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LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MOTOR SPORT (PUBLIC SAFETY) BILL 2006

SUPPLEMENTARY EXPLANATORY STATEMENT

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Treasurer
Mr Ted Quinlan MLA

MOTOR SPORT (PUBLIC SAFETY) BILL 2006

Outline

The Motor Sport (Public Safety) Bill 2005 establishes an appropriate legislative platform under which motor sport activities contemplated at dedicated motor sport facilities can be managed.

This Bill is based on existing NSW legislation that has operated satisfactorily for 20 years and the Bill recognises the lack of existing regulation with respect to motor sport in the ACT.

Dedicated motor sport facilities present a varied array of regulatory issues. These issues are more complex than, say, events at Exhibition Park in Canberra. Events held at dedicated motor sport facilities need to be regulated not only to address the essential requirements for public safety, but also to deal with some unique issues. For instance, motor sport events are usually part of a national or international competition framework. They are usually accredited with a governing motor sport organization and that accreditation requires adherence to national or international standards. Event Sponsorship and television coverage may hinge on compliance with these standards. Licensing, insurance, risk and liability management are likewise linked to the standards, directly or indirectly.

Accordingly, the key policy proposal is to manage the risks associated with organised motor sport at a dedicated motor sport facility. This is achieved through a mechanism designed to ensure the competence of motor sport operations through:

- Appropriate risk controls at a standard that protects the public and the interests of sponsors and participants;
- Application of relevant OH&S and environmental standards; and
- Adequate insurance arrangements.

These technical amendments do not detract from the overall purpose of the Bill. However, they remedy two areas of potential procedural inconsistency.

Clause Notes

1

Proposed amendment to clause 7 (1), Page 4, line 14 —

This amendment recognises that the breadth of discretion exercisable in clause 7, while necessarily broad, would be better exercised at a level commensurate with the discretion, rather than by a Chief Executive. Consequently, the Government has decided to elevate the exercise of power under the discretions in this section to the responsible Minister.

2

Proposed amendment to clause 7 (2) Page 4, line 16 —

This amendment recognises that the breadth of discretion exercisable in clause 7, while necessarily broad, would be better exercised at a level commensurate with the discretion, rather than by a Chief Executive. Consequently, the Government has decided to elevate the exercise of power under the discretions in this section to the responsible Minister.

3

Proposed amendment to clause 8 (1), Page 5, line 2 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

4

Proposed amendment to clause 8 (2), Page 5, line 8 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

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Proposed amendment to clause 8 (3), Page 5, line 15 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

6

Proposed amendment to clause 9(1) – page 5, line 15 – this amendment recognises that the breadth of discretion exercisable in clause 9, while necessarily broad, would be better exercised at a level commensurate with the discretion, rather than by a Chief Executive. Consequently, the Government has decided to elevate the exercise of power under the discretions in this section to the responsible Minister.

7

Proposed amendment to clause 9(2) – page 5, line 18 – this amendment recognises that the breadth of discretion exercisable in clause 9, while necessarily broad, would be better exercised at a level commensurate with the discretion, rather than by a Chief Executive. Consequently, the Government has decided to elevate the exercise of power under the discretions in this section to the responsible Minister.

8

Proposed amendment to clause 9(3) – page 5, line 22 – this amendment recognises that the breadth of discretion exercisable in clause 9, while necessarily broad, would be better exercised at a level commensurate with the discretion, rather than by a Chief Executive. Consequently, the Government has decided to elevate the exercise of power under the discretions in this section to the responsible Minister.

9

Proposed amendment to clause 9(3) (a) – page 5, line 23 – this amendment recognises that the breadth of discretion exercisable in clause 9, while necessarily broad, would be better exercised at a level commensurate with the discretion, rather than by a Chief Executive. Consequently, the Government has decided to elevate the exercise of power under the discretions in this section to the responsible Minister.

10

Proposed amendment to clause 9(4) – page 5, line 27 – this amendment recognises that the breadth of discretion exercisable in clause 9, while necessarily broad, would be better exercised at a level commensurate with the discretion, rather than by a Chief Executive. Consequently, the Government has decided to elevate the exercise of power under the discretions in this section to the responsible Minister.

11

Clause 9 (5) (b) – clause 9 (5) (b) – page 6, line 4 –Decision about motor vehicle racing application the existing sub clause has been omitted and replaced by a sub clause that puts beyond doubt that the licence may relate to buildings and facilities without the need for prescription.

12

Proposed amendment to clause 10 (3), Page 7, line 5 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

13

Proposed amendment to clause 10 (4), Page 7, line 10 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

14

Proposed amendment to clause 10 (4) (a), Page 7, line 12 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

15

Proposed amendment to clause 10 (4) (b), Page 7, line 15 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

16

Proposed amendment to clause 10 (4) (c), Page 7, line 18 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

17

Proposed amendment to clause 11 (1), Page 7, line 24 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

18

Proposed amendment to clause 11 (3), Page 8, line 3 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

19

Proposed amendment to clause 14 (1) (a), Page 8, line 24 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

20

Proposed amendment to clause 16 (1), Page 9, line 26 — this amendment provides that it is now the Minister who must provide the licensee written notice in relation to disciplinary notice (as defined) under the clause.

21

Proposed amendment to clause 16 (1) (c), Page 10, line 7 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

22

Proposed amendment to clause 16 (2), Page 10, line 8 — this amendment provides that it is now the Minister who must consider any response provided in relation to a disciplinary notice.

23

Proposed amendment to clause 16 (3), Page 10, line 11 — this amendment provides that it is now the Minister and not a Chief Executive who takes disciplinary action in circumstances where the Minister is satisfied.

24

Proposed amendment to clause 16 (4), Page 10, line 14 — this amendment provides that it is now the Minister who must give a licensee notice of the Minister's decision.

25

Proposed amendment to clause 17 (1), Page 10, line 23 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

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Proposed amendment to clause 17 (2), Page 10, line 25 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

27

Proposed amendment to clause 17 (3), Page 10, line 27 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

28

Proposed amendment to clause 17 (3), (a) Page 11, line 1 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

29

Proposed amendment to clause 17 (3), (b) Page 11, line 4 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

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Proposed amendment to clause 17 (5), (b) Page 11, line 17 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

31

Proposed amendment to clause 18 (2), Page 11, line 22 — this amendment, deleting references to Chief Executive and inserting the word Minister is consequential upon amendments to clauses 7 and 9.

32

Proposed amendment to clause 31, Page 19, line 8 — this amendment requires that the Minister must consider any relevant information or advice given to the Minister by an advisory committee (other than in the case of disciplinary action).

33

Proposed amendment to clause 33 (2), Page 20, line 14 — this amendment requires that in a case where the Minister makes a reviewable decision, the Minister must give written notice to everyone affected by the decision.