

South Australia



AUSTRALIAN FORMULA ONE GRAND PRIX (SOUTH AUSTRALIAN MOTOR SPORT) AMENDMENT ACT 1998

No. 70 of 1998

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SCHEDULE

Further Amendments of Principal Act



ANNO QUADRAGESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1998

No. 70 of 1998

An Act to amend the Australian Formula One Grand Prix Act 1984.

[Assented to 3 December 1998]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Australian Formula One Grand Prix (South Australian Motor Sport) Amendment Act 1998*.

(2) The *Australian Formula One Grand Prix Act 1984* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of long title

3. The long title of the principal Act is amended by striking out "establish a corporation to be known as the "Australian Formula One Grand Prix Board"" and substituting "make provision in relation to a corporation to be known as the "South Australian Motor Sport Board"".

Substitution of s. 1

4. Section 1 of the principal Act is repealed and the following section is substituted:

Short title

1. This Act may be cited as the *South Australian Motor Sport Act 1984*.

Amendment of s. 3—Interpretation

5. Section 3 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "the Board" and substituting the following definition:

"Board" means the South Australian Motor Sport Board continued in existence under Part 2;;

- (b) by striking out from subsection (1) the definitions of "**declared area**" and "**declared period**" and substituting the following definitions:

"**declared area**" means an area declared by the Minister by notice under Part 3 to be a declared area under this Act;

"**declared period**" means a period declared by the Minister by notice under Part 3 to be a declared period under this Act;;

- (c) by striking out from subsection (1) the definition of "**grand prix insignia**";

- (d) by striking out from subsection (1) the definition of "**the logo**" and substituting the following definition:

"**logo**" means a design (the copyright of which is vested in the Crown in right of the State) that is declared in the graphic standards manual to be a logo;;

- (e) by striking out from subsection (1) the definitions of "**official grand prix insignia**", "**an official symbol**" and "**official title**" and substituting the following definitions:

"**official insignia**" means a logo, an official symbol or an official title;

"**official symbol**" means a combination of a logo and an official title;

"**official title**" means a name, title or expression that is declared to be an official title by or under section 28AA;;

- (f) by striking out from the definition of "**relevant council**" in subsection (1) "the declared area for any year" and substituting "a declared area";

- (g) by striking out from subsection (2) "grand prix";

- (h) by striking out subsections (3), (4) and (5) and substituting the following subsection:

(3) For the purposes of this Act, a motor sport event means a motor racing or other motor sport event and includes an event or activity promoted by the Board in association with the motor sport event.

Amendment of s. 4—Continuation of Board

6. Section 4 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Australian Formula One Grand Prix Board continues in existence as the *South Australian Motor Sport Board*.

Amendment of s. 5—Membership of Board

7. Section 5 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) At least one member of the Board must be a woman and at least one must be a man.

Amendment of s. 10—Functions and powers of Board

8. Section 10 of the principal Act is amended—

- (a) by striking out from subsection (1)(a) "racing events are held in Adelaide" and substituting "sport events are held in the State";
- (b) by striking out from subsection (1)(b) "racing events in Adelaide" and substituting "sport events";
- (c) by striking out from subsection (1)(c) "to establish a motor racing circuit on a temporary basis and do all other" and substituting "to do all";
- (d) by striking out from subsection (1)(c) "motor racing event" and substituting "event";
- (e) by inserting before paragraph (a) of subsection (2) the following paragraph:
 - (aa) establish a motor racing circuit on a temporary basis; or;
- (f) by striking out from subsection (2)(d) "motor racing circuit established by the Board and charge and collect fees for admission to any such circuit" and substituting "event promoted by the Board and charge and collect fees for admission to any such event";
- (g) by striking out from subsection (2)(e) "motor racing";
- (h) by striking out from subsection (2)(f) "motor racing";
- (i) by striking out from subsection (2)(g) "motor racing";
- (j) by striking out from subsection (2)(h) "grand prix".

Insertion of s. 10AA

9. The following section is inserted after section 10 of the principal Act:

Non-application of Government Business Enterprises (Competition) Act 1996

10AA. The *Government Business Enterprises (Competition) Act 1996* does not apply to the Board or to any activity of the Board.

Amendment of s. 11—Board may control and charge fee for filming, etc., from outside circuit

10. Section 11 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

- (1) Except with the consent of the Board, no person is entitled to make, for the purpose of profit or gain, at or from a place outside a circuit at which a motor sport event promoted by the Board takes place, any sound recording or television or other recording of moving pictures of the event or any part of the event.

Amendment of s. 19—Reports

11. Section 19 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Board may, on or before 30 September in every year, forward to the Minister a report on the work and operations of the Board for the financial year ending on the preceding 30 June.

Substitution of heading

12. The heading to Part 3 of the principal Act is repealed and the following heading is substituted:

SPECIAL PROVISIONS RELATING TO MAJOR MOTOR SPORT EVENTS.

Amendment of s. 20—Minister may declare area and period

13. Section 20 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) The Minister may, on the recommendation of the Board, in respect of a motor sport event promoted by the Board, by notice published in the *Gazette*, declare—

- (a) a specified area (consisting of public road or parkland, or both) in Adelaide to be a declared area under this Act for the purposes of the event; and
- (b) a specified period (not exceeding five days) to be a declared period under this Act for the purposes of the event.;

(b) by inserting after subsection (2) the following subsection:

(3) The Minister may only make a declaration under subsection (1) in respect of one motor sport event per financial year.

Amendment of s. 21—Board to have care, control, etc., of declared area for relevant declared period

14. Section 21 of the principal Act is amended—

- (a) by striking out from subsection (1) "the declared area for any year shall vest in the Board for the declared period for that year" and substituting "a declared area for a motor sport event vests in the Board for the declared period for that event";
- (b) by striking out from subsection (2) "the declared area for any year that is public road shall cease to be public road for the declared period for that year" and substituting "the declared area that is public road ceases to be public road for the declared period";
- (c) by striking out from subsection (2a) "for any year the Board opens any road within the declared area for that year" and substituting "the Board opens a road within the declared area".

Amendment of s. 22—Board to have power to enter and carry out works, etc., on declared area

15. Section 22 of the principal Act is amended by striking out from subsection (1) "the declared area for any year" and substituting "a declared area for a motor sport event".

Amendment of s. 23—Board to consult and take into account representations of persons affected by operations

16. Section 23 of the principal Act is amended—

- (a) by striking out from subsection (1)(a)(i) "the declared area for any year" and substituting "a declared area";
- (b) by striking out from subsection (1)(a)(ii) "the declared area for any year" and substituting "a declared area".

Amendment of s. 24—Certain land taken to be lawfully occupied by Board

17. Section 24 of the principal Act is amended—

- (a) by striking out from subsection (1) "the declared area for any year" and substituting "a declared area for a motor sport event";
- (b) by striking out from subsection (1) "the declared period for that year" and substituting "the declared period for that event";
- (c) by striking out from subsection (2) "the declared area for any year for a period not falling within the declared period for the year" and substituting "a declared area for a period not falling within the relevant declared period";
- (d) by striking out from subsection (3) "the declared area for any year" and substituting "a declared area".

Amendment of s. 25—Non-application of certain laws

18. Section 25 of the principal Act is amended—

- (a) by striking out from subsection (1) "the declared area for any year during the declared period for that year" and substituting "a declared area for a motor sport event during the declared period for that event";
- (b) by striking out from subsection (2) "the declared area for any year" and substituting "a declared area";
- (c) by striking out from subsection (3) "the declared area for any year during the declared period for that year" and substituting "a declared area for a motor sport event during the declared period for that event".

Amendment of s. 27—Power to remove vehicles left unattended within declared area

19. Section 27 of the principal Act is amended by striking out from subsection (1) "the declared area for any year during the declared period for that year" and substituting "a declared area for a motor sport event during the declared period for that event".

Substitution of s. 28

20. Section 28 of the principal Act is repealed and the following sections are substituted:

Board may conduct activities under other name

28. The Board may, if it so determines, conduct its activities or any part of its activities not under the name the *South Australian Motor Sport Board* but under—

- (a) the name "Adelaide 500 Board"; or
- (b) the name "Sensational Adelaide 500 Board"; or
- (c) any name prescribed by regulation.

Declaration of official titles

28AA. (1) The following are declared to be official titles for the purposes of this Act (whether appearing or used in full or abbreviated form or alone or in combination with other words or symbols):

- (a) the expressions "Adelaide 500", "Sensational Adelaide 500", "Classic Adelaide" and "Race to the Eagle" where the expressions can reasonably be taken to refer to a motor sport event;
- (b) the expression "Adelaide Alive" where the expression can reasonably be taken to refer to an event or activity promoted by the Board;
- (c) any other name, title or expression declared by the Board by notice in the *Gazette* in respect of a particular event or activity promoted by the Board.

(2) The Board must not make a declaration under subsection (1)(c) without the consent of the Minister.

Amendment of s. 28A—Special proprietary interests

21. Section 28A of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) The Board has a proprietary interest in—

- (a) its name; and
- (b) any other name adopted by the Board pursuant to a determination under section 28; and
- (c) all official insignia.;

(b) by inserting before paragraph (a) of subsection (2) the following paragraph:

- (aa) uses a name in which the Board has a proprietary interest under this section for the purpose of promoting the sale of goods or services or the provision of any benefits; or;

(c) by striking out from subsection (2)(a) "grand prix";

(d) by striking out from subsection (2)(b) "grand prix";

(e) by striking out from subsection (3) "grand prix".

Amendment of s. 28B—Seizure and forfeiture of goods

22. Section 28B of the principal Act is amended by striking out from subsection (1)(a) "grand prix".

Insertion of s. 29

23. The following section is inserted after section 28B of the principal Act:

Transfer of property

29. (1) The Minister may, by instrument in writing, transfer an asset, right or liability of the Board to an agent or instrumentality of the Crown specified in the instrument.

(2) An instrument under subsection (1) may make other provisions that in the opinion of the Minister are necessary or expedient in connection with the relevant transfer.

(3) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, must, on application under this section, register or record in an appropriate manner the transfer of an asset, right or liability under this section.

Amendment of s. 30—Regulations

24. Section 30 of the principal Act is amended—

(a) by striking out from subsection (2)(b), (c), (d), (e) and (g) "the declared area, or part of the declared area, for any year" wherever occurring and substituting, in each case, "a declared area, or part of a declared area, for a motor sport event";

(b) by striking out from subsection (2)(f) "the declared area for any year and provide for the exclusion or expulsion of persons misbehaving within the" and substituting "a declared area for a motor sport event and provide for the exclusion or expulsion of persons misbehaving within a".

Repeal of schedule

25. The schedule of the principal Act is repealed.

Transitional provision

26. The South Australian Motor Sport Board will have an 18 month financial year commencing on 1 January 1998 and ending on 30 June 1999 (and thereafter will have 12 month financial years commencing on 1 July in each year).

Statute law revision amendments

27. The principal Act is further amended in the manner indicated in the schedule.

SCHEDULE
Further Amendments of Principal Act

Provision Amended	How Amended
Section 2	This section is repealed.
Section 3(1)	
Definition of "the Chairman"	Strike out this definition.
Definition of "Deputy Chairman"	Strike out this definition.
Section 3(2)	Strike out "shall be deemed" and substitute "will be taken".
Section 3A	This section is repealed.
Section 4(2)(a)	Strike out "shall be" and substitute "is".
Section 4(2)(b)	Strike out "shall be" and substitute "is".
Section 4(2)(c)	Strike out "shall be" and substitute "is".
Section 4(2)(d)	Strike out "shall hold" and substitute "holds".
Section 4(2)(e)	Strike out "shall have" and substitute "has".
Section 4(3)	Strike out this subsection and substitute: <p style="margin-left: 4em;">(3) If a document appears to bear the common seal of the Board, it will be presumed, in the absence of proof to the contrary, that the common seal of the Board was duly affixed to the document.</p>
Section 5(1)	Strike out "shall consist" and substitute "consists".
Section 5(1)(a)	Strike out "shall" and substitute "will".
Section 5(1)(b)	Strike out "shall" and substitute "will".
Section 5(1)(c)	Strike out "shall" and substitute "will".
Section 5(2)	Strike out this subsection and substitute: <p style="margin-left: 4em;">(2) The Governor may appoint one member of the Board to be the presiding member and another member to be the deputy presiding member of the Board.</p>
Section 5(3)	After "he" insert "or she".
Section 5(4)	Strike out "shall be deemed" and insert "will be taken".
Section 6(1)	Strike out "shall" and substitute "will". Strike out "upon" and substitute "on".
Section 6(2)	Strike out "shall, upon the expiration of his" and substitute "will, on the expiration of his or her".
Section 6(3)(a)	Strike out "his".
Section 6(4)	After "vacant if" insert "the member". Strike out "he" (wherever occurring).
Section 6(5)	Strike out "Upon" and substitute "On".

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- Section 7(1)(a) Strike out "shall as soon as he" and substitute "must as soon as he or she".
- Strike out "his" and substitute "the".
- Section 7(1)(b) Strike out "shall" and substitute "must".
- Section 7(1) Strike out the penalty provision and substitute:
- Maximum penalty: \$5 000.
- Section 7(2) Strike out "shall" and substitute "must".
- Section 7(3) Strike out "Where" and substitute "If".
- Section 8(1) Strike out "shall constitute" and substitute "constitutes".
- Section 8(2) Strike out "shall be" and substitute "is".
- Section 8(3) Strike out this subsection and substitute:
- (3) The presiding member or, in his or her absence, the deputy presiding member, will preside at a meeting of the Board or, in the absence of both the presiding member and the deputy presiding member, the members present will decide who is to preside at the meeting.
- Section 8(4) Strike out "shall be" and substitute "is".
- Strike out "shall have" and substitute "has".
- Section 8(5) Strike out "shall cause accurate minutes to be" and substitute "must have accurate minutes".
- Section 8(6) Strike out this subsection and insert:
- (6) Subject to this Act, the Board may determine its own procedures.
- Section 9(1) Strike out "shall not be" and substitute "is not".
- Section 9(2) Strike out this subsection and substitute:
- (2) A member of the Board incurs no civil liability for an honest act or omission in the performance or exercise, or purported performance or exercise, of the member's or the Board's functions, duties or powers under this Act.
- Section 9(3) Strike out "shall lie" and substitute "lies instead".
- Section 10(2)(a) Strike out "upon" and substitute "on".
- Section 10(2)(p) Strike out this paragraph and substitute:
- (p) delegate a function or power to a member of the Board, a committee established by the Board or by the presiding member of the Board, the Chief Executive of the Board or another person or body;
- Section 10A(1) Strike out "Chairman" (twice occurring) and substitute, in each case, "presiding member".
- Section 10A(2) Strike out "Chairman" (twice occurring) and substitute, in each case, "presiding member".
- Section 11(3) Strike out "Where" and substitute "If".

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| Section 12 | Strike out "shall be" and substitute "is". |
| Section 13(1) | Strike out "shall be an Executive Director" and substitute "will be a Chief Executive". |
| Section 13(2) | Strike out "Executive Director" and substitute "Chief Executive". |
| Section 13(2)(a) | Strike out " <i>Public Service Act 1967</i> " and substitute " <i>Public Sector Management Act 1995</i> ". |
| Section 13(2)(b) | Strike out "upon" and substitute "on". |
| Section 13(3) to (8) | Strike out these subsections and substitute:
<p style="margin-left: 40px;">(3) There will be such other staff of the Board as the Board considers necessary or expedient for the proper administration of this Act.</p> <p style="margin-left: 40px;">(4) The Board must not make an appointment to the staff of the Board except under an approval of the Minister.</p> <p style="margin-left: 40px;">(5) The staff of the Board will not, unless the Governor otherwise determines, be appointed under the <i>Public Sector Management Act 1995</i>.</p> <p style="margin-left: 40px;">(6) If an appointment is made under the <i>Public Sector Management Act 1995</i>, the Minister may, by notice in the <i>Gazette</i>, determine—</p> <p style="margin-left: 80px;">(a) that specified provisions of that Act will not apply in relation to the appointment; and</p> <p style="margin-left: 80px;">(b) that provisions contained, or referred to, in the notice will apply to and in relation to the appointment in substitution of those provisions,</p> <p style="margin-left: 40px;">and the notice will have effect according to its terms.</p> <p style="margin-left: 40px;">(7) The Minister may, by notice published in the <i>Gazette</i>, vary or revoke a notice published under subsection (6).</p> <p style="margin-left: 40px;">(8) The Chief Executive or any other member of the staff of the Board may hold office in conjunction with another office in the Public Service of the State.</p> |
| Section 14 | Strike out this section and substitute:
<p style="margin-left: 40px;">Use of services and facilities</p> <p style="margin-left: 40px;">14. The Board may, with the approval of the Minister administering an administrative unit of the Public Service, make use of the services of an officer or use any facilities of that unit.</p> |
| Section 15(1) | Strike out "All moneys" and substitute "Money".
Strike out "shall" and substitute "must". |
| Section 15(2) | Strike out "shall" and substitute "must". |
| Section 15(3) | Strike out "Any moneys of the Board that are" and substitute "Money that is". |

- Section 15(4) Strike out "moneys shall" and substitute "money may".
- Section 17(1) Strike out "moneys" and substitute "money".
- Section 17(3) Strike out "shall be satisfied out of the General Revenue of the State" and substitute "is to be satisfied out of the Consolidated Account".
- Section 18 Strike out this section and substitute:
- Accounts and audit**
- 18.(1) The Board must cause proper accounting records to be kept in relation to its financial affairs, and must have annual statements of account prepared in respect of each financial year.
- (2) The accounting records and statements of account must comply with—
- (a) any instructions of the Treasurer under section 41 of the *Public Finance and Audit Act 1987*; and
- (b) any other further requirements imposed by the Auditor-General.
- (3) The Auditor-General may at any time audit the accounts of the Board and must audit the annual statements of account.
- Section 19(3) Strike out this subsection and substitute:
- (3) The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.
- Section 20(2) Strike out "upon" and substitute "on".
- Section 21(1) Strike out "shall be" and substitute "are".
- Section 21(2) Strike out "Any land" and substitute "Land".
- Strike out "shall, upon" and substitute "will, on".
- Section 21(2a) Strike out "Notwithstanding subsections (1) and (2)" and substitute "However".
- Strike out "shall, while so open, be" and substitute "is, while so open,".
- Section 21(3) Strike out "shall have effect notwithstanding" and substitute "have effect despite".
- Section 22(1) Strike out "upon" and substitute "on".
- Section 22(2) Strike out "shall" and substitute "must".
- Section 22(2)(a) Strike out "upon".
- Section 22(3)(a) Strike out "upon or built upon" and substitute "on or built on".
- Section 23(1) Strike out "shall" and substitute "must".
- Section 23(2) Strike out "shall" and substitute "do".

Section 24(2)	Strike out "where" and substitute "if"
Section 24(3)	Strike out "shall" and substitute "will". Strike out "deemed" and substitute "taken".
Section 25(1)	Strike out "shall" and substitute "do". Strike out paragraphs (c), (d) and (e) and substitute: (a) the <i>Environment Protection Act 1993</i> ; (b) any regulations or by-laws made under the <i>Local Government Act 1934</i> .
Section 25(2)	Strike out " <i>Planning Act 1982</i> and the <i>City of Adelaide Development Control Act 1976</i> shall" and substitute " <i>Development Act 1993</i> do".
Section 25(3)	Strike out "shall" and substitute "will".
Section 26	Strike out "shall" and substitute "must".
Section 27(1)	Strike out "Where any" and substitute "If a". Strike out "shall" and substitute "must". Strike out "any person" and substitute "a person".
Section 27(2)	Strike out "Where" and substitute "If". Strike out "the provisions of". Strike out "shall apply" and substitute "applies".
Section 27A	Strike out " <i>Police Regulation Act 1952</i> " and substitute " <i>Police Act 1952</i> ". Strike out " <i>Liquor Licensing Act 1985</i> " (twice occurring) and substitute, in each case, " <i>Liquor Licensing Act 1997</i> ".
Section 27B(1)	Strike out "notwithstanding any provision of the <i>Liquor Licensing Act 1985</i> and the terms and conditions of any" and substitute "despite the provisions of the <i>Liquor Licensing Act 1997</i> and the terms and conditions of a".
Section 27B(1)(a)	After "club licence" insert "(including a limited club licence)". Strike out "and general facility licence" and substitute ", special circumstances licence, restaurant licence or residential licence".
Section 27B(1)(b)	Strike out "a club" and substitute "a limited club". Strike out "visitors" and substitute "guests".
Section 27B(2)	Strike out this subsection and substitute: (2) A condition imposed on a licence by a licensing authority restricting the days on which, or the hours during which, liquor may be sold and consumed pursuant to the licence continues to have effect.
Section 27C(1)	Strike out "Where" and substitute "If".
Section 27C(1)(a)	Strike out "general facility licence" and substitute "special circumstances licence".

- Section 27C(2)(b) Strike out "shall operate" and substitute "operates".
- Section 27C(3) Strike out the penalty provision and substitute:
Maximum penalty: \$5 000.
- Section 28A(2) Strike out the penalty provision and substitute:
Maximum penalty: \$15 000.
- Section 28A(3) Strike out the penalty provision and substitute:
Maximum penalty: \$15 000.
- Section 28B(1) Strike out "Where" and substitute "If".
- Section 28B(2) Strike out "Where" and substitute "If".
Strike out "shall be" and substitute "is".
- Section 28B(5) Strike out "shall" (first occurring) and substitute "must".
Strike out "shall be paid into the General Revenue of the State"
and substitute "must be paid into the Consolidated Account".
- Section 30(2)(h) Strike out "one thousand dollars" and substitute "\$1 250".
- Section 30(3)(a) Strike out "shall be deemed" and substitute "will be taken".
- Section 30(3)(b) Strike out "where" and substitute "if".
Strike out "shall" and substitute "will".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor