

Motor Sports (World Rally Championship) Bill 2009

Explanatory note

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

Overview of Bill

The object of this Bill is to facilitate the conduct of a motor sport, known as the **World Rally Championship**.

Outline of provisions

Part 1 Preliminary

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 the date of assent to the proposed Act.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Conduct of rally events

Clause 4 enables the Minister to declare, by order, any area within the Northern Rivers region or other region prescribed by the regulations under the proposed Act as the area (the **declared rally area**) within which a **rally event** (being a round of the World Rally Championship) may be conducted. The proposed section also enables the Minister to designate the period during which the rally event may be conducted (the **declared rally period**). A rally event may not be conducted after the year 2017, unless the regulations under the proposed Act authorise a later year. Orders under the proposed section must be published in the Gazette and may be amended or revoked by a further order.

Clause 5 provides that the Minister may authorise a person (the **rally promoter**) to conduct a rally event in accordance with the proposed Act. That authorisation may be subject to any reasonable conditions that the Minister may impose, by written notice to the rally promoter, relating to public safety, environmental protection, insurance, reporting requirements, transport arrangement and traffic management, reinstatement of land, consultation requirements, financial arrangements, temporary works requirements and emergency vehicle and other property access. The Minister may add, amend or revoke conditions and may revoke an authorisation if the rally promoter contravenes a condition imposed under the proposed section. The contravention of any condition relating to public safety, environmental protection or insurance is an offence.

Clause 6 provides that an authorisation under proposed section 5 may also authorize a rally promoter to carry out **temporary works** associated with a rally event within the declared rally area and the declared rally period, subject to any conditions imposed under proposed section 5. The temporary works include those works to support crew, media and spectators, including service roads, parking, security and fencing, traffic and rally control facilities, utility, telecommunication, media and lighting facilities, facilities for vehicles, temporary structures such as seating, stands, shade, catering and toilet facilities, advertising signage, fire fighting and medical facilities and road maintenance works. The use of Walter Peate Reserve, Kingscliff, or other prescribed area, as a temporary helipad, with restricted hours and numbers of flights is also a temporary work. The rally promoter must comply with any written direction of the Minister to ensure compliance with, or to rectify a breach of, a condition relating to temporary works.

Clause 7 requires a rally promoter to carry out land reinstatement work arising from the conduct of a rally event. The proposed section clarifies that any damage caused by deliberate vandalism or by persons aiming to disrupt the conduct of a rally event is excluded.

Clause 8 provides for public authorities to assist in the conduct of rally events and related works or activities.

Clause 9 provides for directions necessary for the safety of persons to be given by police officers to persons on a road on which a rally event is being conducted, or on public or private land adjacent to, or in the vicinity of, that road. Any such direction must be reasonable for the purpose of reducing or eliminating the risk to safety and may be given to persons comprising a group. An offence is committed with a maximum penalty of \$220 if a person persists in the relevant conduct without reasonable excuse after a direction is given.

Part 3 Application of other laws

Clause 10 modifies the application of the *Environmental Planning and Assessment Act 1979* in respect of declarations, authorisations, the conduct of rally events and **rally-related activities** (being the carrying out and dismantling of temporary works, the reinstatement of land and the activities of public authorities under proposed section 8).

Clause 11 provides that a person who is authorised, permitted or required to do anything in relation to roads and areas immediately adjacent to roads by or under the proposed Act may do that thing despite the fact that the doing of it is not authorised (when required to be) or permitted by or under the *National Parks and Wildlife Act 1974*. It further provides that any act that is authorised, permitted or required by or under the proposed Act is taken to be a defence to a prosecution for various offences contained in Part 8A of the *National Parks and Wildlife Act 1974*.

Clause 12 provides that any act that is authorised, permitted or required by or under the proposed Act is taken to be a defence to a prosecution for various offences contained in Part 7A of the *Fisheries Management Act 1994*.

Clause 13 provides that a person who is authorised, permitted or required to do anything by or under the proposed Act may do that thing despite the fact that the doing of it is not authorised (when required to be) by, or is contrary to, or is inconsistent with, the terms and conditions of an approval granted under, the *Local Government Act 1993*. The proposed section also provides that community land may be used for anything authorised, permitted or required by or under the proposed Act despite any restriction, including a plan of management for community land, applying to the land under the *Local Government Act 1993*.

Clause 14 provides that a person who is authorised, permitted or required to do anything under the proposed Act in relation to roads may do that thing despite the fact that it is not authorised (when required to be) by or under the *Forestry Act 1916*.

Clause 15 provides that a person who is authorised, permitted or required to do anything under the proposed Act may do that thing despite the fact that it is not approved as a controlled activity (when required to be) by or under the *Water Management Act 2000*.

Clause 16 enables a reserve under the *Crown Lands Act 1989* to be used for anything that is authorised, permitted or required by or under the proposed Act.

Clause 17 suspends the following provisions of road and noise legislation, except to the extent provided by the regulations under the proposed Act:

(a) the provisions of, or an instrument made under, the *Motor Vehicle Sports (Public Safety) Act 1985*, section 40 of the *Road Transport (Safety and Traffic Management) Act 1999* and the *Roads Act 1993* do not apply in respect of a rally event during a declared rally period,

(b) for the purposes of the road transport legislation, within the meaning of the *Road Transport (General) Act 2005*, or an instrument made under that Act, a road or road related area temporarily closed during its use for the purposes of a rally event, is not a road or road related area within the meaning of that legislation,

(c) the provisions of, or an instrument made under, the *Protection of the Environment Operations Act 1997* that relate to noise do not apply in respect of anything that is authorised, permitted or required by or under the proposed Act.

Clause 18 provides that anything done or omitted to be done by a person pursuant to the proposed Act does not constitute a nuisance.

Part 4 Miscellaneous

Clause 19 provides for the delegation of functions of the Minister under the proposed Act.

Clause 20 protects the exercise of certain functions of the Minister (or any delegate of the Minister) or a public authority from challenge or review before a court or administrative review body or from being restrained, removed or otherwise affected by any proceedings.

Clause 21 provides that directors, and other persons concerned in the management of a corporation, who knowingly authorise or permit the contravention of a provision of the proposed Act are to be taken to have contravened the same provision.

Clause 22 provides that proceedings for an offence under the proposed Act or the regulations may be dealt with summarily before a Local Court.

Clause 23 provides that proceedings:

(a) under the proposed Act may only be instituted by a person with the consent of the Minister, and

(b) under sections 219, 252 and 253 of the *Protection of the Environment Operations Act 1997* and under section 20 (2) of the *Land and Environment Court Act 1979* (relating to the *Protection of the Environment Operations Act 1997*) that arise out of the conduct of a rally event, may only be instituted by, or with the authority of, the Environment Protection Authority.

Clause 24 authorises the Governor to make regulations for the purposes of the proposed Act, including provisions of a savings or transitional nature.

Clause 25 provides for the review of the proposed Act in 5 years.