



ANNO TRICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1985

No. 83 of 1985

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

[Assented to 5 September 1985]

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

1. (1) This Act may be cited as the "Australian Formula One Grand Prix Act Amendment Act, 1985". Short title.

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

2. Section 3 of the principal Act is amended—

(a) by inserting after the definition of "Deputy Chairman" the following definition:

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

(b) by inserting after the definition of "member" the following definition:

"official grand prix insignia" means—

(a) the names "Australian Formula One Grand Prix" and "Adelaide Formula One Grand Prix";

(b) the expressions "Australian Grand Prix", "Adelaide Grand Prix", "Formula One Grand Prix", "Adelaide Alive", "Fair Dinkum Formula One" and "Adelaide Formula One" where those expressions can reasonably be taken to refer to the Australian Formula One Grand Prix;

or

(c) the logo the general design of which is set out in the schedule and which is more particularly depicted and described in the graphic standards manual;

Amendment of
s. 3—
Interpretation.

and

(c) by inserting after subsection (1) the following subsection:

(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;

(b) any covering or container in which the goods are wholly or partly enclosed;

(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.

Insertion of new
s. 3a.

Application of
1985 Amending
Act.

3. The following section is inserted after section 3 of the principal 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.

Insertion of new
ss. 28a and 28b.

4. The following sections are inserted after section 28 of the principal Act:

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.

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 authorized by the Board,

Seizure and
forfeiture of
goods.

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.

Insertion of
schedule.

5. The following schedule is inserted after section 30 of the principal Act:

SCHEDULE



South Aust Govt 1985

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

D. B. DUNSTAN, Governor