

[Act 2000 No 1]



New South Wales

Olympic Arrangements Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

Overview of Bill

The object of this Bill is to facilitate the conduct of the Olympic Games, Paralympic Games and associated events to be held principally in Sydney this year and to make provision with respect to certain anticipated effects of those events. The Bill, as a one-off measure, modifies the application of the following Acts and statutory instruments accordingly:

Annual Reports (Departments) Act 1985

Annual Reports (Statutory Bodies) Act 1984

Banks and Bank Holidays Act 1912

Crown Lands Act 1989

Electricity Supply Act 1995

Environmental Planning and Assessment Act 1979

Factories, Shops and Industries Act 1962

* Amended in committee—see table at end of volume.

Fines Act 1996

General Government Debt Elimination Act 1995

Homebush Bay Operations Act 1999

Homebush Bay Operations Regulation 1999

Local Government Act 1993

Protection of the Environment Operations Act 1997

Public Finance and Audit Act 1983

Road Transport (General) Act 1999 and other road transport legislation

State Owned Corporations Act 1989

Sydney Cricket Ground and Sydney Football Stadium By-law 1999

The modifications made by the Bill are of a temporary and limited nature. Several of its provisions are expressed to apply only during *the Games period* which is defined to be the period from 2 September 2000 (the date on which the Olympic Village is to open) until 29 October 2000 (the last day of the Paralympic Games). The Bill is expressed to cease to have effect for all purposes on 31 December 2000.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of Parts 1 and 11 of the proposed Act on the date of assent and for its other provisions on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 provides that notes included in the proposed Act do not form part of it.

Part 2 Annual auditing and reporting legislation

The proposed Part contains clauses 5–11.

It is anticipated, due to the likely impact of the Olympic Games, that difficulty may be experienced, particularly during the month of September 2000, in meeting

annual auditing and reporting deadlines under various Acts. The Part generally provides for a 4-week extension of the relevant requirements for preparing financial statements, auditing them and submitting them to the appropriate Minister for presentation to Parliament. The Part also enables the Treasurer to grant other or further extensions of time, if necessary.

Part 3 Banks and Bank Holidays Act 1912 and Factories, Shops and Industries Act 1962

The proposed Part contains clauses 12–15.

Division 1 Banks and Bank Holidays Act 1912

The proposed Division will enable weekend banking during the Games period within Greater Metropolitan Sydney, being the local government areas listed in Schedule 1 to the proposed Act. If a bank is open on a Saturday or Sunday during the Games period, those days are not to be counted in calculating the time taken to handle cheques.

Division 2 Factories, Shops and Industries Act 1962

The proposed Division will enable Sunday trading by general shops within Greater Metropolitan Sydney without the need to make an application under the *Factories, Shops and Industries Act 1962* for permission to do so. A general shop is a shop other than a scheduled shop or small shop within the meaning of the *Factories, Shops and Industries Act 1962*.

Part 4 Crown Lands Act 1989

The proposed Part contains clauses 16 and 17.

The proposed Part will enable a Crown reserve to be used, with the consent of the reserve trust, for Olympic Games purposes despite the terms of any trust or reservation applying to the reserve.

Part 5 Environmental Planning and Assessment Act 1979

The proposed Part contains clauses 18–22.

The proposed Part will enable a person:

- (a) to carry out a lawfully authorised Olympic Games activity on land despite the terms of an environmental planning instrument or development consent applying to the land, and
- (b) to act reasonably in order to ameliorate any adverse effects of the proposed Act on land despite the terms of a development consent applying to the land.

The proposed Part validates, to the extent of any invalidity, certain development consents granted under *State Environmental Planning Policy No 38—Olympic Games and Related Projects*.

The proposed Part also makes it an offence for a person to operate an illegal car park during the Games period within 5 kilometres of any Olympic venues and facilities and imposes penalties of \$15,000 for an individual, \$25,000 for a corporation and a continuing daily penalty of \$10,000. The offence is able to be dealt with by way of penalty notice in which case the penalties are \$10,000 for an individual and \$20,000 for a corporation.

Part 6 Fines Act 1996

The proposed Part contains clause 23.

Because the proposed Act creates penalty notice offences, a necessary consequential amendment is taken to have been made to the *Fines Act 1996*.

Part 7 Local Government Act 1993

The proposed Part contains clauses 24–30.

The proposed Part will enable a person:

- (a) to carry out a lawfully authorised Olympic Games activity on land despite the terms of an approval granted under the *Local Government Act 1993*, and
- (b) to act reasonably in order to ameliorate any adverse effects of the proposed Act despite the terms of an approval granted under the *Local Government Act 1993*.

The proposed Part will enable community land to be used, with the approval of the council, for Olympic Games purposes despite the terms of any instrument under the *Local Government Act 1993*, including a plan of management, applying to the land.

The proposed Part makes it an offence to sell or distribute articles, without approval, during the Games period on public places within 3 kilometres of an Olympic venue or facility, a major transport node or an Olympic Live Site. The maximum penalty is \$5,000. The Olympic Co-ordination Authority is the approval

body for areas, defined by order of the Minister, within the near vicinity of an Olympic venue or facility (including Homebush Bay), a major transport node or an Olympic Live Site and the council is the approval body for other areas within the 3 kilometre limit. If a person who is selling or distributing articles without approval fails or refuses to comply with a direction to remove the articles to a place outside the controlled area, the articles are forfeited to the Crown. The offence is able to be dealt with by way of penalty notice in which case the penalty is \$200.

The proposed Part also makes it an offence for a person to operate an illegal car park during the Games period within 5 kilometres of any Olympic venues and facilities and imposes penalties of \$15,000 for an individual, \$25,000 for a corporation and a continuing daily penalty of \$10,000. The offence is able to be dealt with by way of penalty notice in which case the penalties are \$10,000 for an individual and \$20,000 for a corporation.

Part 8 Protection of the Environment Operations Act 1997

The proposed Part contains clauses 31–36.

The proposed Part makes the Environment Protection Authority the appropriate regulatory authority for the purposes of the *Protection of the Environment Operations Act 1997* in relation to land outside Homebush Bay over which the Olympic Co-ordination Authority exercises functions for the purposes of the Olympic and Paralympic Games pursuant to an order under section 59 of the proposed Act. In addition, the proposed Part provides that environmental protection proceedings may not be taken against the Olympic Co-ordination Authority except by the Environment Protection Authority.

The proposed Part will enable the Olympic Co-ordination Authority, after consulting with the Environment Protection Authority, to declare that a person may carry out activities for the purposes of the Olympic and Paralympic Games on such days during the Games period and during such hours as are specified in the declaration. Such a declaration has effect despite the terms of any other Act or statutory instrument, any approval or other authorisation given under any other Act or statutory instrument, or any restriction affecting the land specified in the declaration. The Environment Protection Authority is to be the appropriate regulatory authority for the purposes of the *Protection of the Environment Operations Act 1997* in relation to the activities to which a declaration applies and the premises on which those activities are carried out. Proceedings relating to the emission of noise cannot be taken in respect of anything done under the authority of a declaration.

Part 9 Road transport legislation

The proposed Part contains clauses 37–55.

Division 1 General

The proposed Division enables the creation of Olympic lanes on roads during the Games period. Olympic lanes will operate in a manner similar to transit lanes. Generally, a person cannot drive in an Olympic lane unless the vehicle being driven by the person displays a permit issued by the Olympic Roads and Transport Authority.

The proposed Division will enable the closure of roads, in accordance with procedures set out in the proposed Division:

- (a) for the purpose of providing integrated road and transport services for the Olympic and Paralympic Games, and
- (b) for the conduct of Olympic and Paralympic events on roads, and
- (c) for other Olympic and Paralympic Games related purposes for short periods (not exceeding 3 consecutive days).

The proposed Division makes it an offence to enter a closed road, to fail to leave a closed road when directed to do so and to interfere with a sign or barrier provided for the purpose of closing a road.

The proposed Division confers powers that will enable the removal of unattended motor vehicles or trailers in specified circumstances.

The proposed Division will also enable the Olympic Roads and Transport Authority, in accordance with a traffic management plan, to regulate certain traffic movements within the Sydney CBD from 15 August 2000 until the end of the Games period.

Division 2 Roads at Homebush Bay

The proposed Division modifies the administration, during the Games period and during the conduct of certain special events, of provisions of the *Homebush Bay Operations Act 1999* relating to traffic management plans and the removal of unattended vehicles and trailers.

Division 3 Enforcement

The proposed Division makes it clear that penalty notices will be able to be issued under the general road transport legislation in relation to offences under the proposed Part.

Part 10 Sydney Football Stadium

The proposed Part contains clauses 56–58.

Division 1 Sydney Cricket Ground and Sydney Football Stadium By-law 1999

The proposed Division suspends the right of members and cardholders of the Sydney Cricket and Sports Ground Trust:

- (a) to enter the Sydney Football Stadium, or to use its facilities, during the period from 2 September 2000 to 30 September 2000, and
- (b) to park a vehicle in a car parking area of the Trust during the period from 15 July 2000 to 31 October 2000.

Division 2 Liability of the Sydney Cricket and Sports Ground Trust

The proposed Division exempts the Sydney Cricket and Sports Ground Trust from any liability as a result of the operation of the proposed Part.

Part 11 General

The proposed Part contains clauses 59–80.

The proposed Part will enable the Olympic Co-ordination Authority to exercise its functions under the *Homebush Bay Operations Act 1999* on land outside Homebush Bay and confers the powers of a roads authority under the *Roads Act 1993*, and certain other road powers, on that Authority in relation to roads that are to be used for Olympic and Paralympic Games sporting events and those parts of roads that connect with and are within 20 metres of the alignment of those roads.

The proposed Part:

- (a) makes it an offence, in certain areas near Olympic venues or facilities, major transport nodes or Olympic Live Sites, to sell or supply a ticket for admission to an event that is part of the Olympic or Paralympic Games without the approval of the Olympic Co-ordination Authority or to sell or supply an article that is represented to be such a ticket, and
- (b) will enable the service of penalty notices for offences referred to in paragraph (a), and
- (c) will enable the control of aircraft in airspace over Olympic sites, and

- (d) will enable the Olympic Co-ordination Authority to obliterate or remove unauthorised advertising material at Olympic sites, and
- (e) will enable the Olympic Co-ordination Authority to control advertising in airspace visible from Olympic venues and facilities and Olympic Live Sites, and
- (f) will enable the Olympic Co-ordination Authority to control the recording, by means of sound or images, of Olympic Games events and activities, and
- (g) will authorise certain conduct in relation to the Paralympic Games that would otherwise contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*, and
- (h) validates (to the extent of any invalidity) certain building approvals granted by the Olympic Co-ordination Authority, and
- (i) limits claims for compensation and liability in nuisance in respect of the exercise of functions under the proposed Act, and
- (j) provides for the enforcement of the proposed Act, and
- (k) provides that the proposed Act binds the Crown, and
- (l) amends the *Homebush Bay Operations Regulation 1999* to make further provision with respect to persons who may enter Homebush Bay, to make it an offence for a ticket holder to an event at a sportsground to breach the conditions of the ticket, and in other minor respects, and
- (m) enables the making of regulations for the purposes of the proposed Act, and
- (n) provides that the proposed Act expires on 31 December 2000.

Schedule 1 Greater Metropolitan Sydney

Schedule 1 lists the local government areas that are to comprise Greater Metropolitan Sydney for the purposes of the proposed Act.

Schedule 2 Amendment of Homebush Bay Operations Regulation 1999

Schedule 2 amends the *Homebush Bay Operations Regulation 1999* to make further provision with respect to persons who may enter Homebush Bay, to make it an offence for a ticket holder to an event at a sportsground to breach the conditions of the ticket, and in other minor respects.