



AUSTRALIAN FORMULA ONE GRAND PRIX ACT, 1984

No. 97 of 1984

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ELIZABETHAE II REGINAE

A.D. 1984

No. 97 of 1984

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.

[Assented to 20 December 1984]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I PRELIMINARY

1. This Act may be cited as the "Australian Formula One Grand Prix Act, 1984". Short title.

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

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

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

"Australian Formula One Grand Prix" means a motor car race—

(a) that takes place in Australia;

and

(b) that—

(i) is approved by the Fédération Internationale du Sport Automobile;

(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 other motor race or practice held in conjunction or connection with the race:

“the Board” means the Australian Formula One Grand Prix Board constituted under Part II:

“the Chairman” means the Chairman of the Board appointed under Part II:

“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 III to be the declared area for that year:

“declared period” for any year means the period declared by the Minister by notice under Part III to be the declared period for that year:

“Deputy Chairman” means the Deputy Chairman of the Board appointed under Part II:

“member” means a member of the Board appointed under Part II:

“parkland” means land that is park land within the meaning of the Local Government Act, 1934:

“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.

PART II

THE BOARD

DIVISION I—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;

(b) shall be capable in its corporate name of acquiring, holding and disposing of real and personal property;

(c) shall be capable of acquiring or incurring any other rights or liabilities, and of suing and being sued;

(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.

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

Membership of
the Board.

(a) two shall be persons nominated by the Corporation of the City of Adelaide;

(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) a 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.

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.

Term and
conditions of
office.

(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;

(b) neglect of duty;

(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;

(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.

Procedure at
meetings of the
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.

(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 II—FUNCTIONS AND POWERS OF THE BOARD

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

Functions and
powers of Board.

- (a) to undertake on behalf of the State the promotion of an Australian Formula One Grand Prix in Adelaide during 1985 and each succeeding year up to and including 1991;

and

- (b) to establish a motor racing circuit upon a temporary basis and do all other things necessary for or in connection with the conduct and financial and commercial management of each Australian Formula One Grand Prix promoted by the Board.

(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;
- (b) carry out works for the construction, alteration or removal of public or other roads, track, grandstands, fencing, barriers and other buildings and structures;
- (c) carry on any advertising and promotional activities;
- (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;
- (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;
- (f) publish or produce books, programmes, brochures, films, souvenirs and other things relating to motor races promoted by the Board;
- (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;
- (h) restrict, control and make charges for the use of the official title and official symbol for any Australian Formula One Grand Prix promoted by the Board;
- (i) take out policies of insurance in its own right or on behalf of the State;
- (j) acquire and hold any licence under any other Act;
- (k) acquire, hold, deal with and dispose of any personal property;
- (l) cause any other person to do anything on its behalf and for that purpose appoint any agent or enter into any contract or arrangement with any other person;
- (m) establish, or hold shares in, bodies corporate whether within or outside the State;
- (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;
- (o) act as trustee on behalf of any other person in connection with the performance of its functions under this Act;

- (p) establish sub-committees (which may but need not consist of, or include, members of the Board) to assist the Board in the performance of its functions;
 - (q) delegate any of its powers under this Act to a sub-committee, a member of the Board, the Executive Director of the Board, or any other person;
 - (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
- (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.

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 III—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.

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.

Use of public servants.

DIVISION IV—FINANCIAL PROVISIONS

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

Dealings with moneys of 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 authorized by the Treasurer, no moneys shall be expended by the Board except in accordance with a budget approved by the Treasurer.

16. (1) There shall be a Trust Fund for the purposes of this Act which shall be an account established and maintained by the Board separately from its other banking accounts.

Trust Fund.

(2) All moneys received by the Board that represent income earned through commercial operations of the Board—

(a) shall be paid into the Trust Fund;

and

(b) shall be moneys held by the Board upon trust for the State and such other persons as may be appointed by the Minister in accordance with a declaration of trust to be made by the Board with the approval of the Minister.

(3) A declaration of trust made under subsection (2) may be varied by the Board with the approval of the Minister.

(4) No moneys credited to the Trust Fund shall be applied by the Board except in accordance with the terms and conditions of the declaration of trust as for the time being in force.

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.

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.

Annual report.

19. (1) The Board shall, on or before the thirty-first day of December in each year, deliver to the Minister a report upon the exercise of its functions under this Act during the period of twelve months ending on the preceding thirty-first day of October.

(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 III

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).

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.

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

(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.

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

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.

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

(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;
- (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.

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

- (a) take all reasonable steps to consult with—

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

(i) any relevant council or any person having a right of occupation of land within the declared area for any year;

(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.

Certain Acts and laws not to apply to declared area.

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:

(a) the Road Traffic Act, 1961;

(b) the Motor Vehicles Act, 1959;

(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.

(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.

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*.

Plans of proposed works to be available for public inspection.

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.

Power to remove vehicles left unattended within declared area.

(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 IV MISCELLANEOUS

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

Summary proceedings.

29. (1) This Act shall expire on the thirty-first day of December, 1992.

Expiry of Act.

(2) On the expiration of this Act—

(a) all real and personal property of the Board shall vest in the Crown, to be dealt with in such manner as the Minister thinks fit;

and

(b) all rights and liabilities (whether vested or contingent) of the Board shall become rights and liabilities of the Crown.

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

Regulations.

(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;
- (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.

(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.

(4) Where it is alleged that a person has committed an offence against a regulation relating to vehicular traffic or the parking of motor vehicles, the Board may cause to be served personally or by post upon that person a notice to the effect that he may expiate the offence by payment to the Board of an amount specified in the notice, being an amount fixed by regulation, within a time fixed by the notice, and if an offence is expiated, no proceedings shall be commenced in any court with respect to the alleged offence.

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

D. B. DUNSTAN, Governor