



New South Wales

Motor Racing Legislation Amendment (Newcastle 500) Bill 2017

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 in New South Wales of an annual motor race, and its associated races and events, in the City of Newcastle local government area as an alternative to conducting the race at Sydney Olympic Park in Homebush.

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Homebush Motor Racing (Sydney 400) Act 2008 No 106

Schedule 1 amends the *Homebush Motor Racing (Sydney 400) Act 2008* (the *Principal Act*) to give effect to the object set out in the Overview above.

Currently, the Principal Act facilitates the conduct of an annual V8 motor race at Sydney Olympic Park in Homebush. **Schedule 1 [1], [2], [4]–[13], [16] and [17]** make amendments to enable the motor race authorised under the Principal Act to be conducted each year in the City of Newcastle local government area or Sydney Olympic Park in Homebush, but not both places.

Schedule 1 [3] consequently changes the name of the Principal Act to the *Motor Racing (Sydney and Newcastle) Act 2008*.

Schedule 1 [4], [6] and [8] also make amendments to enable the motor race authorised to be conducted under the Principal Act to be any type of motor race (rather than only a V8 motor race).

Schedule 1 [14] makes an amendment to clarify how provisions under the Principal Act and the *Roads Act 1993* are to interact. **Schedule 1 [15]** is a consequential amendment.



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New South Wales

Motor Racing Legislation Amendment (Newcastle 500) Bill 2017

No. , 2017

A Bill for

An Act to amend the *Homebush Motor Racing (Sydney 400) Act 2008* to facilitate the conduct of an annual motor race and associated races and events at Newcastle.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Motor Racing Legislation Amendment (Newcastle 500) Act 2017*.

3

2 Commencement

4

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

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| Schedule 1 | Amendment of Homebush Motor Racing (Sydney 400) Act 2008 No 106 | 1 |
| | | 2 |
| [1] | Whole Act (except section 46 and Schedule 2 and where otherwise amended by this Schedule) | 3 |
| | Omit “Homebush” wherever occurring. | 4 |
| | | 5 |
| [2] | Long title | 6 |
| | Insert “or Newcastle” after “Homebush”. | 7 |
| [3] | Section 1 | 8 |
| | Omit the section. Insert instead: | 9 |
| | 1 Name of Act | 10 |
| | This Act is the <i>Motor Racing (Sydney and Newcastle) Act 2008</i> . | 11 |
| [4] | Section 3 Definitions | 12 |
| | Omit the definitions of <i>Homebush motor race</i> and <i>Homebush motor racing period</i> from section 3 (1). | 13 |
| | Insert in alphabetical order: | 14 |
| | <i>motor race</i> means a motor race, and any associated races and events, authorised under Division 1 of Part 3. | 15 |
| | <i>motor racing period</i> —see section 12. | 16 |
| | | 17 |
| | | 18 |
| [5] | Section 12 Minister may declare racing area and racing period | 19 |
| | Omit section 12 (1) and (2). Insert instead: | 20 |
| | (1) The Minister may, by order published in the Gazette, declare any area within Sydney Olympic Park or the City of Newcastle local government area as the area within which a motor race may be conducted (the <i>declared racing area</i>). | 21 |
| | | 22 |
| | | 23 |
| | (2) The Minister may, by order published in the Gazette, designate the period during which a motor race may be conducted in the declared racing area (the <i>motor racing period</i>). | 24 |
| | | 25 |
| | | 26 |
| [6] | Section 13 Approval of person who may apply for authorisation to conduct race (the race promoter) | 27 |
| | Omit section 13 (1). Insert instead: | 28 |
| | | 29 |
| | (1) The Minister may, by order, approve the person who is entitled to apply to Destination NSW for an authorisation under section 15 to conduct a motor race, and other associated races and events, within the declared racing area during the motor racing period. | 30 |
| | | 31 |
| | | 32 |
| | | 33 |
| [7] | Section 14 Provisions relating to Ministerial orders | 34 |
| | Omit section 14 (1). Insert instead: | 35 |
| | (1) An order made under this Division may be made to enable the conduct of only one motor race in each year. | 36 |
| | | 37 |

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| [8] Section 15 Conduct of race requires authorisation by Destination NSW | 1 |
| Omit section 15 (1) and (2). Insert instead: | 2 |
| (1) A motor race, and other associated races and events, are not authorised to be conducted under this Act unless Destination NSW authorises the conduct of the race, and the associated races and events, under this section. | 3 4 5 |
| (2) Destination NSW may authorise the race promoter to conduct a motor race, and other associated races and events, subject to and in accordance with this Act. | 6 7 8 |
| [9] Section 17 Authorisation to carry out works | 9 |
| Omit section 17 (5). Insert instead: | 10 |
| (5) Before granting an authorisation under this section, Destination NSW must consult with the following: | 11 |
| (a) the Sydney Olympic Park Authority—in relation to a motor race within Sydney Olympic Park, | 12 13 14 |
| (b) Newcastle City Council—in relation to a motor race within the City of Newcastle local government area, | 15 16 |
| (c) any other public or local authority prescribed by the regulations for the purposes of this subsection. | 17 18 |
| [10] Section 18 Community and other consultation | 19 |
| Omit section 18 (a) (iii). Insert instead: | 20 |
| (iii) the Sydney Olympic Park Authority—in relation to a motor race within Sydney Olympic Park, and | 21 22 |
| (iia) Newcastle City Council—in relation to a motor race within the City of Newcastle local government area, and | 23 24 |
| (iib) any other public or local authority prescribed by the regulations for the purposes of this paragraph, and | 25 26 |
| [11] Section 18 (c) | 27 |
| Omit “at Sydney Olympic Park and in those areas adjacent to Sydney Olympic Park”. | 28 |
| Insert instead “on land within the works area and land adjacent to the works area”. | 29 |
| [12] Section 22 Removal of unattended motor vehicles | 30 |
| Omit section 22 (1) and (2). Insert instead: | 31 |
| (1) At any time during the motor racing period, the following officers may, and must at the request of Destination NSW, remove any unattended motor vehicle or trailer from the declared racing area: | 32 33 34 |
| (a) a police officer, | 35 |
| (b) a SOPA officer—in relation to a motor race within Sydney Olympic Park, | 36 37 |
| (c) a Newcastle City Council officer—in relation to a motor race within the City of Newcastle local government area. | 38 39 |
| [13] Section 22 (5) | 40 |
| Insert in alphabetical order: | 41 |
| <i>Newcastle City Council officer</i> means a person: | 42 |

| | | |
|-------------|--|----------------------|
| | (a) who is employed by Newcastle City Council, or | 1 |
| | (b) who is subject to the control and direction of that council, | 2 |
| | and who is an authorised person (within the meaning of the <i>Local Government Act 1993</i>) for the purposes of section 679 of that Act. | 3 4 |
| [14] | Section 29A | 5 |
| | Insert after section 29: | 6 |
| | 29A Suspension and application of Roads Act 1993 | 7 |
| | (1) Except to the extent that the regulations otherwise provide and subject to any modifications specified in the regulations, the provisions of the <i>Roads Act 1993</i> do not apply within the declared racing area during a motor racing period (including the conduct of a motor race during the motor racing period). | 8 9 10 11 |
| | (2) A person who is authorised to carry out works under this Act may carry out those works despite the fact that carrying out those works is not authorised (when it is required to be) by, or is contrary to, or inconsistent with, the provisions of the <i>Roads Act 1993</i> or any regulations made under that Act. | 12 13 14 15 |
| [15] | Section 30 Suspension of certain Acts | 16 |
| | Omit section 30 (2). | 17 |
| [16] | Section 35 Use of official title and official insignia | 18 |
| | Insert “or Newcastle 500” after “Sydney 400” in the definition of <i>official title</i> in section 35 (3). | 19 20 |
| [17] | Section 37 Prohibition of certain advertising on buildings and structures | 21 |
| | Insert “or Newcastle City Council, as appropriate,” after “Sydney Olympic Park Authority” in section 37 (8) (b). | 22 23 |