

2006

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MOTOR SPORT (PUBLIC SAFETY) BILL 2006

EXPLANATORY STATEMENT

Circulated by authority of the
Treasurer
Mr Ted Quinlan MLA

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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.

Presently, no relevant legislation exists in the ACT. This legislation is needed to fill the gap.

Clause Notes

Clause 1 – Name of Act – states the title of the Act, which is the Motor Sport (Public Safety) Act 2005.

Clause 2 – Commencement – states that the Act commences on the day after its notification day.

Clause 3 – Dictionary – provides that the dictionary at the end of the Act is part of the Act. The dictionary defines key words and expressions used in the Act, and includes references to other words and expressions defined in other parts of the Act or in other legislation.

Clause 4 – Notes – provides that notes included in this Act are only explanatory and do not amount to legislation.

Clause 5 – offences – provides that the Criminal Code, Chapter 2 applies to all offences under this Act.

Clause 6 – licence for motor vehicle racing; important terms – provides two essential definitions: a definition of motor vehicle racing and motor vehicle sport.

Clause 7 – declaration of a motor vehicle racing place – provides that the Chief Executive may declare a place to be a place where motor vehicle racing may be conducted. There are limitations to the declaratory power: the venue must be suitable and a declaration cannot relate to public roads. A declaration is a notifiable instrument.

Clause 8 – application for motor vehicle racing licence – establishes the procedure for applying for a motor vehicle racing licence.

Clause 9 – decision about licence application – sets out grounds that must be applied in considering licence applications, together with the decision process for approving licence applications.

Clause 10 – licence conditions – outlines the term of a licence (one year) and includes the decision authority's powers to impose conditions upon the granting of a licence.

Clause 11 – renewal of licence – establishes procedure under which a motor vehicle racing licence may be renewed.

Clause 12 – change of name or address – requires a licensee to notify change of name or address.

Clause 13 – licensee to comply with conditions – provides that licensees must not contravene conditions in the licence.

Clause 14 – disciplinary action – establishes the grounds upon which the decision authority may take disciplinary action against a licensee.

Clause 15 – disciplinary action – specifies the elements of permitted disciplinary action.

Clause 16 – taking disciplinary action – specifies the conditions the decision authority must meet in deciding to take disciplinary action and in communicating that decision to a licensee.

Clause 17 – immediate suspension – permits the decision authority to apply an immediate suspension in the public interest, while contemplating her or his decision under section 16.

Clause 18 – effect of licence suspension – specifies the legal effects of licence suspension.

Clause 19 – conducting motor vehicle race without a licence – it is an offence to conduct motor vehicle racing without a licence.

Clause 20 – promoting or organising motor vehicle racing without a licence – unlicensed promoting or organising of motor racing is an offence.

Clause 21 – participating in motor vehicle racing without licence etc – this provision prohibits participation in motor racing if there is no licence or the conditions of a licence have been violated.

Clause 22 – enforcement - meaning of occupier – this provision defines occupier for the purposes of enforcement of the Act.

Clause 23 – appointment of authorised people – this provision specifies the class of person who can be authorised for the purposes of the Act.

Clause 24 – identity cards – this provision requires an authorised person to carry a suitable identity card that identifies the person and states that the person is authorised.

Clause 25 – power to enter place – this provision conveys the power necessary to allow an authorised person to enter the place to which a motor racing licence relates, the conditions under which such entry may be effected and the powers that may be exercised within the place.

Clause 26 – production of identity card – an authorised person must produce an identity card if required, or otherwise leave the place, the subject of the motor racing licence.

Clause 27 – consent to entry – provides for the necessary protocols around entry by authorised persons.

Clause 28 – damage etc to be minimised – establishes the requirement for the authorised person to cause as little inconvenience and damage as possible, and in the event of damage, the specify the damage in writing.

Clause 29 – compensation for the exercise of enforcement powers – this provision establishes the mechanism by which a person may seek compensation from the Territory in the event of damage occasioned by an authorised person.

Clause 30 – advisory committees – this provision establishes the mechanism by which the Minister can be properly advised by relevant motor racing experts.

Clause 31 – Chief Executive to consider advisory committee advice etc – this provision requires the Chief Executive to consider any advice provided to the Minister by an advisory committee, other than in relation to disciplinary matters under division 2.2 of the Act.

Clause 32 – reviewable decisions – this provision declares the decisions under this Act that are reviewable, including disciplinary action.

Clause 33 – review of decisions – this provision outlines the notification obligations with respect to reviewable decisions, and establishes that the Administrative Appeals Tribunal is the appropriate review body.

Clause 34 – inspection of incorporated documents – this provision outlines the notification obligations for the decision authority with respect to the availability of incorporated documents (as defined).

Clause 35 – notification of certain incorporated documents – the decision authority may prepare a written notice for an incorporated document. The required contents of the notice are specified in this section, as are the consequences of failure to comply with this section. A notice in a notifiable instrument.

Clause 36 – determination of fees – this provision gives the Minister power to determine fees under the Act. A determination is a disallowable instrument.

Clause 37 – approved forms – this provision gives the Minister power to approve forms for this Act. An approved form is a notifiable instrument.

Clause 38 – regulation-making power – this provision establishes the power to make regulations, and the subject matters that such regulations may address.

Dictionary – the dictionary provides necessary definitions.