



New South Wales

Motor Sports Bill 2021

Explanatory note

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

Overview of Bill

The object of this Bill is to regulate motor sports to—

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

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.

Clause 3 provides for the Dictionary in the proposed Act, Schedule 3 to define certain terms used in the proposed Act.

Clause 4 sets out the objects of the proposed Act.

Part 2 Motor racing other than on licensed racing grounds

Division 1 Authorisation to conduct motor race

Clause 5 provides that the Minister may specify certain matters in relation to a motor race by order published in the Gazette. The matters that may be specified by the Minister are as follows—

- (a) the land on which the motor race, including associated events and ancillary activities, may be conducted (the *event area*),
- (b) the period during which the motor race may be conducted in the event area (the *event period*),
- (c) the person (the *promoter*) who is entitled to apply for an authorisation to conduct the motor race (a *motor race authorisation*),
- (d) the way and time in which the application must be made,
- (e) the government sector agency that is to be the government coordinating agency for the motor race.

Clause 6 enables the Minister to give a motor race authorisation for a motor race, for a period of up to 5 years, on the advice of the government coordinating agency for the motor race.

Clause 7 provides that a motor race authorisation may be given subject to conditions that the Minister considers reasonable to impose, including conditions relating to certain matters specified in the proposed section. The Minister may change the conditions at any time by giving written notice to the promoter and must give the promoter written notice of the change before changing the conditions. The government coordinating agency must review the conditions within 4 months after the end of each motor race authorised by the motor race authorisation to decide whether the conditions remain appropriate.

Clause 8 requires a promoter, as a condition of a motor race authorisation, to prepare certain plans that must be approved by an organisation nominated to approve the plans or by the government coordinating agency.

Clause 9 requires a promoter, as a condition of a motor race authorisation, to comply with a reasonable direction in relation to certain matters given by the government coordinating agency for the motor race.

Clause 10 requires a promoter to comply with the conditions of the motor race authorisation and sets out the consequences for failing to comply with a condition. The government coordinating agency for the motor race may cancel the motor race authorisation if satisfied of certain matters, including the promoter's failure to comply with a condition. The proposed section makes it an offence to fail to comply with a condition. It is a defence if the promoter establishes that the commission of the offence was due to causes over which the promoter had no control, and the promoter took reasonable precautions and exercised due diligence to prevent the commission of the offence.

Clause 11 enables the Premier, by written notice to the promoter for a motor race, to cancel or vary an order of the Minister for the motor race or the motor race authorisation, including by imposing conditions or restrictions. The Premier may take the action only on the advice of certain persons and if the Premier is reasonably satisfied it is necessary because of a significant risk of harm to persons from a natural or other threat. The Premier is not required to consult with the promoter before taking the action.

Clause 12 provides that 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 and cordoned off in accordance with a works approval given under proposed Part 2, Division 2.

Division 2 Carrying out works

Clause 13 defines certain words used in the proposed Division.

Clause 14 requires a promoter who proposes to carry out works associated with the motor race, associated events or ancillary activities to satisfy certain consultation requirements in relation to the proposed works.

Clause 15 provides that a promoter may apply to the government coordinating agency for approval (a *works approval*) to carry out works associated with the motor race, associated events or ancillary activities. The proposed section sets out requirements relating to—

- (a) the way in which the application must be made, and
- (b) the content of the application, and
- (c) the requirements that must be met before the application is decided.

Clause 16 requires the government coordinating agency to consult with certain bodies and persons and be satisfied of certain matters before giving a works approval for a motor race.

Clause 17 provides that a works approval may 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, including works specified in the proposed section. The proposed section also provides that a works approval must not authorise particular works.

Clause 18 provides that a works approval authorises the promoter to carry out the works specified in the works approval and do anything reasonably necessary to carry out those works. The works approval must specify certain matters, may authorise works carried out outside the event area and event period for the motor race and may be given subject to conditions.

Clause 19 provides that a promoter, during the period in which works are carried out under a works approval, is taken to be the exclusive owner of the land on which the works are carried out for the purposes of the appointment of a principal contractor for the works and other purposes prescribed by the regulations. The proposed section also provides that it is a condition of the motor race authorisation that the promoter carries out works only in accordance with the works approval.

Clause 20 requires the promoter, unless otherwise authorised by the government coordinating agency, to do the following—

- (a) remove any rubbish from the event area,
- (b) repair all damage and, as far as is practicable, return the land to its previous condition if the land is damaged or otherwise affected by the promoter's activities.

The work must be completed within a reasonable time after the event period, and the government coordinating agency may cause the work to be carried out if the promoter fails to carry out the work within the time. The proposed section provides for the government coordinating agency to recover the cost of carrying out the work from the promoter.

Clause 21 provides that the proposed Division does not apply to Mount Panorama at Bathurst.

Division 3 Roads and traffic

Subdivision 1 Preliminary

Clause 22 provides for the interaction of the proposed Division with road transport legislation.

Clause 23 enables penalty notices to be issued in relation to offences created by the proposed Division.

Subdivision 2 Traffic management plan

Clause 24 requires the promoter for a motor race to prepare a traffic management plan in consultation with certain bodies. The plan must identify—

- (a) the roads affected by (the *traffic management area*)—
 - (i) the motor race, associated events and ancillary activities, and
 - (ii) the works authorised by the works approval for the motor race, and
- (b) the period during which the powers under the proposed Division may be used (the *traffic management period*).

A traffic management plan does not apply to a private road unless the owner or occupier of the private road has given written consent. A 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.

Subdivision 3 Motor race event lanes

Clause 25 defines certain words and expressions used in the proposed Subdivision.

Clause 26 provides that 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. A person must not drive a vehicle in a motor race event lane unless authorised by the proposed section.

Clause 27 enables a promoter to 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. The motor race event lane permit must be prominently displayed at all times the vehicle is in a motor race event lane. The proposed section enables a police officer to direct the person in charge of a vehicle in a motor race event lane to produce for inspection the motor race event lane permit relied on by the person. The proposed section makes it an offence for the person in charge of the vehicle to fail to immediately comply with the direction.

Subdivision 4 Road closures

Clause 28 enables a promoter to, in accordance with a traffic management plan, control and regulate traffic and temporarily close a road. A road must not be closed under the proposed section unless the roads authority for the road has given public notice of the proposed closure at least 7 days before the closure. Public notice is to be given in a way approved by the government coordinating agency.

Clause 29 enables the roads authority for a road to close the road to provide integrated road and transport services for a motor race or associated events if certain conditions are met.

Clause 30 provides that roads, including roads on land outside the traffic management area for a motor race, may if asked by the promoter, be closed by the roads authority for the road during the traffic management period. The road may not be closed for more than 3 consecutive days. Public notice of the closure is not required to be given by the roads authority.

Clause 31 provides that a road must not be closed under the proposed Subdivision for a period longer than is necessary to serve the purpose for which the road is closed.

Clause 32 makes it an offence for a person to do the following in relation to road closures under the proposed Subdivision—

- (a) bring a vehicle onto a road closed to vehicles if the person knows the road is closed,
- (b) fail to remove a vehicle from a road closed to vehicles as soon as practicable after being directed to remove the vehicle by an authorised officer,
- (c) enter a road closed to pedestrians if the person knows the road is closed,
- (d) fail to leave a road closed to pedestrians as soon as practicable after being directed to leave by an authorised officer,
- (e) damage, remove or interfere with a sign or barrier erected for the purpose of closing a road.

The proposed section provides that a person is taken to know a road is closed if there is a sign or barrier indicating the road is closed. A person does not commit an offence under the proposed section for anything done with the approval of an authorised officer.

Subdivision 5 Removal of vehicles

Clause 33 provides for the removal of unattended motor vehicles or trailers in a traffic management area during the traffic management period. The proposed section only has effect in relation to a traffic management area during the traffic management period if the promoter has notified the public.

Clause 34 enables the government coordinating agency to direct that an unattended motor vehicle or trailer be removed from land in a traffic management area during the traffic management period. 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 authorised to be carried out by the works approval.

It is not necessary that the vehicle or trailer is standing unlawfully for a direction to be given. A person must not be required to pay a tow-away charge for the removal of the vehicle or trailer if the vehicle or trailer is not standing unlawfully. 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.

Division 4 Entry to areas

Clause 35 provides that, in the proposed Division, *ticket* includes a permit or authority, however expressed. The proposed section also provides that the proposed Division applies to part of the event area for a motor race in the same way as it applies to the event area.

Clause 36 provides that the exercise of powers under the proposed Division in relation to the event area for a motor race is subject to limitations specified in the motor race authorisation.

Clause 37 enables a promoter or an authorised officer to prohibit, regulate or otherwise control the entry of persons, vehicles or vessels to the event area by erecting a sign or giving a direction to a relevant person. The proposed section makes it an offence for the person to contravene a sign or direction.

Clause 38 provides that an authorised officer may ask a person, as a condition of entry to an event area, to do the following—

- (a) undergo a search of the person conducted using an electronic device, including by the use of a hand-held scanning device or by 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.

A failure to comply with a request given under the proposed section is grounds for the person to be directed to leave the area.

Clause 39 makes it an offence for a person in an event area to obstruct another person in the performance of the other person's work or duties.

Clause 40 enables the promoter or an authorised officer to give a reasonable direction to a person for the purposes of securing good order, management and enjoyment of an event area. A failure to comply with the direction is grounds for the person to be directed to leave the area.

Clause 41 enables an authorised officer to ask a person who is in the event area to do the following—

- (a) produce a ticket for inspection if a ticket is required to be held in the area,
- (b) permit any article in the person's possession to be inspected, including by opening it and inspecting its contents.

A failure to comply with a request given under the proposed section is grounds for the person to be directed to leave the area.

Clause 42 makes it an offence for a person to enter or remain on a motor racing track during a motor race unless the person is a participant in the motor race, is engaged in the control or management of the motor race or is authorised to be on the track.

Clause 43 enables an authorised officer to direct a person to leave the event area. It is an offence for a person to fail to comply with the direction. The authorised officer may remove the person if

the person fails to comply with the direction. The authorised officer may use reasonable force and may confiscate a ticket held by the person for entry into the event area.

Clause 44 enables the promoter, the government coordinating agency for the motor race or an authorised officer to make a visual recording of a person who is removed from the event area. 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

Clause 45 enables regulations made under the proposed Act to restrict the application of the proposed Subdivision.

Clause 46 provides for the interaction of specified Acts with things authorised, permitted or required to be done by or under the proposed Part.

Clause 47 provides that the *Road Transport Act 2013*, section 115 and the *Roads Act 1993*, including an instrument made in relation to section 115 or under the *Roads Act 1993*, do not apply during the event period for a motor race in relation to the conduct of the motor race or associated event. The proposed section also provides that a road temporarily closed for the conduct of a motor race or an associated event is taken not to be a road or road-related area for the purposes of the road transport legislation for the duration of the closure.

Subdivision 2 Protection from liability

Clause 48 defines certain words used in the proposed Subdivision.

Clause 49 protects persons from liability in nuisance in certain circumstances.

Clause 50 provides that compensation is not payable by or on behalf of a protected person, as defined in the proposed section, for certain acts done in good faith. The proposed section does not apply to acts causing the death of a person or personal injury to a person. In addition, the proposed section does not affect compensation payable by a protected person under an indemnity or other agreement.

Clause 51 provides that compensation is not payable by or on behalf of a promoter, or an employee or agent of a promoter, for economic loss arising from certain acts. The proposed section does not apply to acts causing the death of a person, personal injury to a person or damage to property. In addition, the proposed section does not affect compensation payable by a protected person under an indemnity or other agreement.

Division 6 Protection of commercial interests of promoter

Clause 52 makes it an offence for a person to use an official title or insignia for a motor race for a commercial purpose without the approval of the promoter.

Clause 53 requires certain persons to ensure, for a specified period, no advertising material is on a building or structure on land designated as an advertising controlled site for a motor race by the government coordinating agency. The proposed offence does not apply to certain advertising material, including advertising material exempted from the proposed section by the regulations and advertising material the government coordinating agency permits to be on a particular building or structure.

Clause 54 enables the government coordinating agency to authorise a person as an advertising enforcement officer for the motor race for the purposes of the proposed section. The government coordinating agency must provide each advertising enforcement officer with an identification card which must be produced for inspection if asked. An advertising enforcement officer may obliterate or remove any advertising material that contravenes proposed section 53 and enter on land if necessary to carry out the obliteration or removal. 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. An advertising enforcement officer must cause as little damage as possible when exercising functions under the proposed section.

Division 7 Miscellaneous

Clause 55 specifies the obligations of the government sector agency in relation to a motor race. The proposed section also enables the Minister to give a written direction to a government sector agency requiring it to comply with a request by the government coordinating agency in certain circumstances.

Clause 56 enables the regulations to require a promoter to pay a fee for the exercise of any function of the Minister or a government sector agency under the proposed Part in relation to the motor race.

Part 3 Enforcement

Clause 57 enables the Minister to appoint certain persons as an authorised officer for the purposes of the proposed Act. The Minister must provide each authorised officer, other than a police officer, with an identification card which the authorised officer must produce for inspection in certain circumstances.

Clause 58 specifies the purposes for which an authorised officer may exercise functions conferred by the proposed Part (an *authorised purpose*).

Clause 59 confers power on authorised officers to enter premises at a reasonable hour in the daytime or when business is in progress or is usually carried out on the premises and enables an authorised officer to be accompanied by assistants if necessary. Entry may be effected with or without the authority of a search warrant. The proposed section does not authorise entry to any part of premises used for residential purposes unless the occupier has given permission or the authorised officer is authorised to enter by a search warrant. An authorised officer may, at premises lawfully entered, do anything the authorised officer considers necessary to be done for an authorised purpose, including things specified in the proposed section.

Clause 60 enables a search warrant to be granted for premises if there are reasonable grounds to believe there has been a contravention of the proposed Act on the premises or there is in or on the premises a matter or thing connected with an offence under the proposed Act or regulations under the proposed Act.

Clause 61 enables authorised officers to, by written notice given to a person, require the person to give information the authorised officer reasonably requires for an authorised purpose.

Clause 62 provides that a person is not excused from giving information on the grounds the information might incriminate the person or make the person liable to a penalty. Information given by a person in compliance with the requirement is not admissible in evidence against the person in criminal proceedings if certain circumstances are met. However, this restriction does not prevent information from being admitted in proceedings for an offence under the proposed Part or the *Crimes Act 1900*, Part 5A.

Clause 63 makes it an offence for a person, without lawful excuse, to fail to comply with a requirement to give information under the proposed Part. A person is not guilty of the offence unless the person was warned on that occasion that failure to comply is an offence. The proposed section also makes it an offence for a person to—

- (a) give information knowing that the information is false or misleading in a material respect, or
- (b) obstruct, hinder or interfere with an authorised officer in the exercise of the authorised officer's functions.

Part 4 Miscellaneous

Part 4 contains various provisions relating to the general operation of the proposed Act, including provisions relating to the following—

- (a) the regulation of airspace over an area that is an event area for a motor race and at which a motor race is being held,
- (b) the amendment or repeal of instruments made under the proposed Act,
- (c) the liability of executives in relation to a contravention of a provision of the proposed Act by a corporation,
- (d) the nature of proceedings for offences under the proposed Act or regulations, including for offences to be dealt with summarily before the Local Court or the Supreme Court in its summary jurisdiction,
- (e) enabling offences prescribed by the regulations as penalty notice offences to be dealt with by the issue of a penalty notice rather than through court proceedings,
- (f) the power to make regulations.

The proposed Part also repeals the *Motor Racing (Sydney and Newcastle) Act 2008*, the *Motor Sports (World Rally Championship) Act 2009* and the *Mount Panorama Motor Racing Act 1989* and instruments made under the Acts.

Schedule 1 Savings, transitional and other provisions

Schedule 1 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

Schedule 2 Amendment of Acts and an instrument

Schedule 2.1 amends the *Law Enforcement (Powers and Responsibilities) Act 2002* to apply Part 5, Division 4 of that Act relating to search warrants to warrants issued under the proposed Act, section 60.

Schedule 2.2 amends the *Major Events Act 2009* to exclude a motor race, within the meaning of the proposed Act, from the application of that Act.

Schedule 2.3 updates a reference in the *Protection of the Environment Operations (Clean Air) Regulation 2021* to a motor race authorised under the *Motor Racing (Sydney and Newcastle) Act 2008* to a motor race authorised under the proposed Act.

Schedule 3 Dictionary

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



New South Wales

Motor Sports Bill 2021

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New South Wales

Motor Sports Bill 2021

No. , 2021

A Bill for

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

The Legislature of New South Wales enacts—	1
Part 1 Preliminary	2
1 Name of Act	3
This Act is the <i>Motor Sports Act 2021</i> .	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Definitions	7
The Dictionary in Schedule 3 defines certain terms used in this Act.	8
Note— The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	9 10
4 Objects of Act	11
The objects of this Act are—	12
(a) to support the expansion of motor sports in New South Wales, and	13
(b) to facilitate the conduct of major motor sports events in New South Wales.	14

Part 2 Motor racing other than on licensed racing grounds 1

Division 1 Authorisation to conduct motor race 2

5 Minister may specify racing area and racing period 3

- (1) The Minister may specify the following for a motor race by order— 4
- (a) land on which the following may be conducted (the *event area*)— 5
 - (i) the motor race, 6
 - (ii) associated events, 7
 - (iii) ancillary activities, 8
 - (b) the period during which the motor race, associated events and ancillary activities may be conducted in the event area (the *event period*), 9 10
 - (c) the person (the *promoter*) who is entitled to apply for a motor race authorisation for the motor race, being— 11 12
 - (i) for a motor race at Mount Panorama at Bathurst—Bathurst Regional Council, or 13 14
 - (ii) otherwise—a person chosen by the Minister, 15
 - (d) the way and time in which the application for a motor race authorisation must be made, 16 17
 - (e) the government sector agency that is to be the government coordinating agency for the motor race. 18 19
- Note—** If no agency is specified, the Office of Sport is the default government coordinating agency. 20 21
- (2) The order— 22
- (a) takes effect— 23
 - (i) when it is published in the Gazette, or 24
 - (ii) if a later date is specified in the order—on the later date, and 25
 - (b) remains in force until the end of the period of 5 years from the date it took effect unless sooner revoked, and 26 27
 - (c) must not enable the conduct of more than— 28
 - (i) for motor races at Mount Panorama at Bathurst—5 motor races in each year, or 29 30
 - (ii) otherwise—2 motor races at a particular place in each year, and 31
 - (d) must comply with requirements prescribed by the regulations. 32
- (3) A motor race that is an associated event is not to be counted for the purposes of subsection (2)(c). 33 34
- (4) The regulations may prescribe circumstances in which races held on only part of the Mount Panorama race circuit may be conducted without a motor race authorisation. 35 36
- (5) The Minister must seek the advice of the Office of Sport before making the order. 37
- #### 6 Conduct of race requires motor race authorisation 38
- (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*). 39 40 41
- (2) A motor race authorisation must not be given for a period longer than 5 years. 42

(3)	A motor race is authorised to be conducted in accordance with a motor race authorisation.	1 2
7	Conditions of motor race authorisation	3
(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—	4 5
(a)	public safety,	6
(b)	public health,	7
(c)	environmental protection,	8
(d)	noise management,	9
(e)	insurance,	10
(f)	reporting requirements,	11
(g)	transport arrangements,	12
(h)	reinstatement of land,	13
(i)	consultation requirements,	14
(j)	financial arrangements, including the provision of security,	15
(k)	event and works planning requirements,	16
(l)	engineering certification requirements,	17
(m)	the exercise of powers under Division 4.	18
(2)	The Minister may change the conditions at any time.	19
(3)	Before changing the conditions, the Minister must give the promoter written notice of the proposed change.	20 21
(4)	The government coordinating agency must review the conditions to decide whether the conditions remain appropriate.	22 23
(5)	The review must occur within 4 months after the end of each motor race authorised by the motor race authorisation.	24 25
8	Condition that promoter prepare plans	26
(1)	It is a condition of a motor race authorisation that the promoter for the motor race prepare—	27 28
(a)	a plan showing the proposed route of the motor race, and	29
(b)	a safety plan that—	30
(i)	sets out the steps the promoter proposes to take to ensure the safety of persons at the motor race and associated events, and	31 32
(ii)	includes anything required to be in the plan by the regulations or the motor race authorisation.	33 34
(2)	The promoter must ensure the plans are approved by—	35
(a)	the organisation nominated to approve the plans in the motor race authorisation, or	36 37
(b)	if no organisation is nominated, the government coordinating agency.	38
9	Condition that promoter comply with directions of government coordinating agency	39
	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—	40 41 42

(a)	the giving of information, or	1
(b)	the exercise of functions under the motor race authorisation, or	2
(c)	public health or safety.	3
10	Compliance with conditions	4
(1)	A promoter for a motor race must comply with the conditions of the motor race authorisation.	5 6
(2)	The government coordinating agency for the motor race may cancel the motor race authorisation if satisfied that—	7 8
(a)	the promoter for the motor race has failed to comply with a condition, and	9
(b)	the failure to comply is of a serious or continuing nature, and	10
(c)	it is appropriate to cancel the motor race authorisation in the circumstances.	11
(3)	A promoter who fails to comply with a condition is guilty of an offence.	12
	Maximum penalty—	13
(a)	for an individual—\$250,000, or	14
(b)	for a corporation—\$1,000,000.	15
(4)	The regulations may create an offence of failing to comply with a condition of a particular kind.	16 17
(5)	Subsection (3) does not apply to a condition of the kind prescribed.	18
(6)	It is a defence if the promoter establishes that—	19
(a)	the commission of the offence was due to causes over which the promoter had no control, and	20 21
(b)	the promoter took reasonable precautions and exercised due diligence to prevent the commission of the offence.	22 23
11	Cancelling or varying order or authority by Premier	24
(1)	The Premier may do the following by giving written notice to the promoter for a motor race—	25 26
(a)	cancel or vary an order of the Minister for the motor race,	27
(b)	cancel or vary the motor race authorisation.	28
(2)	The Premier may take action under this section only—	29
(a)	on the advice of—	30
(i)	the Commissioner of Police, or	31
(ii)	the Commissioner of Fire and Rescue NSW, or	32
(iii)	the Commissioner of the NSW Rural Fire Service, or	33
(iv)	the Commissioner of the State Emergency Service, or	34
(v)	the Chief Health Officer, and	35
(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.	36 37
(3)	The Premier is not required to consult with the promoter before taking action under this section.	38 39
(4)	In this section—	40
	<i>vary</i> includes impose conditions or restrictions.	41

12 Promoter responsible for conduct and activities	1
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—	2 3 4
(a) during the event period for the motor race, and	5
(b) outside the event period, if the land is fenced or cordoned off in accordance with a works approval for the motor race.	6 7
Division 2 Carrying out works	8
13 Definitions	9
In this Division—	10
<i>affected land</i> for a works approval means the land on which works will be carried out under the approval.	11 12
<i>affected person</i> for a works approval for a motor race means the following—	13
(a) each occupier of—	14
(i) affected land, or	15
(ii) land adjacent to affected land,	16
(b) the local council for the affected land,	17
(c) each other public or local authority prescribed by the regulations,	18
(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—	19 20
(i) in the motor race authorisation, or	21
(ii) by written notice to the promoter from the government coordinating agency for the motor race.	22 23
<i>proposed works information</i> means the following—	24
(a) a description of the proposed works,	25
(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,	26 27
(c) the period during which the works are proposed to be carried out,	28
(d) other information about the works or the relevant motor race, associated events or ancillary activities prescribed by the regulations.	29 30
14 Consultation on proposed works	31
(1) The promoter for a motor race who proposes to carry out works associated with the motor race, associated events or ancillary activities must—	32 33
(a) make the proposed works information available to affected persons, and	34
(b) invite submissions to be made by affected persons about the proposed works, and	35 36
(c) otherwise conduct consultation in relation to the works, as required by the conditions of the motor race authorisation.	37 38
(2) The information must be made available in accordance with the regulations and the motor race authorisation.	39 40

15	Application for approval to carry out works	1
(1)	The promoter for a motor race may apply to the government coordinating agency for the motor race for approval (a <i>works approval</i>) to carry out works associated with the motor race, associated events or ancillary activities.	2 3 4
(2)	The application must—	5
(a)	be written, and	6
(b)	be in a form approved by the government coordinating agency, and	7
(c)	include—	8
(i)	the proposed works information, and	9
(ii)	other information required to be included in the application by the motor race authorisation.	10 11
(3)	The application may be made before, but must not be decided until—	12
(a)	affected persons have had a reasonable opportunity to make submissions about the proposed works, and	13 14
(b)	if the motor race authorisation requires other consultation to be conducted before the application is decided (<i>additional consultation</i>)—the additional consultation has been conducted, and	15 16 17
(c)	the promoter has given the government coordinating agency—	18
(i)	details of the submissions made by affected persons, and	19
(ii)	details of the outcome of the additional consultation, if applicable.	20
16	Government coordinating agency must consult before giving works approval	21
	Before giving a works approval for a motor race, the government coordinating agency must—	22 23
(a)	consult with—	24
(i)	the local council for the affected land, and	25
(ii)	each other public or local authority prescribed by the regulations, and	26
(b)	be satisfied the promoter has—	27
(i)	taken all reasonable steps to consult with affected persons, and	28
(ii)	taken into account any representations made by an affected person, and	29
(c)	be satisfied the promoter will ensure the following will be prevented or minimised—	30 31
(i)	harm to the environment or heritage,	32
(ii)	disruption to the lawful activities of other persons.	33
17	Works that may be approved	34
(1)	A works approval for a motor race may authorise the carrying out of works, including the following works—	35 36
(a)	service roads, ramps and vehicle parking,	37
(b)	structures for pedestrian access or movement,	38
(c)	security and other fencing, safety barriers, hoardings and gates,	39
(d)	traffic control facilities, including signage,	40
(e)	power and water supply and waste management facilities,	41
(f)	telecommunications, media recording, broadcast, public announcement and lighting facilities,	42 43

(g)	facilities for vehicle refuelling, servicing, repair and washdown,	1
(h)	structures to support crew, media and spectators, including seating, stands, shading, catering, direction signage and toilet facilities,	2 3
(i)	advertising signage,	4
(j)	emergency fire fighting and fire prevention facilities and medical and rescue facilities,	5 6
(k)	grading or other road maintenance works, including temporarily removing impediments to the motor race.	7 8
	Example— removing a speed bump or roundabout	9
(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.	10 11 12
(3)	A works approval for a motor race must not authorise the following—	13
(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,	14 15 16 17
(b)	the demolition of, or significant damage to, a heritage item identified in an environmental planning instrument.	18 19
18	Works approval	20
(1)	A works approval for a motor race authorises the promoter for the motor race to—	21
(a)	carry out the works specified in the works approval, and	22
(b)	do anything reasonably necessary to carry out the works.	23
(2)	The works approval must specify the following—	24
(a)	the works that may be carried out under the works approval,	25
(b)	the land on which particular works may be carried out,	26
(c)	the times at which or during which particular works may be carried out.	27
(3)	The works approval may authorise works even if the works are carried out outside—	28
(a)	the event area for the motor race, or	29
(b)	the event period for the motor race.	30
(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—	31 32 33
(a)	public safety,	34
(b)	environmental protection,	35
(c)	noise management,	36
(d)	insurance,	37
(e)	reporting requirements,	38
(f)	reinstatement of land,	39
(g)	consultation requirements,	40
(h)	financial arrangements, including the provision of security,	41
(i)	event and works planning requirements,	42
(j)	engineering certification requirements.	43

19	Work health and safety requirements	1
(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—	2 3 4
(a)	the purposes of engaging a principal contractor for the works in accordance with the regulations under the <i>Work Health and Safety Act 2011</i> , and	5 6
(b)	other purposes prescribed by the regulations.	7
(2)	The government coordinating agency for the motor race may give the promoter a direction—	8 9
(a)	to ensure compliance with this section, or	10
(b)	to rectify any matter the government coordinating agency considers constitutes a breach of the conditions of the works approval.	11 12
(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.	13 14
20	Reinstatement of land	15
(1)	The promoter for a motor race must do the following work unless otherwise authorised by the government coordinating agency—	16 17
(a)	remove any rubbish from the event area,	18
(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—	19 20 21
(i)	repair all damage, and	22
(ii)	reinstate the land as far as is practicable to the condition it was in before the activities.	23 24
(2)	The work must be completed within a reasonable time after the event period for the motor race.	25 26
(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.	27 28
(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.	29 30
(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.	31 32 33
21	Division not to apply to Mount Panorama	34
	This Division does not apply to Mount Panorama at Bathurst.	35
Division 3	Roads and traffic	36
Subdivision 1	Preliminary	37
22	Relationship with road transport legislation	38
(1)	This Division is to be construed with, and as if it formed part of, the road transport legislation.	39 40
(2)	If there is an inconsistency between this Division and the road transport legislation, this Division prevails to the extent of the inconsistency.	41 42

(3)	The provisions of this Division and section 63 have effect despite the <i>Road Transport Act 2013</i> , section 14.	1 2
(4)	Words and expressions used in this Division that are defined in the road transport legislation have the same meanings as in that legislation.	3 4
23	Penalty notices	5
	Penalty notices may be issued under the road transport legislation in relation to offences created by this Division.	6 7
Subdivision 2 Traffic management plan		8
24	Preparation of traffic management plans	9
(1)	The promoter for a motor race must prepare a traffic management plan for the motor race that identifies—	10 11
(a)	the roads affected by the following (the <i>traffic management area</i>)—	12
(i)	the motor race, associated events and ancillary activities,	13
(ii)	the works authorised by the works approval for the motor race, and	14
(b)	the period during which the powers under this Division may be used (the <i>traffic management period</i>), and	15 16
(c)	the way in which traffic will be managed under the plan.	17
(2)	The traffic management plan is to be prepared in consultation with—	18
(a)	Transport for NSW, and	19
(b)	the roads authority for roads identified in the traffic management plan, and	20
(c)	the NSW Police Force.	21
(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.	22 23
(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.	24 25
(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—	26 27
(a)	the <i>Roads Act 1993</i> , and	28
(b)	the road transport legislation.	29
Subdivision 3 Motor race event lanes		30
25	Definitions	31
	In this Subdivision—	32
	<i>lane</i> includes part of a lane.	33
	<i>motor race event lane</i> means a marked lane that—	34
(a)	begins at a sign prescribed by the regulations as a motor race event lane sign, and	35 36
(b)	ends at a sign prescribed by the regulations as an end motor race event lane sign.	37 38
	<i>motor race event lane permit</i> —see section 27(1).	39

26	Motor race event lanes	1
(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 3
(2)	A person must not drive a vehicle in a motor race event lane unless authorised by this section. Maximum penalty—20 penalty units.	4 5 6
(3)	The following vehicles may be driven in a motor race event lane—	7
(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,	8 9
(b)	a police vehicle or an emergency vehicle,	10
(c)	a taxi within the meaning of the <i>Point to Point Transport (Taxis and Hire Vehicles) Act 2016</i> ,	11 12
(d)	a bus within the meaning of the <i>Passenger Transport Act 2014</i> ,	13
(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 <i>Road Rules 2014</i> , rule 158 if the motor race event lane were a transit lane.	14 15 16
(4)	A person may ride a bicycle in a motor race event lane.	17
(5)	The following are prescribed traffic control devices for the purposes of the <i>Road Transport Act 2013</i> , Part 5.3—	18 19
(a)	a motor race event sign,	20
(b)	an end motor race event sign.	21
27	Motor race event lane permits	22
(1)	The promoter for a motor race may issue a permit (a <i>motor race event lane permit</i>) to a person to authorise a vehicle driven by, or carrying, the person to be in a motor race event lane.	23 24 25
(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.	26 27 28
(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.	29 30 31
(4)	The person in charge of the vehicle must immediately comply with the direction. Maximum penalty—20 penalty units.	32 33
(5)	The police officer may do the following—	34
(a)	inspect a permit,	35
(b)	ask the holder of a permit to provide evidence of the holder's identity,	36
(c)	inspect a document provided as evidence of the holder's identity,	37
(d)	confiscate—	38
(i)	a permit not being used by the holder of the permit, or	39
(ii)	a document purporting to be a permit that is not a permit.	40

Subdivision 4	Road closures	1
28	Powers of promoter	2
(1)	The promoter for a motor race may, in accordance with a traffic management plan for the motor race—	3 4
(a)	control and regulate traffic, and	5
(b)	temporarily close a road.	6
(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.	7 8
(3)	Public notice must be given in a way approved by the government coordinating agency for the motor race.	9 10
29	Road closures—integrated road and transport services	11
(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—	12 13
(a)	the promoter for the motor race has asked the roads authority to close the road, and	14 15
(b)	the roads authority has given public notice of the proposed closure at least 7 days before the closure, and	16 17
(c)	the closure is authorised by the traffic management plan for the motor race.	18
(2)	Public notice must be given in a way approved by the government coordinating agency for the motor race.	19 20
30	Road closures—short periods	21
(1)	This section extends to roads on land outside the traffic management area for a motor race.	22 23
(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—	24 25
(a)	facilitating—	26
(i)	the conduct of the motor race, associated events or ancillary activities, or	27 28
(ii)	the carrying out of works authorised by the works approval for the motor race,	29 30
(b)	controlling or regulating traffic at or near a venue or facility being used for the purposes of the motor race or associated event,	31 32
(c)	ensuring the safety of persons,	33
(d)	protecting property from damage.	34
(3)	The roads authority may close a road under this section only if asked by the promoter for the motor race.	35 36
(4)	A road may not be closed under this section for more than 3 consecutive days.	37
(5)	The roads authority is not required to give public notice of the closure of a road under this section.	38 39
31	Road closure to be for shortest possible period	40
	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.	41 42

32	Offences relating to road closures	1
(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 3 4
(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.	5 6 7 8 9
(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.	10 11 12
(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.	13 14 15 16 17
(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.	18 19
(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.	20 21 22
(7)	A person does not commit an offence under this section for anything done with the approval of an authorised officer.	23 24
	Subdivision 5 Removal of vehicles	25
33	Removal of unattended vehicles—generally	26
(1)	The <i>Road Transport Act 2013</i> , 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.	27 28 29
(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.	30 31 32 33
34	Urgent removal of unattended vehicles or trailers	34
(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.	35 36 37
(2)	The direction may be given only during the traffic management period for the motor race.	38 39
(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	40 41 42

(b)	works to be carried out that are authorised by the works approval for the motor race.	1 2
(4)	It is not necessary that the vehicle or trailer is standing unlawfully.	3
(5)	The <i>Road Transport Act 2013</i> , 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.	4 5 6
(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 8
(7)	In this section— <i>appropriate officer</i> has the same meaning as in the <i>Road Transport Act 2013</i> , section 143.	9 10 11
Division 4	Entry to areas	12
35	Interpretation	13
(1)	In this Division— <i>ticket</i> includes a permit or authority, however expressed.	14 15
(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.	16 17
36	Powers subject to motor race authorisation	18
	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.	19 20
37	Restrictions on entry	21
(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—	22 23 24
(a)	erecting a sign, or	25
(b)	giving a direction to a relevant person.	26
(2)	A person must not contravene the sign or direction. Maximum penalty—20 penalty units.	27 28
38	Searches as condition of entry	29
(1)	An authorised officer may ask a person who wishes to enter the event area for a motor race to do the following—	30 31
(a)	undergo a search of the person conducted using an electronic device, including by—	32 33
(i)	the use of a hand-held scanning device, or	34
(ii)	passing through a detection device,	35
(b)	allow a search to be conducted of articles in the person’s possession, including the content of the articles,	36 37
(c)	remove an item of outer clothing and allow it to be searched,	38
(d)	if the person wishes to enter in a vehicle or vessel—allow the vehicle or vessel to be searched.	39 40
(2)	Failure to comply with the request is grounds for the person to be directed to leave the area.	41 42

(3)	In this section—	1
	<i>outer clothing</i> means the following—	2
(a)	a coat or jacket,	3
(b)	gloves,	4
(c)	a scarf,	5
(d)	shoes,	6
(e)	a hat or other headwear.	7
39	Obstruction of workers and officials	8
	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.	9
	Maximum penalty—10 penalty units.	10
40	Failure to comply with reasonable direction	11
(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.	12
(2)	Failure to comply with the direction is grounds for the person to be directed to leave the area.	13
41	Producing tickets and permitting articles to be inspected	14
(1)	An authorised officer may ask a person who is in the event area for a motor race to do the following—	15
(a)	produce a ticket for inspection if a ticket is required to be held to be in the area,	16
(b)	permit any article in the person’s possession to be inspected, including by opening it and inspecting its contents.	17
(2)	Failure to comply with the request is grounds for the person to be directed to leave the area.	18
42	Prohibited entry onto track	19
(1)	A person must not enter or remain on a motor racing track during a motor race unless the person—	20
(a)	is a participant in the motor race, or	21
(b)	is engaged in the control or management of the motor race, or	22
(c)	is authorised to be on the track.	23
	Maximum penalty—50 penalty units.	24
(2)	In this section—	25
	<i>motor race</i> includes an associated event that is a motor race.	26
	<i>motor racing track</i> means—	27
(a)	the road on which the motor race is conducted, and	28
(b)	associated land used by vehicles for the purposes of the motor race.	29
43	Directions to leave	30
(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—	31
(a)	the person has contravened, or is about to contravene, this Act or the regulations, or	32

(b)	the person has committed an offence, or	1
(c)	there are grounds under this Division for the person to be directed to leave the area, or	2 3
(d)	the person is causing a significant disruption, or	4
(e)	the person is behaving in a way that is likely to endanger the person or another person.	5 6
(2)	The person must not fail to comply with the direction. Maximum penalty—50 penalty units.	7 8
(3)	The authorised officer may remove the person if the person fails to comply with the direction.	9 10
(4)	The authorised officer may use reasonable force.	11
(5)	The authorised officer may also confiscate a ticket held by the person for entry into the event area for the motor race.	12 13
44	Recording images of persons who are removed	14
(1)	The following may make a visual recording of a person who is removed from the event area for the motor race—	15 16
(a)	the promoter for the motor race,	17
(b)	the government coordinating agency for the motor race,	18
(c)	an authorised officer.	19
(2)	The visual recording may be used and disclosed in accordance with the motor race authorisation.	20 21
Division 5	Application of other laws	22
Subdivision 1	Application of legislation	23
45	Subdivision subject to regulations	24
	The regulations may contain provisions that restrict the application of this Subdivision.	25 26
46	Application of other Acts generally	27
(1)	An authorised activity may be carried out despite the following—	28
(a)	the <i>Environmental Planning and Assessment Act 1979</i> ,	29
(b)	the <i>Local Government Act 1993</i> ,	30
(c)	the <i>Protection of the Environment Operations Act 1997</i> , but only to the extent it relates to noise,	31 32
(d)	the <i>Water Management Act 2000</i> ,	33
(e)	for an authorised activity in relation to roads and areas immediately adjacent to roads—	34 35
(i)	the <i>Forestry Act 2012</i> , or	36
(ii)	the <i>National Parks and Wildlife Act 1974</i> , Part 6.	37
(2)	Land may be used for an authorised activity despite—	38
(a)	the <i>Environmental Planning and Assessment Act 1979</i> , or	39
(b)	the <i>Crown Land Management Act 2016</i> , or	40
(c)	the <i>Local Government Act 1993</i> , or	41

(d)	the <i>Sydney Olympic Park Authority Act 2001</i> .	1
(3)	An authorised activity is taken to be an act that is—	2
(a)	essential for the carrying out of development in accordance with a development consent within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> for the purposes of the <i>Fisheries Management Act 1994</i> , Part 7A, or	3 4 5 6
(b)	necessary for the carrying out of development in accordance with a development consent within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> for the purposes of the <i>Biodiversity Conservation Act 2016</i> , section 2.8(1)(a).	7 8 9 10
(4)	A reference in this section to an Act includes an instrument made under the Act.	11
(5)	In this section—	12
	authorised activity means anything authorised, permitted or required to be done by or under this Part.	13 14
47	Application of road legislation	15
(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—	16 17
(a)	the <i>Road Transport Act 2013</i> , section 115, including an instrument made under that Act in relation to matters in section 115,	18 19
(b)	the <i>Roads Act 1993</i> , including an instrument made under that Act.	20
(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.	21 22 23 24
Subdivision 2	Protection from liability	25
48	Definitions	26
	In this Subdivision—	27
	act includes omission.	28
	compensation includes damages and any other form of monetary compensation.	29
	done includes omitted to be done.	30
49	No liability in nuisance	31
	Anything done by a person does not constitute a nuisance if it is done—	32
(a)	in the exercise of a function under this Act or the regulations, or	33
(b)	in accordance with the provisions of this Act or the regulations, or	34
(c)	in accordance with—	35
(i)	a motor race authorisation, or	36
(ii)	a works approval, or	37
(iii)	a traffic management plan.	38
50	Compensation not payable by State	39
(1)	Compensation is not payable by or on behalf of a protected person for an act done in good faith—	40 41
(a)	in accordance with—	42

(i)	a motor race authorisation, or	1
(ii)	a works approval, or	2
(iii)	a traffic management plan, or	3
(b)	for the administration or purported administration of this Act, or	4
(c)	for the exercise or purported exercise of functions under this Act or the regulations.	5 6
(2)	This section does not—	7
(a)	apply to acts that cause—	8
(i)	the death of a person, or	9
(ii)	personal injury to a person, or	10
(b)	affect compensation payable by a protected person under an indemnity or other agreement.	11 12
(3)	In this section—	13
	<i>protected person</i> means—	14
(a)	the State or an authority of the State, or	15
(b)	the government coordinating agency for a motor race, or	16
(c)	a local council, or	17
(d)	an officer, employee or agent of a protected person mentioned in paragraph (a)–(c).	18 19
51	Compensation not payable by promoter for economic loss	20
(1)	Compensation is not payable by or on behalf of a protected person for economic loss arising because of an act done—	21 22
(a)	in good faith, and	23
(b)	in accordance with—	24
(i)	a motor race authorisation, or	25
(ii)	a works approval, or	26
(iii)	a traffic management plan.	27
(2)	This section does not—	28
(a)	apply to acts that cause—	29
(i)	the death of a person, or	30
(ii)	personal injury to a person, or	31
(iii)	damage to property, or	32
(b)	affect compensation payable by a protected person under an indemnity or other agreement.	33 34
(3)	In this section—	35
	<i>protected person</i> means—	36
(a)	a promoter, or	37
(b)	an employee or agent of a promoter.	38
Division 6	Protection of commercial interests of promoter	39
52	Use of official title and official insignia	40
(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—	41 42

(a)	by the promoter for the motor race, or	1
(b)	by a person with the written consent of the promoter.	2
	Maximum penalty—200 penalty units.	3
(2)	In this section—	4
	<i>official title or insignia</i> means a title, logo, symbol or other design approved by the government coordinating agency by order published in the Gazette.	5 6
53	Prohibition of certain advertising on buildings and structures	7
(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—	8 9
(a)	the owner or occupier of the building or structure,	10
(b)	the occupier of the building or structure,	11
(c)	the holder of a lease or licence relating to the building or structure.	12
	Maximum penalty—	13
(a)	for an individual—250 penalty units, or	14
(b)	for a corporation—500 penalty units.	15
(2)	This section does not apply to the following advertising material—	16
(a)	advertising material, which includes a series of related advertisements, having a total area of not more than 1 square metre,	17 18
(b)	advertising material exempted from this section by the regulations,	19
(c)	advertising material the government coordinating agency permits to be on a particular building or structure.	20 21
(3)	In this section—	22
	<i>advertising controlled site</i> 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—	23 24 25
(a)	the period specified in the order, or	26
(b)	if no period is specified in the order—	27
(i)	the event period for the motor race, or	28
(ii)	if the event period has already commenced—the remainder of the period.	29 30
54	Advertising enforcement officers	31
(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.	32 33
(2)	The government coordinating agency must provide each advertising enforcement officer with an identification card as an advertising enforcement officer.	34 35
(3)	An advertising enforcement officer may—	36
(a)	obliterate or remove any advertising material that contravenes section 53 in relation to the motor race, and	37 38
(b)	enter on land if necessary to carry out the obliteration or removal.	39
(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.	40 41
(5)	An advertising enforcement officer must, when exercising functions under this section—	42 43

(a)	cause as little damage as possible, and	1
(b)	carry the officer's identification card and produce it for inspection if reasonably asked.	2 3
Division 7	Miscellaneous	4
55	Coordination and cooperation of government sector agencies	5
(1)	A government sector agency has the following obligations in relation to a motor race—	6 7
(a)	to cooperate with the government coordinating agency for the motor race in the exercise of its functions, including by—	8 9
(i)	complying with any reasonable request for information, or	10
(ii)	providing resources or assistance in accordance with a request authorised by this Act or the regulation,	11 12
(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—	13 14 15
(i)	a motor race authorisation, or	16
(ii)	a works approval, or	17
(iii)	a traffic management plan,	18
(c)	to comply with a direction of the Minister given under this section.	19
(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—	20 21
(a)	the government sector agency is prescribed by the regulations, and	22
(b)	the request by the government coordinating agency is authorised by this Act or the regulations, and	23 24
(c)	where another Minister is responsible for the government sector agency—the Minister has consulted with the other Minister about the proposed direction.	25 26
56	Fees prescribed by regulations	27
	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.	28 29 30

Part 3	Enforcement	1
57	Authorised officers	2
(1)	The Minister may appoint any of the following as an authorised officer for the purposes of this Act—	3
	(a) a Public Service employee,	4
	(b) a council employee,	5
	(c) a person prescribed by the regulations.	6
(2)	The Minister must provide each authorised officer with an identification card as an authorised officer.	7
(3)	An authorised officer must produce the identification card for inspection if—	8
	(a) the authorised officer is exercising a function under this Act, and	9
	(b) a person affected by the exercise of the function asks to see the identification card, however expressed.	10
(4)	Subsections (2) and (3) do not apply to a police officer.	11
	Note— Police officers are authorised officers.	12
58	Purposes for which functions under Part may be exercised	13
	An authorised officer may exercise the functions conferred by this Part for any of the following purposes (<i>authorised purposes</i>)—	14
	(a) investigating, monitoring and enforcing compliance with the requirements imposed by or under this Act,	15
	(b) obtaining information for purposes connected with the administration of this Act,	16
	(c) enforcing, administering or executing this Act.	17
59	Authorised officers may enter premises	18
(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.	19
(2)	Entry to premises may be effected with or without the authority of a search warrant.	20
(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—	21
	(a) examine and inspect any part of the premises,	22
	(b) take photographs or other recordings,	23
	(c) examine and inspect documents and records,	24
	(d) copy or take notes from documents and records,	25
	(e) seize a thing the authorised officer has reasonable grounds for believing is connected with an offence against the Act or the regulations,	26
	(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,	27
	(g) require a person in or about the premises to answer questions or otherwise give information.	28

(4)	An authorised officer may be accompanied by any assistants the authorised officer considers necessary.	1 2
(5)	This section does not empower an authorised officer to enter any part of premises used only for residential purposes without—	3 4
	(a) the permission of the occupier of the premises, or	5
	(b) the authority of a search warrant.	6
(6)	In this section—	7
	<i>premises</i> includes the following—	8
	(a) a building or structure,	9
	(b) land or a place, whether enclosed or built on or not,	10
	(c) a mobile plant, vehicle, vessel or aircraft.	11
60	Search warrants	12
(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—	13 14
	(a) a requirement imposed by or under this Act is being or has been contravened at any premises, or	15 16
	(b) there is, in or on any premises, a matter or a thing connected with an offence under this Act or the regulations.	17 18
(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—	19 20 21
	(a) to enter the premises, and	22
	(b) to exercise any function of an authorised officer under this Part.	23
(3)	The <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , Part 5, Division 4 applies to a search warrant issued under this section.	24 25
(4)	Without limiting the generality of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , section 71, a police officer—	26 27
	(a) may accompany an authorised officer executing a search warrant issued under this section, and	28 29
	(b) may take all reasonable steps to assist the authorised officer in the exercise of the officer's functions under this section.	30 31
(5)	In this section—	32
	<i>issuing officer</i> means an authorised officer within the meaning of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	33 34
61	Authorised officers may require information	35
(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.	36 37 38
(2)	The notice must specify the following—	39
	(a) the information required to be given,	40
	(b) the form in which the information is to be given,	41
	(c) the time within which the information is to be given,	42
	(d) that failure to give the information without lawful excuse is an offence.	43

62 Self-incrimination	1
(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 3
(2) Information given by a person in compliance with the requirement is not admissible in evidence against the person in criminal proceedings if—	4 5
(a) the person is an individual, and	6
(b) the person—	7
(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	8 9 10
(ii) was warned and objected to giving the information.	11
(3) Subsection (2) does not prevent information being admitted in proceedings for an offence under—	12 13
(a) this Part, or	14
(b) the <i>Crimes Act 1900</i> , Part 5A.	15
(4) Further information obtained as a result of information (<i>original information</i>) given in compliance with a requirement under this Part is not prevented from being admitted in proceedings for an offence on the grounds—	16 17 18
(a) the original information had to be given, or	19
(b) the original information is self-incriminatory for the person who gave it.	20
(5) Information is <i>self-incriminatory</i> for a person if the information—	21
(a) might incriminate the person, or	22
(b) might make the person liable to a penalty.	23
63 Offences	24
(1) A person must not, without lawful excuse, fail to comply with a requirement to give information under this Part.	25 26
Maximum penalty—50 penalty units.	27
(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.	28 29
(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.	30 31 32
Maximum penalty—50 penalty units.	33
(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.	34 35
Maximum penalty—50 penalty units.	36

Part 4	Miscellaneous	1
64	Control of airspace	2
(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—	3 4
(a)	that is an event area for a motor race, and	5
(b)	at which a motor race is being held.	6
	Maximum penalty—2,000 penalty units.	7
(2)	This section does not apply to the entry or operation of—	8
(a)	a military aircraft, or an aircraft of the NSW Police Force, when being operated for military, security or emergency purposes, or	9 10
(b)	an aircraft when being operated exclusively for emergency purposes relating to human life or safety, or the protection of property, or	11 12
(c)	an aircraft permitted to enter and operate within the airspace under a relevant Commonwealth Act, or	13 14
(d)	a commercial aircraft on a commercial route, or	15
(e)	an aircraft authorised by the promoter for the motor race, or	16
(f)	an aircraft prescribed by the regulations.	17
(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 <i>Air Navigation Act 1938</i> .	18 19 20
(4)	In this section—	21
	<i>aircraft</i> includes a drone.	22
	<i>regulated airspace</i> means airspace the Civil Aviation Safety Authority has decided under the <i>Airspace Regulations 2007</i> of the Commonwealth to be—	23 24
(a)	a control area, or	25
(b)	a control zone, or	26
(c)	a restricted area.	27
	<i>State air navigation</i> means air navigation within New South Wales.	28
65	Instruments may be amended or repealed	29
	An instrument under this Act may be amended or repealed.	30
66	Offences by corporations	31
(1)	A person is taken to have contravened a provision of this Act or the regulations if—	32
(a)	a corporation contravenes the provision, and	33
(b)	the person is—	34
(i)	a director of the corporation, or	35
(ii)	concerned in the management of the corporation, and	36
(c)	the person knowingly authorised or permitted the contravention by the corporation.	37 38
(2)	The person may be proceeded against and convicted whether or not the corporation has been proceeded against or convicted.	39 40
(3)	Nothing in this section affects the liability of the corporation for the commission of the offence.	41 42

67	Nature of proceedings for offences	1
(1)	Proceedings for an offence under this Act or the regulations may be dealt with summarily before—	2 3
(a)	the Local Court, or	4
(b)	the Supreme Court in its summary jurisdiction.	5
(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.	6 7 8
68	Penalty notices	9
(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.	10 11
(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.	12 13
(3)	The <i>Fines Act 1996</i> applies to a penalty notice issued under this section.	14
	Note— The <i>Fines Act 1996</i> 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.	15 16 17
(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.	18 19 20
(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.	21 22
69	Regulations	23
(1)	The Governor may make regulations about the following matters—	24
(a)	matters this Act expressly requires to be prescribed by regulations,	25
(b)	matters this Act expressly permits to be prescribed by regulations,	26
(c)	other matters, but only to the extent that making regulations about the matters is necessary or convenient to give effect to this Act.	27 28
(2)	The regulations may also create offences about the matters.	29
(3)	The maximum penalty that may be imposed for an offence created by the regulations is 100 penalty units.	30 31
(4)	The regulations must not be inconsistent with this Act.	32
(5)	Regulations may be made about the following matters—	33
(a)	the fees and charges that may be imposed for the purposes of this Act,	34
(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,	35 36
(c)	the provision of services by the promoter for a motor race,	37
(d)	access to an event area for a motor race,	38
(e)	the conduct of persons in an event area for a motor race and the exclusion or expulsion of persons from the area,	39 40
(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,	41 42
(g)	specifying site or event specific requirements for particular motor races,	43

- | | | |
|-----|---|------------------|
| (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, | 1
2
3
4 |
| (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. | 5
6 |

70 Repeals 7

The following Acts, including instruments made under the Acts, are repealed— 8

- | | | |
|-----|--|----|
| (a) | <i>Motor Racing (Sydney and Newcastle) Act 2008</i> No 106, | 9 |
| (b) | <i>Motor Sports (World Rally Championship) Act 2009</i> No 55, | 10 |
| (c) | <i>Mount Panorama Motor Racing Act 1989</i> No 108. | 11 |

Schedule 1 Savings, transitional and other provisions 1

Part 1 General 2

1 Regulations 3

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the commencement of— 4
5
(a) a provision of this Act, or 6
(b) a provision amending this Act. 7
- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement. 8
9
- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement. 10
11
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before— 12
13
(a) for a provision of this Act—the date of assent to this Act, or 14
(b) for a provision amending this Act—the date of assent to the amending Act. 15
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not— 16
17
(a) affect the rights of a person existing before the publication in a way prejudicial to the person, or 18
19
(b) impose liabilities on a person for anything done or omitted to be done before the publication. 20
21
- (6) In this section— 22
person does not include the State or an authority of the State. 23

Part 2 Provisions consequent on enactment of this Act 24

2 Newcastle 500 March 2022 25

- For the purposes of the Newcastle 500 to be held in March 2022, including associated events, works and authorisations— 26
27
- (a) this Act does not apply, and 28
- (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 29
30
31
- (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 32
33
34
- (d) a reference in that Act to Destination NSW is taken to be a reference to the Office of Sport, and 35
36
- (e) things done by Destination NSW are taken to have been done by the Office of Sport. 37
38

Schedule 2	Amendment of Acts and an instrument	1
2.1	Law Enforcement (Powers and Responsibilities) Act 2002 No 103	2
	Schedule 2 Search warrants under other Acts	3
	Insert in appropriate order—	4
	<i>Motor Sports Act 2021</i> , section 60	5
2.2	Major Events Act 2009 No 73	6
	Section 4A	7
	Insert after section 4—	8
	4A Act does not apply to motor race conducted under Motor Sports Act 2021	9
	This Act does not apply to a motor race within the meaning of the <i>Motor Sports Act 2021</i> .	10 11
2.3	Protection of the Environment Operations (Clean Air) Regulation 2021	12
	Clause 29 Vapour pressure of petrol	13
	Omit “ <i>Motor Racing (Sydney and Newcastle) Act 2008</i> ” from clause 29(5)(b).	14
	Insert instead “ <i>Motor Sports Act 2021</i> ”.	15

Schedule 3 Dictionary

	section 3	1
In this Act—		2
<i>affected land</i> —for Part 2, Division 2—see section 13.		3
<i>affected person</i> —for Part 2, Division 2—see section 13.		4
<i>ancillary activities</i> means activities ancillary to a motor race or an associated event.		5
<i>associated events</i> for a motor race means events associated with the motor race and may include associated motor races.		6
<i>authorised officer</i> means—		7
(a) a person appointed under Part 3, or		8
(b) a police officer.		9
<i>authorised purposes</i> —for Part 3—see section 58.		10
<i>council</i> means—		11
(a) a council within the meaning of the <i>Local Government Act 1993</i> , or		12
(b) for land on Lord Howe Island—the Lord Howe Island Board, or		13
(c) for land in the Western Division within the meaning of the <i>Crown Land Management Act 2016</i> —the Minister administering that Act.		14
<i>event area</i> —see section 5(1)(a).		15
<i>event period</i> —see section 5(1)(b).		16
<i>function</i> includes a power, authority or duty, and <i>exercise</i> a function includes perform a duty.		17
<i>government coordinating agency</i> for a motor race means—		18
(a) the Office of Sport, or		19
(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.		20
<i>government sector agency</i> has the same meaning as in the <i>Government Sector Employment Act 2013</i> .		21
<i>lane</i> —for Part 2, Division 3, Subdivision 3—see section 25.		22
<i>motor race</i> means a motor race conducted under a motor race authorisation.		23
<i>motor race authorisation</i> —see section 6(1).		24
<i>motor race event lane</i> —for Part 2, Division 3, Subdivision 3—see section 25.		25
<i>motor race event lane permit</i> —for Part 2, Division 3, Subdivision 3—see section 27(1).		26
<i>motor sport</i> means a competitive sport that primarily uses motor vehicles.		27
<i>private road</i> 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.		28
<i>promoter</i> —see section 5(1)(c).		29
<i>proposed works information</i> —for Part 2, Division 2—see section 13.		30
<i>public service employee</i> has the same meaning as in the <i>Government Sector Employment Act 2013</i> .		31
<i>road</i> has the same meaning as in the <i>Road Rules 2014</i> .		32
<i>road transport legislation</i> has the same meaning as in the <i>Road Transport Act 2013</i> .		33
<i>roads authority</i> as the same meaning as it has in the <i>Roads Act 1993</i> .		34
<i>ticket</i> —for Part 2, Division 4—see section 35.		35
<i>traffic management area</i> —see section 24(1)(a).		36

<i>traffic management period</i> —see section 24(1)(b).	1
<i>traffic management plan</i> 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.	2 3
<i>works approval</i> —see section 15(1).	4