



New South Wales

# Homebush Bay Operations Act 1999 No 77

## Contents

---

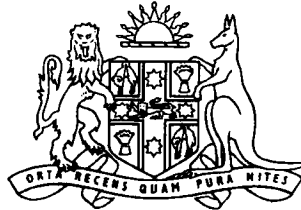
	Page
<b>Part 1 Preliminary</b>	
1 Name of Act	2
2 Commencement	2
3 Definitions	2
4 Notes	3
<b>Part 2 Functions of the Authority</b>	
5 Rights attaching to land at Homebush Bay	4
6 Functions—generally	4
7 Roads for which the Authority is the roads authority	4
8 Other roads for which the Authority may exercise roads authority functions	5
9 Private roads	5
10 Traffic management plans	5
11 Offences relating to road closures	6
12 Effect of road closure	7
13 Removal of unattended motor vehicles and trailers	7
14 Delegation of functions by RTA to the Authority	8

Homebush Bay Operations Act 1999 No 77

Contents

---

	Page
15 Homebush Bay Masterplan	8
16 Amendment of Water Supply Authorities Act 1987 No 140 and regulation	8
17 Enforcement officers	9
18 Obstructing or impersonating enforcement officers	9
19 Regulation of land at Homebush Bay	9
20 Relationship with other laws and instruments	10
<b>Part 3 General</b>	
21 Appropriate regulatory authority	11
22 Environmental protection proceedings	11
23 No liability in nuisance	11
24 Land subject to licences	12
25 Penalty notices	12
26 Proceedings for offences	13
27 Liability of owner of vehicle for certain parking offences	13
28 Amendment of Acts	15
29 Amendment or substitution of Schedule 1	15
30 Act to bind Crown	15
31 Regulations	16
32 Expiry of Act	16
<b>Schedules</b>	
1 Homebush Bay	17
2 Water supply authorities legislation	18
3 Homebush Bay Operations Regulation 1999	20
4 Amendment of Acts	35



New South Wales

# **Homebush Bay Operations Act 1999 No 77**

Act No 77, 1999

---

An Act to provide for the development, management and regulation of certain land at Homebush Bay; and for other purposes. [Assented to 3 December 1999]

---

**The Legislature of New South Wales enacts:**

**Part 1 Preliminary**

**1 Name of Act**

This Act is the *Homebush Bay Operations Act 1999*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Definitions**

(1) In this Act:

**Authority** means the Olympic Co-ordination Authority constituted by the *Olympic Co-ordination Authority Act 1995*.

**enforcement officer** means a person appointed under section 17.

**EPA** means the Environment Protection Authority constituted by the *Protection of the Environment Administration Act 1991*.

**exercise** a function includes perform a duty.

**function** includes a power, authority or duty.

**Homebush Bay** means the area specified for the time being in Schedule 1.

**private road** means:

- (a) a road that is subject to a lease to the Royal Agricultural Society of New South Wales, or part of such a road, or
- (b) a road (not being a public road) that is prescribed by the regulations, or part of such a road.

**road** at Homebush Bay means:

- (a) a road within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*, or part of such a road, and
- (b) a road related area within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*, or part of such a road related area,

that is shown stippled red or stippled black on the drawing numbered HS-P-P-722 dated 1 November 1999 deposited in the office of the Authority, subject to any regulation that is made for the purposes of section 29.

**RTA** means the Roads and Traffic Authority of New South Wales constituted under the *Transport Administration Act 1988*.

- (2) A reference in a provision of this Act or the regulations to a person authorised by the Authority includes a reference to an enforcement officer who is authorised by the Authority to exercise the functions conferred or imposed by the provision.

#### **4 Notes**

Notes included in this Act do not form part of this Act.

## **Part 2 Functions of the Authority**

### **5 Rights attaching to land at Homebush Bay**

Except as expressly provided by any agreement entered into by the Authority before or after the commencement of this section, all rights as an owner of land for an estate in fee simple attaching to the land at Homebush Bay referred to in paragraph (a) or (b) of Schedule 1, including rights of use, occupation and enjoyment, and rights of trade and commerce, are vested exclusively in the Authority.

### **6 Functions—generally**

- (1) The Authority has, in relation to Homebush Bay, the functions of a council (within the meaning of the *Local Government Act 1993*) under a provision of any other Act or a statutory instrument that is specified by the regulations and, for the purpose of the exercise of those functions, Homebush Bay is taken to be an area (within the meaning of the *Local Government Act 1993*).
- (2) The regulations may specify a provision of any other Act or a statutory instrument as in force for the time being or as in force at a date specified by the regulations.
- (3) A function conferred on the Authority under this section is subject to such modifications (if any) as may be specified in the regulations.
- (4) If the Authority so determines, it may exercise a function conferred on it under this section to the exclusion of a council.
- (5) The Authority may revoke a determination under this section.
- (6) The Authority must notify the making or revocation of a determination under this section to any council affected by it.

### **7 Roads for which the Authority is the roads authority**

- (1) This section applies to the roads shown stippled red on the drawing numbered HS-P-P-722 dated 1 November 1999 deposited in the office of the Authority, subject to any regulation that is made for the purposes of section 29.
- (2) The Authority is the roads authority under the *Roads Act 1993* in relation to the roads to which this section applies.

**8 Other roads for which the Authority may exercise roads authority functions**

- (1) This section applies to the roads shown stippled black on the drawing numbered HS-P-P-722 dated 1 November 1999 deposited in the office of the Authority, subject to any regulation that is made for the purposes of section 29.
- (2) The Authority may exercise the functions of a roads authority under the *Roads Act 1993* in relation to a road to which this section applies.
- (3) In addition, the Authority may carry out such works on a road to which this section applies, place such obstructions on the road, erect such structures on the road and do all such other things on or in relation to the road as the Authority considers necessary or convenient.
- (4) The Authority may exercise its functions under this section, or such of those functions as it specifies, to the exclusion of any other roads authority (except the RTA) if it gives written notification to that effect to the other roads authority before it exercises its functions.

**9 Private roads**

A private road, or part of a private road, at Homebush Bay cannot be:

- (a) provided, opened, closed or realigned, or
  - (b) regulated in its use, or
  - (c) used for a purpose other than a road,
- except with the consent of the Authority.

**10 Traffic management plans**

- (1) The Authority is to prepare a traffic management plan, or plans, for all roads at Homebush Bay.
- (2) The Authority:
  - (a) may control and regulate traffic in any manner and for any purpose, and
  - (b) may temporarily close a road at any time and for any purpose, in accordance with a traffic management plan.
- (3) A traffic management plan may, with the consent of the owner or occupier of a private road, apply to a private road at Homebush Bay in the same way as it applies to roads at Homebush Bay that are not private roads, subject to subsection (4).

- (4) A traffic management plan cannot authorise the closure of a private road unless the owner or occupier of the private road has consented to the closure. Such a consent may be given generally or in a particular case or class of cases.
- (5) A traffic management plan is to be prepared in consultation with the RTA and does not have effect unless and until the RTA has consented in writing to the plan.
- (6) The consent of the RTA under subsection (5) is taken to be a consent for the purposes of the *Roads Act 1993* and the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*) in so far as the consent of the RTA would, but for this subsection, be required under that Act or that legislation in relation to any matter dealt with in or arising under the traffic management plan.
- (7) The Authority may amend a traffic management plan from time to time. Subsection (5) applies to the amendment of a traffic management plan in the same way as it applies to a traffic management plan.
- (8) Nothing in this section affects the functions of the Authority as a roads authority under the *Roads Act 1993*.

#### **11 Offences relating to road closures**

- (1) If, under this Part, a road is closed to vehicles (whether or not it is also closed to pedestrians) by the use of a sign or barrier:
  - (a) a person must not bring a vehicle onto the road contrary to the sign or by interfering with the barrier, except as permitted by a person authorised by the Authority or a police officer, and
  - (b) a person in charge of a vehicle situated on the road:
    - (i) who is informed by a person authorised by the Authority or a police officer that the road is closed, and
    - (ii) who is directed by such a person or police officer to remove the vehicle from the road,must remove the vehicle from the road as soon as practicable after the direction is given.

Maximum penalty: 50 penalty units.



- (2) If, under this Part, a road is closed to pedestrians (whether or not it is also closed to vehicles) by use of a sign or barrier:
- (a) a person must not enter the road contrary to the sign or by interfering with the barrier, except as permitted by a person authorised by the Authority or a police officer, or
  - (b) a person on the road:
    - (i) who is informed by a person authorised by the Authority or a police officer that the road is closed, and
    - (ii) who is directed by such a person or police officer to leave the road,must leave the road as soon as practicable after the direction is given.

Maximum penalty: 50 penalty units.

- (3) A person must not damage, remove or interfere with a sign or barrier erected or provided for the purpose of closing a road under this Part, except as permitted by a person authorised by the Authority or a police officer.

Maximum penalty: 50 penalty units.

## **12 Effect of road closure**

A road, or any part of a road, at Homebush Bay does not cease to be a road for the purposes of the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*), the *Motor Accidents Compensation Act 1999* or any other Act or law because it is closed or access to it is restricted or the use of it is restricted under this or any other Act.

## **13 Removal of unattended motor vehicles and trailers**

- (1) This section applies to an unattended motor vehicle or trailer at Homebush Bay that:
- (a) is standing unlawfully, or
  - (b) constitutes a danger to persons or property, or
  - (c) is causing an obstruction.

- (2) The Authority may, at any time, direct a person authorised by the Authority to remove an unattended motor vehicle or trailer to which this section applies from Homebush Bay, or from any part of Homebush Bay to another part of Homebush Bay, if the Authority is of the opinion that it is necessary to do so.
- (3) Section 76 of the *Road Transport (Safety and Traffic Management) Act 1999* applies to motor vehicles or trailers to which this section applies in the same way as it applies to an unattended motor vehicle or trailer unlawfully standing on a prescribed place within the meaning of that section.
- (4) In this section, **motor vehicle** and **trailer** have the same meanings as in the *Road Transport (Safety and Traffic Management) Act 1999*.

#### **14 Delegation of functions by RTA to the Authority**

The Authority is taken to be an authorised person for the purposes of section 50 of the *Transport Administration Act 1988*.

**Note.** The effect of this section is to enable the Roads and Traffic Authority to delegate any of its functions (other than the power of delegation) to the Authority.

#### **15 Homebush Bay Masterplan**

- (1) The Authority is to do all such things as are reasonably practicable to ensure that services to Homebush Bay, including public transport services, are provided and maintained in accordance with the Homebush Bay Masterplan as in force from time to time.
- (2) In this section, **Homebush Bay Masterplan** means the masterplan that is the subject of the *Homebush Bay Masterplan Report* published by the Authority in September 1995.

#### **16 Amendment of Water Supply Authorities Act 1987 No 140 and regulation**

- (1) The *Water Supply Authorities Act 1987* is amended as set out in Part 1 of Schedule 2.
- (2) Part 2 of Schedule 2 is taken to be and has effect as a regulation made under the *Water Supply Authorities Act 1987*.
- (3) Part 2 of the *Subordinate Legislation Act 1989* does not apply to Part 2 of Schedule 2.

- (4) For the purposes of section 10 of the *Subordinate Legislation Act 1989*, the regulation set out in Part 2 of Schedule 2 is taken to have been published on the date of assent to this Act.
- (5) Sections 39, 40 and 41 of the *Interpretation Act 1987* do not apply to the regulation set out in Part 2 of Schedule 2.

#### **17 Enforcement officers**

- (1) The Authority may appoint persons to exercise such functions of the Authority, or of a person authorised by the Authority, as are specified in the instrument of the person's appointment.
- (2) The Authority is to provide each enforcement officer with an identification card.
- (3) In the course of exercising his or her functions, an enforcement officer must, if requested to do so by a person affected by the exercise of any such function, produce his or her identification card to the person.

#### **18 Obstructing or impersonating enforcement officers**

- (1) A person who, without reasonable excuse, resists, obstructs, or attempts to obstruct, an enforcement officer in the exercise of his or her functions is guilty of an offence.
- (2) A person who impersonates an enforcement officer is guilty of an offence.
- (3) A person who threatens, intimidates or assaults an enforcement officer in the exercise of his or her functions is guilty of an offence.

Maximum penalty: 20 penalty units.

#### **19 Regulation of land at Homebush Bay**

- (1) Schedule 3 is taken to be and has effect as a regulation made under this Act.
- (2) Part 2 of the *Subordinate Legislation Act 1989* does not apply to Schedule 3.
- (3) For the purposes of section 10 of the *Subordinate Legislation Act 1989*, the regulation set out in Schedule 3 is taken to have been published on the date of assent to this Act.
- (4) Sections 39, 40 and 41 of the *Interpretation Act 1987* do not apply to the regulation set out in Schedule 3.

## **20 Relationship with other laws and instruments**

The functions conferred on the Authority by or under this Act:

- (a) are in addition to, and do not limit or otherwise affect, the functions of the Authority under the *Olympic Co-ordination Authority Act 1995* or any other law, and
- (b) do not affect the functions of the Sydney Organising Committee for the Olympic Games constituted by the *Sydney Organising Committee for the Olympic Games Act 1993*, and
- (c) do not affect the functions of the Olympic Roads and Transport Authority under the *Olympic Roads and Transport Authority Act 1998* or any other law, and
- (d) do not affect the provisions of any agreement entered into by the Authority before the commencement of this section in relation to land at Homebush Bay.

## Part 3 General

### 21 Appropriate regulatory authority

For the purposes of the *Protection of the Environment Operations Act 1997*, the EPA is the appropriate regulatory authority for premises occupied at, and activities carried out on land at, Homebush Bay.

### 22 Environmental protection proceedings

(1) Proceedings against the Authority:

- (a) for an order to remedy or restrain a breach (or a threatened or apprehended breach) of the *Protection of the Environment Operations Act 1997* or the regulations under that Act, or
- (b) under Part 8.6 of the *Protection of the Environment Operations Act 1997*, or
- (c) for an order to remedy or restrain a breach (or a threatened or apprehended breach) of any other Act (except the *Environmental Planning and Assessment Act 1979*), or any statutory rule under any other Act, if the breach (or the threatened or apprehended breach) is causing or is likely to cause harm to the environment, whether or not any right of any person has been or may be infringed by or as a consequence of that breach,

may be brought only by the EPA and not by any other person.

- (2) This section applies to a person exercising functions for the purposes of the Olympic Games, the Paralympic Games or a test event (as those terms are defined in the *Olympic Roads and Transport Authority Act 1998*) on land at Homebush Bay in the same way as it applies to the Authority.
- (3) This section has effect despite the *Protection of the Environment Operations Act 1997* or any other Act.

### 23 No liability in nuisance

Anything done or omitted to be done by the Authority, or any person authorised by the Authority, in the exercise of its functions under this Act or the regulations does not constitute a nuisance.

#### **24 Land subject to licences**

- (1) If land at Homebush Bay is subject to a licence, a person other than:
  - (a) the Authority, or
  - (b) a person authorised by the Authority, or
  - (c) the licensor (if the licensor is a person other than the Authority),must not enter or remain on the land except with the permission of the licensee.
- (2) This section applies to a licence whether issued before or after the commencement of this section.

#### **25 Penalty notices**

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against this Act or the regulations, being an offence prescribed by the regulations as a penalty notice offence.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay, within the time and to the person specified in the notice, the penalty prescribed by the regulations for the offence if dealt with under this section.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of the penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment under this section is not an admission of liability for the purposes of, and does not affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
- (6) The regulations may:
  - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
  - (b) prescribe the amount of penalty for an offence if dealt with under this section, and
  - (c) prescribe different amounts of penalty for different offences or classes of offences.

- (7) The amount of penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.
- (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (9) In this section, **authorised officer** means a person authorised by the Authority for the purposes of this section, a police officer or any other person of a class prescribed by the regulations.

## 26 Proceedings for offences

Proceedings for an offence against this Act or the regulations are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

## 27 Liability of owner of vehicle for certain parking offences

- (1) This section applies to any offence against this Act or the regulations that arises from the parking of a vehicle on land at Homebush Bay, other than a road, (which in this section is referred to as a **parking offence**).

**Note.** Parking offences that occur on roads, including roads at Homebush Bay, are subject to section 43 of the *Road Transport (General) Act 1999*.

- (2) If a parking offence occurs in relation to a vehicle, the person who at the time of the occurrence of the offence is the responsible person for the vehicle is taken to be guilty of the parking offence in all respects as if the responsible person were the actual offender guilty of the offence, unless:
  - (a) in a case in which the offence is dealt with by penalty notice, the person satisfies an authorised officer, or
  - (b) in any other case, the court hearing the proceedings for the offence is satisfied,

that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

- (3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, if a penalty has been imposed on, or recovered from, any person in relation to a parking offence, no further penalty can be imposed on or recovered from any other person in relation to the offence.

- (4) Despite subsection (2), the responsible person for a vehicle is not guilty of a parking offence by the operation of that subsection if:
- (a) in a case in which the offence is dealt with by penalty notice—the responsible person:
    - (i) within 21 days after service on the responsible person of a penalty notice alleging that the responsible person has been guilty of the offence, supplies by statutory declaration to the authorised officer the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or
    - (ii) satisfies the authorised officer that the responsible person did not know and could not with reasonable diligence have ascertained that name and address, or
  - (b) in any other case—the responsible person:
    - (i) within 21 days after service on the responsible person of a summons in respect of the offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or
    - (ii) satisfies the court hearing the proceedings for the offence that the responsible person did not know and could not with reasonable diligence have ascertained that name and address.
- (5) A person must not, in a statutory declaration supplied under subsection (4) falsely nominate another person as the person who was in charge of the vehicle at the time the offence occurred.

Maximum penalty:

- (a) if the offence relates to a vehicle registered otherwise than in the name of a natural person—10 penalty units, or
  - (b) in any other case—5 penalty units.
- (6) A statutory declaration under subsection (4), if produced in any proceedings against the person named in the declaration and in respect of the parking offence concerned, is evidence (unless contrary evidence is adduced) that the person was in charge of the vehicle at all relevant times relating to the parking offence.



- (7) A statutory declaration that relates to more than one parking offence does not constitute a statutory declaration under, or for the purposes of, subsection (4).
- (8) The provisions of this section are in addition to and not in derogation of any other provisions of this or any other Act or of any instrument in force under this or any other Act.
- (9) In this section:  
*authorised officer* means:  
(a) a person authorised by the Authority to exercise the functions of an authorised officer under this section, or  
(b) a police officer.  
*responsible person* for a vehicle has the same meaning as in the *Road Transport (General) Act 1999*.

## **28 Amendment of Acts**

An Act specified in Schedule 4 is amended as set out in that Schedule.

## **29 Amendment or substitution of Schedule 1**

- (1) The regulations may:
- (a) amend Schedule 1 to add land to, or remove land from, the Schedule, or
- (b) repeal Schedule 1 and replace it with a schedule that describes land at Homebush Bay.
- (2) Land that is not included in Schedule 1 on the date of commencement of this section cannot be included in Schedule 1 by a regulation without the consent of the owner of the land.
- (3) A regulation made for the purposes of this section may declare:
- (a) that specified land at Homebush Bay is a road within the meaning of this Act, and
- (b) that the Authority has the functions under section 7 or section 8 in relation to the land so specified.

## **30 Act to bind Crown**

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

### **31 Regulations**

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, the regulations may make provision for or with respect to the following matters concerning land at Homebush Bay:
  - (a) the care, control and management of the land,
  - (b) the use and enjoyment of the land,
  - (c) the admission of persons to the land and the regulation or prohibition of the entry of persons to the land, including the banning of persons from entry to the land or any part of it,
  - (d) the searching of bags, containers and articles brought onto the land, and their contents,
  - (e) the securing of decency and order on the land,
  - (f) the removal of persons from the land,
  - (g) the circumstances in which a person may be required to state his or her full name and residential address, or provide proof of age,
  - (h) the prohibition or regulation of the taking of any thing onto the land, including alcohol and its consumption,
  - (i) the granting of any authorisation by the Authority,
  - (j) the imposition of fees and charges.
- (3) A regulation may create an offence punishable by a penalty not exceeding 50 penalty units.

### **32 Expiry of Act**

This Act ceases to have effect on 31 March 2002.

## **Schedule 1 Homebush Bay**

(Sections 3 (1), 29)

The area that comprises:

- (a) the land coloured yellow on the drawing numbered HS-P-P-722 dated 1 November 1999 deposited in the office of the Authority (including land coloured yellow, or coloured yellow and stippled red, that comprises a road), and
- (b) land that is vested in the State Sports Centre Trust constituted by the *State Sports Centre Trust Act 1984* and that is leased to the Authority, and
- (c) the land stippled black and not coloured yellow on the drawing numbered HS-P-P-722 dated 1 November 1999 deposited in the office of the Authority.

## Schedule 2 Water supply authorities legislation

(Section 16)

### Part 1 Amendment of Water Supply Authorities Act 1987 No 140

#### Schedule 1 Water Supply Authorities

Insert at the end of Part 2:

Olympic Co-ordination Authority

### Part 2 Water Supply Authorities (Olympic Co-ordination Authority) Regulation 1999

#### 1 Name of Regulation

This Regulation is the *Water Supply Authorities (Olympic Co-ordination Authority) Regulation 1999*.

#### 2 Definitions

In this Regulation:

**Homebush Bay** has the same meaning as in the *Homebush Bay Operations Act 1999*.

**OCA** means the Olympic Co-ordination Authority constituted by the *Olympic Co-ordination Authority Act 1995*.

**the Act** means the *Water Supply Authorities Act 1987*.

#### 3 Area of operations

For the purposes of section 13 (1) of the Act, the area of operations of OCA is Homebush Bay.

#### **4 Functions**

For the purposes of section 13 (2) of the Act, OCA has, and may exercise, in its area of operations only such functions as relate to the Water Reclamation and Management Scheme at Homebush Bay, including:

- (a) the collection of waste water, and
- (b) the treatment of waste water, and
- (c) the distribution of treated water.

## Schedule 3 Homebush Bay Operations Regulation 1999

(Section 19)

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Homebush Bay Operations Regulation 1999*.

#### 2 Definitions

In this Regulation:

**liquor** has the same meaning as in the *Liquor Act 1982*.

**public domain** means that part of Homebush Bay that is not the site of a sportsground.

**sell** includes any of the following:

- (a) sell by wholesale, retail, auction or tender,
- (b) hire,
- (c) barter or exchange,
- (d) supply for profit,
- (e) offer for sale or hire, receive for sale or hire, have in possession for sale or hire or expose or exhibit for sale or hire,
- (f) conduct negotiations for sale or hire,
- (g) consign or deliver for sale or hire,
- (h) solicit for sale or hire,
- (i) cause or permit anything referred to above.

**sign** includes a board, post, banner, notice or painted marking.

**sportsground** means the following:

- (a) Stadium Australia,
- (b) the Sydney Showground,
- (c) the Sydney Superdome,
- (d) the Sydney International Athletic Centre,

- 
- (e) the Athletics Warm-up Arena,
  - (f) the Sydney Indoor Sports and Training Centre,
  - (g) the Sydney International Aquatic Centre,
  - (h) the Tennis Centre,
  - (i) the Archery Centre.

*the Act* means the *Homebush Bay Operations Act 1999*.

*vehicle* includes any of the following:

- (a) a motor vehicle,
- (b) a trailer or caravan, whether or not it is in the course of being towed,
- (c) an apparatus that is propelled by human, animal or mechanical power, or by the wind, and is wholly or partly used for the conveyance of persons or things, other than a wheelchair, pram or stroller,
- (d) a boat, raft, canoe, ski, barge or other vessel.

## Part 2 Regulation of activities—generally

### 3 Commercial and other activities

A person must not do any of the following at Homebush Bay, except as authorised by the Authority:

- (a) sell or hire, or offer for sale or hire, any article,
- (b) provide, or offer to provide, any services for fee, gain or reward,
- (c) supply, or attempt to supply, (including by selling or attempting to sell) a ticket for admission to a sportsground,
- (d) use any audio, loudspeaker or broadcasting equipment or camera (whether photographic, cinematic or video), for a commercial purpose,
- (e) distribute any advertising matter or display any advertisement (other than on a vehicle driven by the person or on any clothing worn by the person),
- (f) damage, destroy or remove any tree, plant or other vegetation,
- (g) damage, destroy or remove any building, structure or equipment,

- (h) leave any rubbish or litter, except in a receptacle provided for the purpose.

Maximum penalty: 20 penalty units.

#### **4 Closing of the public domain**

- (1) The Authority may, by means of signs, barriers or buoys, close temporarily the whole or any part of the public domain to the public.
- (2) A person must not enter any part of the public domain that has been closed to the public under this or any other provision of this Regulation, except as authorised by the Authority or by a police officer.

Maximum penalty (subclause (2)): 20 penalty units.

#### **5 Other controls**

- (1) The Authority may do any one or more of the following:
  - (a) limit the number of persons who may enter Homebush Bay or any part of Homebush Bay,
  - (b) close Homebush Bay or any part of Homebush Bay to the public,
  - (c) charge admission to Homebush Bay or any part of Homebush Bay,
  - (d) prohibit persons from entering Homebush Bay or any part of Homebush Bay:
    - (i) if they are in possession of liquor or any other specified thing, or
    - (ii) if, in the opinion of a person authorised by the Authority, they are or appear to be intoxicated.
- (2) Nothing in this clause limits any other function of the Authority under this Regulation.

#### **6 Bringing of liquor into Homebush Bay**

- (1) A person must not bring or attempt to bring liquor into Homebush Bay or any part of Homebush Bay specified by the Authority without the approval of the Authority.

Maximum penalty: 10 penalty units.



- (2) As an alternative to being refused entry to the Homebush Bay or any part of Homebush Bay, or being removed from Homebush Bay or any part of Homebush Bay, for a contravention of this clause, a person may be required to dispose of the liquor concerned in a manner approved by the Authority or to surrender the liquor to the Authority for disposal.
- (3) This clause does not apply to a person who holds an entitlement to sell liquor on a part of Homebush Bay set aside for that purpose.

#### **7 Sale or supply of liquor to minors**

A person must not sell or supply liquor within Homebush Bay to any person under the age of 18 years.

Maximum penalty: 10 penalty units.

#### **8 Prohibition on liquor**

- (1) The Authority may prohibit the drinking of liquor in Homebush Bay or any part of Homebush Bay (either at any time or at any particular time). The Authority is to give public notice of any such prohibition.
- (2) A person must not drink liquor in Homebush Bay or any part of Homebush Bay in contravention of any such prohibition.  
Maximum penalty: 1 penalty unit.
- (3) A person is not guilty of an offence under this clause unless it is established that on the day of the contravention a person authorised by the Authority or a police officer warned the person that the drinking of liquor was prohibited and that the person commenced to drink, continued to drink or resumed drinking liquor in contravention of the prohibition.
- (4) The Authority may prohibit persons from entering Homebush Bay or any part of Homebush Bay during the conduct of a particular activity that is promoted, organised or conducted by the Authority, or by any person with the approval of the Authority, if they are in possession of liquor.

#### **9 Parking**

- (1) The Authority may regulate the parking of vehicles on any part of the public domain by a sign or signs displayed on or adjacent to the part.

- (2) A person must not park a vehicle on a part of the public domain in contravention of a sign displayed in accordance with this clause.

Maximum penalty (subclause (2)): 10 penalty units.

#### **10 Use of land by buses**

- (1) The Authority may set aside any land within the public domain for use by buses.
- (2) The Authority may determine:
- (a) the days and times during which, and the conditions on which, any such land may be used by buses, and
  - (b) the charges (if any) to be imposed for the use by buses of any such land.
- (3) A person must not, except as authorised by the Authority, contravene any conditions of use of any such land that are displayed in, or at the places of entry into, that land.

Maximum penalty (subclause (3)): 20 penalty units.

#### **11 Securing of vessels to wharves of the Authority**

- (1) A person must not, except as authorised by the Authority, secure a vessel to a wharf of the Authority.
- Maximum penalty: 20 penalty units.
- (2) The Authority may determine:
- (a) the days and times during which, and the conditions on which, a wharf of the Authority may be used to secure vessels, and
  - (b) the charges (if any) to be imposed for the use of a wharf of the Authority to secure vessels.
- (3) This clause does not apply to a vessel that is secured to a wharf of the Authority at the direction or with the permission of any person or body entitled to give such a direction or permission.

- (4) In this clause:

*vessel* includes a charter boat, water taxi or ferry.

*wharf of the Authority* means a wharf (including a pier, jetty, landing stage or dock) that is vested in or managed by the Authority at Homebush Bay.

## **12 Personal conduct**

- (1) A person must not do any of the following at Homebush Bay:
- (a) use indecent, obscene, insulting or threatening language,
  - (b) behave in an offensive or indecent manner,
  - (c) cause serious alarm or affront to a person by disorderly conduct,
  - (d) obstruct a person in the performance of the person's work or duties,
  - (e) fail to comply with a reasonable request or direction given for the purpose of securing good order and management and enjoyment of Homebush Bay, or any part of Homebush Bay, by the Authority, a person authorised by the Authority or a police officer.

Maximum penalty: 10 penalty units.

- (2) Without limiting subclause (1) (e), it is reasonable for the Authority, a person authorised by the Authority or a police officer to request a person:
- (a) to open any bag, container or other thing in the person's possession in order that its contents may be inspected, and
  - (b) to permit any thing in the person's possession, and the contents of any such thing, to be inspected.

## **13 Closure and use of roads**

Clauses 4, 5, 9 and 10:

- (a) do not extend the powers of the Authority under the Act in relation to roads (not being private roads) at Homebush Bay, and
- (b) do not authorise the doing of anything in relation to the control and regulation of traffic on, or the temporary closure of, a road at Homebush Bay contrary to a traffic management plan in force under section 10 of the Act.

## **Part 3 Regulation of activities—sportsgrounds**

### **14 Prohibited entry to playing fields**

A person must not enter or remain on a playing field or other competition area within a sportsground unless the person:

- (a) is a participant in a sport or event held with the authorisation of the Authority, or
- (b) is engaged in the control or management of any such sport or event, or
- (c) has, or is a member of a class of persons that has, been authorised by the Authority to enter the playing field or other competition area.

Maximum penalty: 50 penalty units.

### **15 Removal from sportsground**

- (1) A person who contravenes any provision of this Regulation while at a sportsground, or who trespasses or causes annoyance or inconvenience on any part of a sportsground, may be removed from the sportsground or the relevant part of the sportsground by a person authorised by the Authority or a police officer.
- (2) A person authorised by the Authority or a police officer acting in accordance with this clause may use such force as is reasonable in the circumstances for the purpose of discharging his or her functions under this clause.

### **16 Banning from sportsground**

- (1) A person who is removed from a playing field or other competition area within a sportsground as a result of contravening clause 14 is banned from entering the sportsground for a period of 12 months commencing on the day the person is so removed.
- (2) A person who is so banned from entering a sportsground under subclause (1) and who is found on any part of the sportsground during the period of the ban is banned from entering the sportsground for life.
- (3) A person who has been banned from entering a sportsground under subclause (1) and who is at any subsequent time removed from the sportsground as a result of contravening clause 14 is banned from entering the sportsground for life.

**17 Authority may ban persons for specified period**

- (1) The Authority may ban a person from entering any part of Homebush Bay for such period (not exceeding 6 months) as the Authority determines if the person contravenes any provision of this Regulation.
- (2) This clause does not apply to a person who is banned from entering a sportsground under clause 16.

**18 Taking photographs of certain persons**

The Authority may take a photograph or make another form of image of a person who is removed from a sportsground under this Regulation.

**Part 4 Miscellaneous**

**19 Fees**

- (1) The Authority may from time to time determine the fees that are payable by a person to whom the Authority has given an authorisation under this Regulation.
- (2) The person to whom the authorisation is given is liable to the Authority for payment of the fee.
- (3) Any unpaid fee may be recovered by the Authority from the person liable to pay it as a debt.
- (4) The Authority may reduce, or waive payment of, a fee payable under this clause.

**20 Conditions attaching to authorisations**

- (1) The Authority may give an authorisation under this Regulation subject to such conditions as the Authority considers appropriate.
- (2) The Authority may require a person to whom an authorisation under this Regulation is proposed to be given to give security in such amount and form as the Authority determines for fulfilment of the person's obligations under the conditions of that authorisation.
- (3) A person who fails to comply with a condition to which an authorisation is subject is guilty of an offence.  
Maximum penalty (subclause (3)): 10 penalty units.

**21 Requirement to state name and address and provide proof of age**

- (1) A person authorised by the Authority or a police officer who suspects on reasonable grounds that a person at Homebush Bay has committed, or been involved in the commission of, an offence against this Regulation may require the person:
  - (a) to state his or her full name and residential address, and
  - (b) if the person's age is relevant to the commission of the offence, to provide proof of his or her age.
- (2) A person must not:
  - (a) fail without reasonable excuse to comply with a requirement under this clause, or
  - (b) in purported compliance with such a requirement, furnish information that the person knows to be false or misleading.

Maximum penalty: 20 penalty units.
- (3) A person is not guilty of an offence against this clause unless it is established that the person authorised by the Authority or police officer warned the person that the failure to comply with the requirement is an offence.

**22 Removal of certain persons**

- (1) A person who:
  - (a) causes annoyance or inconvenience to other persons at Homebush Bay or a part of Homebush Bay, or
  - (b) contravenes any provision of this Regulation at Homebush Bay, or
  - (c) trespasses on any part of Homebush Bay closed to the public, must leave Homebush Bay or the part of Homebush Bay concerned immediately when requested to do so by a person authorised by the Authority or a police officer.

Maximum penalty: 20 penalty units.
- (2) A person who fails to comply with such a request may be removed from Homebush Bay or the part of Homebush Bay concerned by a person authorised by the Authority or a police officer.
- (3) Reasonable force (including by means of passive restraints) may be used to effect the person's removal.

- (4) A person who leaves or is removed from Homebush Bay or a part of Homebush Bay under this clause must remove any equipment, vehicle or animal, or any other item belonging to or associated with the person from Homebush Bay or the part of Homebush Bay concerned.
- (5) A person is not guilty of an offence against this clause unless it is established that the person authorised by the Authority or police officer warned the person that the failure to comply with the request is an offence.

### **23 Removal of obstructions**

- (1) The Authority or a police officer may order the removal of anything which obstructs or encroaches on any part of land at Homebush Bay.
- (2) The order may be given to either or both of the following:
  - (a) the person who caused the obstruction or encroachment,
  - (b) a person using the thing causing the obstruction or encroachment.
- (3) A person to whom such an order is given must comply with the order.  
Maximum penalty: 20 penalty units.
- (4) The Authority or a police officer may remove the obstruction or encroachment whether or not an order for its removal has been given under this clause.
- (5) The Authority may recover from either of the persons referred to in subclause (2) the Authority's reasonable costs and expenses incurred in removing an obstruction or encroachment.
- (6) This clause does not apply to an obstruction or encroachment if its presence on land at Homebush Bay is authorised:
  - (a) by the Authority, or
  - (b) by any other person having lawful authority,  
and its presence has not ceased to be so authorised.

### **24 Confiscation of articles**

- (1) In this clause:  
*article* means any article, equipment or other thing, and includes an animal but does not include an unattended motor vehicle or trailer to which section 13 of the Act applies.

***authorised person*** means a person who is authorised by the Authority.

***confiscated article*** means an article of which an authorised person takes possession under this clause.

- (2) This clause applies to an article:
  - (a) that is in the possession of a person, or
  - (b) that is used by a person,in contravention of this Regulation.
- (3) An authorised person may take possession of any article to which this clause applies if:
  - (a) in the case of an article that is in the possession of a person in contravention of this Regulation—the authorised person has directed the person to remove it from Homebush Bay and the person has not done so, or
  - (b) in the case of an article that is used by a person in contravention of this Regulation—the authorised person has directed the person to stop the use of the article and, despite the direction, the person has continued to use the article in contravention of this Regulation,but may not use force to do so.
- (4) On taking possession of a confiscated article, the authorised person must give a receipt to the person from whom it has been taken, indicating the nature of the article and the date and time when the authorised person took possession of it.
- (5) A confiscated article:
  - (a) must be returned to the person from whom it was taken, or be delivered to a public pound (within the meaning of the *Impounding Act 1993*), within 24 hours after possession of it is taken, and
  - (b) if it is delivered to a public pound, the person from whom it was taken must be notified in writing of the address of the pound.
- (6) The *Impounding Act 1993* (sections 20 and 23 (2) (b) and (c) excepted) applies to a confiscated article that is delivered to a public pound as if the article had been impounded under that Act. Accordingly, it will become returnable on demand.



- 
- (7) The deadline for the release of a confiscated article, as referred to in section 24 of the *Impounding Act 1993*, is taken to be 28 days from the day on which possession of it was taken.

**25 Penalty notices: section 25**

For the purposes of section 25 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 4 of that Schedule.

**26 Short description of offences**

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 consists of:
  - (a) if one or more IPB Codes are set out in relation to the offence in Column 2 of Schedule 1, any of those IPB codes together with:
    - (i) the text set out in relation to the offence in Column 3 of that Schedule, or
    - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or
  - (b) if no IPB Code is set out in relation to the offence in Column 2 of Schedule 1:
    - (i) the text set out in relation to the offence in Column 3 of that Schedule, or
    - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision as the provision was in force when the offence is alleged to have been committed.

- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

## Schedule 1 Penalty notice offences and short descriptions

(Clauses 25 and 26)

Column 1 Offence	Column 2 IPB Code	Column 3 Short description text	Column 4 Penalty
<b>Homebush Bay Operations Act 1999</b>			
section 11 (1) (a)	7208 EVA	bring vehicle onto closed road without authority	\$200
section 11 (1) (b)	7209 EVB	not remove vehicle from closed road	\$200
section 11 (2) (a)	7210 EVC	pedestrian enter closed road without authority	\$200
section 11 (2) (b)	7211 EVD	pedestrian not leave closed road	\$200
section 11 (3)	7212 EVE	damage/remove/interfere with road sign/barrier without authority	\$200
<b>Homebush Bay Operations Regulation 1999</b>			
clause 3 (a)	7213 EVF	sell/hire/offer for sale/offer for hire article without authority	\$150
clause 3 (b)	7214 EVG	provide/offer to provide services without authority	\$150
clause 3 (c)	7215 EVH	supply/attempt to supply ticket without authority	\$150
clause 3 (d)	7216 EVI	use audio/camera for commerce without authority	\$150
clause 3 (e)	7217 EVJ	distribute/display advertisement without authority	\$150
clause 3 (f)	7218 EVK	damage/destroy/remove tree/plant/vegetation without authority	\$150
clause 3 (g)	7219 EVL	damage/destroy/remove building/structure/equipment without authority	\$150

Homebush Bay Operations Act 1999 No 77

Schedule 3 Homebush Bay Operations Regulation 1999

---

clause 3 (h)	7220 EVM	leave rubbish/litter without authority	\$150
clause 4 (2)	7221 EVN	enter closed public domain without authority	\$150
clause 6 (1)	7222 EVO	bring/attempt to bring liquor without approval	\$100
clause 7	7224 EVP	sell/supply liquor to minor	\$100
clause 8 (2)	7225 EVQ	drink liquor where prohibited	\$15
clause 9 (2)	7227 EVR	park vehicle contrary to sign	\$100
clause 10 (3)	7228 EVS	wrongly use land for buses	\$150
clause 11 (1)	7229 EVT	secure vessel to wharf without authority	\$150
clause 12 (1) (a)	7230 EVU	use indecent/obscene/insulting/threatening language	\$100
clause 12 (1) (b)	7231 EVV	behave in offensive/indecent manner	\$100
clause 12 (1) (c)	7232 EVW	cause serious alarm/affront	\$100
clause 12 (1) (d)	7233 EVX	obstruct person's work/duties	\$100
clause 12 (1) (e)	7234 EVY	fail to comply with request/direction	\$100
clause 14	7235 EVZ	enter/remain on playing field	\$500
clause 20 (3)	7236 EWA	fail to comply with condition of authorisation	\$100
clause 21 (2) (a)	7237 EWB	fail to provide information	\$150
clause 21 (2) (b)	7238 EWC	knowingly furnish false/misleading information	\$150
clause 22 (1)	7239 EWD	fail to comply with request to leave	\$150
clause 23 (3)	7240 EWE	not remove obstruction/encroachment following order	\$150

## Schedule 4 Amendment of Acts

(Section 28)

### 4.1 Fines Act 1996 No 99

#### **Schedule 1 Statutory provisions under which penalty notices issued**

Insert in alphabetical order:

Homebush Bay Operations Act 1999, section 25

### 4.2 Impounding Act 1993 No 31

#### **[1] Dictionary**

Insert in the definition of *area of operations* after the matter relating to impounding officers appointed by the Centennial Park and Moore Park Trust:

- in the case of an impounding officer appointed by the Olympic Co-ordination Authority, land at Homebush Bay within the meaning of the *Homebush Bay Operations Act 1999*,

#### **[2] Dictionary**

Insert in the definition of *impounding authority* after the matter relating to the Sydney Harbour Foreshore Authority:

- the Olympic Co-ordination Authority,

### 4.3 Olympic Co-ordination Authority Act 1995 No 10

#### Clause 3 Definitions

Omit the definitions of *Olympic Games* and *Olympic venues and facilities*.  
Insert instead:

*Olympic Games* means the Games of the XXVII Olympiad to be held principally in Sydney in the year 2000, and includes:

- (a) the Paralympic Games, being the games for athletes with a disability that are to be held principally in Sydney in the year 2000, and
- (b) a test event, being an event conducted at a venue or facility at which Olympic Games and Paralympic Games sporting events are to be conducted before those Games are held in order to test the capacity and operational functions of the venue or facility to provide for those sporting events, and
- (c) a special event within the meaning of the *Olympic Roads and Transport Authority Act 1998*.

*Olympic venues and facilities* means venues and facilities that are required for hosting the Olympic Games, including the following:

- (a) venues to conduct sporting events,
- (b) training facilities for competitors,
- (c) media centres and other communications facilities for the media,
- (d) residential accommodation for competitors, officials and members of the media,
- (e) storage facilities for sporting, communication or other equipment,
- (f) catering facilities for venues, training facilities, media centres and residential accommodation,
- (g) helicopter landing facilities,
- (h) transport and other physical infrastructure associated with any of the above venues or facilities,

- (i) any other development (within the meaning of the *Environmental Planning and Assessment Act 1979*) determined by the Director-General to be required for, or as being associated with, the Olympic Games, Paralympic Games or a test event.

[Minister's second reading speech made in—  
Legislative Assembly on 17 November 1999  
Legislative Council on 24 November 1999]