

# Motor Racing Events (Townsville) Amendment Bill 2008

## Explanatory Notes

### Introduction

The *Motor Racing Events (Townsville) Amendment Bill 2008* (the Bill) proposes a legislative framework for the development and staging of motor racing events in Queensland. It recognises that Queensland not only has its highly successful Gold Coast Indy 300, but from next year will have another major motor racing event in Townsville. The Bill affords greater flexibility for the staging of motor racing events generally. The Bill proposes to rename the *Gold Coast Motor Racing Events Act 1990* (the Act) as the *Motor Racing Events Act 1990* to accurately reflect its general application.

The Bill also provides for the continuation of the staging of the Gold Coast motor racing event. Due to the Act currently expiring in December 2010 and the Gold Coast Indy 300 Event being confirmed until 2013, the Bill provides for the continuation of the Gold Coast motor racing event and the ongoing legislative framework for future events. The Bill makes no change to the arrangements for the staging of the Gold Coast Indy 300.

Unlike the Gold Coast Indy 300 circuit which is predominantly a temporary precinct, permanent infrastructure will be established for the Townsville Event. The Bill includes provision for the development of permanent infrastructure for motor racing events where required.

The Bill provides that a proposed area for a motor racing event may be declared by gazette notice. If a proposed area is declared by map or plan, the gazette notice will inform people where and when they can inspect the proposed declared area.

The Bill provides for certain Acts and laws not to apply within the declared area during the declared period. These arrangements are presently in place for the Gold Coast Indy 300. Some of these exemptions will also apply during construction of the permanent racing infrastructure. Exemptions do not extend to the application of prescribed standards, for example, building standards.

A regulation will be proposed to declare operational matters for events governed through the Act; including event names, dates, event promoters and event precincts for both the Gold Coast Indy 300 and the Townsville Event.

### **Short title**

The short title of the Bill is the *Motor Racing Events (Townsville) Amendment Bill 2008*.

### **Objective of the Bill**

The objective of the Bill is to amend the Act to provide for:

1. the legislative framework for the development of motor racing precincts and the staging of motor racing events in Queensland generally (incorporating the Townsville motor racing precinct) as well as renaming the Act to the *Motor Racing Events Act 1990*.
2. the continuation of the staging of the Gold Coast motor racing event.

### **Reasons for the Bill**

Support has been obtained for the staging of the Townsville V8 Supercars Event (the Event). However, the current Act only provides for the annual staging of a Gold Coast motor racing event.

The Bill proposes a legislative framework for the development and staging of motor racing events in Queensland generally.

The Bill will enable the annual staging of the Townsville Event and the necessary powers to facilitate the construction of the race precinct.

The Act currently expires in December 2010. The Gold Coast Indy 300 Event is confirmed until 2013. The Bill removes the expiry clause to enable the continuation of the Gold Coast motor racing event with no changes proposed to the staging of the Gold Coast Indy 300.

### **Achievement of the objectives**

The Bill achieves the policy objectives set out above by:

- Renaming the *Gold Coast Motor Racing Events Act 1990* as the *Motor Racing Events Act 1990*;

- Providing a generic framework for the staging of motor racing events in Queensland;
- Inserting a new Part 1A which provides for construction and maintenance necessary for the staging of a motor racing event;
- Enabling public inspection of a proposed declared area for a motor racing event. A proposed area for a motor racing event may be declared by gazette notice. If a proposed area is declared by map or plan, the gazette notice will inform people where and when they can inspect the map or plan for the proposed declared area
- Providing for the proposed declared area to be exempt from certain Acts and laws whilst under construction in the same way the Act provides for certain Acts and laws not to apply within the declared area during the declared period of the race;
- Enabling the State access to land (the proposed declared area, in agreement with the land owner or the person with a right to occupy the land), to construct works necessary for the staging of a motor racing event;
- Enabling an entity, identified by gazette notice, to access land (the proposed declared area or the declared area) to perform maintenance;
- Providing that in the absence of agreement, the Minister may decide terms and conditions of the agreement; and
- Enabling the Minister to give directions necessary for the purpose of the exercise by the State or another entity of its power under Part 1A, in relation to construction and maintenance necessary for the staging of a motor racing event.

### **Alternative method of achieving the policy objectives**

The objectives of the Bill can only be achieved through amendment to the Act.

### **Estimated cost for Government implementation**

In March 2007, the State Government approved a funding package of \$12.32 million to meet the capital costs for construction of the Townsville event precinct and a contribution of \$2.5 million per annum towards the cost of staging the event. The capital costs were first estimated in May 2006 for a potential event in 2007.

The Queensland Government also required that any escalation in capital costs over the original cost estimate of \$24.6 million was to be met on a 50/50 basis by the Department and Townsville City Council (TCC).

TCC initially committed \$2.6 million to the capital costs for the event and \$0.5 million per annum for five years as a contribution to the staging of the event.

The Commonwealth Government has committed \$10 million towards capital costs for the Event through its Better Regions Program.

The cost estimate for construction has increased since May 2006 from \$24.6 million to \$30.78 million. This is largely due to the booming construction market in Townsville and increases in the price of materials and labour in the last three years.

If the Council agrees to contribute its share of the cost escalation for the construction of the event precinct, the respective funding contributions to the event will be:

Queensland Government:

Capital: \$15.18 million

Recurrent: \$2.5 million per year for 5 years

TOTAL: \$27.68 million over 5 years

Townsville City Council:

Capital: \$5.6 million

Recurrent: \$0.5 million per year for 5 years

TOTAL: \$8.1 million over 5 years.

**The Government's position in relation to the capital cost escalation is that the State will only match whatever funding the Council contributes in this regard. If the Council does not contribute the full 50% of the additional capital costs, then the State will match whatever Council does contribute and the event precinct will be scaled down accordingly.**

### **Consistency with Fundamental Legislative Principles**

The Bill has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

Extensive consultation has been undertaken on the Townsville proposal with key community stakeholders during the due diligence period between 2006 to 2008. Key stakeholders consulted include Townsville City Council, Townsville Enterprise Limited, Townsville State High School, Townsville Civic Theatre and Queensland Nickel on the impact of the Event and the opportunities it provides.

There has been on-going consultation with government departments including the Department of Main Roads, the Department of the Premier and Cabinet, Queensland Events Corporation, Queensland Treasury, the Department of Natural Resources and Water, the Department of Infrastructure and Planning and the Queensland Office for Regulatory Efficiency.

No objections have been raised by agencies in relation to the Townsville Event proposal.

## **Notes on provisions**

### **Part 1                      Preliminary**

#### **Clause 1 - Short title**

Clause 1 provides the short title of the Act is the *Motor Racing Events (Townsville) Amendment Act 2008*.

## **Part 2**                      **Amendment of the *Gold Coast Motor Racing Events Act 1990***

### **Clause 2 Act amended in pt 2**

Clause 2 provides that Part 2 and the schedule amend the *Gold Coast Motor Racing Events Act 1990*.

### **Clause 3 Amendment of long title**

Clause 3 amends the long title of the *Gold Coast Motor Racing Events Act 1990* to reflect the general legislative framework for the construction of works for, and the staging of, motor racing events in Queensland.

### **Clause 4 Amendment of s 1 (Short title)**

Clause 4 omits from the short title the words ‘Gold Coast’ to reflect the general application of the Act to the construction of works for, and the staging of, motor racing events in Queensland generally.

### **Clause 5 Insertion of new s 2A**

Clause 5 inserts new section 2A (References in Act) as an interpretive provision to facilitate the Act's transition to its wider application to motor racing events in Queensland generally.

Section 2A provides that in a provision of this Act that uses ‘the promoter’ the following applies:

Section 2A(a) provides that the expression ‘the promoter’ refers to any person who is declared under a regulation to be the promoter of a motor racing event for a year (that is, for the relevant motor racing event).

Section 2A(b) provides that the expression ‘the declared area’ refers to the declared area for the relevant motor racing event.

Section 2A(c) provides the expression ‘the declared period’ refers to the declared period for the relevant motor racing event.

Section 2A(d) provides that a reference to a motor racing event is a reference to the relevant motor racing event.

Section 2A(e) provides that 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.

Section 2A(f) provides that a reference to an authorised person is a reference to an authorised person appointed by the promoter of a motor racing event for a year (the relevant motor racing event).

Section 2A(g) provides that a reference to official motor racing insignia is a reference to the official motor racing insignia for the relevant motor racing event.

Section 2A(h) provides that a reference to a motor racing circuit is a reference to the motor racing circuit for the relevant motor racing event.

### **Clause 6 Replacement of s 5 (Expiry of Act)**

Clause 6 ensures the continuation of the operation of the Act by repealing the expiry provision and inserting a new Part 1A (Provisions relating to construction in proposed declared area).

The expiry provision specifically applied to the operation of the Gold Coast motor racing event. As the Act is being amended to provide the legislative framework for future events and because the Gold Coast Indy 300 Event has been confirmed until 2013, section 5 is to be repealed.

**New part 1A Provisions about proposed declared area** (sections 5 to 5H) provide the general legislative framework for the construction and maintenance necessary for the staging of a motor racing event.

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

Section 5 provides that the Minister may, by gazette notice, declare a proposed area for a motor racing event. If a proposed area is declared by map or plan, the gazette notice will inform people where and when they can inspect the proposed declared area.

The proposed declared area ceases to be a proposed declared area to the extent that it forms the declared area. Once the area is declared for the motor racing event, the application of Part 1A in relation to construction ceases.

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

Section 5A(1) enables the State access to public land that forms the proposed declared area, in agreement with an entity that owns, controls, or occupies the land, to construct work necessary for the staging of a motor racing event.

Section 5A(2) provides that in the absence of agreement to the terms and conditions of the agreement, the Minister may decide terms and conditions of the agreement.

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

Section 5B(1) provides for access to public land that forms the proposed declared area, or is in the declared area land, for the purposes of the proper maintenance of works constructed on the land.

Section 5B(2) provides that the entity exercising access rights for the purposes of maintenance is to be identified by the Minister, by gazette notice.

Section 5B(3) provides that the entity, identified by gazette notice, may only access public land (the proposed declared area or the declared area) with agreement of the entity that owns, controls or occupies the land. In the absence of agreement, the Minister may decide terms and conditions of the agreement.

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

Section 5C(1)(2) enables the State access to private land, that forms the proposed declared area, in agreement with any person who owns or occupies the land, to construct any work necessary for the staging of a motor racing event.

Section 5C(3) provides that if the agreement is with an owner of the land, the agreement runs with the land and binds any subsequent owner or occupier of the land.

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

Section 5D(1) provides for access to private land, that forms the proposed declared area, or is in the declared area land, for the purposes of the proper maintenance of works constructed on the land.

Section 5D(2) provides that the entity exercising access rights for the purposes of maintenance is to be identified by the Minister, by gazette notice.

Section 5D(3) provides that the entity, identified by gazette notice, may only access private land with agreement of the person who owns or occupies the land.



Section 5D(4) provides that if the agreement is with an owner of the land, the agreement runs with the land and binds any subsequent owner or occupier of the land.

Section 5E Registrar to maintain records of agreement relating to private land

Section 5E(1), (4) provides that the chief executive must, within 14 days after an agreement is entered into, or ends, in relation to access to private land for construction and maintenance purposes, that written notice must be given to the registrar that the agreement has been entered into or ended.

Section 5E(2) provides that the registrar must maintain records that show the agreement, or remove the agreement details should the agreement be terminated, as under sections 5C and 5D the agreement runs with the land and binds any subsequent owner or occupier.

The records must show that the land specified in the notice is the subject of an agreement and state the places where particulars of the agreement may be inspected.

Section 5E(3) provides that the registrar must maintain the records in a way that a search of the register provided for under any Act will show the existence of the agreement.

Section 5E(5) provides that the registrar must, on receipt of a notice under subsection(4) remove the particulars of the agreement from the registrar's records.

Section 5E(6) provides that the term **registrar** for section 5E means the registrar of titles under the *Land Titles Act 1994*.

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

Section 5F provides for terms and conditions that may be the subject of an agreement under Part 1A or a decision of the Minister, including terms and conditions that limit or prevent any unnecessary or reasonably avoidable interference or damage, unnecessary or reasonably avoidable interference with any activity that may be lawfully carried on in the proposed declared area and 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.

### **Section 5G certain Acts and laws not to apply**

Section 5G(1) provides that the *Environmental Protection Act 1994* does not apply to or in relation to any noise from the construction or other activity authorised under Part 1A.

Section 5G(2) in relation to construction or other activity authorised under Part 1A the provisions of the Acts listed don't apply except in relation to compliance with prescribed standards under the *Building Act 1975* for example:

- 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.

Section 5G(3) provides that an activity carried on by or under the direction of the state for the purposes of construction or other activity authorised under this part does not constitute a nuisance.

### **Section 5H Directions by Minister**

Section 5H(1) provides that the Minister may give directions necessary or convenient for the purpose of the exercise by the State or another entity of its powers under part 1A to carry out construction or maintenance.

Section 5H(2) provides that an entity given a direction must comply with the direction and not authorise any act or omission contrary to the direction.

This section is consistent with existing section 15 which enables the Minister to direct the Promoter to do such things in relation to a motor racing event for any year as the Minister thinks fit.

### **Clause 7 Amendment of schedule (Dictionary)**

Clause 7(1)(2) substitutes the definitions, *declared area*, *declared period*, and *promoter* to clarify that the defined terms are in relation to the motor racing event for a year.

The new definition of *construction* includes site development and construction of works to provide clarity for the application for new Part 1A Provisions relating to construction in proposed declared area.

The new definition of *proposed declared area* identifies the area proposed for the staging of a motor racing event. The proposed declared area is distinguished from the declared area and is specific to the application of Part 1A.

Clause 7(3) amends the definition of *emergency vehicle* as a consequence of the Act now applying to the staging of motor racing events generally. The amendment provides for the application of the definition to a promoter and not to the specific promoter.

Clause 7(4) amends the definition of *graphic standards manual* as a consequence of the Act now applying to the staging of motor racing events generally. The amendment provides for the application of the definition to a promoter and not to the specific promoter.

Clause 7(5) amends the definition of *logo* as a consequence of the Act now applying to the staging of motor racing events generally. In the definition the words ‘the promoter’ are replaced with ‘a promoter’.

Clause 7(6) amends the definition of *logo* as a consequence of the Act now applying to the staging of motor racing events generally.

Clause 7(7) amends the definition of *motor racing circuit* as a consequence of the Act now applying to the staging of motor racing events generally. In the definition the words ‘the declared’ are replaced with ‘a declared’ for a motor racing event.

Clause 7(8) amends the definition of *occupant* as a consequence of the Act now applying to the staging of motor racing events generally. In the definition the words ‘of the declared’ are replaced with ‘of a declared’ area for a motor racing event.

Clause 7(9) amends the definition of *official motor racing insignia* by omitting the word ‘particular’ as a consequence of the application of the Act to motor racing events generally.

Clause 7(10) amends the definition *relevant local government* as a consequence of the Act now applying to the staging of motor racing events generally. In the definition the words ‘the declared area’ are replaced with ‘a declared area’.

Clause 7(11) amends the definition *ticket* as a consequence of the Act now applying to the staging of motor racing events generally. In the definition the words ‘the promoter’ are replaced with ‘a promoter’.

## **Part 3                      Consequential Amendments of    other Acts**

### **Schedule Consequential amendments of *Gold Coast Motor Racing Events Act 1990* and Other Acts.**

Part 3 clause 8 provides for consequential amendments to the *Gold Coast Motor Racing Events Act 1990*, the *Liquor Act 1992* and the *Local Government Act 1993* to reflect the application of the Act to motor racing events generally.

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