

Motor Vehicle Sports (Public Safety) Act 1985

No 24

[1985-24]



New South Wales

Status Information

Currency of version

Current version for 13 January 2023 to date (accessed 14 February 2025 at 4:13)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

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

Authorisation

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File last modified 13 January 2023

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Motor Vehicle Sports (Public Safety) Act 1985 No 24



New South Wales

An Act to make provision for the control and regulation of meetings for motor vehicle racing and certain other sporting and recreational activities involving motor vehicles.

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Motor Vehicle Sports (Public Safety) Act 1985*.

2 Commencement

- (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- (2) Except as provided by subsections (1) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- (3) Part 3 shall commence on such day, being a day that is not earlier than the day appointed and notified under section 2 (2) of the *Recreation Vehicles Act 1983*, as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3 Definitions

In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

licence means a licence under this Act.

motor vehicle means a motor vehicle within the meaning of the *Road Transport Act 2013*.

motor vehicle racing means—

- (a) a motor vehicle sport consisting of a competition in which speed is the determining factor, or

(b) a motor vehicle sport prescribed to be motor vehicle racing for the purposes of this definition.

motor vehicle racing ground means any park, racecourse, oval, recreation reserve, sports ground or other land, whether enclosed or unenclosed, which is designed, constructed or adapted for motor vehicle racing, and includes any land or building used in connection therewith, but does not include a road or road related area within the meaning of section 4 (1) of the [Road Transport Act 2013](#) (other than a road or road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

motor vehicle sport means any competition between the drivers or riders of motor vehicles in which the determining factor is the speed, manoeuvrability, reliability, durability or mechanical condition of the vehicles, the skill of the drivers or riders, or any combination of those things.

regulations means regulations under this Act.

Tribunal means the Civil and Administrative Tribunal.

Part 2 Licences for motor vehicle racing

4 Licences

On application made by a person having a prescribed interest in any land capable of being used as a motor vehicle racing ground, the Minister may issue a licence to the applicant authorising the holding on that land of meetings for motor vehicle racing at which such types of motor vehicles as may be specified in the licence (or, where the licence so specifies, any type of motor vehicle) may compete.

5 Terms of licences

Subject to this Act, a licence shall remain in force from the date of its issue for such period, not exceeding 1 year, as may be specified in the licence and may from time to time be renewed for a period not exceeding 1 year.

6 Conditions of licences

A licence shall be subject to—

- (a) such conditions as may be prescribed, and
- (b) such other conditions, not inconsistent with this Act or the regulations, as may be specified by the Minister in the licence or notified under section 7.

7 Cancellation or suspension, or variation of conditions of, licences

- (1) The Minister may, for good cause—

- (a) suspend a licence,
 - (b) vary, during the currency of a licence, the conditions to which the licence is subject, or
 - (c) cancel a licence.
- (2) Without prejudice to the generality of subsection (1), a licence may be suspended or cancelled, or the conditions of a licence may be varied, if the Minister is satisfied that—
- (a) proper and adequate precautions have not been taken or have ceased to be taken at the motor vehicle racing ground for the safety of the public or competitors or persons in proximity to the ground,
 - (b) the length, width, curvature, grade or surface of the track used for motor vehicle racing at the ground is such as to constitute a danger to the public or competitors or persons in proximity to the ground,
 - (c) the lands and buildings of which the motor vehicle racing ground consists are generally unsuitable for the holding of meetings for motor vehicle racing,
 - (d) the power, type, construction or number of motor vehicles competing or to compete at any meeting for motor vehicle racing held at the ground is such as would constitute a danger to the public or competitors or persons in proximity to the ground, or
 - (e) the accommodation for the public is situated too close to the track used for motor vehicle racing at the ground.
- (3) The suspension or cancellation of a licence, or a variation of the conditions to which a licence is subject, takes effect when notified by the Minister to the licensee.
- (4) Where any act, omission or circumstance constituting good cause for the exercise by the Minister of a power conferred by this section constitutes an offence under this Act or the regulations—
- (a) the power may be exercised notwithstanding that a penalty has been incurred by a licensee or any other person for the offence, and
 - (b) a person may incur a penalty for the offence notwithstanding, where the person is a licensee, that the person's licence has been cancelled or otherwise dealt with under this section.

8 Unlawful race meetings

- (1) A meeting for motor vehicle racing shall not be held except—
- (a) on a motor vehicle racing ground in respect of which a licence is in force, and

(b) in accordance with the authority conferred by the licence and the conditions to which the licence is subject.

- (2) A person holding, promoting or organising a meeting held in contravention of subsection (1) is guilty of an offence and liable to a penalty not exceeding 20 penalty units.
- (3) Except as provided by subsection (4), a person taking part as a competitor at a meeting held in contravention of subsection (1) is guilty of an offence and liable to a penalty not exceeding 4 penalty units.
- (4) A person is not guilty of an offence under subsection (3) if the person satisfies the court that the person did not know, and could not reasonably be expected to have known, that the meeting concerned was held in contravention of subsection (1).

Part 3 Administrative reviews by the Tribunal

9 Applications for administrative reviews by the Tribunal

A person may apply to the Tribunal for an administrative review under the [Administrative Decisions Review Act 1997](#) of any of the following decisions—

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

10-12 (Repealed)

Part 4 Miscellaneous

13 Delegation

- (1) The Minister may, by instrument in writing, delegate to—
 - (a) a person for the time being holding any specified office or position in the Department of Enterprise, Investment and Trade,
 - (b) the Commissioner of Police for the time being, or
 - (c) a person for the time being holding any specified office or position in the police force and stationed at a place described in the instrument,the exercise of such of the functions of the Minister under this Act or the regulations as may be specified in the instrument.
- (2) A function the exercise of which has been delegated under this section may, while the

delegation remains unrevoked, be exercised from time to time by the delegate in accordance with the terms of the delegation.

- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Notwithstanding any delegation under this section, the Minister may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a delegate acting in the exercise of a delegation under this section has the same force and effect as if done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister.
- (6) The Minister may, by instrument in writing, revoke wholly or in part any delegation under this section.
- (7) An instrument purporting to have been signed by a person in his or her capacity as a delegate of the Minister under this section shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument duly executed by the Minister and shall, until the contrary is proved, be deemed to be an instrument signed by such a delegate.
- (8) In this section—
 - (a) a reference to a function includes a reference to a power, authority and duty, and
 - (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

14 Obstruction of police

A person who hinders, obstructs or wilfully delays a member of the police force in the execution of his or her duty at or in connection with the holding of a meeting for any motor vehicle sport is guilty of an offence and liable to a penalty not exceeding 5 penalty units.

15 Proceedings for offences

Proceedings for an offence against this Act or the regulations may be taken before the Local Court.

16 Advisory committees

- (1) The Minister may from time to time establish one or more advisory committees to undertake the investigation of, and to inform and advise the Minister concerning, any matter relating to motor vehicle sports.
- (2) An advisory committee established under this section shall consist of—

- (a) such members, nominated in accordance with the regulations, of one or more prescribed organisations, being organisations having among their objects the promotion of a motor vehicle sport,
 - (b) such officers or temporary employees of the Department of Enterprise, Investment and Trade, and
 - (c) such other persons, if any,
- as the Minister may appoint.

- (3) A member of an advisory committee established under this section shall be entitled to be paid such remuneration (including travelling and subsistence allowances), if any, as the Minister may from time to time determine in respect of that member.

17 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—
 - (a) the form and manner of applying for and granting licences,
 - (b) the fees for licences and renewals thereof,
 - (c) the transfer of licences,
 - (d) the keeping of records in respect of licences, the inspection of any such records and the fees payable for any such inspection,
 - (e) the form and manner of giving any notification for the purposes of this Act or the regulations,
 - (f) the notification of any change of interest of a licensee in a licensed motor vehicle racing ground,
 - (g) requirements in respect of track construction, safety fences and devices, fire precautions, amenities and other matters in connection with motor vehicle racing grounds,
 - (h) the inspection of motor vehicle racing grounds,
 - (i) the conduct of meetings for motor vehicle sports, wherever held, and
 - (j) the membership (including provision for the filling of vacancies in the offices of members and provision for alternate members), procedure, duties and functions of any advisory committee established under this Act.

- (2) A regulation may impose a penalty not exceeding 5 penalty units for any breach thereof.
- (3) A provision of a regulation may—
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors,
 - (b) apply differently according to different factors of a specified kind, or
 - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,or may do any combination of those things.

18 Repeal and savings

- (1) In this section, **appointed day** means the day appointed and notified under section 2 (2).
- (2) The *Speedway Racing (Public Safety) Act 1957* is repealed.
- (3) Subsection (2) does not affect any provision of the *Metropolitan Traffic Act 1900* or the *Motor Traffic Act 1909* in force immediately before the appointed day.
- (4) A licence under the Act repealed by subsection (2) for a speedway within the meaning of that Act, being a licence which, immediately before the appointed day, had not expired or been cancelled, shall be deemed to be a licence for a motor vehicle racing ground and shall, subject to this Act, continue in force subject to the conditions to which the licence was subject immediately before that day.
- (5) A licence referred to in subsection (4) which, immediately before the appointed day, was under suspension shall, subject to this Act, continue to be suspended for the duration of the period of suspension imposed and shall be deemed to have been suspended under this Act.

19 Other savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 19)

1 Regulations

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

Regulatory Reduction Act 1996, but only in relation to the amendments made to

this Act or the regulations

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

- (2) Any such provision may, if the regulations so provide, take effect as from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than its date of publication in the Gazette, the provision does not operate so as—
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.