

South Australia

South Australian Motor Sport Regulations 2014

under the *South Australian Motor Sport Act 1984*

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Schedule 1—Revocation of *South Australian Motor Sport Regulations 1999*

Part 1—Preliminary

1—Short title

These regulations may be cited as the *South Australian Motor Sport Regulations 2014*.

2—Commencement

These regulations will come into operation on 1 September 2014.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *South Australian Motor Sport Act 1984*;

approved entrance means an entrance approved by the Board;

approved exit means an exit approved by the Board;

authorised person—see regulation 20;

emergency vehicle includes an ambulance, fire engine, police vehicle, tow truck or mobile crane;

imitation ticket means a document that resembles a ticket and could reasonably be taken to be a ticket or any other document that a person passes off, or attempts to pass off, as a ticket;

invitee of a resident includes an employee, agent, or licensee of the resident;

permitted entrant, in respect of a motor sport event, means—

- (a) a person who is entitled to be in a declared area for the event pursuant to a ticket or permit issued by or under the authority of the Board; or
- (b) a person who is admitted by or under the authority of the Board to a declared area for the event on payment of an admission fee; or
- (c) an agent or employee of the Board; or
- (d) a resident or an invitee of a resident; or
- (e) any other person who is, pursuant to a general or specific permit or authorisation granted by or under the authority of the Board, entitled to be in a declared area for the event;

racing car means a vehicle that is entered in a motor sport event;

resident means a person who has a permanent place of residence or business in a declared area for a motor sport event;

ticket means a ticket, pass or other document, issued by or under the authority of the Board, conferring a right to enter a declared area for a motor sport event during the declared period, or part of the declared period, for that event.

Part 2—Provisions relating to declared areas

Division 1—Application

4—Application of Part

This Part applies in respect of a declared area for a motor sport event only during the declared period for that event.

Division 2—Access to declared area

5—Access to declared area by permitted entrants

- (1) A person may not enter or remain in a declared area for a motor sport event unless the person is a permitted entrant.
Maximum penalty: \$1 250.
Expiation fee: \$105.
- (2) A permitted entrant who is a resident or an invitee of a resident is entitled to such access to a declared area for a motor sport event as is necessary for or incidental to—
 - (a) the ordinary use or enjoyment of the resident's place of residence or business in the declared area; or
 - (b) travelling to or from that place of residence.
- (3) If a resident or an invitee of a resident is in a declared area for a motor sport event otherwise than under the entitlement referred to in subregulation (2) or some other entitlement conferred by or under the authority of the Board, the resident or invitee will not be regarded as a permitted entrant.

6—Entry to and exit from declared area

A person must not—

- (a) enter a declared area for a motor sport event except through an approved entrance; or
- (b) leave a declared area for a motor sport event except through an approved exit.

Maximum penalty: \$1 250.

Expiation fee: \$105.

7—Restriction on vehicles in declared area

A person must not take, drive or bring a vehicle into a declared area for a motor sport event except in accordance with a permit or other authorisation issued by or under the authority of the Board.

Maximum penalty: \$1 250.

Expiation fee: \$105.

8—Restriction on access to motor racing circuit

If a declared area for a motor sport event includes a motor racing circuit established by the Board under the Act, a person must not be on the circuit unless the person is—

- (a) the driver or other occupant of—
 - (i) a racing car; or
 - (ii) a vehicle used to service, load or carry a racing car; or
 - (iii) an emergency vehicle; or
 - (iv) a vehicle that may be driven on the circuit under a specific permit or authorisation issued by or under the authority of the Board; or
- (b) a member of the support crew of a racing car; or
- (c) entering the circuit under a specific permit or authorisation issued by or under the authority of the Board.

Maximum penalty: \$1 250.

Expiation fee: \$105.

9—Restricted areas

- (1) A particular part of a declared area may be designated as a restricted area if, in the opinion of the Board or a person authorised by the Board, it would be unsafe to allow persons generally to enter or remain in that part of the declared area.
- (2) A restricted area must be—
 - (a) designated as such by appropriate markings; and
 - (b) identified by notices bearing the words "RESTRICTED AREA: ACCESS TO PERMITTED PERSONS ONLY" posted at or near each entrance to the area.
- (3) A person must not enter or remain in a restricted area except in accordance with a permit or authorisation issued by or under the authority of the Board.

Maximum penalty: \$1 250.

Expiation fee: \$105.

10—Opening and closing time of declared area

The Board must, by notice in the Gazette, fix an opening time and a closing time of a declared area for a motor sport event for each day of the declared period for that event.

Division 3—Permits, authorisations and tickets

11—Permits etc may be subject to conditions

- (1) Conditions may be imposed in respect of rights conferred by a permit, authorisation or ticket—
 - (a) in respect of a motor sport event promoted by the Board—by the Board;
 - (b) in respect of a motor sport event promoted by some other person—by the Minister.

- (2) Conditions imposed under subregulation (1) must be—
 - (a) stated or referred to in the permit, authorisation or ticket; or
 - (b) published in the Gazette.
- (3) A person must not contravene or fail to comply with the conditions to which the rights conferred by a permit, authorisation or ticket are subject.
Maximum penalty: \$1 250.
Expiation fee: \$105.
- (4) Subject to any express term of the permit, authorisation or ticket to the contrary, a permit, authorisation or ticket does not confer a right to be in a declared area for a motor sport event on any day during the declared period for that event before the opening time, or after the closing time, fixed in respect of that day by the Board.

12—Reserved areas

- (1) The Board or a person authorised by the Board may, in a declared area for a motor sport event, set aside—
 - (a) certain areas as reserved areas; and
 - (b) certain blocks of seats as reserved blocks of seats; and
 - (c) certain seats as reserved seats.
 - (2) The Board or a person authorised by the Board may issue tickets that entitle the ticket holder to—
 - (a) enter and remain in a reserved area; or
 - (b) occupy a seat in a reserved block of seats; or
 - (c) occupy a reserved seat.
 - (3) Reserved areas, reserved blocks of seats and reserved seats must be clearly differentiated by signs or markings.
 - (4) A person who is not the holder of a ticket conferring an entitlement to enter a particular reserved area must not enter or remain in that reserved area.
Maximum penalty: \$1 250.
Expiation fee: \$105.
 - (5) A person who is not the holder of a ticket conferring an entitlement to occupy a seat in a particular reserved block of seats must not occupy a seat in that reserved block of seats.
Maximum penalty: \$1 250.
Expiation fee: \$105.
 - (6) A person who is not the holder of a ticket conferring an entitlement to occupy a particular reserved seat must not occupy that seat.
Maximum penalty: \$1 250.
Expiation fee: \$105.
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13—Non-transferable tickets

A ticket marked "non-transferable" does not entitle any person except the person named or identified in the ticket to enter a declared area for a motor sport event.

14—Offences relating to tickets

- (1) A person must not sell or offer for sale a ticket at a price greater than that fixed by or under the authority of the Board.

Maximum penalty: \$1 250.

Expiation fee: \$105.

- (2) A person must not sell or offer for sale an imitation ticket.

Maximum penalty: \$1 250.

Division 4—Conduct in declared area

15—Prohibition on taking alcoholic beverages into declared area

- (1) Subject to this regulation, a person must not take an alcoholic beverage into a declared area for a motor sport event.

Maximum penalty: \$1 250.

Expiation fee: \$105.

- (2) This regulation does not apply to—

(a) a person who—

(i) holds a licence under the *Liquor Licensing Act 1997* authorising the sale of alcoholic beverages in the declared area; or

(ii) is acting under an authorisation issued by the Board; and

(b) an employee or agent of such a person acting in the ordinary course of his or her duties as an employee or agent.

- (3) A person must not consume in the declared area an alcoholic beverage that has been taken into the declared area in contravention of this regulation.

Maximum penalty: \$1 250.

Expiation fee: \$105.

16—Regulation of conduct in declared area

- (1) A person must not—

(a) except in accordance with a permit or other authorisation issued by or under the authority of the Board, take into a declared area for a motor sport event—

(i) a can or bottle; or

(ii) an animal or bird; or

(iii) a flare or explosive; or

(iv) anything that could be used for the erection of a structure; or

(b) in a declared area for a motor sport event—

- (i) damage, deface or destroy property without the consent of the owner of the property; or
- (ii) pick any flower or injure or uproot any tree, shrub, flower or other plant; or
- (iii) deface any building or structure; or
- (iv) except in accordance with a permit or other authorisation issued by or under the authority of the Board—
 - (A) post, stick or place any poster, placard, bill, banner, advertisement, print or paper on any building, structure or fence; or
 - (B) distribute printed matter; or
 - (C) sell or offer for sale anything; or
 - (D) erect any structure in the declared area; or
 - (E) climb on or remain on a structure in the declared area.

Maximum penalty: \$1 250.

Expiation fee: \$105.

- (2) A person, in a declared area for a motor sport event, must not—
- (a) use threatening, insulting or indecent language; or
 - (b) behave in a disorderly, offensive or indecent manner; or
 - (c) urinate or defecate otherwise than in a building or structure specifically provided for the purpose; or
 - (d) climb on or remain on a tree, bush or shrub; or
 - (e) misuse any seat or structure; or
 - (f) block a thoroughfare (including any stair, steps, aisle, gangway or passage); or
 - (g) deposit litter except in a receptacle provided for that purpose; or
 - (h) throw any stone, bottle or other missile; or
 - (i) light or maintain a fire; or
 - (j) otherwise behave in a manner that may interfere with the comfort of persons in the declared area.

Maximum penalty: \$1 250.

Expiation fee: \$105.

- (3) In this regulation—

disorderly includes riotous;

indecent includes obscene;

offensive includes threatening, abusive or insulting.

Division 5—Miscellaneous

17—Refreshment areas

- (1) A particular part of a declared area for a motor sport event may be designated as a refreshment area.
- (2) A refreshment area must be—
 - (a) designated as such by appropriate markings; and
 - (b) identified by notices bearing the words "REFRESHMENT AREA: NO GLASS MAY BE REMOVED FROM THIS AREA" posted at or near each exit to the area.
- (3) A person must not remove from a refreshment area a glass that has been obtained within that area.

Maximum penalty: \$1 250.

Expiation fee: \$105.

18—No smoking areas

- (1) A part of a declared area for a motor sport event may be designated as a no smoking area if, in the opinion of the Board or a person authorised by the Board, it would be unsafe to permit smoking in that part of the declared area.
- (2) A no smoking area must be—
 - (a) designated as such by appropriate markings; and
 - (b) identified by notices bearing the words "NO SMOKING" posted at or near each entrance to the area.
- (3) A person must not smoke in a no smoking area.

Maximum penalty: \$1 250.

Expiation fee: \$105.

19—Entertainment licences in declared areas

- (1) The Board or a person authorised by the Board may grant a licence to a person to conduct an entertainment for members of the public in a declared area for a motor sport event.
- (2) A licence to conduct an entertainment may be subject to conditions.
- (3) Conditions to be observed by members of the public entering a declared area for the purposes of attending an entertainment conducted under a licence may be imposed—
 - (a) if the declared area is for a motor sport event promoted by the Board—by the Board;
 - (b) if the declared area is for a motor sport event promoted by some other person—by the Minister.
- (4) A person must not—
 - (a) conduct an entertainment in the declared area without being licensed to do so under this regulation; or

- (b) if licensed to conduct an entertainment, contravene or fail to comply with a condition of the licence; or
- (c) contravene or fail to comply with a condition imposed under subregulation (3).

Maximum penalty: \$1 250.

Expiation fee: \$105.

Part 3—Enforcement

20—Authorised persons

- (1) For the purposes of these regulations, a person may be appointed as an *authorised person* by the Board or the Minister.
- (2) An appointment may be—
 - (a) subject to conditions specified in the instrument of appointment; and
 - (b) varied or revoked at any time.
- (3) All members of the police force are authorised persons for the purposes of these regulations.
- (4) An authorised person may use such reasonable force as is necessary for the effective exercise of powers or functions under these regulations.

21—Identification of authorised persons

- (1) An authorised person, other than a member of the police force, must be issued with an identity card—
 - (a) containing the person's name and a photograph of the person; and
 - (b) stating that the person is an authorised person for the purposes of these regulations.
- (2) If the powers of an authorised person have been limited by conditions under this Part, the identity card issued to the authorised person must contain a statement of the limitation on the authorised person's powers.
- (3) An authorised person (not being a uniformed member of the police force) must, at the request of a person in relation to whom the authorised person is exercising or proposing to exercise any power under these regulations, produce for the inspection of the person—
 - (a) the identity card issued under this regulation; or
 - (b) if the authorised person is a member of the police force—the member's certificate of identity.

22—Authorised person may request identification

- (1) If an authorised person has reasonable grounds to suspect that a person has committed an offence against these regulations, the authorised person may require that person to state his or her full name and address and, if the authorised person has reasonable cause to suspect that the name or address stated is false, the authorised person may require that person to produce evidence of the correctness of the name or address so stated.
- (2) A person must not—
 - (a) state to an authorised person a name or address that is false; or
 - (b) produce to an authorised person false evidence in relation to his or her name or address.

Maximum penalty: \$1 250.

23—Authorised person may search bags

- (1) An authorised person may request a person who is about to enter a declared area for a motor sport event during the declared period for that event to allow an authorised person to inspect any bag, basket or other receptacle that the person intends to take into the declared area.
- (2) A person to whom a request under subregulation (1) is made must not enter the declared area before complying with the request.

Maximum penalty: \$1 250.

Expiation fee: \$105.

24—Authorised persons—other powers

An authorised person may, in relation to a declared area for a motor sport event during the declared period for that event, do any of the following:

- (a) if a person is not entitled to enter the declared area, prevent the person from entering the declared area;
- (b) prevent a person—
 - (i) from entering the declared area otherwise than through an approved entrance; or
 - (ii) from leaving the declared area otherwise than through an approved exit;
- (c) request a person in the declared area to produce a ticket or other satisfactory evidence of that person's entitlement to be in the declared area or in a particular part of the declared area;
- (d) remove from the declared area a person—
 - (i) who has unlawfully entered the declared area; or
 - (ii) who fails to produce satisfactory evidence of that person's entitlement to be in the declared area; or
 - (iii) found committing an offence against these regulations or whom the authorised person reasonably suspects of having committed or being about to commit an offence against these regulations;

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- (e) if the authorised person considers that a dangerous or potentially dangerous situation exists in the declared area, request a person to immediately vacate the declared area or a part of the declared area;
 - (f) if the authorised person has reasonable cause to believe that a person is in a restricted area in contravention of Part 2, remove the person from the restricted area;
 - (g) if the authorised person has reasonable cause to believe that a person in the declared area does not hold an appropriate ticket entitling the holder to—
 - (i) enter and remain in a particular reserved area; or
 - (ii) occupy a seat in a particular reserved block of seats; or
 - (iii) occupy a particular reserved seat,remove the person from—
 - (iv) that reserved area; or
 - (v) that seat in the reserved block of seats; or
 - (vi) that reserved seat;
 - (h) if the authorised person has reasonable cause to believe that—
 - (i) a ticket is an imitation ticket; or
 - (ii) a can, bottle or alcoholic beverage has been taken into the declared area in contravention of Part 2; or
 - (iii) a glass has been removed from a refreshment area in contravention of Part 2,request the person in possession of the ticket, can, bottle, alcoholic beverage or glass to surrender it and, if it is not so surrendered, confiscate it;
 - (i) confiscate—
 - (i) any poster, placard, bill, banner, advertisement, print or paper that has been stuck or placed on any building, structure or fence; or
 - (ii) any printed matter distributed; or
 - (iii) materials taken into the declared area for the purpose of erecting a structure; or
 - (iv) an animal, bird, flare or explosive taken into the declared area; or
 - (v) anything sold or reasonably suspected of being offered for sale in the declared area,in contravention of Part 2;
 - (j) dismantle any structure that has been erected in the declared area in contravention of Part 2.

25—Offence to fail to comply with requirement of authorised person

A person required to do something by or to produce something to an authorised person in the exercise of powers or functions under these regulations must immediately do so.

Maximum penalty: \$1 250.

26—Offence to re-enter declared area after removal

A person who has been removed from a declared area for a motor sport event by an authorised person must not re-enter the declared area within 24 hours of his or her removal.

Maximum penalty: \$1 250.

27—Offence to hinder authorised person

A person must not interfere with, obstruct or hinder an authorised person in the exercise of powers or functions under these regulations.

Maximum penalty: \$1 250.

28—Disposal of confiscated property

(1) Subject to this regulation, if—

- (a) an authorised person confiscates something under this Part during the declared period for a motor sport event; and
- (b) the owner of the thing makes written application for its return before the expiration of 1 month from the end of the declared period,

it must be returned to the owner.

(2) The Minister may—

- (a) retain anything confiscated for such period as is necessary for the purposes of proceedings for an offence against these regulations; and
- (b) dispose, as it thinks fit, of—
 - (i) any confiscated imitation ticket, poster, placard, bill, banner, advertisement, print or paper; or
 - (ii) any other confiscated thing not claimed by the owner.

Schedule 1—Revocation of *South Australian Motor Sport Regulations 1999*

The *South Australian Motor Sport Regulations 1999* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 28 August 2014

No 230 of 2014

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