



# Motor Racing Events Act 1990

Current as at 12 November 2012

# Information about this reprint

This Act is reprinted as at 12 November 2012. 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.

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.**

## Spelling

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## Queensland

# Motor Racing Events Act 1990

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# Motor Racing Events Act 1990

[as amended by all amendments that commenced on or before 12 November 2012]

**An Act to provide for the appointment of promoters of motor racing events in Queensland, and to facilitate the construction of works for, and the staging of, the events in Queensland**

## Part 1 Preliminary

### 1 Short title

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

### 2 Definitions

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

### 2A References in Act

In a provision of this Act that uses the expression ‘the promoter’—

- (a) the expression refers to any person who is declared under a regulation to be the promoter of a motor racing event for a year (the *relevant motor racing event*); and
- (b) the expression ‘the declared area’ refers to the declared area for the relevant motor racing event; and
- (c) the expression ‘the declared period’ refers to the declared period for the relevant motor racing event; and

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- (d) a reference to a motor racing event is a reference to the relevant motor racing event; and
- (e) a reference to any year is a reference to the year stated in the regulation declaring the person to be the promoter of the relevant motor racing event; and
- (f) a reference to an authorised person is a reference to an authorised person appointed by the promoter; and
- (g) a reference to official motor racing insignia is a reference to official motor racing insignia for the relevant motor racing event; and
- (h) a reference to a motor racing circuit is a reference to the motor racing circuit for the relevant motor racing event.

*Example for section 2A—*

Section 39(2) uses the expression ‘the promoter’, and section 39(1)(a)(i) uses the expression ‘the declared area’. Section 2A applies in relation to section 39 so that if a person is declared under a regulation to be the promoter of a motor racing event, the reference to ‘the promoter’ is a reference to that person, and the reference to ‘the declared area’ is a reference to the declared area for that motor racing event.

### **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.



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#### **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.

## **Part 1A Provisions about proposed declared area**

#### **5 Declaration of proposed declared area**

- (1) The Minister may, by gazette notice, declare an area (a *proposed declared area*) that is proposed to be the area for the staging of a motor racing event.
- (2) If the gazette notice identifies the proposed declared area by reference to a map or plan, the notice must state where and at what times the map or plan showing the proposed declared area is to be available for public inspection.
- (3) A regulation under this Act that declares an area to be a declared area may, but need not, include some or all of the proposed declared area in the declared area.
- (4) However, an area that is a proposed declared area ceases to be a proposed declared area to the extent that it forms part of a declared area.

#### **5A State may enter and construct on public land**

- (1) The State may enter any public land in a proposed declared area to construct any works and perform other activities the

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Minister considers reasonably necessary for, or incidental to, preparing for the staging of a motor racing event in the proposed declared area.

- (2) The State may exercise its powers under subsection (1)—
  - (a) only with the agreement of an entity that owns, occupies or controls the land; or
  - (b) in the absence of agreement for any matter—in accordance with the terms and conditions decided by the Minister.

## **5B Access to public land for maintenance of works**

- (1) This section applies—
  - (a) after the construction of the works mentioned in section 5A(1) is completed; and
  - (b) whether or not the public land mentioned in section 5A(1) is still in a proposed declared area, or is in a declared area.
- (2) An entity identified by the Minister, by gazette notice, may enter the land and perform activities reasonably necessary for the proper maintenance of the works.
- (3) The entity may exercise its powers under subsection (2)—
  - (a) only with the agreement of an entity that owns, controls or occupies the land; or
  - (b) in the absence of agreement for any matter—in accordance with the terms and conditions decided by the Minister.

## **5C State may enter and construct on private land**

- (1) The State may enter any private land in a proposed declared area to construct any works and perform other activities the Minister considers reasonably necessary for, or incidental to, preparing for the staging of a motor racing event in the proposed declared area.

- (2) The State may exercise its powers under subsection (1), only with the agreement of any person who owns or occupies the land.
- (3) However, if an agreement under subsection (2) is with an owner of the land, the agreement runs with the land and binds any subsequent owner or occupier of the land.

#### **5D Access to private land for maintenance of works**

- (1) This section applies if—
  - (a) after the construction of the works mentioned in section 5C(1) is completed; and
  - (b) whether or not the private land mentioned in section 5C(1) is still in a proposed declared area, or is in a declared area.
- (2) An entity identified by the Minister, by gazette notice, may enter the land and perform activities reasonably necessary for the proper maintenance of the works.
- (3) The entity may exercise its powers under subsection (2) only with the agreement of any person who owns or occupies the land.
- (4) However, if an agreement under subsection (3) is with an owner of land, the agreement runs with the land and binds any subsequent owner or occupier of the land.

#### **5E Registrar to maintain records of agreement relating to private land**

- (1) The chief executive must, within 14 days after an agreement is entered into under section 5C or 5D, give written notice to the registrar that the agreement has been entered into in relation to specified private land.
- (2) The registrar must maintain records that—
  - (a) show that the land specified in the notice is the subject of an agreement; and

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- (b) state the places where particulars of the agreement may be inspected.
- (3) The registrar must maintain the records in a way that allows a search of the register maintained by the registrar under any Act relating to the land to show the existence of the agreement.
- (4) The chief executive must, within 14 days after an agreement entered into under section 5C or 5D ends, give written notice to the registrar that the agreement has ended.
- (5) The registrar must, on receipt of a notice under subsection (4), remove the particulars of the agreement from the registrar's records.
- (6) In this section—

*registrar* means the registrar of titles under the *Land Title Act 1994*.

## **5F Terms and conditions of agreement**

Without limiting sections 5A to 5D, the terms and conditions that may be the subject of an agreement or a decision of the Minister may include the following—

- (a) terms and conditions that limit or prevent any unnecessary or reasonably avoidable interference with or damage to the land in the proposed declared area;
- (b) terms and conditions that limit or prevent any unnecessary or reasonably avoidable interference with any activity that may be lawfully carried on in the proposed declared area;
- (c) terms and conditions providing for reimbursement of proper costs or expenses that may be incurred by a local government or public authority or other owner or occupier of the land in the proposed declared area.

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**5G Certain Acts and laws not to apply**

- (1) The *Environmental Protection Act 1994* does not apply to or in relation to any noise from the construction or other activity authorised under this part.
- (2) Except to the extent that the provisions of the *Local Government Act 2009*, the *Building Act 1975*, the *Coastal Protection and Management Act 1995*, the *Sustainable Planning Act 2009* and the *Land Act 1994*, chapter 3, part 1 require compliance with prescribed standards, the provisions do not apply to or in relation to the construction or other activity authorised under this part.
- (3) An activity carried on by or under the direction of the State for the purposes of the construction or other activity authorised under this part does not constitute a nuisance.

**5H Directions by Minister**

- (1) The Minister may give all directions necessary or convenient for the purpose of the exercise by the State or another entity of its powers under this part.
- (2) An entity mentioned in subsection (1) given a direction under the subsection must comply with the direction and must not authorise any act or omission contrary to the direction.

**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

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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—

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- (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.



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**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*.

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- (4) Except to the extent that the provisions of the *Local Government Act 2009*, the *Building Act 1975*, the *Beach Protection Act 1968*, the *Coastal Protection and Management Act 1995* and the *Sustainable Planning Act 2009* 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.

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- (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 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

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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 in the following order—
  - (a) in payment of the expenses of the sale or disposal;
  - (b) 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) if there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
  - (d) 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.
- (6A) A secured party can not enforce any security interest in the proceeds of sale or disposal of a vehicle against an entity to whom an amount is payable under subsection (6)(a) or (b).
- (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

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- (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.
- (11) In this section—  
***secured party*** has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.

## 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*, an authorised person is a public official.

*Editor's note—*

See the *Police Powers and Responsibilities Act 2000*, sections 13 to 15.

### 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.

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## **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.

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(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 a declared area during a declared period.



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Maximum penalty—20 penalty units.

- (2) A permitted entrant must not—
- (a) enter a declared area other than through an approved entrance; or
  - (b) leave a 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—

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- (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.

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- (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 the 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—

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- (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 person with a disability who relies on a guide, hearing or assistance dog being accompanied by the dog.

- (3) For the purposes of subsection (2)(b)—

*assistance dog*, *disability*, *guide dog* and *hearing dog* have the meanings respectively assigned to them under the *Guide, Hearing and Assistance Dogs Act 2009*.

### **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*).

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- (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 the 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—
    - (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

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- (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.

## **Part 7 Miscellaneous**

#### **41 Offences relating to authorised persons**

- (1) A person must not obstruct an authorised person in the performance of the authorised person's functions or the exercise of the authorised person's powers under this Act.

Maximum penalty—20 penalty units.

(2) A person must not pretend to be an authorised person.

Maximum penalty—20 penalty units.

(3) In subsection (1)—

*obstruct* includes hinder, resist and attempt to obstruct.

#### **42 Return of confiscated items**

(1) Within 3 months after the end of the declared period, a person from whom an item was confiscated under section 39 may apply to the promoter for the return of the item.

(2) The person must—

(a) present to the promoter the voucher given under section 39; and

(b) give the person's name and address; and

(c) on receipt of the item, sign an acknowledgement of receipt.

(3) If a confiscated item is not claimed within 3 months after the end of the declared period, the promoter may dispose of the item and, if the disposal is by sale, retain the proceeds of the sale.

#### **43 Proceedings for offences**

A prosecution for an offence against this Act is to be taken by way of summary proceeding under the *Justices Act 1886*.

#### **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.

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- (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

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- (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, 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*.

#### **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 a declared area and conditions about the access;
  - (b) the behaviour of persons in a declared area;
  - (c) fees payable under this Act, including fees for entry to a 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.

***construction*** includes site development and construction of works.

***declared area*** means an area declared under a regulation to be the declared area for a motor racing event for a year.

***declared period*** means a period, of not more than 5 days, declared under a regulation to be the declared period for a motor racing event for a 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 a 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 a 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—

- (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 a promoter) which is more particularly depicted and described from time to time in a graphic standards manual.

**motor racing circuit** means the part of a 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 a 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 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
  - (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*** means a person declared under a regulation to be the promoter of a motor racing event for a year.

***proposed declared area*** see section 5.

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

***relevant local government***, in relation to a declared area, 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 a promoter under section 29 but does not include an occupant's pass.

## Endnotes

### 1 Index to endnotes

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### 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 12 November 2012. Future amendments of the 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                       |
| num    | = numbered                     | s       | = section                               |
| o in c | = order in council             | sch     | = schedule                              |
| om     | = omitted                      | sdiv    | = subdivision                           |
| orig   | = original                     | SIA     | = Statutory Instruments Act 1992        |
| p      | = page                         | SIR     | = Statutory Instruments Regulation 2002 |
| para   | = paragraph                    | SL      | = subordinate legislation               |
| prec   | = preceding                    | sub     | = substituted                           |
| pres   | = present                      | unnum   | = unnumbered                            |
| prev   | = previous                     |         |   |

### 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 |       |

Endnotes

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| Reprint No. | Amendments included | Effective        | Notes                 |
|-------------|---------------------|------------------|-----------------------|
| 2B          | 2008 Act No. 36     | 20 June 2008     | R2B withdrawn, see R3 |
| 3           | —                   | 20 June 2008     |                       |
| 3A          | 2009 Act No. 4      | 1 July 2009      |                       |
| 3B          | 2009 Act No. 36     | 18 December 2009 |                       |
| 3C          | 2009 Act No. 17     | 1 July 2010      |                       |
| 3D          | 2010 Act No. 44     | 30 January 2012  |                       |
| 3E          | 2012 Act No. 25     | 12 November 2012 |                       |

## 5 List of legislation

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

date of assent 18 September 1990

commenced on date of assent

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)

**Motor Racing Events (Townsville) Amendment Act 2008 No. 36 pts 1–2, s 8 sch**

date of assent 21 May 2008

ss 1–1A commenced on date of assent

remaining provisions commenced 20 June 2008 (2008 SL No. 166)

**Guide, Hearing and Assistance Dogs Act 2009 No. 4 ss 1–2, 124(2) sch 3**

date of assent 23 February 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 125)

**Local Government Act 2009 No. 17 ss 1, 2(4), 331 sch 1**

date of assent 12 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2010 (2010 SL No. 122)

**Sustainable Planning Act 2009 No. 36 ss 1–2, 872 sch 2**

date of assent 22 September 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 18 December 2009 (2009 SL No. 281)

**Personal Property Securities (Ancillary Provisions) Act 2010 No. 44 ss 1–2, ch 4 pt 2**

date of assent 14 October 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 30 January 2012 (2011 SL No. 262)

**Fiscal Repair Amendment Act 2012 No. 25 ss 1, 2(6)(b), 195 sch**

date of assent 21 September 2012

ss 1–2 commenced on date of assent

remaining provisions commenced 12 November 2012 (2012 SL No. 192)

## 6 List of annotations

**This reprint has been renumbered—see table of renumbered provisions in endnote 7.**

**Long title** amd 2003 No. 11 s 4; 2008 No. 36 s 3

**Short title**

**s 1** sub 2003 No. 11 s 5  
amd 2008 No. 36 s 4

**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. Annotations for definitions contained in prev s 2 are located in annotations for the schedule.

**s 2** amd 1995 No. 57 s 4 sch 1; 2003 No. 11 s 6

**References in Act**

**s 2A** ins 2008 No. 36 s 5

**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

**PART 1A—PROVISIONS ABOUT PROPOSED DECLARED AREA**

**pt hdg** ins 2008 No. 36 s 6

**Declaration of proposed declared area**

**s 5** sub 1996 No. 66 s 14  
amd 1999 No. 41 s 3; 2003 No. 11 s 9  
sub 2008 No. 36 s 6

**State may enter and construct on public land**

**s 5A** ins 2008 No. 36 s 6

**Access to public land for maintenance of works**

**s 5B** ins 2008 No. 36 s 6

**State may enter and construct on private land**

**s 5C** ins 2008 No. 36 s 6

**Access to private land for maintenance of works**

**s 5D** ins 2008 No. 36 s 6

**Registrar to maintain records of agreement relating to private land**

**s 5E** ins 2008 No. 36 s 6



**Terms and conditions of agreement**

s 5F ins 2008 No. 36 s 6

**Certain Acts and laws not to apply**

s 5G ins 2008 No. 36 s 6  
amd 2009 No. 36 s 872 sch 2; 2009 No. 17 s 331 sch 1

**Directions by Minister**

s 5H ins 2008 No. 36 s 6

**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; 2009 No. 36 s 872 sch 2;  
2009 No. 17 s 331 sch 1

**Power to remove vehicles left unattended within declared area**

s 14 amd 2003 No. 11 s 11; 2010 No. 44 s 68

**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  
amd 2008 No. 36 s 8 sch

**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 hdg ins 2003 No. 11 s 15

**Sign about prohibited activities and items**

s 32 ins 2003 No. 11 s 15  
amd 2008 No. 36 s 8 sch

**No placing posters etc. on structures**

s 33 ins 2003 No. 11 s 15

**No distribution of printed matter**

s 34 ins 2003 No. 11 s 15

**No erection of structures**

s 35 ins 2003 No. 11 s 15

**No animals and birds**

s 36 ins 2003 No. 11 s 15  
amd 2009 No. 4 s 124(2) sch 3

**No alcoholic beverages**

s 37 ins 2003 No. 11 s 15

**No prohibited objects**

s 38 ins 2003 No. 11 s 15

**PART 6—POWERS OF AUTHORISED PERSONS**

pt hdg ins 2003 No. 11 s 15

**Powers of authorised persons**

s 39 ins 2003 No. 11 s 15  
amd 2008 No. 36 s 8 sch

**Use of reasonable force**

s 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  
amd 2008 No. 36 s 8 sch

**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  
om 2012 No. 25 s 195 sch

**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  
amd 2008 No. 36 s 8 sch

**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 “**construction**” ins 2008 No. 36 s 7(2)

- def “**declared area**” sub 1995 No. 57 s 4 sch 1
  - reloc 2003 No. 11 s 6(4)
  - sub 2008 No. 36 s 7(1)–(2)
- def “**declared period**” sub 1995 No. 57 s 4 sch 1
  - reloc 2003 No. 11 s 6(4)
  - sub 2008 No. 36 s 7(1)–(2)
- def “**emergency vehicle**” ins 2003 No. 11 s 6(3)
  - amd 2008 No. 36 s 7(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)
  - amd 2008 No. 36 s 7(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)
  - amd 2008 No. 36 s 7(5)–(6)
- 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)
  - amd 2008 No. 36 s 7(7)
- 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)
  - amd 2008 No. 36 s 7(8)
- 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)
  - amd 2008 No. 36 s 7(9)
- 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)
  - sub 2008 No. 36 s 7(1)–(2)
- def “**proposed declared area**” ins 2008 No. 36 s 7(2)
- def “**public land**” reloc 2003 No. 11 s 6(4)
- def “**relevant local government**” reloc 2003 No. 11 s 6(4)
  - amd 2008 No. 36 s 7(10)
- 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)  
 amd 2008 No. 36 s 7(11)

## 7 Table of renumbered provisions

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| 3.9(2)(c)(ii)              | 14(6)         |
| 3.9(2)(c)(ii)(A)           | 14(6)(a)      |
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## 8 Forms notified or published in the gazette

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