The race promoter may designate a part of the declared racing area as a **restricted area**.
- (2) A restricted area must be clearly identified as a restricted area by notices bearing the words "RESTRICTED AREA: ACCESS TO PERMITTED PERSONS ONLY" posted at or near each entrance to the restricted area.
- (3) A person must not enter a restricted area unless authorised in writing by Destination NSW or the race promoter.

Maximum penalty: 50 penalty units.

Division 5 Authorised persons

17 Appointment of authorised persons

- (1) Destination NSW may, by instrument in writing, appoint a person as an authorised person for the purposes of this Part.
- (2) An appointment may be:
 - (a) subject to conditions specified in the instrument of appointment, and
 - (b) varied or revoked at any time.

18 Identification of authorised persons

- (1) This clause does not apply to an authorised person who is a police officer.
- (2) Destination NSW or the race promoter is to provide each authorised person with an identification card:
 - (a) stating the person's name, and
 - (b) displaying a photograph of the person, and

(c) stating that the person is an authorised person for the purposes of the conduct of the Newcastle 500.

- (3) If the powers of an authorised person have been limited by conditions imposed under clause 17, the identification card must state the limitations.
- (4) In the course of exercising any function of an authorised person under this Part, the authorised person must, if requested to do so by a person affected by the exercise of the function, produce the authorised person's identification card to the person.

19 Authorised person may remove persons from declared racing area

- (1) A person who contravenes any provision of this Part while in the declared racing area may be removed from the declared racing area or the relevant part of the declared racing area by an authorised person.
- (2) An authorised person may use reasonable force to remove a person from the declared racing area or a part of the declared racing area under this clause.
- (3) A person who has been removed from the declared racing area or any part of the declared racing area under this clause must not re-enter or attempt to re-enter the declared racing area or part for the duration of the motor racing period, or such shorter period as the race promoter or an authorised person approves.

Maximum penalty: 20 penalty units.

- (4) A person who has been removed from the declared racing area or any part of the declared racing area must, on request by an authorised person, surrender the person's ticket, entry pass or other authorisation that entitled the person to enter the declared racing area.

Maximum penalty: 10 penalty units.

20 Obstructing, delaying or hindering authorised person

A person must not, without reasonable excuse, obstruct or delay an authorised person in the exercise of the authorised person's functions under this Part.

Maximum penalty: 20 penalty units.

Division 6 Regulation of activities

21 Personal conduct

- (1) A person must not do any of the following in the declared racing area:
 - (a) use indecent, obscene, insulting or threatening language,
 - (b) behave in an offensive or indecent manner,

- (c) cause serious alarm or affront to a person by disorderly conduct,
- (d) behave in any other manner that unduly interferes with:
 - (i) the amenity of the declared racing area, or
 - (ii) the enjoyment of the Newcastle 500 by others,
- (e) obstruct a person in the performance of the person's work or duties in relation to the Newcastle 500,
- (f) block a thoroughfare (including any stair, steps, aisle, gangway or passage),
- (g) leave any rubbish or litter, except in a receptacle provided for the purpose,
- (h) busk,
- (i) operate or use any electronic device or audio equipment to broadcast sound at a volume likely to cause a nuisance to another person or to unduly interfere with the amenity of the declared racing area,
- (j) smoke, within the meaning of the *Smoke-free Environment Act 2000*, while in any part of the declared racing area that is a smoke-free area within the meaning of that Act,
- (k) carry or discharge or have in the person's possession any firearm or imitation firearm (within the meaning of the *Firearms Act 1996*) or prohibited weapon (within the meaning of the *Weapons Prohibition Act 1998*), unless:
 - (i) the person is a police officer of the State or the Commonwealth, or
 - (ii) the person is the holder of a licence under the *Security Industry Act 1997*, is carrying out functions authorised by the licence and is the holder of the relevant licence or permit under the *Firearms Act 1996* or the *Weapons Prohibition Act 1998* (as the case requires),
- (l) fail to comply with a reasonable request or direction given by a relevant authority for the purpose of securing good order and management and enjoyment of the declared racing area, or any part of the declared racing area, or the Newcastle 500.

Maximum penalty: 20 penalty units.

- (2) Without limiting subclause (1) (l), it is reasonable for a relevant authority to request a person:
 - (a) to open any bag, container or other thing in the person's possession to enable its contents to be inspected, and

- (b) to permit any thing in the person's possession, and any contents of the thing, to be inspected.

22 Commercial and other activities

- (1) A person must not do any of the following in the declared racing area during the motor racing period, except as authorised by Destination NSW or the race promoter:
 - (a) sell any article,
 - (b) provide, or offer to provide, any services for fee, gain or reward,
 - (c) collect or attempt to collect money,
 - (d) distribute any advertising matter or display any advertisement (other than on a vehicle driven or operated by the person or on any clothing worn by the person),
 - (d1) display an advertisement for a product or service on any clothing worn by the person with the intention of advertising that product or service,
 - (e) play or sound any musical instrument,
 - (f) supply or attempt to supply (including by selling or attempting to sell) a ticket, a resident entry pass, a business entry pass or a counterfeit ticket or entry pass,
 - (g) use any audio or broadcasting equipment or camera for a commercial purpose,
 - (h) damage, destroy or remove any tree, plant or other vegetation,
 - (i) damage, destroy or remove any building, structure, signage or equipment,
 - (j) erect any decoration or sign, or affix to or paint on any structure or any part of the declared racing area any decoration or sign,
 - (k) climb any tree, flagpole or other fixture,
 - (l) set off any firework,
 - (m) dig up or disturb the surface of any road or other land.

Maximum penalty: 20 penalty units.

- (2) If an authorised person reasonably believes that any decoration or sign has been erected, affixed or painted in contravention of subclause (1) (j), the authorised person may:
 - (a) remove, obliterate, conceal or dispose of the sign or decoration, or
 - (b) direct a person whom the authorised person reasonably believes is responsible for erecting, affixing or painting the decoration or sign to do any of the things

specified in paragraph (a).

- (3) A person must not, without reasonable excuse, contravene a direction given under this clause.

Maximum penalty: 10 penalty units.

- (4) Subclause (1) (a)–(e) do not apply in relation to anything done, in the course of business at business premises in the declared racing area, by a person in lawful possession of a business entry pass if:

(a) those premises are the premises to which the entry pass relates, and

(b) the person is (or is an employee of):

(i) the registered proprietor of those premises, or

(ii) a person carrying on business at those premises.

- (5) Subclause (1) (e), (h)–(k) and (m) do not apply in relation to the doing of anything by a person at residential premises in the declared racing area if the person is the lawful occupier of those premises.

- (6) In this clause, **counterfeit ticket or entry pass** has the same meaning as in clause 14.

23 Hindering or obstructing drivers

A person must not, without reasonable excuse, hinder or obstruct, or attempt to hinder or obstruct, the driver of a vehicle taking part in the Newcastle 500.

Maximum penalty: 20 penalty units.

24 Explosives, flares and fireworks not permitted in declared racing area

A person must not, except as authorised by Destination NSW or the race promoter, bring any explosive, flare or firework into the declared racing area.

Maximum penalty: 20 penalty units.

25 Crowd management

- (1) A relevant authority may do any one or more of the following:

(a) limit the number of persons who may enter the declared racing area or any part of the declared racing area,

(b) close the declared racing area or any part of the declared racing area to the public for such time as Destination NSW or the race promoter sees fit,

(c) prohibit a person from entering the declared racing area or any part of the

declared racing area if:

- (i) the person is in possession of any thing that the person is prohibited from possessing in, or bringing into, the declared racing area under this Part or by any conditions of entry imposed under clause 8 (2), or
 - (ii) in the opinion of the relevant authority, the person (other than a person in lawful possession of an entry pass) is or appears to be intoxicated,
- (d) refuse to admit a vehicle to the declared racing area or any part of the declared racing area.

(2) A relevant authority may take any action referred to in subclause (1) by erecting a notice or giving a direction to the person concerned.

(3) (Repealed)

(4) A person must not, without reasonable excuse, contravene a notice erected or a direction given under this clause.

Maximum penalty: 10 penalty units.

(5) Nothing in this clause limits any other function of a relevant authority under this Part.

26 Acting contrary to notices erected by Destination NSW

(1) A person must, during the motor racing period, comply with the terms of a notice erected by Destination NSW under this clause.

Maximum penalty: 10 penalty units.

(2) The terms of any such notice may relate to any one or more of the following:

- (a) the payment of a fee for entry to or the use of the declared racing area,
- (b) the taking of a vehicle into the declared racing area,
- (c) the driving, parking or use of a vehicle in the declared racing area,
- (d) the taking of any animal or thing into the declared racing area,
- (e) the use of any animal or thing in the declared racing area,
- (f) the doing of any thing in the declared racing area,
- (g) the use of the declared racing area or any part of the declared racing area.

(3) The terms of a notice referred to in this clause may:

- (a) apply generally or be limited in their application by reference to specified exceptions or factors, or

- (b) apply differently according to different factors of a specified kind,
or may do any combination of those things.

Division 7 Possession and consumption of liquor

27 Bringing liquor into declared racing area

- (1) A person must not bring or attempt to bring liquor into the ticketed area without the approval of the race promoter.

Maximum penalty: 10 penalty units.
- (2) As an alternative to being refused entry to the ticketed area, or being removed from the ticketed area, for a contravention of this clause, a person may be required to dispose of the liquor concerned in a manner approved by a relevant authority or to surrender the liquor to a relevant authority for disposal.
- (3) This clause does not apply to:
 - (a) a person who holds a licence under the *Liquor Act 2007* that allows the person to sell the liquor on a part of the ticketed area set aside for that purpose, or
 - (b) a person who holds a licence under the *Liquor Act 2007* that allows the person to supply the liquor to a person referred to in paragraph (a).
- (4) This clause does not apply to a person who brings or attempts to bring the liquor in a sealed container into the declared racing area for consumption wholly within residential premises or business premises if:
 - (a) the person is in lawful possession of an entry pass, and
 - (b) those premises are the premises to which the entry pass relates.

28 Drinking liquor in ticketed area

- (1) The race promoter may prohibit the drinking of liquor (either at any time or at any particular time) in any part of the ticketed area except on premises to which an entry pass relates.
- (2) The race promoter is to give public notice of any prohibition imposed under this clause.
- (3) A person must not drink liquor in the ticketed area in contravention of any such prohibition.

Maximum penalty: 1 penalty unit.
- (4) A person is not guilty of an offence under this clause unless it is established that on the day of the contravention a relevant authority warned the person that the drinking

of liquor was prohibited and that the person commenced to drink, continued to drink or resumed drinking liquor in contravention of the prohibition after that warning.

29 Sale or supply of liquor to minors

- (1) A person must not sell or supply liquor within the declared racing area to any person under the age of 18 years.

Maximum penalty: 10 penalty units.

- (2) A person does not commit an offence under this clause if:

- (a) the offence relates to the supply of liquor, and
- (b) the person is a parent or guardian of the minor or is authorised to supply liquor to the minor by a parent or guardian of the minor, and
- (c) the liquor is supplied on premises to which an entry pass relates, and
- (d) the supply is consistent with the responsible supervision of the minor.

Division 8 Public services and facilities

30 Provision by race promoter of goods, services and entertainment

Destination NSW or the race promoter may provide, or authorise any other person to provide, any one or more of the following in the declared racing area during the motor racing period:

- (a) public services,
- (b) public information,
- (c) first aid,
- (d) food and beverages,
- (e) entertainment (such as concerts, dancing and theatre, whether or not involving the participation of the public),
- (f) commercial services,
- (g) broadcasting, media and communication services,
- (h) any thing for sale or distribution to any person,
- (i) any other services that are reasonably necessary for or incidental to the conduct of the Newcastle 500.

31 Provision by race promoter of facilities and infrastructure

- (1) The race promoter may construct, install, provide, operate or maintain, or authorise any other person to construct, install, provide, operate or maintain, any one or more of the following (whether for the purpose of providing any thing referred to in clause 30 or otherwise) in the declared racing area:
 - (a) infrastructure for or associated with the motor racing circuit, including pit areas and run-off areas,
 - (b) infrastructure for or associated with the viewing of the motor race, such as grandstands,
 - (c) infrastructure for or associated with the sale or supply of food and beverages (such as refrigeration units, counters and storage units),
 - (d) infrastructure for or associated with entertainment (such as steps, stages, platforms and towers),
 - (e) infrastructure for or associated with broadcasting and media services (such as audio-visual equipment, lights and telecommunications equipment),
 - (f) toilets,
 - (g) places and areas for giving information,
 - (h) mobile first aid units,
 - (i) tents, shelters, marquees, sheds, vans and other structures and facilities for the following:
 - (i) the sale and supply of food and beverages, including bars and areas for corporate entertainment and promotion,
 - (ii) commercial activities,
 - (iii) site services,
 - (j) video screens and sound systems,
 - (k) lighting for the declared racing area,
 - (l) pedestrian overpasses,
 - (m) underground, on-ground and above ground utilities (such as utilities for the provision of energy and water),
 - (n) fences, barricades and bollards,
 - (o) tables,

- (p) seating,
- (q) hard stand spaces (that is, hard-surfaced areas for parking vehicles),
- (r) areas of ground protection,
- (s) ramps for disability access,
- (t) signs and signage infrastructure,
- (u) flagpoles,
- (v) site dressing and decoration,
- (w) amusement devices, carnival rides and similar facilities,
- (x) any other amenities and facilities that are reasonably necessary for or incidental to the conduct of the Newcastle 500.

- (2) The race promoter must ensure that any thing constructed, installed, provided, operated or maintained under this clause is removed from the declared racing area as soon as practicable after the end of the motor racing period.

Division 9 Entry and use of vehicles

32 Applicable provisions of the [Roads Act 1993](#)

- (1) For the purposes of section 29A (1) of the Act, the rights conferred by sections 5 and 6 of the [Roads Act 1993](#) apply, in relation to any part of a public road that is within the declared racing area, to a person who, or a person in a vehicle that, is authorised under this clause in relation to the public road.
- (2) A person or vehicle is authorised under this clause, in relation to a public road, if Destination NSW or the racing promoter has authorised the person or vehicle, in writing, to have access to the road.
- (3) In this clause, **public road** has the same meaning as in the [Roads Act 1993](#).

33 Restricted vehicle areas

- (1) The race promoter may designate a part of the declared racing area as a **restricted vehicle area**.
- (2) A restricted vehicle area must be:
 - (a) clearly identified as a restricted vehicle area by appropriate signs, markings or other means, and
 - (b) separated from other parts of the declared racing area by means of signs, barriers, markings or fencing.

34 Entry of vehicles into restricted vehicle areas

- (1) A person must not drive a vehicle in, or bring a vehicle into, a restricted vehicle area during the motor racing period unless authorised in writing by a relevant authority or official traffic controller.

Maximum penalty: 10 penalty units.

- (2) A person who enters a restricted vehicle area by means of a vehicle must comply with any conditions of entry determined by a relevant authority or official traffic controller that are:

- (a) exhibited on signs at or near the entrance to the restricted vehicle area, and
- (b) notified in writing to a person authorised under subclause (1) in relation to the vehicle at the time the authorisation is given.

Maximum penalty: 10 penalty units.

- (3) A person who enters a restricted vehicle area by means of a vehicle must produce the written authorisation given to the person under subclause (1) on request by a relevant authority or official traffic controller.

Maximum penalty: 10 penalty units.

- (4) Despite subclause (1), any person may drive a vehicle in, or bring a vehicle into, a restricted vehicle area during the motor racing period without written authorisation if there are no barriers or fencing in place at the entrance to the restricted vehicle area at the time of the entry. Subclause (2) does not apply to the entry.

35 Parking and driving

- (1) The parking and driving of vehicles in any part of the declared racing area may be regulated by a relevant authority or official traffic controller by means of notices or barriers or the giving of directions.

- (2) A person must not, without reasonable excuse, park or drive a vehicle in a part of the declared racing area in contravention of any such notice or direction or in disregard of any such barrier.

Maximum penalty: 10 penalty units.

- (3) The race promoter, an official traffic controller or an authorised person may direct a person to remove any vehicle from the declared racing area or a part of the declared racing area that is:

- (a) parked in contravention of this Part and that is under the person's control, or
- (b) being driven by the person in contravention of this Part.

- (4) A person must comply with a direction given under subclause (3).

Maximum penalty: 10 penalty units.

- (5) In this clause, ***park***, in relation to a vehicle, includes stand and wait.

Division 10 Miscellaneous

36 Boundaries of declared racing area

- (1) The race promoter must clearly delineate the boundaries of the declared racing area by means of signs, barriers, markings or fencing.
- (2) The delineation of the boundaries of the declared racing area in accordance with this clause must remain in place for the duration of the motor racing period.

37 Race promoter may charge fees

- (1) The race promoter may charge and recover any of the following fees:
- (a) a fee for any authorisation it gives under the Act or this Regulation,
 - (b) a fee for the provision of any service or facility, or any other thing, the race promoter provides under this Regulation,
 - (c) a fee for allowing admission to the ticketed area,
 - (d) a fee for allowing admission to a reserved area, including a fee for any ticket issued entitling the holder to occupy a seat in a reserved area,
 - (e) a fee for the use of any official title or official insignia for a commercial purpose,
 - (f) a fee for the parking of any vehicle in the declared racing area,
 - (g) a fee for the conduct of a commercial activity in the declared racing area.
- (2) The race promoter must make the amount of a fee it proposes to charge publicly available before it can impose the fee.
- (3) The race promoter may not charge a fee for the issue of an entry pass.

38 Conditions attaching to authorisations

- (1) Destination NSW may give an authorisation under this Regulation subject to any conditions that Destination NSW considers appropriate.
- (2) An authorisation may be varied or revoked at any time.
- (3) Destination NSW may require a person to whom an authorisation under this Regulation is proposed to be given to give to Destination NSW security, in any amount and form that Destination NSW determines, for fulfilment of the person's obligations

under any conditions of the authorisation.

- (4) A person must comply with an authorisation or with any conditions of an authorisation.

Maximum penalty: 10 penalty units.

39 Prohibition of certain aerial advertising

For the purposes of section 38 (1) of the Act, the motor racing period is prescribed in relation to the declared racing area.

40 Unauthorised promotion

- (1) A person must not, without the written authorisation of Destination NSW or the race promoter, represent in any way, including by advertising material, statement or inference, that:
- (a) the person is a sponsor or affiliate of, or in any other way connected with, the race promoter or the Newcastle 500, or
 - (b) Destination NSW or the race promoter has approved of, or supports in any other way, any goods or services offered for sale or supply by the person.

Maximum penalty: 10 penalty units.

- (2) If the race promoter or an authorised person reasonably believes that any advertising material that has been brought into the declared racing area or is displayed in the declared racing area makes a representation in contravention of this clause, the race promoter or an authorised person may:
- (a) remove, obliterate, conceal or dispose of the advertising material, or
 - (b) direct a person whom the race promoter or an authorised person reasonably believes is responsible for bringing in or displaying the advertising material to do any of the things specified in paragraph (a).
- (3) A person must comply with a direction given under this clause.

Maximum penalty: 10 penalty units.