

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

Overview of Bill

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

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- (e) to update certain out of date references.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the Mount Panorama Motor Racing Act 1989 set out in Schedule 1.

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

Schedule 1 Amendments

Schedule 1 [2] defines certain terms that are used in provisions to be inserted by the proposed Act in the Mount Panorama Motor Racing Act 1989 (the principal Act). For instance, race track is defined as being any part of a road or road related area within the Mount Panorama Circuit that is used for motor racing and includes the pit area and any other area within the Mount Panorama Circuit prescribed by the regulations. Schedule 1 [4] amends section 4 of the principal Act to clarify the area in respect of which the Minister may designate as being the Mount Panorama Circuit.

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

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

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

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

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

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

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

Proposed section 8D makes it an offence for a person (other than an authorised person) to cause or permit any substance or thing to be placed on, or applied to, the race track on a day specified in a permit for the holding of a meeting for motor racing or associated event if that placement or application creates a risk to the safety of a competitor or other authorised person.

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

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

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

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

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

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

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

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