



Gold Coast Motor Racing Events Act 1990

Reprinted as in force on 30 May 2003

Reprint No. 2A^{*}

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* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This Act is reprinted as at 30 May 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Gold Coast Motor Racing Events Act 1990

Contents

		Page
Part 1	Preliminary	
1	Short title	5
2	Definitions.	5
3	Goods taken to be marked with official motor racing insignia . . .	5
4	Meaning of motor racing event	6
5	Expiry of Act.	6
Part 2	Provisions relating to establishment of circuit and conduct of races	
6	Promoter to have care, control etc. of declared area	6
7	Promoter to have power to enter and carry out works	7
8	Promoter to make good damage, restore etc. land	8
9	Promoter to consult and take into account representations of persons affected by operations	8
10	Fencing or cordoning off of certain land by promoter.	9
11	Fenced or cordoned off land is lawfully occupied by promoter. . .	9
12	Certain Acts and laws not to apply.	10
13	Plans of proposed works to be available for public inspection . . .	10
14	Power to remove vehicles left unattended within declared area. .	11
15	Directions by Minister.	13
Part 3	Authorised persons	
16	Appointment and qualifications	14
17	Appointment conditions and limit on powers	14
18	Issue of identity card	15
19	Production or display of identity card	15
20	When authorised person ceases to hold office	15
21	Resignation	16
22	Return of identity card	16

Part 4	Access to declared area	
23	Restricted areas	16
24	Permitted entrants	16
25	Exclusion of persons removed	17
26	Access to motor racing circuit	17
27	Vehicles and vessels	18
28	Occupant's pass	18
29	Entry by ticket	19
30	Dealing with occupant's pass or ticket	19
31	Reserved areas, seats and blocks of seats	19
Part 5	Conduct in declared area	
32	Sign about prohibited activities and items	20
33	No placing posters etc. on structures	21
34	No distribution of printed matter	21
35	No erection of structures	21
36	No animals and birds	21
37	No alcoholic beverages	22
38	No prohibited objects	23
Part 6	Powers of authorised persons	
39	Powers of authorised persons	23
40	Use of reasonable force	25
Part 7	Miscellaneous	
41	Offences relating to authorised persons	26
42	Return of confiscated items	26
43	Proceedings for offences	26
44	Offence by body corporate	27
45	Promoter's special property in official motor racing insignia.	27
46	Seizure and forfeiture of goods	28
47	Promoter may control and charge fee for filming etc. from outside declared area	29
48	Evidence	29
49	Limitation of action	30
50	Declared area—when regulatory impact statement not required.	30
51	Regulation-making power	31
Schedule	Dictionary	32

Endnotes

1	Index to endnotes	35
2	Date to which amendments incorporated	35
3	Key	36
4	Table of reprints	36
5	Tables in earlier reprints	37
6	List of legislation	37
7	List of annotations	38
8	Table of renumbered provisions	42

Gold Coast Motor Racing Events Act 1990

[as amended by all amendments that commenced on or before 30 May 2003]

An Act to provide for the appointment of a promoter of and to facilitate the staging of an annual motoring racing event on the Gold Coast

Part 1 Preliminary

1 Short title

This Act may be cited as the *Gold Coast Motor Racing Events Act 1990*.

2 Definitions

The dictionary in the schedule defines particular words used in this Act.

3 Goods taken to be marked with official motor racing insignia

For the purposes of this Act, goods are taken to be marked with official motor racing insignia if such insignia are affixed or annexed to, marked on, or incorporated in or with—

- (a) the goods; or
- (b) any covering or container in which the goods are wholly or partly enclosed; or
- (c) anything placed in or attached to any such covering or container; or
- (d) anything that is attached to the goods or around which the goods are wrapped or wound.

4 Meaning of *motor racing event*

A *motor racing event* is a motor car race that takes place in a declared area during a declared period and includes the following held in conjunction or associated with the race—

- (a) practice and qualifying sessions;
- (b) parades and demonstrations;
- (c) other motor race and practice sessions;
- (d) other activities, events and promotions, whether or not involving motor racing.

5 Expiry of Act

This Act expires on 31 December 2010.

Part 2 Provisions relating to establishment of circuit and conduct of races

6 Promoter to have care, control etc. of declared area

- (1) The care, control, management and use of the public land within the declared area for any year vests in the promoter for the declared period for that year and the rights or interests of any other person in or in relation to that public land are suspended for the declared period.
- (2) Any land within the declared area for any year that is road ceases to be road—
 - (a) for the declared period for that year; and
 - (b) for any other period that the land is fenced or cordoned off by the promoter pursuant to this Act;but, upon the expiration of that period, reverts to road.
- (3) Notwithstanding subsections (1) and (2), if the promoter opens any land within the declared area for that year to

ordinary pedestrian and vehicular traffic as a road during prescribed times, the land while so open, is a road.

- (4) The provisions of this section have effect notwithstanding the provisions of any other Act or law.
- (5) Notwithstanding subsection (2), for the purpose of the application of the *Transport Operations (Road Use Management) Act 1995*, sections 79, 80 and 82, land referred to in subsection (2) is road.

7 Promoter to have power to enter and carry out works

- (1) Subject to this section, the promoter for the purposes of this Act has free and unrestricted access to the land comprising the declared area for any year and may carry out any works and do any other things upon the land that are reasonably necessary for or incidental to the promoting of the motor racing event.
- (2) The promoter, in exercising its powers under this section in relation to public land within the declared area, is to comply with—
 - (a) any terms and conditions from time to time agreed upon by the promoter with the relevant local government or any public authority having control over, or person having a right of occupation of, the public land or any part of the public land; or
 - (b) failing such agreement in relation to any particular matter, any terms and conditions determined by the Minister.
- (3) The promoter, in exercising its powers under this section in relation to private land within the declared area, is to comply with—
 - (a) any terms and conditions from time to time agreed upon by the promoter with the registered proprietor or the lessee (as the case may be) or any person having a right of occupation of the private land or any part of the private land; or

- (b) failing such agreement in relation to any particular matter, any terms and conditions determined by the Minister.
- (4) The terms and conditions that may be the subject of agreement or determination under subsections (2) and (3) include (without limiting the generality of subsections (2) and (3)) terms and conditions—
 - (a) that limit or prevent any unnecessary or reasonably avoidable interference with or damage to the land or anything growing upon or built upon the land;
 - (b) that limit or prevent any unnecessary or reasonably avoidable interference with any activity that may be lawfully carried on upon the land;
 - (c) that provide for reimbursement of proper costs or expenses that may be incurred by a relevant local government, public authority, registered proprietor, lessee or occupier (as the case may be).

8 Promoter to make good damage, restore etc. land

If in any year the promoter gains access to or carries out any works or does any other things on land, then within a reasonable time after expiration of the declared period in that year, the promoter in respect of that land is to—

- (a) make good any damage occasioned to the land or fixtures thereon by the activities of the promoter; and
- (b) remove all rubbish from the land; and
- (c) reinstate and leave the land in as nearly as is practicable the same condition as it was prior to the gaining entry, carrying out of works or the doing of those things.

9 Promoter to consult and take into account representations of persons affected by operations

- (1) The promoter, in exercising powers in promoting a motor racing event, is to—
 - (a) take all reasonable steps to consult with—

- (i) any relevant local government, registered proprietor, lessee or any person having a right of occupation of land within the declared area for any year; and
 - (ii) any person occupying land immediately adjacent to the declared area for any year; and
 - (iii) any other person whose business or financial interests might, in the opinion of the promoter, be adversely affected by the operations of the promoter; and
 - (iv) any public authority (including any department of the government) where operations are or are likely to be adversely affected by the operations of the promoter; and
- (b) take into account and, to such extent as is reasonably consistent with promoting a motor racing event, give effect to any representations made by any such person.
- (2) The duties imposed by subsection (1) do not give rise to any cause or right of action against or any liability in the promoter.

10 Fencing or cordoning off of certain land by promoter

- (1) Subject to compliance with this Act, the whole or any part of the land comprising the declared area for any year may be fenced or cordoned off by the promoter for the whole or any part of the declared period for that year.
- (2) Subject to compliance with this Act, the promoter may, where it is reasonably necessary for or incidental to the promoting of a motor racing event, fence or cordon off a part of the declared area for any year for a period not falling within the declared period for that year.

11 Fenced or cordoned off land is lawfully occupied by promoter

Land comprising or included within the declared area for any year that is fenced or cordoned off by the promoter is, while it

is so fenced or cordoned off, to be taken to be in the lawful occupation of the promoter.

12 Certain Acts and laws not to apply

- (1) The *Environmental Protection Act 1994* does not apply to or in relation to any noise emanating from a motor racing event for any year.
- (2) The *Transport Operations (Road Use Management) Act 1995*, other than sections 79, 80 and 82, does not apply to or in relation to a vehicle or its driver while the vehicle is being driven—
 - (a) in a motor racing event; or
 - (b) with the approval of the promoter, within the declared area for any year during the declared period for the purpose of providing support services for a motor racing event.
- (3) Land within the declared area for any year for so long as, during the declared period, it is not a *road* or *public place* under the *Transport Operations (Road Use Management) Act 1995*.
- (4) Except to the extent that the provisions of the *Local Government Act 1993*, the *Building Act 1975*, the *Beach Protection Act 1968*, the *Coastal Protection and Management Act 1995* and the *Integrated Planning Act 1997* require compliance with prescribed standards, the provisions of those Acts do not apply to or in relation to any works carried out or activity engaged in in respect of the promoting or the staging of a motor racing event by or with the approval of the promoter within the declared area for any year.
- (5) An activity carried on by or with the permission of the promoter within the declared area for any year during the declared period for that year does not constitute a nuisance.

13 Plans of proposed works to be available for public inspection

The promoter is to cause copies of the plans of all works proposed to be carried out by the promoter within the declared

area for any year to be available for public inspection during normal business hours at an office of the promoter approved by the Minister.

14 Power to remove vehicles left unattended within declared area

- (1) Where any vehicle is left unattended on public land within the declared area for any year during—
- (a) the declared period for that year; or
 - (b) the period, immediately before and after the declared period, declared by the Minister by gazette notice for constructing and dismantling works required for the motor racing event;

a person authorised by the promoter may remove the vehicle to any convenient place and for that purpose may enter the vehicle and drive it, or arrange for it to be driven or towed away.

- (1A) Details of the period, declared by the Minister under subsection (1)(b), and the effect of the declaration, must be published—
- (a) in a newspaper circulating in the declared area; and
 - (b) in a newspaper circulating generally in the State.
- (2) As soon as practicable after the removal of a vehicle under subsection (1), the person who removed the vehicle is to give to the owner of the vehicle notice of the removal and stating—
- (a) the place where the vehicle is kept; and
 - (b) that the vehicle may be released upon payment of all the expenses in connection with the removal and detention of the vehicle and of the giving of the notice; and
 - (c) if the vehicle is not released within 14 days it may be sold by the promoter.
- (3) Notice given pursuant to subsection (2) is to be in writing and served upon the owner personally, but if it is not so served within 14 days of the removal or if the owner has not been identified, it may be given by public advertisement in a

Gold Coast Motor Racing Events Act 1990

newspaper circulating in the locality of the declared area for the year.

- (4) If within 14 days from the date of service or advertisement of the notice, whichever last occurs the owner of the vehicle or a person acting on behalf of the owner or claiming a right to the possession of the vehicle has not obtained possession of the vehicle in accordance with the provisions of this section, the promoter may—
 - (a) by notice published in a newspaper circulating in the locality of the declared area for the year advertise that the vehicle will be offered for sale at the place and time stated in the advertisement;
 - (b) at the time on the day stated in the advertisement (which day shall be not earlier than 14 days after the date when the advertisement was first published) and at the place stated in the advertisement, offer the vehicle for sale unless the owner thereof or a person acting on behalf of the owner or claiming a right to possession thereof has sooner obtained possession of the vehicle in accordance with the provisions of this section.
- (5) Vehicles sold pursuant to subsection (4) are to be sold by public auction unless the Minister otherwise directs.
- (6) The proceeds of the sale or disposal of a vehicle are to be applied as follows—
 - (a) firstly, in payment of the expenses of the sale or disposal;
 - (b) secondly, in payment of the cost of removal of and holding the vehicle and the service and advertisement of any notice served or advertised under this section;
 - (c) thirdly, in payment of the balance of the proceeds to the owner of the vehicle or, if after reasonable enquiry, the owner cannot be ascertained, to the public trustee as unclaimed moneys and the provisions of the *Public Trustee Act 1978* with respect to unclaimed moneys apply thereto.
- (7) A vehicle is not to be delivered to the owner thereof, or to another person acting on behalf of the owner or claiming a right to the possession thereof unless—

- (a) the owner or other person has made and signed an application to the promoter for the release of the vehicle; and
 - (b) the applicant has furnished proof to the satisfaction of the promoter of ownership or right to possession of the vehicle and, in the case of the applicant being a person acting on behalf of the owner, has furnished proof to the satisfaction of the promoter of authority to so act; and
 - (c) the applicant has paid all expenses incurred by the promoter and not waived pursuant to the provisions of subsection (8) in connection with the removal of and holding the vehicle and the service or advertisement of any notice served or advertised by the promoter in relation to the availability for collection or intended sale of the vehicle; and
 - (d) the applicant has signed a receipt for the delivery of the vehicle.
- (8) If the promoter considers that special circumstances exist, the promoter may waive payment of the whole or part of the expenses referred to in subsection (7)(c).
- (9) A person who takes delivery, or obtains possession of or removes or attempts to remove from or interferes in any way with a vehicle which is in the custody of the promoter except in accordance with the provisions of this section commits an offence against this Act.
- Maximum penalty—10 penalty units.
- (10) For the purposes of this section the person in whose name a vehicle is registered under the *Transport Operations (Road Use Management) Act 1995* or any corresponding Act of the Commonwealth, a State or Territory is the owner of the vehicle.

15 Directions by Minister

- (1) The Minister may direct the promoter to do or not to do such things in relation to a motor racing event for any year as the Minister thinks fit.

- (2) The promoter is to comply in every respect with a direction given under subsection (1) and is not to authorise any act or omission by any person contrary to the direction.

Part 3 **Authorised persons**

16 **Appointment and qualifications**

- (1) The promoter may appoint any number of persons, including police officers, as authorised persons.
- (2) However, the promoter may appoint a person as an authorised person only if the promoter is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.
- (3) For the *Police Powers and Responsibilities Act 2000*,¹ an authorised person is a public official.

17 **Appointment conditions and limit on powers**

- (1) An authorised person holds office on the conditions stated in—
 - (a) the authorised persons’s instrument of appointment; or
 - (b) a signed notice given to the authorised person; or
 - (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the authorised person or a regulation may limit the authorised person’s powers under this Act.
- (3) Subsections (1) and (2) do not affect the powers of a police officer under the *Police Powers and Responsibilities Act 2000* or any other law of the State.
- (4) In this section—

signed notice means a notice signed by the promoter.

¹ See the *Police Powers and Responsibilities Act 2000*, sections 11 to 13.

18 Issue of identity card

- (1) The promoter must issue an identity card to each authorised person.
- (2) The identity card must—
 - (a) contain a recent photo of the authorised person; and
 - (b) contain a copy of the authorised person's signature; and
 - (c) identify the person as an authorised person under this Act; and
 - (d) state the expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

19 Production or display of identity card

- (1) In exercising a power under this Act in relation to another person, an authorised person must—
 - (a) produce the authorised person's identity card for the other person's inspection before exercising the power; or
 - (b) have the identity card displayed so it is clearly visible to the other person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person's inspection at the first reasonable opportunity.

20 When authorised person ceases to hold office

- (1) An authorised person ceases to hold office if any of the following happens—
 - (a) the term of office stated as a condition of office ends;
 - (b) under another condition of office, the authorised person ceases to hold office;
 - (c) the authorised person's resignation under section 21 takes effect.

(2) Subsection (1) does not limit the ways an authorised person may cease to hold office.

(3) In this section—

condition of office means a condition on which the authorised person holds office.

21 Resignation

An authorised person may resign by signed notice given to the promoter.

22 Return of identity card

A person who ceases to be an authorised person must return the person's identity card to the promoter within 21 days after ceasing to be an authorised person unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Part 4 Access to declared area

23 Restricted areas

(1) The promoter may, within the declared area, place signs marked 'restricted area' to designate a restricted area.

(2) A person, other than a permitted person, must not enter or remain in a restricted area during the declared period.

Maximum penalty for subsection (2)—20 penalty units.

24 Permitted entrants

(1) A person, other than a permitted entrant, must not enter or remain in the declared area during the declared period.

Maximum penalty—20 penalty units.

(2) A permitted entrant must not—

- (a) enter the declared area other than through an approved entrance; or
- (b) leave the declared area other than through an approved exit.

Maximum penalty—20 penalty units.

- (3) Subsection (1) does not apply to a person authorised, under another Act, to enter the declared area.

Examples for subsection (3)—

A police officer, a health or liquor licensing inspector, a fire service officer or an ambulance officer

25 Exclusion of persons removed

- (1) A person, other than the holder of an occupant's pass, who is removed from the area under section 39 or another Act, must not again enter or attempt to enter the area on the day the person is removed.

Maximum penalty—20 penalty units.

- (2) The holder of an occupant's pass, who is removed from the area under section 39 or another Act, must not again enter or attempt to enter the area between 10a.m. and 5p.m. on the day the holder is removed.

Maximum penalty—20 penalty units.

26 Access to motor racing circuit

- (1) A person, other than the holder of an occupant's pass, must not enter the motor racing circuit during the declared period unless the person is—

- (a) the driver of a racing car; or
- (b) the driver of, or a person authorised by the promoter to be a passenger in—
 - (i) a vehicle used to service, load or carry a racing car; or
 - (ii) an emergency vehicle; or

- (iii) a vehicle authorised by the promoter to enter the motor racing circuit; or
- (c) a person authorised by the promoter to enter the motor racing circuit.

Maximum penalty—20 penalty units.

- (2) The holder of an occupant's pass must not enter the motor racing circuit—
 - (a) if a motor racing event is taking place; or
 - (b) if a motor racing event is not taking place but the promoter has reasonably closed off the motor racing circuit.

Maximum penalty—20 penalty units.

27 Vehicles and vessels

- (1) A person must not drive or bring a vehicle or vessel into the declared area during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person authorised, under another Act, to be in the declared area during the declared period.

Examples for subsection (2)—

A police officer, a health or liquor licensing inspector, a fire service officer or an ambulance officer

28 Occupant's pass

- (1) An occupant of the declared area may apply to the promoter for a pass entitling the occupant to enter and remain in the declared area during the declared period (an *occupant's pass*).
- (2) The application must be in writing in the form approved by the promoter.
- (3) The promoter must grant the application if the promoter is satisfied the applicant requires access to the declared area during the declared period—

- (a) for the ordinary use and enjoyment of the applicant's place of residence or business; or
 - (b) to enable the applicant to travel to or from the applicant's place of residence or business; or
 - (c) to enable the applicant to travel to or from the applicant's place of employment to engage in employment.
- (4) An occupant's pass may be issued subject to conditions, including a condition limiting the period or periods for which the pass is valid to the days and times stated on the pass.

29 Entry by ticket

- (1) The promoter may issue a ticket and charge a fee for entry into the declared area during the declared period.
- (2) A ticket entitles the holder to enter the declared area during the declared period on the days and at the times stated on the ticket.

30 Dealing with occupant's pass or ticket

- (1) An occupant's pass or a ticket is not transferable.
- (2) The holder of an occupant's pass or a ticket must not—
 - (a) lend or give the pass or ticket to another person; or
 - (b) offer or attempt to sell the pass or ticket; or
 - (c) sell the pass or ticket.

Maximum penalty—20 penalty units.

- (3) A person must not sell or attempt to sell a document that is an imitation of, or could be taken to be, an occupant's pass or ticket.

Maximum penalty—20 penalty units.

31 Reserved areas, seats and blocks of seats

- (1) The promoter may, within the declared area, set aside areas, seats and blocks of seats as reserved areas, reserved seats and reserved blocks of seats.

- (2) The promoter may issue a ticket (a *reserved ticket*) entitling the holder of the reserved ticket to—
 - (a) enter and remain in a reserved area; or
 - (b) occupy a reserved seat; or
 - (c) occupy a seat in a reserved block of seats.
- (3) Reserved areas, seats and blocks of seats must be clearly marked to distinguish them from other areas, seats and blocks of seats.
- (4) A person who is not the holder of a reserved ticket must not—
 - (a) enter or remain in a reserved area; or
 - (b) occupy a reserved seat.

Maximum penalty for subsection (4)—20 penalty units.

Part 5 Conduct in declared area

32 Sign about prohibited activities and items

- (1) Before a declared period begins, the promoter must erect a sign outside each approved entrance warning persons entering the declared area about—
 - (a) the activities that, under this part, may not take place in the declared area during the declared period; and
 - (b) the items that, under section 39, may be confiscated if taken into the declared area during the declared period.
- (2) For the purposes of this part, if a sign warning about an activity or item mentioned in subsection (1) is not erected outside an approved entrance that a person uses to enter the declared area, it is taken that the person has the consent of the promoter to carry out the activity in, or take the items into, the declared area during the declared period.

33 No placing posters etc. on structures

- (1) A person must not place a placard, poster, advertisement or other thing on a building, fence or other structure in the declared area during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

- (2) In subsection (1)—

place includes paste, stick, nail or, in any other way, position.

34 No distribution of printed matter

A person must not distribute printed matter in the declared area between 7a.m. and 7p.m. on any day during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

35 No erection of structures

- (1) Subsection (2) applies—

- (a) during the declared period; and
- (b) during the period, immediately before the declared period, declared by the Minister under section 14(1)(b).

- (2) A person must not, without the consent of the promoter—

- (a) erect, in the declared area, a structure that could be used to view the motor racing event; or
- (b) bring into the declared area material that could be used to erect a structure mentioned in paragraph (a).

Maximum penalty—70 penalty units.

36 No animals and birds

- (1) A person must not bring an animal or bird into the declared area during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

- (2) Subsection (1)—

- (a) does not apply to the holder of an occupant's pass whose place of residence is in the declared area; and
- (b) does not prevent a blind or deaf person being accompanied by a guide dog.

37 No alcoholic beverages

- (1) A person must not bring an alcoholic beverage into the declared area during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to—
 - (a) the holder of a licence under the *Liquor Act 1992* authorising the sale of alcoholic beverages from premises in the declared area during the declared period; or
 - (b) an employee or agent of the licence holder mentioned in paragraph (a), acting in the ordinary course of the employee or agent's employment; or
 - (c) an occupant of the declared area who brings an alcoholic beverage into the declared area for consumption in the occupant's place of residence.
- (3) A person must not supply or consume an alcoholic beverage in the declared area during the declared period other than—
 - (a) in premises from which the sale of alcoholic beverages is authorised under a licence under the *Liquor Act 1992*; or
 - (b) in a residence; or
 - (c) in a part of the declared area designated as a refreshment area by all the signs required under subsection (4).

Maximum penalty for subsection (3)—20 penalty units.

- (4) For subsection (3)(c), the promoter must—
 - (a) place signs marked 'refreshment area' to designate a refreshment area; and

- (b) within a refreshment area and at every exit from a refreshment area, place signs marked 'no alcoholic beverage is to be removed from this area or consumed outside this area'.

38 No prohibited objects

- (1) The object of this section is to empower the promoter to ensure the safety of persons and property within the declared area by stopping anything being brought into the area that might, or might be used to, endanger persons or property.
- (2) Without limiting section 36 or 37, the promoter may, on the sign erected under section 32, state that a person may not bring into the declared area during the declared period an item stated on the sign (a *prohibited object*).
- (3) A person must not bring a prohibited object into the declared area during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

Part 6 Powers of authorised persons

39 Powers of authorised persons

- (1) An authorised person may, during a declared period—
 - (a) prevent another person—
 - (i) from entering the declared area if the other person is not a permitted entrant; or
 - (ii) from entering the declared area other than through an approved entrance; or
 - (iii) from leaving the declared area other than through an approved exit; or
 - (iv) from entering a restricted area if the other person is not a permitted person; or
 - (b) require—

Gold Coast Motor Racing Events Act 1990

- (i) a person entering the declared area to produce for inspection by the authorised person any container the person intends taking into the declared area; or
 - (ii) a person in the declared area to produce evidence satisfactory to the authorised person that the person is a permitted entrant; or
 - (iii) the following persons to state their full name and address and to produce evidence satisfactory to the authorised person of the correctness of the name and address—
 - (A) a person found committing an offence against this Act;
 - (B) a person the authorised person reasonably suspects has committed an offence against this Act; or
- (c) remove—
- (i) from the declared area a person—
 - (A) who has entered the area in contravention of section 24; or
 - (B) who fails to produce evidence satisfactory to the authorised person that the person is a permitted entrant; or
 - (C) who the authorised person finds committing an offence against this Act; or
 - (D) who the authorised person reasonably suspects has, on that day, committed an offence against this Act; or
 - (ii) from the declared area any animal or bird brought into the area in contravention of section 36; or
 - (iii) from a restricted area any person who is not a permitted person; or
 - (iv) from a reserved area, a reserved seat or a seat in a reserved block of seats, a person who does not hold a reserved ticket; or
- (d) remove and confiscate anything placed on a structure in contravention of section 33; or

- (e) confiscate—
 - (i) a document that is an imitation of, or could be taken to be, an occupant's pass or ticket; or
 - (ii) any printed matter distributed in the declared area in contravention of section 34; or
 - (iii) any material that could be used to erect a structure, brought into the declared area in contravention of section 35; or
 - (iv) any alcoholic beverage found in the possession of a person entering the declared area if bringing the beverage into the declared area would be in contravention of section 37(1); or
 - (v) any alcoholic beverage found in the possession of a person in a part of the declared area where the supply or consumption of alcoholic beverages is not permitted under section 37(3); or
 - (vi) any prohibited object brought into the declared area in contravention of section 38; or
 - (f) dismantle any structure erected in the declared area in contravention of section 35.
- (2) If an authorised person confiscates an item, the authorised person must give the person from whom the item was confiscated, a voucher to enable the person to apply to the promoter for return of the item.
 - (3) If a voucher is not given to a person from whom an item is confiscated, the confiscation is invalid.

40 Use of reasonable force

An authorised person may use the force that is reasonably necessary to perform the authorised person's functions or to exercise the authorised person's powers under this Act.

44 Offence by body corporate

- (1) Where an offence against this Act is committed by a body corporate, every person who is an executive officer of the body corporate commits the offence and may be prosecuted and punished for the offence unless that person proves that the offence was committed without knowledge of that person and that person used a reasonable degree of diligence to prevent the commission of the offence.
- (2) In subsection (1)—
executive officer of the body corporate means any person, by whatever name called and whether or not a director of the body corporate, who is concerned or takes part in the management of the body corporate.
- (3) Subsection (1) does not affect the liability of a body corporate to be prosecuted and punished for an offence.

45 Promoter's special property in official motor racing insignia

- (1) The promoter has a proprietary interest in all official motor racing insignia.
- (2) A person, who without the consent of the promoter, in the course of a trade or business—
 - (a) sells goods marked with official motor racing insignia;
or
 - (b) uses official motor racing insignia for the purpose of promoting the sale of goods or services;commits the tort of conversion and commits an offence against this Act.
Maximum penalty—300 penalty units.
- (3) A person who, without the consent of the promoter, assumes a name or description that consists of, or includes, official motor racing insignia commits the tort of conversion and commits an offence against this Act.
Maximum penalty—300 penalty units.
- (4) A consent under this section—

- (a) may be given with or without conditions (including conditions requiring payment to the promoter); and
 - (b) may be given by notice in writing addressed to an applicant for the consent; and
 - (c) may be revoked by the promoter for breach of a condition by notice in writing given personally or by post to a person who has the benefit of the consent.
- (5) The Supreme Court may, on the application of the promoter, grant an injunction to restrain a breach of this section.
- (6) The court by which a person is convicted of an offence against this section may, on the application of the promoter, order the convicted person to pay compensation of an amount fixed by the court to the promoter.
- (7) Subsections (5) and (6) do not derogate from any civil remedy that may be available to the promoter apart from those subsections.

46 Seizure and forfeiture of goods

- (1) Where—
- (a) goods apparently intended for a commercial purpose are marked with official motor racing insignia; and
 - (b) a person authorised by the promoter suspects on reasonable grounds that the use of the insignia has not been authorised by the promoter;
- that person may seize the goods.
- (2) Where goods have been seized under this section and—
- (a) proceedings are not instituted for an offence against section 45 in relation to the goods within 3 months of their seizure; or
 - (b) after proceedings have been instituted and completed, the defendant is not convicted;
- the person from whom they were seized is entitled to recover—

- (c) the goods or, if they have been destroyed, compensation equal to the market value of the goods at the time of their seizure; and
 - (d) compensation for any loss suffered by reason of the seizure of the goods.
- (3) An action for the payment of compensation under subsection (2) may be brought against the promoter in any court of competent jurisdiction.
 - (4) The court by which a person is convicted of an offence against this Act may order that goods to which the offence relates be forfeited to the Crown.
 - (5) Any goods forfeited to the Crown are to be disposed of in such manner as the Minister may direct, and, if sold, the proceeds of the sale are to be disposed of as directed by the Minister.

47 Promoter may control and charge fee for filming etc. from outside declared area

- (1) Except with the consent of the promoter, a person is not entitled to make, for the purpose of profit or gain, at or from a place outside the declared area for any year at which a motor racing event promoted by the promoter takes place, any sound recording or television or other recording of moving pictures of the motor racing event or any part of the event.
- (2) The promoter may charge a fee for giving consent under subsection (1) being a fee of the prescribed amount or such other amount as the promoter may fix in a particular case.
- (3) Where a person makes a recording as referred to in subsection (1) without the consent of the promoter, the promoter may recover, as a debt due to the promoter, by proceedings in any court of competent jurisdiction, the fee of a prescribed amount referred to in subsection (2).

48 Evidence

In any proceedings under this Act a printed document that purports—

- (a) to be a standard, rule, code or specification of an association or body referred to in, or prescribed under, the regulations; and
 - (b) to have been published or issued by or on behalf of that association or body;
- is evidence of that standard, rule, code or specification.

49 Limitation of action

- (1) Liability at law shall not attach to the Crown, the Minister, or a police officer within the meaning of the *Police Service Administration Act 1990*, on account of any act or thing—
 - (a) done or omitted to be done pursuant to this Act; or
 - (b) done or omitted to be done bona fide for the purposes of this Act and without negligence.
- (2) This section does not affect the liability of a police officer to disciplinary action under the *Police Service Administration Act 1990*.

50 Declared area—when regulatory impact statement not required

- (1) This section applies if—
 - (a) under a proposed regulation (the *relevant proposed regulation*), the declared area for a year will be the same as the declared area for the previous year; and
 - (b) the *Statutory Instruments Act 1992*, part 5, division 2² has been complied with for a proposed regulation declaring the same area to be the declared area for—
 - (i) the previous year; or
 - (ii) another year, if since that year the declared area for each intervening year has been the same.
- (2) Despite the *Statutory Instruments Act 1992*, section 43, a regulatory impact statement need not be prepared about the relevant proposed regulation.

² *Statutory Instruments Act 1992*, part 5, division 2 (Regulatory impact statements)

- (3) In this section—
same includes substantially the same.

51 Regulation-making power

- (1) The Governor in council may make regulations under this Act.
- (2) A regulation may provide for any 1 or more of the following—
- (a) access to the declared area and conditions about the access;
 - (b) the behaviour of persons in the declared area;
 - (c) fees payable under this Act, including fees for entry to the declared area or part of the declared area;
 - (d) a maximum penalty of 20 penalty units for a contravention of the regulation.

Schedule Dictionary

section 2

approved entrance means an entrance to the declared area approved by the promoter.

approved exit means an exit from the declared area approved by the promoter.

authorised person means a person appointed under section 16.

declared area, for a year, means the area declared under a regulation to be the declared area for the year.

declared period, for a year, means the period (not longer than 5 days) declared under a regulation to be the declared period for the year.

emergency vehicle includes the following—

- (a) an ambulance;
- (b) a fire engine;
- (c) a police vehicle;
- (d) another vehicle, including a tow truck, helicopter or mobile crane, authorised by the promoter to be used as an emergency vehicle.

freehold land means land in which an estate of freehold is subsisting.

graphic standards manual means a document adopted by the promoter as the graphic standards manual and available for inspection during normal business hours at the registered office of the promoter or, if required by the Minister, at another specified office of the promoter.

land includes foreshore, land below high water mark of tidal water and bed and banks of a river, stream, watercourse, lake or other body of water.

leasehold land means land, other than freehold land, which is subject to—

Schedule (continued)

- (a) an estate or interest in land under a lease granted by the Crown; or
- (b) a permit to occupy or road licence granted under the *Land Act 1994*; or
- (c) a lease issued by a trustee of a reserve under the *Land Act 1994*.

lessee means the holder of any lease of freehold land or of leasehold land and includes the holder of any sublease of such a lease.

logo means the design (the copyright of which is vested in the promoter) which is more particularly depicted and described from time to time in the graphic standards manual.

motor racing circuit means the part of the declared area on which a motor racing event takes place.

motor racing event see section 4.

motor racing insignia means an expression, whether used in full or in abbreviated form, or in combination with other words or symbols, that can reasonably be taken to refer to a motor racing event.

occupant, of the declared area, means a person whose place of business, employment or residence is in the declared area.

occupant's pass see section 28.

official motor racing insignia means the logo, an official symbol, an official title or any motor racing insignia for a particular motor racing event.

official symbol means a combination of the logo and an official title.

official title, for a motor racing event, means a name or title declared under a regulation to be an official title for the event.

permitted entrant, of the declared area, means—

- (a) a person who is admitted to the declared area—
 - (i) on the production of a ticket or the payment of an entry fee; or

Schedule (continued)

- (ii) under an authority issued by the promoter; or
- (b) the promoter or an agent or employee of the promoter;
or
- (c) the holder of an occupant's pass.

permitted person means the promoter or a person who is authorised in writing by the promoter to enter and remain in a restricted area.

private land means freehold land or leasehold land which in each case is for the time being not owned, managed or occupied by a local government or public authority.

promote, in relation to an event or activity, includes organise and conduct.

promoter, for a year, means the person declared under a regulation to be the promoter for the year.

public land means land which, for the time being, is not private land.

relevant local government, in relation to the declared area for any year, means a local government the area of which includes the declared area or part of the declared area.

reserved area means an area set aside under section 31.

reserved block of seats means a block of seats set aside under section 31.

reserved seat means a seat set aside under section 31.

reserved ticket see section 31.

restricted area means an area designated by signs under section 23.

road see the *Transport Operations (Road Use Management) Act 1995*, schedule 4, dictionary, definition *road*.

ticket means a pass or other document issued by the promoter under section 29 but does not include an occupant's pass.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	35
3 Key	36
4 Table of reprints	36
5 Tables in earlier reprints	37
6 List of legislation	37
7 List of annotations	38
8 Table of renumbered provisions	42

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 30 May 2003. Future amendments of the Gold Coast Motor Racing Events Act 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1995 Act No. 57	28 November 1995	20 December 1995
1A	1996 Act No. 66	9 December 1996	4 March 1997
1B	1999 Act No. 42	2 September 1999	15 September 1999
1C	1999 Act No. 42	1 December 1999	11 January 2000
1D	2001 Act No. 13	1 December 1999	9 August 2001
1E	2001 Act No. 13	20 August 2001	24 August 2001
1F	2001 Act No. 13	1 February 2002	8 February 2002
1G	2001 Act No. 13	1 March 2002	8 March 2002
1H	2001 Act No. 13	1 May 2002	1 May 2002
2	2001 Act No. 13	1 May 2002	29 May 2002

Reprint No.	Amendments included	Effective	Notes
2A	2003 Act No. 11	30 May 2003	

5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Gold Coast Motor Racing Events Act 1990 No. 60 (prev Indy Car Grand Prix Act 1990)

date of assent 18 September 1990

commenced on date of assent

exp 31 December 2010 (see s 5)

amending legislation—

Local Government Act 1993 No. 70 s 804 sch

date of assent 7 December 1993

commenced 26 March 1994 (see s 2(5))

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 2

date of assent 1 December 1994

commenced on date of assent (see s 2)

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Queensland Tourist and Travel Corporation Amendment Act 1996 No. 66 pts 1, 3

date of assent 9 December 1996

commenced on date of assent

Tourism Legislation Amendment Act 1999 No. 41 pts 1–2

date of assent 2 September 1999

commenced on date of assent

Road Transport Reform Act 1999 No. 42 ss 1–2(1), 54(3) sch pt 3

date of assent 2 September 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1999 (see s 2(1))

Chiropractors Registration Act 2001 No. 3 ss 1–2, 241 sch 2

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 2002 (2002 SL No. 73)

Health Practitioners Legislation Amendment Act 2001 No. 6 pts 1, 4

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 20 August 2001 (2001 SL No. 140)

Medical Practitioners Registration Act 2001 No. 7 ss 1–2, 302 sch 2

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2002 (2002 SL No. 30)

Physiotherapists Registration Act 2001 No. 13 ss 1–2, 242 sch 2

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 262)

**Indy Car Grand Prix and Other Legislation Amendment Act 2003 No. 11 ss 1, 2(2),
pt 2**

date of assent 9 April 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 30 May 2003 (2003 SL No. 94)

7 List of annotations

Title amd 2003 No. 11 s 4**Short title****s 1** sub 2003 No. 11 s 5**Definitions****prov hdg** sub 1995 No. 57 s 4 sch 1**Note**—prev s 2 contained definitions for this Act. Definitions are now located in the schedule—Dictionary.**s 2** amd 1995 No. 57 s 4 sch 1; 2003 No. 11 s 6**Goods taken to be marked with official motor racing insignia****prov hdg** ins 1995 No. 57 s 4 sch 1

amd 2003 No. 11 s 7(1)

s 3 (prev s 1.2(2)) renum (as s 1.2A) 1995 No. 57 s 4 sch 1
amd 2003 No. 11 s 7(2)**Meaning of “motor racing event”****prov hdg** ins 1995 No. 57 s 4 sch 1**s 4** (prev s 1.2(3)) renum as s 1.2B 1995 No. 57 s 4 sch 1
sub 2003 No. 11 s 8**Expiry of Act****s 5** sub 1996 No. 66 s 14

amd 1999 No. 41 s 3; 2003 No. 11 s 9

PART 2—PROVISIONS RELATING TO ESTABLISHMENT OF CIRCUIT AND CONDUCT OF RACES

pt hdg prev pt 2 hdg om 1995 No. 57 s 4 sch 1
pres pt 2 hdg (orig pt 3 hdg) renum 1999 No. 41 s 4

Promoter to have care, control etc. of declared area

s 6 amd 1999 No. 42 s 54(3) sch pt 3

Certain Acts and laws not to apply

s 12 amd 1999 No. 42 s 54(3) sch pt 3; 2003 No. 11 s 10

Power to remove vehicles left unattended within declared area

s 14 amd 2003 No. 11 s 11

Regulations

s 4.6 om 1995 No. 57 s 4 sch 1

Payment of amount in expiation of traffic etc. offence

s 4.8 om 1995 No. 57 s 4 sch 1

PART 3—AUTHORISED PERSONS

pt 3 (ss 16–22) ins 2003 No. 11 s 15

PART 4—ACCESS TO DECLARED AREA

pt hdg ins 2003 No. 11 s 15

Restricted areas

s 23 prev s 23 amd 1995 No. 57 s 4 sch 1; 2001 No. 3 s 241 sch 2; 2001 No. 6 s 36;
2001 No. 7 s 302 sch 2; 2001 No. 13 s 242 sch 2
om 2003 No. 11 s 12
pres s 23 ins 2003 No. 11 s 15

Permitted entrants

s 24 ins 2003 No. 11 s 15

Exclusion of persons removed

s 25 ins 2003 No. 11 s 15

Access to motor racing circuit

s 26 ins 2003 No. 11 s 15

Vehicles and vessels

s 27 ins 2003 No. 11 s 15

Occupant's pass

s 28 ins 2003 No. 11 s 15

Entry by ticket

s 29 ins 2003 No. 11 s 15

Dealing with occupant's pass or ticket

s 30 ins 2003 No. 11 s 15

Reserved areas, seats and blocks of seats

s 31 ins 2003 No. 11 s 15

PART 5—CONDUCT IN DECLARED AREA**pt 5 (ss 32–38)** ins 2003 No. 11 s 15**PART 6—POWERS OF AUTHORISED PERSONS****pt 6 (ss 39–40)** ins 2003 No. 11 s 15**Numbering and renumbering of Act****s 4.11** ins 1994 No. 87 s 3 sch 2
om R1 (see RA s 37)**PART 7—MISCELLANEOUS****pt hdg** (prev pt 4 hdg) renum (as pt 3 hdg) 1999 No. 41 s 4
(prev pt 3 hdg) renum 2003 No. 11 s 14**Offences relating to authorised persons****s 41** ins 2003 No. 11 s 16**Return of confiscated items****s 42** ins 2003 No. 11 s 16**Proceedings for offences****s 43** (prev s 16) renum 2003 No. 11 s 13**Offence by body corporate****s 44** (prev s 17) renum 2003 No. 11 s 13**Promoter's special property in official motor racing insignia****prov hdg** amd 2003 No. 11 s 17(1)
s 45 (prev s 18) renum 2003 No. 11 s 13
amd 2003 No. 11 s 17(2)**Seizure and forfeiture of goods****s 46** (prev s 19) amd 1995 No. 57 s 4 sch 1
renum 2003 No. 11 s 13
amd 2003 No. 11 s 18**Promoter may control and charge fee for filming etc. from outside declared area****s 47** (prev s 20) renum 2003 No. 11 s 13**Evidence****s 48** (prev s 21) renum 2003 No. 11 s 13**Limitation of action****s 49** (prev s 22) renum 2003 No. 11 s 13**Declared area—when regulatory impact statement not required****s 50** (prev s 23A) ins 1999 No. 41 s 5
renum 2003 No. 11 s 13**Regulation-making power****s 51** (prev s 24) ins 1995 No. 57 s 4 sch 1
renum 2003 No. 11 s 13
sub 2003 No. 11 s 19

SCHEDULE—DICTIONARY

- sch hdg** ins 2003 No. 11 s 20
- Note**—definitions for this Act were originally located in prev s 2
- def **“approved entrance”** ins 2003 No. 11 s 6(3)
- def **“approved exit”** ins 2003 No. 11 s 6(3)
- def **“authorised person”** ins 2003 No. 11 s 6(3)
- def **“CART”** amd 1995 No. 57 s 4 sch 1
om from prev s 2 2003 No. 11 s 6(2)
- def **“declared area”** sub 1995 No. 57 s 4 sch 1
reloc 2003 No. 11 s 6(4)
- def **“declared period”** sub 1995 No. 57 s 4 sch 1
reloc 2003 No. 11 s 6(4)
- def **“emergency vehicle”** ins 2003 No. 11 s 6(3)
- def **“freehold land”** reloc 2003 No. 11 s 6(4)
- def **“grand prix insignia”** om from prev s 2 2003 No. 11 s 6(2)
- def **“graphic standards manual”** reloc 2003 No. 11 s 6(4)
- def **“land”** reloc 2003 No. 11 s 6(4)
- def **“leasehold land”** reloc 2003 No. 11 s 6(4)
- def **“lessee”** reloc 2003 No. 11 s 6(4)
- def **“local authority”** om from prev s 2 1993 No. 70 s 804 sch
- def **“logo”** reloc 2003 No. 11 s 6(4)
- def **“Minister”** om from prev s 2 1995 No. 57 s 4 sch 1
- def **“motor racing circuit”** ins 2003 No. 11 s 6(3)
- def **“motor racing event”** ins 2003 No. 11 s 6(3)
- def **“motor racing insignia”** ins 2003 No. 11 s 6(3)
- def **“occupant”** ins 2003 No. 11 s 6(3)
- def **“occupant’s pass”** ins 2003 No. 11 s 6(1)
- def **“official grand prix insignia”** om from prev s 2 2003 No. 11 s 6(2)
- def **“official motor racing insignia”** ins 2003 No. 11 s 6(3)
- def **“official symbol”** reloc 2003 No. 11 s 6(4)
- def **“official title”** sub 1995 No. 57 s 4 sch 1
reloc 2003 No. 11 s 6(4)
- def **“permitted entrant”** ins 2003 No. 11 s 6(3)
- def **“permitted person”** ins 2003 No. 11 s 6(3)
- def **“private land”** reloc 2003 No. 11 s 6(4)
- def **“promote”** reloc 2003 No. 11 s 6(4)
- def **“promoter”** sub 1995 No. 57 s 4 sch 1
reloc 2003 No. 11 s 6(4)
- def **“public land”** reloc 2003 No. 11 s 6(4)
- def **“relevant local government”** reloc 2003 No. 11 s 6(4)
- def **“reserved area”** ins 2003 No. 11 s 6(3)
- def **“reserved block of seats”** ins 2003 No. 11 s 6(3)
- def **“reserved seat”** ins 2003 No. 11 s 6(3)
- def **“reserved ticket”** ins 2003 No. 11 s 6(3)
- def **“restricted area”** ins 2003 No. 11 s 6(3)
- def **“road”** sub 2003 No. 11 s 6(2)–(3)
- def **“ticket”** ins 2003 No. 11 s 6(3)

8 Table of renumbered provisions

under the Reprints Act 1992 s 43 as required by the Indy Car Grand Prix Act 1990 No. 60
s 4.11 [Reprint No. 1]

Previous	Renumbered as
1.1	1
1.2	2
1.2A	3
1.2B	4
1.3	5
3.1	6
3.2	7
3.3	8
3.4	9
3.5	10
3.6	11
3.7	12
3.8	13
3.9	14
3.9(2)(a)	14(2)
3.9(2)(a)(i)	14(2)(a)
3.9(2)(a)(ii)	14(2)(b)
3.9(2)(a)(iii)	14(2)(c)
3.9(2)(b)	14(3)
3.9(2)(c)(i)	14(4)
3.9(2)(c)(i)(A)	14(4)(a)
3.9(2)(c)(i)(B)	14(4)(b)
3.9(2)(c)(i), 2nd sentence	14(5)
3.9(2)(c)(ii)	14(6)
3.9(2)(c)(ii)(A)	14(6)(a)
3.9(2)(c)(ii)(B)	14(6)(b)
3.9(2)(c)(ii)(C)	14(6)(c)
3.9(2)(d)	14(7)
3.9(2)(d)(i)	14(7)(a)
3.9(2)(d)(ii)	14(7)(b)
3.9(2)(d)(iii)	14(7)(c)
3.9(2)(d)(iv)	14(7)(d)
3.9(2)(d), 2nd sentence	14(8)
3.9(2)(e)	14(9)
3.9(2)(g)	14(10)
3.10	15
4.1	16
4.2	17
4.3	18
4.4	19
4.5	20
4.7	21
4.9, 1st sentence	22(1)

Gold Coast Motor Racing Events Act 1990

Previous	Renumbered as
4.9, 2nd sentence	22(2)
4.10	23
4.10A	24