

# Motor Sports Events Act 2022 No 11

[2022-11]



New South Wales

## Status Information

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### Provisions in force

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

### Authorisation

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New South Wales

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# Motor Sports Events Act 2022 No 11



New South Wales

An Act to facilitate the conduct of major motor sports events in New South Wales.

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Motor Sports Events Act 2022*.

### 2 Commencement

This Act commences on the date of assent to this Act.

### 3 Definitions

The Dictionary in Schedule 3 defines certain terms used in this Act.

**Note—**

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

### 4 Objects of Act

The objects of this Act are—

- (a) to support the expansion of motor sports in New South Wales, and
- (b) to facilitate the conduct of major motor sports events in New South Wales.

## Part 2 Motor racing other than on licensed racing grounds

### Division 1 Authorisation to conduct motor race

#### 5 Minister may specify racing area and racing period

- (1) The Minister may specify the following for a motor race by order—
  - (a) land on which the following may be conducted (the **event area**)—
    - (i) the motor race,
    - (ii) associated events,

- (iii) ancillary activities,
- (b) the period during which the motor race, associated events and ancillary activities may be conducted in the event area (the **event period**),
- (c) the person (the **promoter**) who is entitled to apply for a motor race authorisation for the motor race, being—
  - (i) for a motor race at Mount Panorama at Bathurst—Bathurst Regional Council, or
  - (ii) otherwise—a person chosen by the Minister,
- (d) the way and time in which the application for a motor race authorisation must be made,
- (e) the government sector agency that is to be the government coordinating agency for the motor race.

**Note—**

If no agency is specified, the Office of Sport is the default government coordinating agency.

- (2) The order—
  - (a) takes effect—
    - (i) when it is published in the Gazette, or
    - (ii) if a later date is specified in the order—on the later date, and
  - (b) remains in force until the end of the period of 5 years from the date it took effect unless sooner revoked, and
  - (c) must not enable the conduct of more than—
    - (i) for motor races at Mount Panorama at Bathurst—5 motor races in each year, or
    - (ii) otherwise—2 motor races at a particular place in each year, and
  - (d) must comply with requirements prescribed by the regulations.
- (3) A motor race that is an associated event is not to be counted for the purposes of subsection (2)(c).
- (4) The regulations may prescribe circumstances in which motor races held on only part of the Mount Panorama race circuit may be conducted without a motor race authorisation.
- (5) The Minister must, before making the order—
  - (a) seek the advice of the Office of Sport, and

- (b) consult with the council for each local government area in which the event area is located, and
- (c) make a copy of the proposed draft order publicly available, and
- (d) give members of the public a reasonable opportunity to make submissions about the proposed draft order.

## **6 Conduct of race requires motor race authorisation**

- (1) The Minister, on the advice of the government coordinating agency for a motor race, may authorise the promoter for the motor race to conduct the motor race, associated events and ancillary activities (a **motor race authorisation**).
- (2) A motor race authorisation must not be given for a period longer than 5 years.
- (3) A motor race is authorised to be conducted in accordance with a motor race authorisation.

## **7 Conditions of motor race authorisation**

- (1) A motor race authorisation may be given subject to conditions the Minister considers reasonable to impose, including conditions relating to any of the following—
  - (a) public safety,
  - (b) public health,
  - (c) environmental protection,
  - (d) noise management,
  - (e) insurance,
  - (f) reporting requirements,
  - (g) transport arrangements,
  - (h) reinstatement of land,
  - (i) consultation requirements,
  - (j) financial arrangements, including the provision of security,
  - (k) event and works planning requirements,
  - (l) engineering certification requirements,
  - (m) the exercise of powers under Division 4.
- (2) The Minister may change the conditions at any time.



- (3) Before changing the conditions, the Minister must give the promoter written notice of the proposed change.
- (4) The government coordinating agency must review the conditions to decide whether the conditions remain appropriate.
- (5) The review must occur within 4 months after the end of each motor race authorised by the motor race authorisation.

#### **8 Condition that promoter prepare plans**

- (1) It is a condition of a motor race authorisation that the promoter for the motor race prepare—
  - (a) a plan showing the proposed route of the motor race, and
  - (b) a safety plan that—
    - (i) sets out the steps the promoter proposes to take to ensure the safety of persons at the motor race and associated events, and
    - (ii) includes anything required to be in the plan by the regulations or the motor race authorisation.
- (2) The promoter must ensure the plans are approved by—
  - (a) the organisation nominated to approve the plans in the motor race authorisation, or
  - (b) if no organisation is nominated, the government coordinating agency.

#### **9 Condition that promoter comply with directions of government coordinating agency**

It is a condition of a motor race authorisation that the promoter for the motor race comply with a reasonable direction of the government coordinating agency for the motor race in relation to—

- (a) the giving of information, or
- (b) the exercise of functions under the motor race authorisation, or
- (c) public health or safety.

#### **10 Compliance with conditions**

- (1) A promoter for a motor race must comply with the conditions of the motor race authorisation.
- (2) The government coordinating agency for the motor race may cancel the motor race authorisation if satisfied that—

- (a) the promoter for the motor race has failed to comply with a condition, and
  - (b) the failure to comply is of a serious or continuing nature, and
  - (c) it is appropriate to cancel the motor race authorisation in the circumstances.
- (3) A promoter who fails to comply with a condition is guilty of an offence.
- Maximum penalty—
- (a) for an individual—\$250,000, or
  - (b) for a corporation—\$1,000,000.
- (4) The regulations may create an offence of failing to comply with a condition of a particular kind.
- (5) Subsection (3) does not apply to a condition of the kind prescribed.
- (6) It is a defence if the promoter establishes that—
- (a) the commission of the offence was due to causes over which the promoter had no control, and
  - (b) the promoter took reasonable precautions and exercised due diligence to prevent the commission of the offence.

## **11 Cancelling or varying order or authority by Premier**

- (1) The Premier may do the following by giving written notice to the promoter for a motor race—
- (a) cancel or vary an order of the Minister for the motor race,
  - (b) cancel or vary the motor race authorisation.
- (2) The Premier may take action under this section only—
- (a) on the advice of—
    - (i) the Commissioner of Police, or
    - (ii) the Commissioner of Fire and Rescue NSW, or
    - (iii) the Commissioner of the NSW Rural Fire Service, or
    - (iv) the Commissioner of the State Emergency Service, or
    - (v) the Chief Health Officer, and
  - (b) if the Premier is reasonably satisfied taking the action is necessary because of a significant risk of harm to persons from a natural or other threat.

(3) The Premier is not required to consult with the promoter before taking action under this section.

(4) In this section—

**vary** includes impose conditions or restrictions.

## **12 Promoter responsible for conduct and activities**

The promoter for a motor race is responsible for the motor race, associated events and ancillary activities and for works or other things occurring on or to the land within the event area for the motor race—

(a) during the event period for the motor race, and

(b) outside the event period, if the land is fenced or cordoned off in accordance with a works approval for the motor race.

## **Division 2 Carrying out works**

### **13 Definitions**

In this Division—

**affected land** for a works approval means the land on which works will be carried out under the approval.

**affected person** for a works approval for a motor race means the following—

(a) each occupier of—

(i) affected land, or

(ii) land adjacent to affected land,

(b) the local council for the affected land,

(c) each other public or local authority prescribed by the regulations,

(d) persons whose business or financial interests might be affected by the works and who have been identified, individually or as a class, as affected persons—

(i) in the motor race authorisation, or

(ii) by written notice to the promoter from the government coordinating agency for the motor race.

**proposed works information** means the following—

(a) a description of the proposed works,

- (b) a description of the land on which the works are to be carried out, including any land required to be used to carry out the works,
- (c) the period during which the works are proposed to be carried out,
- (d) other information about the works or the relevant motor race, associated events or ancillary activities prescribed by the regulations.

#### **14 Consultation on proposed works**

- (1) The promoter for a motor race who proposes to carry out works associated with the motor race, associated events or ancillary activities must—
  - (a) make the proposed works information available to affected persons, and
  - (b) invite submissions to be made by affected persons about the proposed works, and
  - (c) otherwise conduct consultation in relation to the works, as required by the conditions of the motor race authorisation.
- (2) The information must be made available in accordance with the regulations and the motor race authorisation.

#### **15 Application for approval to carry out works**

- (1) The promoter for a motor race may apply to the government coordinating agency for the motor race for approval (a **works approval**) to carry out works associated with the motor race, associated events or ancillary activities.
- (2) The application must—
  - (a) be written, and
  - (b) be in a form approved by the government coordinating agency, and
  - (c) include—
    - (i) the proposed works information, and
    - (ii) other information required to be included in the application by the motor race authorisation.
- (3) The application may be made before, but must not be decided until—
  - (a) affected persons have had a reasonable opportunity to make submissions about the proposed works, and
  - (b) if the motor race authorisation requires other consultation to be conducted before the application is decided (**additional consultation**)—the additional consultation has been conducted, and

- (c) the promoter has given the government coordinating agency—
  - (i) details of the submissions made by affected persons, and
  - (ii) details of the outcome of the additional consultation, if applicable.

#### **16 Government coordinating agency must consult before giving works approval**

Before giving a works approval for a motor race, the government coordinating agency must—

- (a) consult with—
  - (i) the local council for the affected land, and
  - (ii) each other public or local authority prescribed by the regulations, and
- (b) be satisfied the promoter has—
  - (i) taken all reasonable steps to consult with affected persons, and
  - (ii) taken into account any representations made by an affected person, and
- (c) be satisfied the promoter will ensure the following will be prevented or minimised—
  - (i) harm to the environment or heritage,
  - (ii) disruption to the lawful activities of other persons.

#### **17 Works that may be approved**

- (1) A works approval for a motor race may authorise the carrying out of works, including the following works—
  - (a) service roads, ramps and vehicle parking,
  - (b) structures for pedestrian access or movement,
  - (c) security and other fencing, safety barriers, hoardings and gates,
  - (d) traffic control facilities, including signage,
  - (e) power and water supply and waste management facilities,
  - (f) telecommunications, media recording, broadcast, public announcement and lighting facilities,
  - (g) facilities for vehicle refuelling, servicing, repair and washdown,
  - (h) structures to support crew, media and spectators, including seating, stands, shading, catering, direction signage and toilet facilities,

- (i) advertising signage,
- (j) emergency fire fighting and fire prevention facilities and medical and rescue facilities,
- (k) grading or other road maintenance works, including temporarily removing impediments to the motor race.

**Example—**

removing a speed bump or roundabout

- (2) The works approval for a motor race must only authorise the carrying out of works to the extent the works are reasonably necessary for the purposes of the motor race, associated events and ancillary activities.
- (3) A works approval for a motor race must not authorise the following—
  - (a) the fencing or cordoning off part of the event area outside the event period unless the government coordinating agency for the motor race is reasonably satisfied it is reasonably necessary for, or incidental to, the exercise of the promoter's functions under this Act,
  - (b) the demolition of, or significant damage to, a heritage item identified in an environmental planning instrument.

## **18 Works approval**

- (1) A works approval for a motor race authorises the promoter for the motor race to—
  - (a) carry out the works specified in the works approval, and
  - (b) do anything reasonably necessary to carry out the works.
- (2) The works approval must specify the following—
  - (a) the works that may be carried out under the works approval,
  - (b) the land on which particular works may be carried out,
  - (c) the times at which or during which particular works may be carried out.
- (3) The works approval may authorise works even if the works are carried out outside—
  - (a) the event area for the motor race, or
  - (b) the event period for the motor race.
- (4) The works approval may be given subject to conditions the government coordinating agency for the motor race considers reasonable, including conditions about the following—

- (a) public safety,
- (b) environmental protection,
- (c) noise management,
- (d) insurance,
- (e) reporting requirements,
- (f) reinstatement of land,
- (g) consultation requirements,
- (h) financial arrangements, including the provision of security,
- (i) event and works planning requirements,
- (j) engineering certification requirements.

#### **19 Work health and safety requirements**

- (1) During the period in which works are carried out under a works approval for a motor race, the promoter for the motor race is taken to be the exclusive owner of the land on which the works are carried out but only for—
  - (a) the purposes of engaging a principal contractor for the works in accordance with the regulations under the *Work Health and Safety Act 2011*, and
  - (b) other purposes prescribed by the regulations.
- (2) The government coordinating agency for the motor race may give the promoter a direction—
  - (a) to ensure compliance with this section, or
  - (b) to rectify any matter the government coordinating agency considers constitutes a breach of the conditions of the works approval.
- (3) It is a condition of the motor race authorisation that the promoter for the motor race carry out works only in accordance with the works approval for the motor race.

#### **20 Reinstatement of land**

- (1) The promoter for a motor race must do the following work unless otherwise authorised by the government coordinating agency—
  - (a) remove any rubbish from the event area,
  - (b) for land, including fixtures, damaged or otherwise affected by the activities of the promoter, including the conduct of the motor race, associated events and ancillary

activities—

- (i) repair all damage, and
  - (ii) reinstate the land as far as is practicable to the condition it was in before the activities.
- (2) The work must be completed within a reasonable time after the event period for the motor race.
  - (3) If the race promoter fails to carry out the work within the time, the government coordinating agency for the motor race may cause the work to be carried out.
  - (4) The government coordinating agency may recover the cost of carrying out the work from the promoter as a debt in a court of competent jurisdiction.
  - (5) A document signed by the head of the government coordinating agency certifying the cost of carrying out the work is admissible in the proceedings and is evidence of the cost.

## **21 Division not to apply to Mount Panorama**

This Division does not apply to Mount Panorama at Bathurst.

## **Division 3 Roads and traffic**

### **Subdivision 1 Preliminary**

#### **22 Relationship with road transport legislation**

- (1) This Division is to be construed with, and as if it formed part of, the road transport legislation.
- (2) If there is an inconsistency between this Division and the road transport legislation, this Division prevails to the extent of the inconsistency.
- (3) The provisions of this Division and section 63 have effect despite the [Road Transport Act 2013](#), section 14.
- (4) Words and expressions used in this Division that are defined in the road transport legislation have the same meanings as in that legislation.

#### **23 Penalty notices**

Penalty notices may be issued under the road transport legislation in relation to offences created by this Division.



## Subdivision 2 Traffic management plan

### 24 Preparation of traffic management plans

- (1) The promoter for a motor race must prepare a traffic management plan for the motor race that identifies—
  - (a) the roads affected by the following (the **traffic management area**)—
    - (i) the motor race, associated events and ancillary activities,
    - (ii) the works authorised by the works approval for the motor race, and
  - (b) the period during which the powers under this Division may be used (the **traffic management period**), and
  - (c) the way in which traffic will be managed under the plan.
- (2) The traffic management plan is to be prepared in consultation with—
  - (a) Transport for NSW, and
  - (b) the roads authority for roads identified in the traffic management plan, and
  - (c) the NSW Police Force.
- (3) A traffic management plan does not apply to a private road unless the owner or occupier of the private road has given written consent.
- (4) The traffic management plan, or an amendment to the plan, does not have effect unless Transport for NSW has given written approval to the plan or amendment.
- (5) The approval of Transport for NSW is taken to be a consent for things done in accordance with the plan for the purposes of—
  - (a) the [Roads Act 1993](#), and
  - (b) the road transport legislation.
- (6) For motor races at Mount Panorama at Bathurst, the reference in subsection (4) or (5) to Transport for NSW is taken to be a reference to Bathurst Regional Council.

## Subdivision 3 Motor race event lanes

### 25 Definitions

In this Subdivision—

**lane** includes part of a lane.

**motor race event lane** means a marked lane that—

- (a) begins at a sign prescribed by the regulations as a motor race event lane sign, and
- (b) ends at a sign prescribed by the regulations as an end motor race event lane sign.

**motor race event lane permit**—see section 27(1).

## 26 Motor race event lanes

- (1) A motor race event lane may be created during the traffic management period on land in the traffic management area if authorised by the traffic management plan.
- (2) A person must not drive a vehicle in a motor race event lane unless authorised by this section.

Maximum penalty—20 penalty units.

- (3) The following vehicles may be driven in a motor race event lane—
  - (a) a vehicle displaying a motor race event lane permit if the person to whom the permit was issued is driving, or being carried in, the vehicle,
  - (b) a police vehicle or an emergency vehicle,
  - (c) a taxi within the meaning of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*,
  - (d) a bus within the meaning of the *Passenger Transport Act 2014*,
  - (e) a vehicle being driven in a motor race event lane in circumstances where the vehicle would be permitted to drive in the lane by the *Road Rules 2014*, rule 158 if the motor race event lane were a transit lane.
- (4) A person may ride a bicycle in a motor race event lane.
- (5) The following are prescribed traffic control devices for the purposes of the *Road Transport Act 2013*, Part 5.3—
  - (a) a motor race event sign,
  - (b) an end motor race event sign.

## 27 Motor race event lane permits

- (1) The promoter for a motor race may issue a permit (a **motor race event lane permit**) to a person to authorise a vehicle driven by, or carrying, the person to be in a motor race event lane.
- (2) A person in charge of a vehicle authorised to be in a motor race event lane by a motor race event lane permit must prominently display the permit at all times the vehicle is in a motor race event lane.

- (3) A police officer may direct the person in charge of a vehicle in a motor race event lane to produce the motor race event lane permit relied on by the person for inspection.
- (4) The person in charge of the vehicle must immediately comply with the direction.  
Maximum penalty—20 penalty units.
- (5) The police officer may do the following—
  - (a) inspect a permit,
  - (b) ask the holder of a permit to provide evidence of the holder's identity,
  - (c) inspect a document provided as evidence of the holder's identity,
  - (d) confiscate—
    - (i) a permit not being used by the holder of the permit, or
    - (ii) a document purporting to be a permit that is not a permit.

## **Subdivision 4 Road closures**

### **28 Powers of promoter**

- (1) The promoter for a motor race may, in accordance with a traffic management plan for the motor race—
  - (a) control and regulate traffic, and
  - (b) temporarily close a road.
- (2) A road must not be closed under this section unless the roads authority for the road has given public notice of the proposed closure at least 7 days before the closure.
- (3) Public notice must be given in a way approved by the government coordinating agency for the motor race.

### **29 Road closures—integrated road and transport services**

- (1) The roads authority for a road may close the road to provide integrated road and transport services for a motor race or associated events if—
  - (a) the promoter for the motor race has asked the roads authority to close the road, and
  - (b) the roads authority has given public notice of the proposed closure at least 7 days before the closure, and
  - (c) the closure is authorised by the traffic management plan for the motor race.

- (2) Public notice must be given in a way approved by the government coordinating agency for the motor race.

### **30 Road closures—short periods**

- (1) This section extends to roads on land outside the traffic management area for a motor race.
- (2) The roads authority for a road may close the road during the traffic management period for a motor race for any of the following purposes—
  - (a) facilitating—
    - (i) the conduct of the motor race, associated events or ancillary activities, or
    - (ii) the carrying out of works authorised by the works approval for the motor race,
  - (b) controlling or regulating traffic at or near a venue or facility being used for the purposes of the motor race or associated event,
  - (c) ensuring the safety of persons,
  - (d) protecting property from damage.
- (3) The roads authority may close a road under this section only if asked by the promoter for the motor race.
- (4) A road may not be closed under this section for more than 3 consecutive days.
- (5) The roads authority is not required to give public notice of the closure of a road under this section.

### **31 Road closure to be for shortest possible period**

A road must not be closed under this Subdivision for a period longer than is necessary to serve the purpose for which the road is closed.

### **32 Offences relating to road closures**

- (1) A person must not bring a vehicle onto a road closed to vehicles under this Subdivision if the person knows the road is closed.

Maximum penalty—30 penalty units.

- (2) A person in charge of a vehicle on a road closed to vehicles under this Subdivision must remove the vehicle as soon as practicable after an authorised officer—
  - (a) informs the person the road is closed, and
  - (b) directs the person to remove the vehicle.

Maximum penalty—30 penalty units.

- (3) A person must not enter a road closed to pedestrians under this Subdivision if the person knows the road is closed.

Maximum penalty—30 penalty units.

- (4) A person on a road closed to pedestrians under this Subdivision must leave the road as soon as practicable after an authorised officer—

- (a) informs the person the road is closed, and  
(b) directs the person to leave the road.

Maximum penalty—30 penalty units.

- (5) A person is taken to know a road is closed if the person has passed a sign or barrier indicating the road is closed.  
(6) A person must not damage, remove or interfere with a sign or barrier erected for the purpose of closing a road under this Subdivision.

Maximum penalty—30 penalty units.

- (7) A person does not commit an offence under this section for anything done with the approval of an authorised officer.

## **Subdivision 5 Removal of vehicles**

### **33 Removal of unattended vehicles—generally**

- (1) The *Road Transport Act 2013*, section 143 applies to the traffic management area for a motor race during the traffic management period for the motor race as if the area were a prescribed place.  
(2) This section does not have effect in relation to the traffic management area unless the promoter for the motor race has notified the public—  
(a) of the effect of subsection (1), and  
(b) in a way approved by the government coordinating agency.

### **34 Urgent removal of unattended vehicles or trailers**

- (1) The government coordinating agency for a motor race may direct a police officer or other appropriate officer to remove an unattended motor vehicle or trailer from land in the traffic management area for the motor race.  
(2) The direction may be given only during the traffic management period for the motor race.

- (3) The direction must not be given unless the government coordinating agency reasonably believes the removal of the vehicle or trailer is necessary to enable—
  - (a) the conduct of the motor race or an associated event, or
  - (b) works to be carried out that are authorised by the works approval for the motor race.
- (4) It is not necessary that the vehicle or trailer is standing unlawfully.
- (5) The *Road Transport Act 2013*, section 143 applies to the vehicle or trailer as if the vehicle or trailer were unlawfully standing on a prescribed place and is likely to cause danger to the public or undue traffic congestion.
- (6) If the vehicle or trailer is not standing unlawfully, a person must not be required to pay a tow-away charge for the removal of the vehicle or trailer.
- (7) In this section—

**appropriate officer** has the same meaning as in the *Road Transport Act 2013*, section 143.

## Division 4 Entry to areas

### 35 Interpretation

- (1) In this Division—

**ticket** includes a permit or authority, however expressed.
- (2) This Division applies to part of the event area for a motor race in the same way as it applies to the event area.

### 36 Powers subject to motor race authorisation

The exercise of powers under this Division in relation to the event area for a motor race is subject to any limitations specified in the motor race authorisation.

### 37 Restrictions on entry

- (1) The promoter for a motor race or an authorised officer may prohibit, regulate or otherwise control the entry of persons, vehicles or vessels to the event area for the motor race by—
  - (a) erecting a sign, or
  - (b) giving a direction to a relevant person.
- (2) A person must not contravene the sign or direction.

Maximum penalty—20 penalty units.

### **38 Searches as condition of entry**

- (1) An authorised officer may ask a person who wishes to enter the event area for a motor race to do the following—
  - (a) undergo a search of the person conducted using an electronic device, including by—
    - (i) the use of a hand-held scanning device, or
    - (ii) passing through a detection device,
  - (b) allow a search to be conducted of articles in the person's possession, including the content of the articles,
  - (c) remove an item of outer clothing and allow it to be searched,
  - (d) if the person wishes to enter in a vehicle or vessel—allow the vehicle or vessel to be searched.
- (2) Failure to comply with the request is grounds for the person to be directed to leave the area.

- (3) In this section—

**outer clothing** means the following—

- (a) a coat or jacket,
- (b) gloves,
- (c) a scarf,
- (d) shoes,
- (e) a hat or other headwear.

### **39 Obstruction of workers and officials**

A person in the event area for a motor race must not obstruct a person in the performance of the person's work or duties.

Maximum penalty—10 penalty units.

### **40 Failure to comply with reasonable direction**

- (1) The promoter for a motor race or an authorised officer may give a reasonable direction to a person for the purposes of securing good order and management and enjoyment of the event area for the motor race.
- (2) Failure to comply with the direction is grounds for the person to be directed to leave

the area.

#### **41 Producing tickets and permitting articles to be inspected**

- (1) An authorised officer may ask a person who is in the event area for a motor race to do the following—
  - (a) produce a ticket for inspection if a ticket is required to be held to be in the area,
  - (b) permit any article in the person's possession to be inspected, including by opening it and inspecting its contents.
- (2) Failure to comply with the request is grounds for the person to be directed to leave the area.

#### **42 Prohibited entry onto track**

- (1) A person must not enter or remain on a motor racing track during a motor race unless the person—
  - (a) is a participant in the motor race, or
  - (b) is engaged in the control or management of the motor race, or
  - (c) is authorised to be on the track.

Maximum penalty—50 penalty units.

- (2) In this section—

**motor race** includes an associated event that is a motor race.

**motor racing track** means—

- (a) the road on which the motor race is conducted, and
- (b) associated land used by vehicles for the purposes of the motor race.

#### **43 Directions to leave**

- (1) An authorised officer may direct a person to leave the event area for a motor race if the officer believes on reasonable grounds that—
  - (a) the person has contravened, or is about to contravene, this Act or the regulations, or
  - (b) the person has committed an offence, or
  - (c) there are grounds under this Division for the person to be directed to leave the area, or



- (d) the person is causing a significant disruption, or
- (e) the person is behaving in a way that is likely to endanger the person or another person.

(2) The person must not fail to comply with the direction.

Maximum penalty—50 penalty units.

(3) The authorised officer may remove the person if the person fails to comply with the direction.

(4) The authorised officer may use reasonable force.

(5) The authorised officer may also confiscate a ticket held by the person for entry into the event area for the motor race.

#### **44 Recording images of persons who are removed**

(1) The following may make a visual recording of a person who is removed from the event area for the motor race—

- (a) the promoter for the motor race,
- (b) the government coordinating agency for the motor race,
- (c) an authorised officer.

(2) The visual recording may be used and disclosed in accordance with the motor race authorisation.

### **Division 5 Application of other laws**

#### **Subdivision 1 Application of legislation**

##### **45 Subdivision subject to regulations**

The regulations may contain provisions that restrict the application of this Subdivision.

##### **46 Application of other Acts generally**

(1) An authorised activity may be carried out despite the following—

- (a) the *Environmental Planning and Assessment Act 1979*,
- (b) the *Local Government Act 1993*,
- (c) the *Protection of the Environment Operations Act 1997*, but only to the extent it relates to noise,
- (d) the *Water Management Act 2000*,

- (e) for an authorised activity in relation to roads and areas immediately adjacent to roads—
  - (i) the *Forestry Act 2012*, or
  - (ii) the *National Parks and Wildlife Act 1974*, Part 6.
- (2) Land may be used for an authorised activity despite—
  - (a) the *Environmental Planning and Assessment Act 1979*, or
  - (b) the *Crown Land Management Act 2016*, or
  - (c) the *Local Government Act 1993*, or
  - (d) the *Sydney Olympic Park Authority Act 2001*.
- (3) An authorised activity is, for the purposes of the *Fisheries Management Act 1994*, Part 7A, 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 *Environmental Planning and Assessment Act 1979*.
- (4) A reference in this section to an Act includes an instrument made under the Act.
- (5) Nothing in this Act affects the operation of the *Heritage Act 1977*.
- (6) In this section—

**authorised activity** means anything authorised, permitted or required to be done by or under this Part.

#### **47 Application of road legislation**

- (1) The following provisions do not apply, during the event period for a motor race, in relation to the conduct of the motor race, an associated event or ancillary activity—
  - (a) the *Road Transport Act 2013*, section 115, including an instrument made under that Act in relation to matters in section 115,
  - (b) the *Roads Act 1993*, including an instrument made under that Act.
- (2) A road or road related area is taken not to be a road or road-related area for the purposes of the road transport legislation while it is temporarily closed for the conduct of a motor race, an associated event or ancillary activity conducted in accordance with this Part.

## **Subdivision 2 Protection from liability**

### **48 Definitions**

In this Subdivision—

**act** includes omission.

**compensation** includes damages and any other form of monetary compensation.

**done** includes omitted to be done.

### **49 No liability in nuisance**

Anything done by a person does not constitute a nuisance if it is done—

- (a) in the exercise of a function under this Act or the regulations, or
- (b) in accordance with the provisions of this Act or the regulations, or
- (c) in accordance with—
  - (i) a motor race authorisation, or
  - (ii) a works approval, or
  - (iii) a traffic management plan.

### **50 Compensation not payable by State**

- (1) Compensation is not payable by or on behalf of a protected person for an act done in good faith—
  - (a) in accordance with—
    - (i) a motor race authorisation, or
    - (ii) a works approval, or
    - (iii) a traffic management plan, or
  - (b) for the administration or purported administration of this Act, or
  - (c) for the exercise or purported exercise of functions under this Act or the regulations.
- (2) This section does not—
  - (a) apply to acts that cause—
    - (i) the death of a person, or
    - (ii) personal injury to a person, or

(b) affect compensation payable by a protected person under an indemnity or other agreement.

(3) In this section—

**protected person** means—

- (a) the State or an authority of the State, or
- (b) the government coordinating agency for a motor race, or
- (c) a local council, or
- (d) an officer, employee or agent of a protected person mentioned in paragraph (a)–(c).

### **51 Compensation not payable by promoter for economic loss**

(1) Compensation is not payable by or on behalf of a protected person for economic loss arising because of an act done—

- (a) in good faith, and
- (b) in accordance with—
  - (i) a motor race authorisation, or
  - (ii) a works approval, or
  - (iii) a traffic management plan.

(2) This section does not—

- (a) apply to acts that cause—
  - (i) the death of a person, or
  - (ii) personal injury to a person, or
  - (iii) damage to property, or
- (b) affect compensation payable by a protected person under an indemnity or other agreement.

(3) In this section—

**protected person** means—

- (a) a promoter, or
- (b) an employee or agent of a promoter.

## Division 6 Protection of commercial interests of promoter

### 52 Use of official title and official insignia

- (1) A person must not use any official title or insignia for a motor race for a commercial purpose unless the title or insignia is used—
- (a) by the promoter for the motor race, or
  - (b) by a person with the written consent of the promoter.

Maximum penalty—200 penalty units.

- (2) In this section—

**official title or insignia** means a title, logo, symbol or other design approved by order published in the Gazette by—

- (a) for a motor race at Mount Panorama at Bathurst—Bathurst Regional Council, or
- (b) otherwise—the government coordinating agency.

### 53 Prohibition of certain advertising on buildings and structures

- (1) Each of the following must ensure no advertising material is on a building or structure on an advertising controlled site for a motor race—
- (a) the owner or occupier of the building or structure,
  - (b) the occupier of the building or structure,
  - (c) the holder of a lease or licence relating to the building or structure.

Maximum penalty—

- (a) for an individual—250 penalty units, or
- (b) for a corporation—500 penalty units.

- (2) This section does not apply to the following advertising material—

- (a) advertising material, which includes a series of related advertisements, having a total area of not more than 1 square metre,
- (b) advertising material exempted from this section by the regulations,
- (c) advertising material the government coordinating agency permits to be on a particular building or structure.

- (3) In this section—

**advertising controlled site** for a motor race means land designated as an

advertising controlled site for the motor race by the government coordinating agency for the motor race by order published in the Gazette but only for—

- (a) the period specified in the order, or
- (b) if no period is specified in the order—
  - (i) the event period for the motor race, or
  - (ii) if the event period has already commenced—the remainder of the period.

#### **54 Advertising enforcement officers**

- (1) The government coordinating agency for a motor race may authorise a person as an advertising enforcement officer for the motor race for the purposes of this section.
- (2) The government coordinating agency must provide each advertising enforcement officer with an identification card as an advertising enforcement officer.
- (3) An advertising enforcement officer may—
  - (a) obliterate or remove any advertising material that contravenes section 53 in relation to the motor race, and
  - (b) enter on land if necessary to carry out the obliteration or removal.
- (4) An advertising enforcement officer is not entitled to enter a part of premises used only for residential purposes, except with the consent of the occupier of the part.
- (5) An advertising enforcement officer must, when exercising functions under this section—
  - (a) cause as little damage as possible, and
  - (b) carry the officer's identification card and produce it for inspection if reasonably asked.

### **Division 7 Miscellaneous**

#### **55 Coordination and cooperation of government sector agencies**

- (1) A government sector agency has the following obligations in relation to a motor race—
  - (a) to cooperate with the government coordinating agency for the motor race in the exercise of its functions, including by—
    - (i) complying with any reasonable request for information, or
    - (ii) providing resources or assistance in accordance with a request authorised by this Act or the regulation,

- (b) to notify the government coordinating agency of a proposed exercise of the agency's functions that may impact adversely on the government coordinating agency's functions or anything to be done under—
    - (i) a motor race authorisation, or
    - (ii) a works approval, or
    - (iii) a traffic management plan,
  - (c) to comply with a direction of the Minister given under this section.
- (2) The Minister may give a written direction to a government sector agency requiring it to comply with a request by the government coordinating agency if—
- (a) the government sector agency is prescribed by the regulations, and
  - (b) the request by the government coordinating agency is authorised by this Act or the regulations, and
  - (c) where another Minister is responsible for the government sector agency—the Minister has consulted with the other Minister about the proposed direction.

#### **56 Fees prescribed by regulations**

The regulations may require a promoter for a motor race to pay a fee for the exercise of any function of the Minister or a government sector agency under this Part in relation to the motor race.

### **Part 3 Enforcement**

#### **57 Authorised officers**

- (1) The Minister may appoint any of the following as an authorised officer for the purposes of this Act—
- (a) a Public Service employee,
  - (b) a council employee,
  - (c) a person prescribed by the regulations.
- (2) The Minister must provide each authorised officer with an identification card as an authorised officer.
- (3) An authorised officer must produce the identification card for inspection if—
- (a) the authorised officer is exercising a function under this Act, and
  - (b) a person affected by the exercise of the function asks to see the identification

card, however expressed.

(4) Subsections (2) and (3) do not apply to a police officer.

**Note—**

Police officers are authorised officers.

**58 Purposes for which functions under Part may be exercised**

An authorised officer may exercise the functions conferred by this Part for any of the following purposes (***authorised purposes***)—

- (a) investigating, monitoring and enforcing compliance with the requirements imposed by or under this Act,
- (b) obtaining information for purposes connected with the administration of this Act,
- (c) enforcing, administering or executing this Act.

**59 Authorised officers may enter premises**

- (1) An authorised officer may, for an authorised purpose, enter premises at a reasonable hour in the daytime or at an hour during which business is in progress or is usually carried out on the premises.
- (2) Entry to premises may be effected with or without the authority of a search warrant.
- (3) An authorised officer may, at premises lawfully entered, do anything the authorised officer considers necessary to be done for an authorised purpose, including the following—
  - (a) examine and inspect any part of the premises,
  - (b) take photographs or other recordings,
  - (c) examine and inspect documents and records,
  - (d) copy or take notes from documents and records,
  - (e) seize a thing the authorised officer has reasonable grounds for believing is connected with an offence against the Act or the regulations,
  - (f) require the owner or occupier of the premises to provide assistance or facilities reasonably necessary to enable the authorised officer to exercise the officer's functions,
  - (g) require a person in or about the premises to answer questions or otherwise give information.
- (4) An authorised officer may be accompanied by any assistants the authorised officer



considers necessary.

(5) This section does not empower an authorised officer to enter any part of premises used only for residential purposes without—

- (a) the permission of the occupier of the premises, or
- (b) the authority of a search warrant.

(6) In this section—

**premises** includes the following—

- (a) a building or structure,
- (b) land or a place, whether enclosed or built on or not,
- (c) a mobile plant, vehicle, vessel or aircraft.

## **60 Search warrants**

(1) An authorised officer may apply to an issuing officer for the issue of a search warrant if the authorised officer believes on reasonable grounds that—

- (a) a requirement imposed by or under this Act is being or has been contravened at any premises, or
- (b) there is, in or on any premises, a matter or a thing connected with an offence under this Act or the regulations.

(2) An issuing officer to whom an application is made may, if satisfied there are reasonable grounds for doing so, issue a search warrant authorising an authorised officer named in the warrant—

- (a) to enter the premises, and
- (b) to exercise any function of an authorised officer under this Part.

(3) The *Law Enforcement (Powers and Responsibilities) Act 2002*, Part 5, Division 4 applies to a search warrant issued under this section.

(4) Without limiting the generality of the *Law Enforcement (Powers and Responsibilities) Act 2002*, section 71, a police officer—

- (a) may accompany an authorised officer executing a search warrant issued under this section, and
- (b) may take all reasonable steps to assist the authorised officer in the exercise of the officer's functions under this section.

(5) In this section—

**issuing officer** means an authorised officer within the meaning of the *Law Enforcement (Powers and Responsibilities) Act 2002*.

### **61 Authorised officers may require information**

- (1) An authorised officer may, by written notice given to a person, require the person to give information the authorised officer reasonably requires for an authorised purpose.
- (2) The notice must specify the following—
  - (a) the information required to be given,
  - (b) the form in which the information is to be given,
  - (c) the time within which the information is to be given,
  - (d) that failure to give the information without lawful excuse is an offence.

### **62 Self-incrimination**

- (1) A person is not excused from a requirement under this Part to give information on the grounds the information is self-incriminatory for the person.
- (2) Information given by a person in compliance with the requirement is not admissible in evidence against the person in criminal proceedings if—
  - (a) the person is an individual, and
  - (b) the person—
    - (i) was not warned at the time that the person may object to giving the information on the grounds the information is self-incriminatory for the person, or
    - (ii) was warned and objected to giving the information.
- (3) Subsection (2) does not prevent information being admitted in proceedings for an offence under—
  - (a) this Part, or
  - (b) the *Crimes Act 1900*, Part 5A.
- (4) Further information obtained as a result of information (**original information**) given in compliance with a requirement under this Part is not prevented from being admitted in proceedings for an offence on the grounds—
  - (a) the original information had to be given, or
  - (b) the original information is self-incriminatory for the person who gave it.

- (5) Information is ***self-incriminatory*** for a person if the information—
- (a) might incriminate the person, or
  - (b) might make the person liable to a penalty.

### **63 Offences**

- (1) A person must not, without lawful excuse, fail to comply with a requirement to give information under this Part.

Maximum penalty—50 penalty units.

- (2) A person is not guilty of an offence under subsection (1) unless the person was warned on that occasion that failure to comply is an offence.

- (3) A person must not give information in purported compliance with a requirement to give information under this Part knowing the information is false or misleading in a material respect.

Maximum penalty—50 penalty units.

- (4) A person must not obstruct, hinder or interfere with an authorised officer in the exercise of the authorised officer's functions under this Part.

Maximum penalty—50 penalty units.

## **Part 4 Miscellaneous**

### **64 Control of airspace**

- (1) A person must not, during State air navigation, cause an aircraft to enter, or operate the aircraft within, regulated airspace if the airspace is over an area—

- (a) that is an event area for a motor race, and
- (b) at which a motor race is being held.

Maximum penalty—2,000 penalty units.

- (2) This section does not apply to the entry or operation of—

- (a) a military aircraft, or an aircraft of the NSW Police Force, when being operated for military, security or emergency purposes, or
- (b) an aircraft when being operated exclusively for emergency purposes relating to human life or safety, or the protection of property, or
- (c) an aircraft permitted to enter and operate within the airspace under a relevant Commonwealth Act, or

- (d) a commercial aircraft on a commercial route, or
- (e) an aircraft authorised by the promoter for the motor race, or
- (f) an aircraft prescribed by the regulations.

(3) The provisions of this section prevail to the extent of any inconsistency between this section and air navigation regulations applied to State air navigation by the [Air Navigation Act 1938](#).

(4) In this section—

**aircraft** includes a drone.

**regulated airspace** means airspace the Civil Aviation Safety Authority has decided under the [Airspace Regulations 2007](#) of the Commonwealth to be—

- (a) a control area, or
- (b) a control zone, or
- (c) a restricted area.

**State air navigation** means air navigation within New South Wales.

## 65 Instruments may be amended or repealed

An instrument under this Act may be amended or repealed.

## 66 Offences by corporations

- (1) A person is taken to have contravened a provision of this Act or the regulations if—
  - (a) a corporation contravenes the provision, and
  - (b) the person is—
    - (i) a director of the corporation, or
    - (ii) concerned in the management of the corporation, and
  - (c) the person knowingly authorised or permitted the contravention by the corporation.
- (2) The person may be proceeded against and convicted whether or not the corporation has been proceeded against or convicted.
- (3) Nothing in this section affects the liability of the corporation for the commission of the offence.

## **67 Nature of proceedings for offences**

- (1) Proceedings for an offence under this Act or the regulations may be dealt with summarily before—
  - (a) the Local Court, or
  - (b) the Supreme Court in its summary jurisdiction.
- (2) The maximum monetary penalty the Local Court may impose for the offence is 100 penalty units, even if a higher maximum monetary penalty is provided for the offence.

## **68 Penalty notices**

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.

### **Note—**

The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations, not exceeding the maximum amount of penalty that could be imposed for the offence by a court.
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

## **69 Regulations**

- (1) The Governor may make regulations about the following matters—
  - (a) matters this Act expressly requires to be prescribed by regulations,
  - (b) matters this Act expressly permits to be prescribed by regulations,
  - (c) other matters, but only to the extent that making regulations about the matters is necessary or convenient to give effect to this Act.
- (2) The regulations may also create offences about the matters.
- (3) The maximum penalty that may be imposed for an offence created by the regulations is 100 penalty units.
- (4) The regulations must not be inconsistent with this Act.

- (5) Regulations may be made about the following matters—
- (a) the fees and charges that may be imposed for the purposes of this Act,
  - (b) the fees that may be charged or collected by the promoter for a motor race for admission to the event area for the motor race,
  - (c) the provision of services by the promoter for a motor race,
  - (d) access to an event area for a motor race,
  - (e) the conduct of persons in an event area for a motor race and the exclusion or expulsion of persons from the area,
  - (f) restricting or prohibiting the bringing of liquor into, or consumption of liquor within, an event area for a motor race during the event period,
  - (g) specifying site or event specific requirements for particular motor races,
  - (h) the driving or parking of motor vehicles within an event area for a motor race, including enabling the government coordinating agency for the motor race, with the concurrence of the roads authority, to remove prescribed restrictions on parking that apply in the area,
  - (i) conferring on the government coordinating agency for a motor race a function that may be exercised by a local council in relation to a public place.

## **70 Repeals**

The following Acts, including instruments made under the Acts, are repealed—

- (a) *Motor Racing (Sydney and Newcastle) Act 2008 No 106*,
- (b) *Motor Sports (World Rally Championship) Act 2009 No 55*,
- (c) *Mount Panorama Motor Racing Act 1989 No 108*.

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

### **Part 1 General**

#### **1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the commencement of—
- (a) a provision of this Act, or
  - (b) a provision amending this Act.

- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement.
- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement.
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before—
  - (a) for a provision of this Act—the date of assent to this Act, or
  - (b) for a provision amending this Act—the date of assent to the amending Act.
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not—
  - (a) affect the rights of a person existing before the publication in a way prejudicial to the person, or
  - (b) impose liabilities on a person for anything done or omitted to be done before the publication.
- (6) In this section—

**person** does not include the State or an authority of the State.

## **Part 2 Provisions consequent on enactment of this Act**

### **2 Newcastle 500 2022**

For the purposes of the Newcastle 500 to be held in 2022, including associated events, works and authorisations—

- (a) this Act does not apply, and
- (b) the *Motor Racing (Sydney and Newcastle) Act 2008* as in force immediately before its repeal, including the regulations under that Act, applies as if it had not been repealed, and
- (c) land may be used for anything authorised, permitted or required to be done under the *Motor Racing (Sydney and Newcastle) Act 2008*, Part 3 despite the *Crown Land Management Act 2016*, and
- (d) a reference in that Act to Destination NSW is taken to be a reference to the Office of Sport, and
- (e) things done by Destination NSW are taken to have been done by the Office of Sport.

### 3 Bathurst 6 hour and 12 hour April and May 2022

- (1) This section applies to the following motor races—
  - (a) the Bathurst 6 hour to be held in April 2022,
  - (b) the Bathurst 12 hour to be held in May 2022.
- (2) For the purposes of the motor races, including associated events, works and authorisations—
  - (a) this Act does not apply, and
  - (b) the *Mount Panorama Motor Racing Act 1989* as in force immediately before its repeal, including the regulations under that Act, applies as if it had not been repealed.

## Schedule 2 (Repealed)

## Schedule 3 Dictionary

section 3

In this Act—

**affected land**—for Part 2, Division 2—see section 13.

**affected person**—for Part 2, Division 2—see section 13.

**ancillary activities** means activities ancillary to a motor race or an associated event.

**associated events** for a motor race means events associated with the motor race and may include associated motor races.

**authorised officer** means—

- (a) a person appointed under Part 3, or
- (b) a police officer.

**authorised purposes**—for Part 3—see section 58.

**council** means—

- (a) a council within the meaning of the *Local Government Act 1993*, or
- (b) for land on Lord Howe Island—the Lord Howe Island Board, or
- (c) for land in the Western Division within the meaning of the *Crown Land Management Act 2016*—the Minister administering that Act.

**event area**—see section 5(1)(a).



**event period**—see section 5(1)(b).

**function** includes a power, authority or duty, and **exercise** a function includes perform a duty.

**government coordinating agency** for a motor race means—

- (a) the Office of Sport, or
- (b) if the Minister specifies a different government sector agency as the government coordinating agency for the motor race in the Minister’s order under section 5—the government sector agency.

**government sector agency** has the same meaning as in the [Government Sector Employment Act 2013](#) and includes a local council.

**lane**—for Part 2, Division 3, Subdivision 3—see section 25.

**motor race** means a motor race conducted under a motor race authorisation.

**motor race authorisation**—see section 6(1).

**motor race event lane**—for Part 2, Division 3, Subdivision 3—see section 25.

**motor race event lane permit**—for Part 2, Division 3, Subdivision 3—see section 27(1).

**motor sport** means a competitive sport that primarily uses motor vehicles.

**private road** means an area that is not open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles.

**promoter**—see section 5(1)(c).

**proposed works information**—for Part 2, Division 2—see section 13.

**public service employee** has the same meaning as in the [Government Sector Employment Act 2013](#).

**road** has the same meaning as in the [Road Rules 2014](#).

**road transport legislation** has the same meaning as in the [Road Transport Act 2013](#).

**roads authority** as the same meaning as it has in the [Roads Act 1993](#).

**ticket**—for Part 2, Division 4—see section 35.

**traffic management area**—see section 24(1)(a).

**traffic management period**—see section 24(1)(b).

**traffic management plan** for a motor race means a traffic management plan prepared by the promoter for the motor race and approved by Transport for NSW under section 24.

**works approval**—see section 15(1).