



Queensland

Motor Racing Events (Townsville) Amendment Act 2008

Act No. 36 of 2008



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Motor Racing Events (Townsville) Amendment Act 2008

Act No. 36 of 2008

**An Act to amend the *Gold Coast Motor Racing Events Act 1990*
to facilitate motor racing events in Townsville and in other
places in Queensland**

[Assented to 21 May 2008]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Motor Racing Events (Townsville) Amendment Act 2008*.

1A Commencement

This Act commences on a day to be fixed by proclamation.

Part 2 Amendment of Gold Coast Motor Racing Events Act 1990

2 Act amended in pt 2

This part and the schedule amend the *Gold Coast Motor Racing Events Act 1990*.

3 Amendment of long title

Long title, from ‘a promoter’—
omit, insert—

‘promoters of motor racing events in Queensland, and to facilitate the construction of works for, and the staging of, the events in Queensland’.

4 Amendment of s 1 (Short title)

Section 1, ‘*Gold Coast*’—
omit.

5 Insertion of new s 2A

After section 2—
insert—

‘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
- (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

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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.’.

6 Replacement of s 5 (Expiry of Act)

Section 5—

omit, insert—

‘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 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.

[s 6]

- ‘(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
 - (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.

‘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.

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- ‘(2) Except to the extent that the provisions of the *Local Government Act 1993*, the *Building Act 1975*, the *Coastal Protection and Management Act 1995*, the *Integrated Planning Act 1997* 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.’.

7 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *declared area*, *declared period* and *promoter*—
omit.

- (2) Schedule—
insert—

‘**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.

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'.

- (3) Schedule, definition *emergency vehicle*, paragraph (d), 'the'—
omit, insert—
'a'.
- (4) Schedule, definition *graphic standards manual*, 'by the promoter'—
omit, insert—
'by a promoter'.
- (5) Schedule, definition *logo*, 'the promoter'—
omit, insert—
'a promoter'.
- (6) Schedule, definition *logo*, 'the graphic'—
omit, insert—
'a graphic'.
- (7) Schedule, definition *motor racing circuit*, 'the declared'—
omit, insert—
'a declared'.
- (8) Schedule, definition *occupant*, 'of the declared'—
omit, insert—
'of a declared'.
- (9) Schedule, definition *official motor racing insignia*, 'particular'—
omit.
- (10) Schedule, definition *relevant local government*, 'the declared area for any year'—
omit, insert—
'a declared area'.

[s 8]

- (11) Schedule, definition *ticket*, ‘the’—
omit, insert—
‘a’.

Part 3 Consequential amendments of other Acts

8 Acts amended in schedule

- (1) The schedule amends the Acts it mentions.
- (2) However, subsection (1) does not apply in relation to a particular Act if another provision of this Act states that the schedule amends the particular Act.

Schedule **Consequential amendments of
Acts**

sections 2 and 8

Gold Coast Motor Racing Events Act 1990

- 1** **Section 24(1) and (2), ‘the’—**
omit, insert—
‘a’.
- 2** **Section 32(1), ‘a declared’—**
omit, insert—
‘the declared’.
- 3** **Section 39(1), ‘a declared’—**
omit, insert—
‘the declared’.
- 4** **Section 47(1), from ‘for any year’ to ‘takes place’—**
omit.
- 5** **Section 51(2)(a) and (c), ‘to the declared’—**
omit, insert—
‘to a declared’.
- 6** **Section 51(2)(b), ‘the declared’—**
omit, insert—
‘a declared’.

Liquor Act 1992

1 Section 142AA(2)(d), ‘Gold Coast Motor Racing Events Act 1990’—

omit, insert—

‘Motor Racing Events Act 1990’.

Local Government Act 1993

1 Section 956G(5), ‘Gold Coast’—

omit.

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