

SOUTH AUSTRALIA

AUSTRALIAN FORMULA ONE GRAND PRIX ACT 1984

This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 3 February 1997.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

PART 1 PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
- 3A. Application of 1985 Amending Act

PART 2 THE BOARD

DIVISION 1—CONSTITUTION OF THE BOARD

4. Establishment of the Board
5. Membership of the Board
6. Term and conditions of office
7. Disclosure of interest
8. Procedures of Board
9. Validity of acts of the Board and immunity of members

DIVISION 2—FUNCTIONS AND POWERS OF THE BOARD

10. Functions and powers of Board
- 10A. Committees
11. Board may control and charge fee for filming, etc., from outside circuit
12. Board to be subject to control of Minister

DIVISION 3—STAFF OF THE BOARD

13. Officers and employees
14. Use of public servants

DIVISION 4—FINANCIAL PROVISIONS

15. Dealings with moneys of the Board
17. Power to borrow
18. Accounts and audit
19. Reports

PART 3 PROVISIONS RELATING TO THE ESTABLISHMENT OF THE CIRCUIT AND THE CONDUCT OF RACES

20. Minister may declare area and period for races
21. Board to have care, control, etc., of declared area for declared period for each year
22. Board to have power to enter and carry out works, etc., on declared area
23. Board to consult and take into account representations of persons affected by operations
24. Certain land deemed to be lawfully occupied by Board
25. Non-application of certain laws
26. Plans of proposed works to be available for public inspection
27. Power to remove vehicles left unattended within declared area

PART 3A REMOVAL OF CERTAIN RESTRICTIONS RELATING TO THE SALE AND CONSUMPTION OF LIQUOR

- 27A. Interpretation
- 27B. Removal of certain restrictions relating to the sale and consumption of liquor
- 27C. Control of noise, etc., during prescribed period

**PART 4
MISCELLANEOUS**

- 28. Summary proceedings
- 28A. The Board's special property in official grand prix insignia
- 28B. Seizure and forfeiture of goods
- 30. Regulations

SCHEDULE

**APPENDIX
LEGISLATIVE HISTORY**

AUSTRALIAN FORMULA ONE GRAND PRIX ACT 1984

being

Australian Formula One Grand Prix Act 1984 No. 97 of 1984
[Assented to 20 December 1984]¹

as amended by

Australian Formula One Grand Prix Act Amendment Act 1985 No. 83 of 1985 [Assented to 5 September 1985]

Australian Formula One Grand Prix Act Amendment Act 1986 No. 20 of 1986 [Assented to 20 March 1986]²

Australian Formula One Grand Prix Act Amendment Act 1988 No. 105 of 1988 [Assented to 15 December 1988]³

Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996 No. 34 of 1996 [Assented to 2 May 1996]⁴

¹ Came into operation 20 December 1984: *Gaz.* 20 December 1984, p. 1885.

² Came into operation 20 March 1986: *Gaz.* 20 March 1986, p. 590.

³ Came into operation 12 January 1989: *Gaz.* 12 January 1989, p. 52.

⁴ **Came into operation 3 February 1997: *Gaz.* 19 December 1996, p. 1923.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last reprint.*
- *For the legislative history of the Act see Appendix.*

An Act to establish a corporation to be known as the "Australian Formula One Grand Prix Board"; to define its powers and functions; and for other purposes.

The Parliament of South Australia enacts as follows:

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the *Australian Formula One Grand Prix Act 1984*.

Commencement

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

Interpretation

3. (1) In this Act, unless the contrary intention appears—

"**Adelaide**" means the City of Adelaide and includes any adjoining local government area;

* * * * *

"**the Board**" means the Australian Formula One Grand Prix Board constituted under Part 2;

"**the Chairman**" means the Chairman of the Board appointed under Part 2;

"**council**" means a council within the meaning of the *Local Government Act 1934*;

"**declared area**" for any year means the area declared by the Minister by notice under Part 3 to be the declared area for that year;

"**declared period**" for any year means the period declared by the Minister by notice under Part 3 to be the declared period for that year;

"**Deputy Chairman**" means the Deputy Chairman of the Board appointed under Part 2;

"**grand prix insignia**" means any of the expressions "**Grand Prix**", "**Formula One**", "**Formula 1**" or "**Adelaide Alive**", where the expression (whether appearing or used in full or abbreviated form or alone or in combination with other words or symbols) can reasonably be taken to refer to a motor racing event;

"**the graphic standards manual**" means a document adopted by the Board as the graphic standards manual and lodged at the General Registry Office;

"**the logo**" means the design (the copyright of which is vested in the Crown in right of the State and the general design of which is set out in the schedule) which is more particularly depicted and described in the graphic standards manual;

"**member**" means a member of the Board appointed under Part 2;

"**official grand prix insignia**" means the logo, an official symbol, an official title or any grand prix insignia;

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

Australian Formula One Grand Prix Act 1984

"**official title**" means a name or a title of a motor racing event declared by the Board under subsection (4);

"**parkland**" means land that is park land within the meaning of the *Local Government Act 1934*;

"**promote**", in relation to an event or activity, includes organise or conduct;

"**public road**" means any road, street or thoroughfare (including any carriageway, footpath, dividing strip and traffic island) commonly used by the public or to which the public are permitted access;

"**relevant council**", in relation to the declared area for any year, means a council the area of which includes the declared area or part of the declared area.

(2) For the purposes of this Act, goods shall be deemed to be marked with official grand prix 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.

(3) For the purposes of this Act, a motor racing event is a motor car race—

- (a) that takes place in Australia; and
- (b) that—
 - (i) is approved by the Fédération Internationale du Sport Automobile; and
 - (ii) is entered in the International Calendar of the Fédération Internationale de l'Automobile; and
 - (iii) counts for the Fédération Internationale de l'Automobile Formula One World Championship,

and includes any event or activity promoted by the Board in association with the race.

(4) Subject to subsection (5), the Board may, for the purposes of this Act, by notice published in the *Gazette*, declare, in respect of a motor racing event—

- (a) the name or names of the motor racing event;
- (b) the title of the motor racing event.

(5) The Board shall not make a declaration under subsection (4) without the consent of the Minister.

Application of 1985 Amending Act

3A. (1) The amendments made to this Act by the *Australian Formula One Grand Prix Act Amendment Act 1985* do not apply in relation to goods marked with official grand prix insignia—

- (a) which were manufactured before the prescribed date; or
- (b) which, although manufactured after the prescribed date, were manufactured to fulfil contracts relating to the supply of goods marked with official grand prix insignia entered into before the prescribed date.

(2) Subsection (1) does not derogate from any civil remedy that may be available to the Board apart from that subsection in relation to goods referred to in that subsection.

(3) In this section—

"**the prescribed date**" means the 22nd day of August, 1985.

**PART 2
THE BOARD**

DIVISION 1—CONSTITUTION OF THE BOARD

Establishment of the Board

4. (1) There shall be a board entitled the "Australian Formula One Grand Prix Board".

(2) The Board—

- (a) shall be a body corporate with perpetual succession and a common seal; and
- (b) shall be capable in its corporate name of acquiring, holding and disposing of real and personal property; and
- (c) shall be capable of acquiring or incurring any other rights or liabilities, and of suing and being sued; and
- (d) shall hold its property on behalf of the Crown; and
- (e) shall have the powers, authorities, duties and obligations prescribed by or under this Act.

(3) Where an apparently genuine document purports to bear the common seal of the Board, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of the Board was duly affixed to that document.

Membership of the Board

5. (1) The Board shall consist of not more than nine members appointed by the Governor, of whom—

- (a) two shall be persons nominated by the Corporation of the City of Adelaide; and
- (b) one shall be a person nominated by the Confederation of Australian Motor Sport; and
- (c) the remainder shall be persons nominated by the Minister.

(2) The Governor may appoint from amongst the members of the Board—

- (a) a Chairman of the Board; and
- (b) Deputy Chairman of the Board.

(3) The Governor may appoint a suitable person to be a deputy of a member (being a person nominated by the person or body that nominated the member) and a person so appointed may act as a member of the Board in the absence of the member of whom he has been appointed a deputy.

(4) If a person or body fails to nominate a person for the purposes of subsection (1) or (3) within one month after receiving a written request from the Minister to do so, the Governor may appoint a person nominated by the Minister, and a person so appointed shall be deemed to have been duly appointed under that subsection.

Term and conditions of office

6. (1) A member shall be appointed for such term of office and upon such conditions (as to the payment of allowances and expenses or any other matter) as may be determined by the Governor.

(2) A member shall, upon the expiration of his term of office, be eligible for reappointment.

(3) The Governor may remove a member from office for—

(a) mental or physical incapacity to carry out satisfactorily the duties of his office; or

(b) neglect of duty; or

(c) dishonourable conduct; or

(d) any other cause considered sufficient by the Governor.

(4) The office of a member becomes vacant if—

(a) he dies; or

(b) he resigns by written notice addressed to the Minister; or

(c) he is removed by the Governor under subsection (3).

(5) Upon the office of a member becoming vacant, a person may be appointed in accordance with this Act to the vacant office.

Disclosure of interest

7. (1) A member who is directly or indirectly interested in a contract, or proposed contract, made by, or in contemplation of, the Board—

(a) shall as soon as he becomes aware of the contract, or the proposal to make the contract, disclose the nature of his interest to the Board; and

(b) shall not take part in any deliberations or decision of the Board with respect to that contract.

Penalty: Five thousand dollars.

(2) A disclosure made under this section shall be recorded in the minutes of the Board.

(3) Where a member makes a disclosure of interest in respect of a contract or proposed contract in accordance with this section—

(a) the contract is not void, or liable to be avoided by the Board, on any ground arising from the member's interest in the contract; and

(b) the member is not liable to account to the Board for profits derived from the contract.

Procedures of Board

8. (1) A number of members, being one more than the number obtained by dividing the number of members for the time being appointed to the Board by two and disregarding any remainder, shall constitute a quorum of the Board.

(2) A decision carried by the votes of a majority of the members present at a meeting of the Board shall be a decision of the Board.

Australian Formula One Grand Prix Act 1984

(2a) A decision concurred in by members otherwise than at a meeting of the Board is a valid decision of the Board if—

- (a) each member has had not less than 24 hours notice of the decision proposed to be made; and
- (b) a number of members not less than that required for a quorum of the Board have signified their concurrence in the decision by letter, telegram, telex, facsimile transmission or other method of written communication.

(3) The Chairman, or, in his absence, the Deputy Chairman, shall preside at a meeting of the Board, or, in the absence of the Chairman and the Deputy Chairman, the members present shall decide who is to preside at the meeting.

(4) Each member present at a meeting of the Board shall be entitled to one vote on a matter arising for decision by the Board and in the event of an equality of votes the member presiding at the meeting shall have a second or casting vote.

(5) The Board shall cause accurate minutes to be kept of its proceedings at meetings.

(6) The procedure for the calling of meetings of the Board and for the conduct of business at such meetings shall, subject to this Act, be as determined by the Board.

Validity of acts of the Board and immunity of members

9. (1) An act or decision of the Board shall not be invalid by reason only of a vacancy in its membership.

(2) No liability shall attach to a member for an act or omission by him, or by the Board, in good faith and in the exercise or discharge of his or its powers, functions or duties under this Act.

(3) A liability that would, but for subsection (2), lie against a member shall lie against the Crown.

DIVISION 2—FUNCTIONS AND POWERS OF THE BOARD

Functions and powers of Board

10. (1) The functions of the Board are—

- (a) to negotiate and enter into agreements on behalf of the State under which motor racing events are held in Adelaide; and
- (b) to undertake on behalf of the State the promotion of motor racing events in Adelaide; and
- (c) to establish a motor racing circuit on a temporary basis and do all other things necessary for or in connection with the conduct and financial and commercial management of each motor racing event promoted by the Board; and
- (d) to provide advisory, consultative or managerial services to promoters or other persons associated with the conduct of sporting, entertainment or other special events or projects, whether within or outside the State; and
- (e) such other functions as the Minister may from time to time approve.

- (2) For the purpose, or in the course, of performing its functions, the Board may—
- (a) as provided by this Act, assume the care, control, management and use of public roads and parklands upon a temporary basis; or
 - (b) carry out works for the construction, alteration or removal of public or other roads, track, grandstands, fencing, barriers and other buildings and structures; or
 - (c) carry on any advertising and promotional activities; or
 - (d) regulate and control admission to any motor racing circuit established by the Board and charge and collect fees for admission to any such circuit; or
 - (e) grant for fee or other consideration advertising or sponsorship rights or any other rights, licences or concessions in connection with motor racing events promoted by the Board; or
 - (f) publish or produce books, programmes, brochures, films, souvenirs and other things relating to motor racing events promoted by the Board; or
 - (g) sell or supply food and drink (including alcoholic beverages), books, programmes, brochures, films, souvenirs and other things in connection with motor racing events promoted by the Board; or
 - (h) restrict, control and make charges for the use of official grand prix insignia; or
 - (i) take out policies of insurance in its own right or on behalf of the State; or
 - (j) acquire and hold any licence under any other Act; or
 - (k) acquire, hold, deal with and dispose of any personal property; or
 - (l) form, or acquire, hold, deal with and dispose of shares or other interests in, or securities issued by, bodies corporate, whether within or outside the State; or
 - (m) enter into any partnership or joint venture arrangement, appoint any agent, or enter into any other contract or arrangement with another person, whether within or outside the State; or
 - (n) accept money or other things, whether from the State, a State instrumentality or any other person, provided or given to the Board for the performance of its functions; or
 - (o) act as trustee on behalf of any other person in connection with the performance of its functions under this Act; or
 - (p) delegate any of its functions or powers to the Chairman or any other member of the Board, to a committee established by the Board or the Chairman, to the Executive Director of the Board or to any other person or body; or
- * * * * *
- (r) enter into any agreement or arrangement of a kind not previously mentioned in this subsection or acquire or incur any other rights or liabilities; or

Australian Formula One Grand Prix Act 1984

(s) exercise any other powers that are necessary or expedient for, or incidental to, the performance of its functions.

(3) No contract or agreement entered into by any person acting or purporting to act as agent of the Board is binding on the Board unless ratified by the Board.

(4) A delegation made by the Board is revocable at will and does not derogate from the power of the Board to act itself in any matter.

Committees

10A. (1) The Board or, with the approval of the Minister, the Chairman, may establish committees (which may, but need not, consist of or include members of the Board) to advise or assist the Board or the Chairman.

(2) The functions and procedures of a committee established under subsection (1) will be as determined by the Board or, in the case of a committee established by the Chairman, by the Chairman with the approval of the Minister.

Board may control and charge fee for filming, etc., from outside circuit

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

(2) The Board may, if it thinks fit, charge a fee for giving its consent under subsection (1), being a fee of the prescribed amount or such other amount as the Board may fix in a particular case.

(3) Where a person makes a recording as referred to in subsection (1) without the consent of the Board, the Board may recover, as a debt due to the Board, by proceedings in any court of competent jurisdiction, the fee of a prescribed amount referred to in subsection (2).

Board to be subject to control of Minister

12. The Board shall be subject to the general control and direction of the Minister.

DIVISION 3—STAFF OF THE BOARD

Officers and employees

13. (1) There shall be an Executive Director of the Board.

(2) A person may be appointed to be Executive Director—

(a) subject to and in accordance with the *Public Service Act 1967*; or

(b) upon terms and conditions determined by the Governor,

as the Governor thinks fit.

(3) The Governor may, subject to and in accordance with the *Public Service Act 1967*, appoint persons to such other offices as he considers necessary or expedient to assist the Board in the administration of this Act.

(4) The office of Executive Director of the Board or an office referred to in subsection (3) may be held in conjunction with any other office in the Public Service of the State.

(5) Where an appointment is made subject to and in accordance with the *Public Service Act 1967*, the Minister may, by notice published in the *Gazette*, determine—

- (a) that specified provisions of the *Public Service Act 1967* and of the regulations under that Act shall not apply to or in relation to the appointment; and
- (b) that provisions contained, or referred to, in the notice shall apply to and in relation to that appointment in lieu of those provisions,

and the notice shall have effect in accordance with its terms.

(6) The Minister may, by notice published in the *Gazette*, vary or revoke a notice published under subsection (5).

(7) The Board may, with the approval of the Minister, appoint such officers and employees as it considers necessary or expedient for the proper administration of this Act.

(8) A person appointed under subsection (7) shall hold office upon terms and conditions determined by the Board and approved by the Minister, and the *Public Service Act 1967* shall not apply to or in relation to persons so appointed.

Use of public servants

14. The Board may, with the approval of the Minister administering a department of the Public Service of the State, upon terms mutually arranged, make use of the services of an officer or use any facilities of the department.

DIVISION 4—FINANCIAL PROVISIONS

Dealings with moneys of the Board

15. (1) All moneys received by the Board shall be paid into a banking account established by the Board.

(2) A banking account established by the Board shall be operated by cheque signed and countersigned by such persons as the Board may appoint for the purpose.

(3) Any moneys of the Board that are not immediately required for the purposes of the Board may be lodged on deposit with the Treasurer or invested in any other manner as the Treasurer may approve.

(4) Except as authorised by the Treasurer, no moneys shall be expended by the Board except in accordance with a budget approved by the Treasurer.

* * * * *

Power to borrow

17. (1) The Board may, for the purposes of this Act, borrow moneys from the Treasurer, or, with the consent of the Treasurer, from any other person.

(2) A liability incurred by the Board under subsection (1) with the consent of the Treasurer is guaranteed by the Treasurer.

(3) A liability of the Treasurer under a guarantee arising by virtue of subsection (2) shall be satisfied out of the General Revenue of the State, which is appropriated by this section to the necessary extent.

Australian Formula One Grand Prix Act 1984

Accounts and audit

18. (1) The Board shall cause proper accounts to be kept of its financial affairs.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Board.

(3) For the purposes of the audit, the Auditor-General shall have, and may exercise, in relation to the accounts of the Board and the officers and employees of the Board, the same powers as are vested by the *Audit Act 1921* in the Auditor-General in relation to public accounts and accounting officers.

Reports

19. (1) The Board must, before the end of April in each year, deliver to the Minister a report on its operations during the preceding calendar year.

(2) The report must incorporate the audited statement of accounts of the Board for the period to which the report relates.

(3) The Minister shall cause a copy of the report to be laid before each House of Parliament within fourteen sitting days of that House after his receipt of the report.

PART 3
PROVISIONS RELATING TO THE ESTABLISHMENT OF THE CIRCUIT
AND THE CONDUCT OF RACES

Minister may declare area and period for races

20. (1) The Minister may, upon the recommendation of the Board—

- (a) by notice published in the *Gazette*, declare that an area (consisting of public road or parkland, or both) specified in the notice shall be the declared area for a year specified in the notice; and
- (b) by notice published in the *Gazette*, declare that a period (not exceeding five days) specified in the notice shall be the declared period for a year specified in the notice.

(2) The Minister may, upon the recommendation of the Board, by notice published in the *Gazette*, vary or revoke a notice under subsection (1).

Board to have care, control, etc., of declared area for declared period for each year

21. (1) The care, control, management and use of the land comprising the declared area for any year shall vest in the Board for the declared period for that year and the rights or interests of any other person in or in relation to the land shall be suspended for the declared period.

(2) Any land within the declared area for any year that is public road shall cease to be public road for the declared period for that year but shall, upon the expiration of the declared period, revert to public road.

(2a) Notwithstanding subsections (1) and (2), if during the declared period for any year the Board opens any road within the declared area for that year to ordinary pedestrian and vehicular traffic the road shall, while so open, be a public road.

(3) The provisions of this section shall have effect notwithstanding the provisions of any other Act or law.

Board to have power to enter and carry out works, etc., on declared area

22. (1) Subject to this section, the Board may for the purposes of this Act have 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 performance of its functions.

(2) The Board shall, in exercising its powers under this section, comply with—

- (a) any terms and conditions from time to time agreed upon by the Board with any relevant council or any person having a right of occupation of the land or any part of the land; or
- (b) failing such agreement in relation to any particular matter, any terms and conditions determined by the Minister.

(3) The terms and conditions that may be the subject of agreement or determination under subsection (2) include (without limiting the generality of subsection (2)) 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;

Australian Formula One Grand Prix Act 1984

- (b) that limit or prevent any unnecessary or reasonably avoidable interference with any activity that may be lawfully carried on on the land;
- (c) that provide for reimbursement of costs or expenses that may be incurred by any relevant council;
- (d) that provide for fair and reasonable compensation for any damage or loss that may be suffered by any person having a right of occupation of any part of the land.

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

23. (1) The Board shall, in performing its functions—

- (a) take all reasonable steps to consult with—
 - (i) any relevant council or any person having a right of occupation of land within the declared area for any year; or
 - (ii) any person occupying land immediately adjacent to the declared area for any year; or
 - (iii) any other person whose business or financial interests might, in the opinion of the Board, be adversely affected by the operations of the Board; and
- (b) take into account and, to such extent as is reasonably consistent with the performance of its functions, give effect to any representations made by any such person.

(2) The duties imposed by subsection (1) shall not give rise to any cause or right of action against or any liability in the Board.

Certain land deemed to be lawfully occupied by Board

24. (1) The whole or any part of the land comprising the declared area for any year may be fenced or cordoned off by the Board for the whole or any part of the declared period for that year.

(2) The Board may, where it is reasonably necessary for or incidental to the performance of its functions, fence or cordon off a part of the declared area for any year for a period not falling within the declared period for the year.

(3) Land comprising or included within the declared area for any year that is fenced or cordoned off by the Board shall, while it is so fenced or cordoned off, be deemed to be in the lawful occupation of the Board.

Non-application of certain laws

25. (1) The following Acts or laws shall not apply to or in relation to the declared area for any year during the declared period for that year:

* * * * *

- (c) the *Noise Control Act 1977*;
- (d) the *Places of Public Entertainment Act 1913*;
- (e) any regulations or by-laws made under the *Local Government Act 1934*.

(1a) The provisions of the *Road Traffic Act 1961* and the *Motor Vehicles Act 1959* do not apply to or in relation to a vehicle or its driver while the vehicle is being driven in a motor racing event.

(2) The provisions of the *Planning Act 1982* and the *City of Adelaide Development Control Act 1976* shall not apply to or in relation to any works carried out or activity engaged in by or with the approval of the Board within the declared area for any year.

(3) No activity carried on by or with the permission of the Board within the declared area for any year during the declared period for that year shall constitute a nuisance.

Plans of proposed works to be available for public inspection

26. The Board shall cause copies of the plans of all works proposed to be carried out by the Board to be available for public inspection at a place designated by the Minister by notice published in the *Gazette*.

Power to remove vehicles left unattended within declared area

27. (1) Where any vehicle is left unattended within the declared area for any year during the declared period for that year, a member of the police force may, or shall, at the request of any person acting on behalf of the Board, 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.

(2) Where a vehicle is removed under subsection (1), the provisions of section 86 of the *Road Traffic Act 1961* shall apply as if the vehicle had been removed under subsection (1) of that section.

PART 3A
REMOVAL OF CERTAIN RESTRICTIONS RELATING TO THE SALE
AND CONSUMPTION OF LIQUOR

Interpretation

27A. In this Part—

(a) "**commissioned officer**" means the Commissioner of Police, the Deputy Commissioner of Police and any commissioned officer within the meaning of the *Police Regulation Act 1952*;

"**prescribed period**" means a period commencing 24 hours before the commencement of a declared period and ending 24 hours after the end of that period; and

(b) terms defined by the *Liquor Licensing Act 1985* have the meanings assigned by that Act; and

(c) a reference to a licence of a particular class is a reference to a licence of that class under the *Liquor Licensing Act 1985*.

Removal of certain restrictions relating to the sale and consumption of liquor

27B. (1) Subject to subsection (2), the following provisions apply during a prescribed period notwithstanding any provision of the *Liquor Licensing Act 1985* and the terms and conditions of any licence under that Act:

(a) the days on which and the hours during which liquor may be sold and consumed pursuant to a hotel licence, club licence, retail liquor merchant's licence and general facility licence are unrestricted;

(b) a club licence authorises the sale of liquor to an unlimited number of visitors introduced to the club premises by a member.

(2) Notwithstanding subsection (1), any terms and conditions of—

(a) a hotel licence; or

(b) the general facility licence constituted by clause 13(1)(k) of the schedule to the *Liquor Licensing Act 1985*,

imposed by the licensing authority or by clause 16 of the schedule to that Act and that restrict the days on which, or the hours during which, liquor may be sold and consumed pursuant to the licence, remain in force.

Control of noise, etc., during prescribed period

27C. (1) Where, during a prescribed period—

(a) any activity on, or the noise emanating from, premises in respect of which a hotel licence, club licence, retail liquor merchant's licence or general facility licence is in force; or

(b) the behaviour of persons making their way to or from such premises,

is, in the opinion of a commissioned officer, unduly offensive, annoying, disturbing or inconvenient to any person who resides, works or worships in the vicinity of the licensed premises, the commissioned officer may issue directions prohibiting the activity, behaviour or noise or directing that the level of noise be reduced.

(2) A direction—

(a) may be oral or in writing and may be issued to the licensee, the manager of the licensed premises or patrons of the business conducted at those premises; and

(b) shall operate only during the prescribed period in which it was issued; and

(c) may be revoked or varied at any time.

(3) A person who contravenes or fails to comply with a direction under this section is guilty of an offence.

Penalty: \$5 000.

**PART 4
MISCELLANEOUS**

Summary proceedings

28. Proceedings for an offence against this Act shall be disposed of summarily.

The Board's special property in official grand prix insignia

28A. (1) The Board has a proprietary interest in all official grand prix insignia.

(2) A person who, without the consent of the Board, in the course of a trade or business—

(a) sells goods marked with official grand prix insignia; or

(b) uses official grand prix insignia for the purpose of promoting the sale of goods or services,

commits the tort of conversion and is guilty of an offence.

Penalty: \$15 000.

(3) A person who, without the consent of the Board, assumes a name or description that consist of, or includes, official grand prix insignia commits the tort of conversion and is guilty of an offence.

Penalty: \$15 000.

(4) A consent under this section—

(a) may be given with or without conditions (including conditions requiring payment to the Board);

(b) may be given generally by notice in the *Gazette* or by notice in writing addressed to an applicant for the consent;

(c) may be revoked by the Board 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 Board, 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 Board, order the convicted person to pay compensation of an amount fixed by the court to the Board.

(7) Subsections (5) and (6) do not derogate from any civil remedy that may be available to the Board apart from those subsections.

Seizure and forfeiture of goods

28B. (1) Where—

(a) goods apparently intended for a commercial purpose are marked with official grand prix insignia; and

- (b) a member of the police force suspects on reasonable grounds that the use of the insignia has not been authorised by the Board,

the member may seize those goods.

- (2) Where any goods have been seized under this section and—

- (a) proceedings are not instituted for an offence against section 28A 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 shall be entitled to recover—

- (c) the goods or, if they have been destroyed, compensation equal to the market value of the goods at the time of their seizure; and

- (d) compensation for any loss suffered by reason of the seizure of the goods.

(3) An action for the payment of compensation under subsection (2) may be brought against the Board 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 shall be disposed of in such manner as the Minister may direct, and, if sold, the proceeds of the sale shall be paid into the General Revenue of the State.

* * * * *

Regulations

30. (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

- (2) Without limiting the generality of subsection (1), the regulations may—

- (a) regulate the proceedings of the Board;

- (b) prescribe conditions for and make any provision relating to the access that persons may have to the declared area, or part of the declared area, for any year;

- (c) prohibit trespass upon the declared area, or part of the declared area, for any year;

- (d) regulate the fees that may be charged or collected by the Board for admission to the declared area, or part of the declared area, for any year;

- (e) regulate, restrict or prohibit the bringing of alcoholic beverages into, or the consumption of alcoholic beverages within, the declared area, or part of the declared area, for any year;

- (f) regulate the behaviour of persons within the declared area for any year and provide for the exclusion or expulsion of persons misbehaving within the declared area;

Australian Formula One Grand Prix Act 1984

- (g) regulate, restrict or prohibit the driving or parking of motor vehicles within the declared area, or part of the declared area, for any year;
 - (h) prescribe penalties not exceeding one thousand dollars for contravention of, or non-compliance with, a regulation;
 - (i) fix expiation fees for alleged offences against the regulations.
- (3) In proceedings in respect of an offence against a regulation—
- (a) an allegation in the complaint that a person named in the complaint was the owner of a specified vehicle on a specified day shall be deemed to be proved in the absence of proof to the contrary; and
 - (b) where it is proved that a vehicle was parked on any land in contravention of a regulation, it shall be presumed, in the absence of proof to the contrary, that the vehicle was so parked by the owner of the vehicle.

* * * * *

(Reprint No. 2)

SCHEDULE

20

Australian Formula One Grand Prix Act 1984

SCHEDULE

Australian Formula One Grand Prix Act 1984

APPENDIX**LEGISLATIVE HISTORY****Transitional Provisions**

(Transitional provision from Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996, s. 5)

5. An Act repealed or amended by this Act will continue to apply (as in force immediately prior to the repeal or amendment coming into operation) to an expiation notice issued under the repealed or amended Act.

Legislative History

(entries in bold type indicate amendments incorporated since the last reprint)

Section 3(1):	definition of "Australian Formula One Grand Prix" repealed by 20, 1986, s. 3(a) definition of "grand prix insignia" inserted by 20, 1986, s. 3(b); substituted by 105, 1988, s. 3(a) definition of "the graphic standards manual" inserted by 83, 1985, s. 2(a) definition of "the logo" inserted by 20, 1986, s. 3(c) definition of "official grand prix insignia" inserted by 83, 1985, s. 2(b); substituted by 20, 1986, s. 3(d) definition of "an official symbol" inserted by 20, 1986, s. 3(d) definition of "official title" inserted by 20, 1986, s. 3(d) definition of "promote" inserted by 105, 1988, s. 3(b)
Section 3(2):	inserted by 83, 1985, s. 2(c)
Section 3(3):	inserted by 20, 1986, s. 3(e); amended by 105, 1988, s. 3(c)
Section 3(4) and (5):	inserted by 20, 1986, s. 3(e)
Section 3A:	inserted by 83, 1985, s. 3
Section 8(2a):	inserted by 105, 1988, s. 4
Section 10(1):	amended by 20, 1986, s. 4(a), (b); substituted by 105, 1988, s. 5(a)
Section 10(2):	amended by 20, 1986, s. 4(c), (d); 105, 1988, s. 5(b), (c)
Section 10(2)(q):	repealed by 105, 1988, s. 5(c)
Section 10A:	inserted by 105, 1988, s. 6
Section 16:	repealed by 105, 1988, s. 7
Section 19(1):	substituted by 20, 1986, s. 5; 105, 1988, s. 8
Section 21(2a):	inserted by 20, 1986, s. 6
Section 25(1)(a) and (b):	repealed by 20, 1986, s. 7(a)
Section 25(1a):	inserted by 20, 1986, s. 7(b)
	Part 3A comprising ss. 27A - 27C and heading inserted by 20, 1986, s. 8
Sections 28A and 28B:	inserted by 83, 1985, s. 4
Section 29:	repealed by 105, 1988, s. 9
Section 30(1):	amended by 34, 1996, s. 4 (Sched. cl. 5)
Section 30(4):	repealed by 34, 1996, s. 4 (Sched. cl. 5)
Schedule:	inserted by 83, 1985, s. 5