

2006

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

Motor Sport (Public Safety) Bill 2006

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THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

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Motor Sport (Public Safety) Bill 2006

A Bill for

An Act to regulate motor sport activities

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Motor Sport (Public Safety) Act 2006*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Dictionary**

9 The dictionary at the end of this Act is part of this Act.

10 *Note 1* The dictionary at the end of this Act defines certain terms used in this
11 Act, and includes references (*signpost definitions*) to other terms
12 defined elsewhere.

13 For example, the signpost definition '*motor vehicle*—see the *Road*
14 *Transport (General) Act 1999*, dictionary.' means that the term 'motor
15 vehicle' is defined in that dictionary and the definition applies to this
16 Act.

17 *Note 2* A definition in the dictionary (including a signpost definition) applies to
18 the entire Act unless the definition, or another provision of the Act,
19 provides otherwise or the contrary intention otherwise appears (see
20 Legislation Act, s 155 and s 156 (1)).

21 **4 Notes**

22 A note included in this Act is explanatory and is not part of this Act.

23 *Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of
24 notes.

1 **5 Offences against Act—application of Criminal Code etc**

2 Other legislation applies in relation to offences against this Act.

3 *Note 1 Criminal Code*

4 The Criminal Code, ch 2 applies to all offences against this Act (see
5 Code, pt 2.1).

6 The chapter sets out the general principles of criminal responsibility
7 (including burdens of proof and general defences), and defines terms
8 used for offences to which the Code applies (eg *conduct*, *intention*,
9 *recklessness* and *strict liability*).

10 *Note 2 Penalty units*

11 The Legislation Act, s 133 deals with the meaning of offence penalties
12 that are expressed in penalty units.

1 **Part 2 Licences for motor vehicle racing**

2 **Division 2.1 General—pt 2**

3 **6 Important terms**

4 In this Act:

5 *motor vehicle racing* means a motor vehicle sport prescribed by
6 regulation.

7 *motor vehicle racing place*—see section 7.

8 *motor vehicle sport* means any competition between the drivers or
9 riders of motor vehicles in which the deciding factor is the speed,
10 manoeuvrability, reliability, durability or mechanical condition of
11 the vehicles, the skill of the drivers or riders, or any combination of
12 them.

13 **7 Declaration for motor vehicle racing place**

14 (1) The chief executive may declare a place (a *motor vehicle racing*
15 *place*) to be a place where motor vehicle racing may be conducted.

16 (2) The chief executive must not declare a place to be a motor vehicle
17 racing place unless the place is suitable for motor vehicle racing.

18 (3) A place may not be declared to be a motor vehicle racing place if
19 the place is a road or road related area under the *Road Transport*
20 *(General) Act 1999*.

21 (4) A declaration is a notifiable instrument.

22 *Note* A notifiable instrument must be notified under the Legislation Act.

1 **8 Application for motor vehicle racing licence**

2 (1) A person (the *applicant*) may apply in writing to the chief executive
3 for a licence to conduct motor vehicle racing at a motor vehicle
4 racing place.

5 *Note 1* If a form is approved under s 37 for an application, the form must be
6 used.

7 *Note 2* A fee may be determined under s 36 for this provision.

8 (2) The chief executive may, in writing, require the applicant to give the
9 chief executive additional information or documents that the chief
10 executive reasonably needs to decide the application.

11 (3) If the applicant does not comply with the requirement, the chief
12 executive may refuse to consider the application.

13 **9 Decision about motor vehicle racing licence application**

14 (1) On an application for a licence to conduct motor vehicle racing at a
15 motor vehicle racing place, the chief executive must—

16 (a) issue the licence; or

17 (b) refuse to issue the licence.

18 (2) In deciding whether to issue the licence, the chief executive must
19 consider the public interest, including the desirability of the kind of
20 motor vehicle sport that is proposed to be conducted under the
21 licence.

22 (3) The chief executive must refuse to issue the licence if—

23 (a) the chief executive is satisfied that it is not in the public
24 interest; or

25 (b) the place where the motor vehicle racing is to be conducted
26 does not have the facilities prescribed by regulation.

27 (4) Subsections (2) and (3) do not limit the matters that the chief
28 executive may consider.

- 1 (5) A licence must be in writing and must state—
2 (a) the full name and address of the person to whom the licence is
3 issued; and
4 (b) the motor vehicle racing place, including any land, prescribed
5 building or prescribed facility in relation to it; and
6 (c) the period for which the licence is issued; and
7 (d) any conditions on the licence.
8 (6) A licence, including any condition put on the licence under
9 section 10 (2), is a notifiable instrument.

10 *Note* A notifiable instrument must be notified under the Legislation Act.

11 **10 Motor vehicle racing licence term and conditions**

- 12 (1) A licence is issued for the period (not longer than 1 year) stated in
13 the licence.
14 (2) A licence is subject to the conditions—
15 (a) prescribed by regulation; and
16 (b) put on the licence under this section.

17 **Examples of conditions that may be put on a licence**

- 18 1 safety standards for the public, competitors or people at or near a motor
19 vehicle racing place
20 2 public liability insurance
21 3 kinds of motor vehicle racing allowed
22 4 the power, type and number of motor vehicles allowed to compete in motor
23 vehicle racing
24 5 keeping records
25 6 inspection
26 7 requirements about the condition of any track

1 8 requirements about the facilities at a motor vehicle racing place

2 *Note* An example is part of the Act, is not exhaustive and may extend, but
3 does not limit, the meaning of the provision in which it appears (see
4 Legislation Act, s 126 and s 132).

5 (3) The chief executive may—

6 (a) put a condition on a licence when the licence is issued or
7 renewed, or at any other time; and

8 (b) at any time amend the conditions put on the licence under this
9 section.

10 (4) The chief executive may, under subsection (3), put a condition on a
11 licence, or amend the conditions of a licence, only if—

12 (a) the chief executive has given the applicant or licensee written
13 notice of the proposed condition or amendment; and

14 (b) the notice states that written comments on the proposal may be
15 made to the chief executive within a stated period of at least
16 14 days after the day the notice is given to the applicant or
17 licensee; and

18 (c) the chief executive has considered any comments made within
19 the period.

20 (5) Subsection (4) does not apply if the applicant or licensee asked in
21 writing for, or agreed in writing to, the proposed condition or
22 amendment.

23 **11 Renewal of licence**

24 (1) A licensee may apply, in writing, to the chief executive to renew the
25 licence.

26 *Note 1* If a form is approved under s 37 for an application, the form must be
27 used.

28 *Note 2* A fee may be determined under s 36 for this provision.

- 1 (2) The application must be made not later than 14 days before the end
2 of the licence period.
- 3 (3) On an application to renew a licence, the chief executive must—
4 (a) renew the licence; or
5 (b) refuse to renew the licence.
- 6 (4) If a licensee applies to renew a licence under this section, the licence
7 remains in force until the application is decided.

8 **12 Licensee to notify change of name or address**

- 9 (1) If a licensee changes his or her name or business or residential
10 address, the licensee must, as soon as practicable but not later than
11 14 days after the day the change happens, tell the chief executive, in
12 writing, about the change.

13 Maximum penalty: 20 penalty units.

- 14 (2) An offence against this section is a strict liability offence.

15 **13 Licensee to comply with conditions**

- 16 (1) A licensee must not contravene a condition to which the licence is
17 subject.

18 Maximum penalty: 20 penalty units.

- 19 (2) An offence against this section is a strict liability offence.

20 **Division 2.2 Disciplinary action**

21 **14 Grounds for disciplinary action**

- 22 (1) Each of the following is a *ground for disciplinary action* against a
23 licensee:

- 24 (a) the licensee gave information to the chief executive in relation
25 to the application for (or an application for renewal of) the

- 1 licensee's licence that was false or misleading in a material
2 particular;
- 3 (b) the licensee has contravened, or is contravening, this Act.
- 4 (2) In subsection (1) (b), a reference to a *contravention* of this Act
5 includes a reference to the following:
- 6 (a) a contravention of the Criminal Code, part 2.4 (Extensions of
7 criminal responsibility) in relation to an offence against this
8 Act or otherwise in relation to this Act;
- 9 (b) a contravention of the Criminal Code in relation to a document
10 completed, kept or given, or required to be completed, kept or
11 given, under or in relation to this Act;
- 12 (c) a contravention of the Criminal Code in relation to anything
13 done, or not done, under or in relation to this Act.

14 **15 Disciplinary action**

15 Each of the following is *disciplinary action* when taken against a
16 licensee:

- 17 (a) putting conditions on, or amending the conditions put on, the
18 licensee's licence;
- 19 (b) suspending the licensee's licence for a stated period or until a
20 stated thing happens;
- 21 (c) cancelling the licensee's licence;
- 22 (d) cancelling the licensee's licence and disqualifying the licensee
23 from applying for a licence for a stated period or until a stated
24 thing happens.

25 **16 Taking disciplinary action**

- 26 (1) If the chief executive proposes to take disciplinary action in relation
27 to a licensee, the chief executive must give the licensee a written
28 notice (a *disciplinary notice*) that—

- 1 (a) states the proposed disciplinary action (including any proposed
2 condition, amendment of a condition, suspension period or
3 disqualification period); and
- 4 (b) states the grounds for the proposed disciplinary action; and
- 5 (c) tells the licensee that the licensee may, not later than 14 days
6 after the day the licensee receives the notice, give a written
7 response to the chief executive about the notice.
- 8 (2) In deciding whether to take the disciplinary action, the chief
9 executive must consider any response given to the chief executive in
10 accordance with the disciplinary notice.
- 11 (3) If the chief executive is satisfied that a ground for taking
12 disciplinary action has been established in relation to the licensee,
13 the chief executive may take the proposed disciplinary action.
- 14 (4) The chief executive must give the licensee written notice of the
15 chief executive's decision.
- 16 (5) Disciplinary action under this section takes effect 14 days after the
17 day when the notice of the decision is given to the licensee or, if the
18 notice states a later date of effect, that date.
- 19 (6) In this section:
- 20 *disciplinary action*—see section 15.
- 21 *ground for disciplinary action* against a licensee—see section 14.
- 22 **17 Immediate suspension**
- 23 (1) This section applies if the chief executive gives, or has given, a
24 disciplinary notice under section 16 to a licensee.
- 25 (2) The chief executive may give the licensee a written notice (the
26 *immediate suspension notice*) suspending the licence.
- 27 (3) However, the chief executive may suspend the licence under this
28 section only if—

- 1 (a) the chief executive has taken into account the circumstances
2 leading to the decision to give the disciplinary notice and the
3 grounds stated in the notice; and
- 4 (b) the chief executive believes, on reasonable grounds, that it is in
5 the public interest that the licence be suspended as soon as
6 practicable before a decision is made whether or not to take
7 disciplinary action against the licensee under section 16.
- 8 (4) If the licensee's licence is suspended under this section, the
9 suspension takes effect when the immediate suspension notice is
10 given to the licensee.
- 11 (5) The suspension of the licensee's licence under this section ends—
- 12 (a) if disciplinary action is taken against the licensee under
13 section 16 because of the disciplinary notice—when the
14 disciplinary action takes effect; or
- 15 (b) if disciplinary action is not taken against the licensee under
16 section 16 because of the disciplinary notice—when the
17 licensee is given written notice of the chief executive's
18 decision not to take disciplinary action.

19 **18 Effect of licence suspension**

- 20 (1) A suspended licence does not authorise the licensee to carry on an
21 activity authorised by the licence during the suspension.
- 22 (2) If the chief executive suspends a licence, the licensee is, during the
23 suspension—
- 24 (a) taken not to hold the licence; and
- 25 (b) disqualified from applying for a licence.

1 **Division 2.3 Offences**

2 **19 Conducting motor vehicle racing without licence**

3 A person commits an offence if—

- 4 (a) the person conducts motor vehicle racing at a place; and
5 (b) the person does not have a licence to conduct motor vehicle
6 racing at the place.

7 Maximum penalty: 50 penalty units.

8 **20 Promoting or organising motor vehicle racing without
9 licence**

10 A person commits an offence if—

- 11 (a) the person promotes or organises motor vehicle racing at a
12 place; and
13 (b) there is no licence in force for the conduct of the motor vehicle
14 racing at the place.

15 Maximum penalty: 50 penalty units.

16 **21 Participating in motor vehicle racing without licence etc**

17 (1) A person commits an offence if—

- 18 (a) the person participates in motor vehicle racing; and
19 (b) there is no licence in force for the conduct of the motor vehicle
20 racing at the place.

21 Maximum penalty: 20 penalty units.

22 (2) A person commits an offence if—

- 23 (a) the person participates in motor vehicle racing at a place; and
24 (b) a licence is in force for the conduct of the motor vehicle racing
25 at the place; and

- 1 (c) the motor vehicle racing is conducted in a way that contravenes
2 a condition of the licence.
- 3 Maximum penalty: 20 penalty units.
- 4 (3) In this section:
- 5 *participating* in motor vehicle racing includes—
- 6 (a) driving a motor vehicle in the motor vehicle racing; or
- 7 (b) driving a motor vehicle in an activity relating to motor vehicle
8 racing; or
- 9 (c) participating as part of a support crew of a driver of a motor
10 vehicle in the motor vehicle racing.

11 **Division 2.4 Enforcement**

12 **22 Meaning of *occupier* for div 2.4**

13 In this division:

14 *occupier*, of a place, includes—

- 15 (a) a person believed, on reasonable grounds, to be an occupier of
16 the place; and
- 17 (b) a person apparently in charge of the place.

18 *Note* The dictionary defines *place* as including premises, structures and
19 vehicles.

1 **23 Appointment of authorised people**

2 The chief executive may appoint a public servant to be an authorised
3 person for this Act.

4 *Note 1* For the making of appointments (including acting appointments), see
5 the Legislation Act, pt 19.3.

6 *Note 2* In particular, a person may be appointed for a particular provision of a
7 law (see Legislation Act, s 7 (3)) and an appointment may be made by
8 naming a person or nominating the occupant of a position (see s 207).

9 **24 Identity cards**

10 (1) The chief executive must give an authorised person an identity card
11 stating the person's name and that the person is an authorised
12 person.

13 (2) The identity card must show—

- 14 (a) a recent photograph of the person; and
15 (b) the card's date of issue and expiry; and
16 (c) anything else prescribed by regulation.

17 (3) A person commits an offence if—

- 18 (a) the person stops being an authorised person; and
19 (b) the person does not return the person's identity card to the
20 chief executive as soon as practicable, but not later than 7 days
21 after the day the person stops being an authorised person.

22 Maximum penalty: 1 penalty unit.

23 (4) An offence against this section is a strict liability offence.

24 **25 Power to enter place**

25 (1) For this Act, an authorised person may, without a warrant—

- 26 (a) at any reasonable time, enter a place to which a licence relates;
27 or

- 1 (b) at any time, enter a place with the occupier's consent.
- 2 (2) However, subsection (1) (b) does not authorise entry into a part of a
3 place that is being used only for residential purposes.
- 4 (3) The authorised person may, at the place—
- 5 (a) inspect or examine anything; or
- 6 (b) take measurements or conduct tests; or
- 7 (c) take samples; or
- 8 (d) take photographs, films, or audio, video or other video
9 recording; or
- 10 (e) require the occupier, or anyone at the place, to give the
11 authorised person reasonable help to exercise a power under
12 this section.

13 *Note* The Legislation Act, s 170 and s 171 deal with the application of the
14 privilege against self incrimination and client legal privilege.

15 **Examples for par (a)**

- 16 1 records at the place relating to the maintenance of motor vehicles used at the
17 place
- 18 2 a vehicle at the place used in motor vehicle racing at the place

19 **Example for par (b)**

20 testing equipment at the place used for the maintenance of motor vehicles

21 *Note* An example is part of the Act, is not exhaustive and may extend, but
22 does not limit, the meaning of the provision in which it appears (see
23 Legislation Act, s 126 and s 132).

- 24 (4) A person must take all reasonable steps to comply with a
25 requirement made of the person under subsection (3) (e).

26 Maximum penalty: 50 penalty units.

- 27 (5) To remove any doubt, an authorised person may enter a place under
28 subsection (1) without payment of an entry fee or other charge.

1 (6) In this section:

2 *at any reasonable time* means at any time during normal business
3 hours or any other time when the place is being used in relation to
4 motor vehicle racing.

5 **26 Production of identity card**

6 An authorised person must not remain at a place to which a licence
7 relates if the authorised person does not produce his or her identity
8 card when asked by the occupier.

9 **27 Consent to entry**

10 (1) When seeking the consent of an occupier of a place to enter the
11 place under section 25 (1) (b), an authorised person must—

12 (a) produce his or her identity card; and

13 (b) tell the occupier—

14 (i) the purpose of the entry; and

15 (ii) that anything found because of the entry may be used in
16 evidence in court; and

17 (iii) that consent may be refused.

18 (2) If the occupier consents, the authorised person must ask the occupier
19 to sign a written acknowledgment (an *acknowledgment of*
20 *consent*)—

21 (a) that the occupier was told—

22 (i) the purpose of the entry; and

23 (ii) that anything found because of the entry may be used in
24 evidence in court; and

25 (iii) that consent may be refused; and

26 (b) that the occupier consented to the entry; and

- 1 (c) stating the time and date when consent was given.
- 2 (3) If the occupier signs an acknowledgment of consent, the authorised
3 person must immediately give a copy to the occupier.
- 4 (4) A court must find that the occupier did not consent to entry to the
5 premises by the authorised person under this part if—
- 6 (a) the question arises in a proceeding in the court whether the
7 occupier consented to the entry; and
- 8 (b) an acknowledgment of consent for the entry is not produced in
9 evidence; and
- 10 (c) it is not proved that the occupier consented to the entry.

11 **28 Damage etc to be minimised**

- 12 (1) In the exercise, or purported exercise, of a function under this
13 division, an authorised person must take all reasonable steps to
14 ensure that the authorised person, and any person assisting the
15 authorised person, causes as little inconvenience, detriment and
16 damage as practicable.
- 17 (2) If an authorised person, or a person assisting an authorised person,
18 damages anything in the exercise or purported exercise of a function
19 under this part, the authorised person must give written notice of the
20 particulars of the damage to the person the authorised person
21 believes, on reasonable grounds, is the owner of the thing.
- 22 (3) If the damage happens at premises entered under this part in the
23 absence of the occupier, the notice may be given by leaving it,
24 secured conspicuously, at the premises.

25 **29 Compensation for exercise of enforcement powers**

- 26 (1) A person may claim compensation from the Territory if the person
27 suffers loss or expense because of the exercise, or purported
28 exercise, of a function under this part by an authorised person or a
29 person assisting an authorised person.

- 1 (2) Compensation may be claimed and ordered in a proceeding for—
2 (a) compensation brought in a court of competent jurisdiction; or
3 (b) an offence against this Act brought against the person making
4 the claim for compensation.
- 5 (3) A court may order the payment of reasonable compensation for the
6 loss or expense only if it is satisfied it is just to make the order in the
7 circumstances of the particular case.
- 8 (4) A regulation may prescribe matters that may, must or must not be
9 taken into account by the court in considering whether it is just to
10 make the order.

1 **Part 3** **Advisory committees**

2 **30** **Establishment of advisory committees**

- 3 (1) The Minister may establish advisory committees to investigate, and
4 to inform or advise the Minister about, motor vehicle sport.
- 5 (2) Members of an advisory committee must include members of any
6 organisation that has the object of promoting motor vehicle sport
7 and is prescribed by regulation for this section.

8 **31** **Chief executive to consider advisory committee advice**
9 **etc**

10 In exercising a function under this Act (other than a function under
11 division 2.2 (Disciplinary action)), the chief executive must consider
12 any relevant information or advice given to the Minister by an
13 advisory committee.

1 **Part 4 Review of decisions**

2 **32 Reviewable decisions**

3 The following decisions are *reviewable decisions*:

- 4 (a) a decision to refuse to issue a licence under section 9;
- 5 (b) a decision to impose conditions on a licence under section 10;
- 6 (c) a decision to amend conditions of a licence under section 10;
- 7 (d) a decision not to renew a licence under section 11;
- 8 (e) a decision to take disciplinary action against a licensee under
- 9 section 16;
- 10 (f) a decision to suspend a licence under section 17.

11 **33 Review of decisions**

- 12 (1) Application may be made to the AAT for review of a reviewable
- 13 decision.
- 14 (2) If the chief executive makes a reviewable decision, the chief
- 15 executive must give written notice of the decision to everyone
- 16 affected by the decision.
- 17 (3) The notice must be in accordance with the requirements of the code
- 18 of practice in force under the *Administrative Appeals Tribunal*
- 19 *Act 1989*, section 25B (1).

1 Part 5 Miscellaneous

2 34 Inspection of incorporated documents

- 3 (1) This section applies to an incorporated document, or an amendment
4 or replacement of an incorporated document.

5 *Note* For the meaning of *incorporated document*, see the dictionary.

- 6 (2) The chief executive must ensure that the document, amendment or
7 replacement is made available for inspection free of charge to the
8 public on business days at reasonable times at the office of an
9 administrative unit administered by the chief executive.

- 10 (3) In this section:

11 *amendment*, of an incorporated document—see section 35 (6).

12 35 Notification of certain incorporated documents

- 13 (1) This section applies to—

14 (a) an incorporated document; or

15 (b) an amendment of, or replacement for, an incorporated
16 document.

17 **Example of replacement document**

18 a new edition of the incorporated document

19 *Note 1* For the meaning of *incorporated document*, see the dictionary.

20 *Note 2* An example is part of the Act, is not exhaustive and may extend, but
21 does not limit, the meaning of the provision in which it appears (see
22 Legislation Act, s 126 and s 132).

- 1 (2) The chief executive may prepare a written notice (an *incorporated*
2 *document notice*) for the incorporated document, amendment or
3 replacement that contains the following information:
- 4 (a) for an incorporated document—details of the document,
5 including its title, author and date of publication;
- 6 (b) for a replacement of an incorporated document—details of the
7 replacement, including its title, author and date of publication;
- 8 (c) for an amendment of an incorporated document—the date of
9 publication of the amendment (or of the document as amended)
10 and a brief summary of the effect of the amendment;
- 11 (d) for an incorporated document or any amendment or
12 replacement—
- 13 (i) a date of effect (no earlier than the day after the day of
14 notification of the notice); and
- 15 (ii) details of how access to inspect the document,
16 amendment or replacement may be obtained under
17 section 34 (Inspection of incorporated documents); and
- 18 (iii) details of how copies may be obtained, including an
19 indication of whether there is a cost involved.
- 20 (3) An incorporated document notice is a notifiable instrument.
- 21 *Note* A notifiable instrument must be notified under the Legislation Act.
- 22 (4) An incorporated document as in effect at the commencement of this
23 section, and any amendment or replacement of an incorporated
24 document, has no effect under this Act unless—
- 25 (a) an incorporated document notice is notified in relation to the
26 document, amendment or replacement; or
- 27 (b) the document, amendment or replacement is notified under the
28 Legislation Act, section 47 (6).

- 1 (5) The Legislation Act, section 47 (7) does not apply in relation to
2 incorporated documents.
- 3 (6) In this section:
- 4 *amendment*, of an incorporated document, includes an amendment
5 of a replacement for the incorporated document.
- 6 *replacement*, for an incorporated document, means—
- 7 (a) a document that replaces the incorporated document; or
- 8 (b) a document (an *initial replacement*) that replaces a document
9 mentioned in paragraph (a); or
- 10 (c) a document (a *further replacement*) that replaces an initial
11 replacement or any further replacement.

12 **36 Determination of fees**

- 13 (1) The Minister may, in writing, determine fees for this Act.
- 14 *Note* The Legislation Act contains provisions about the making of
15 determinations and regulations relating to fees (see pt 6.3).
- 16 (2) A determination is a disallowable instrument.
- 17 *Note* A disallowable instrument must be notified, and presented to the
18 Legislative Assembly, under the Legislation Act.

19 **37 Approved forms**

- 20 (1) The Minister may, in writing, approve forms for this Act.
- 21 (2) If the Minister approves a form for a particular purpose, the
22 approved form must be used for that purpose.
- 23 *Note* For other provisions about forms, see the Legislation Act, s 255.
- 24 (3) An approved form is a notifiable instrument.
- 25 *Note* A notifiable instrument must be notified under the Legislation Act.

1 **38 Regulation-making power**

2 (1) The Executive may make regulations for this Act.

3 *Note* A regulation must be notified, and presented to the Legislative
4 Assembly, under the Legislation Act.

5 (2) A regulation may make provision in relation to the following:

6 (a) the membership, procedures or functions of an advisory
7 committee established under this Act;

8 (b) for a motor vehicle racing place—

9 (i) buildings at the place; or

10 (ii) facilities at the place; or

11 (iii) services provided at the place; or

12 (iv) inspection of the place; or

13 (v) compliance of the place with international or national
14 motor sport standards; or

15 (vi) notification of any change of interest of a licensee in
16 relation to the place; or

17 (vii) environmental testing of conditions at the place.

18 **Examples of environmental testing**

19 1 noise testing

20 2 soil testing

21 *Note* An example is part of the Act, is not exhaustive and may
22 extend, but does not limit, the meaning of the provision in
23 which it appears (see Legislation Act, s 126 and s 132).

24 (3) A regulation may apply, adopt or incorporate any of the following
25 as in force from time to time:

26 (a) a publication of the National Transport Commission;

27 (b) a publication of a national or international body responsible for
28 a motor vehicle sport prescribed by regulation;

1 (c) any other instrument as in force from time to time.

2 *Note 1* The text of an applied, adopted or incorporated law or instrument,
3 whether applied as in force from time to time or at a particular time,
4 is taken to be a notifiable instrument if the operation of the
5 Legislation Act, s 47 (5) or (6) is not disappplied (see s 47 (7)).

6 *Note 2* A notifiable instrument must be notified under the Legislation Act.

7 (4) A regulation may create offences and fix maximum penalties of not
8 more than 20 penalty units for the offence.

9 (5) In this section:

10 *publication of the National Transport Commission* includes a
11 document published on behalf of the National Transport
12 Commission.

1 Dictionary

2 (see s 3)

3 *Note 1* The Legislation Act contains definitions and other provisions relevant to
4 this Act.

5 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 6 • AAT
- 7 • chief executive (see s 163)
- 8 • Minister (see s 162)
- 9 • under.

10 ***advisory committee*** means an advisory committee established under
11 section 30.

12 ***incorporated document*** means an instrument applied, adopted or
13 incorporated by regulation.

14 ***licence*** means a licence under section 9 to conduct motor vehicle
15 racing at a motor vehicle racing place.

16 ***licensee*** means a person issued a licence under section 9.

17 ***motor vehicle***—see the *Road Transport (General) Act 1999*,
18 dictionary.

19 ***motor vehicle racing***—see section 6.

20 ***motor vehicle racing place***—see section 7.

21 ***motor vehicle sport***—see section 6.

22 ***occupier***, of a place, for division 2.4 (Enforcement)—see section 22.

23 ***place*** includes premises, structures and vehicles.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2006.

2 Notification

Notified under the Legislation Act on 2006.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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