

[Act 1999 No 77]



New South Wales

## Homebush Bay Operations Bill 1999

### Explanatory note

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

### Overview of Bill

The object of this Bill is to provide for the development, management and regulation of land at Homebush Bay that predominantly comprises the centre of a number of major sporting and entertainment venues, including Stadium Australia, the Sydney Showground, the Sydney Superdome, the Sydney International Athletic Centre, the Sydney International Aquatic Centre and the Tennis Centre.

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

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## 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 the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** defines certain words and expressions used in the proposed Act. In particular, the **Authority** responsible for the development, management and regulation under the proposed Act of the land at Homebush Bay is defined to be the Olympic Co-ordination Authority constituted by the *Olympic Co-ordination Authority Act 1995*. **Homebush Bay** is defined as being the area specified for the time being in Schedule 1 to the proposed Act.

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

### Part 2 Functions of the Authority

**Clause 5** vests all rights attaching to the land at Homebush Bay, except in relation to private roads, in the Authority, unless express provision is otherwise made in any agreement entered into by the Authority.

**Clause 6** enables the Authority to have and to exercise the functions of a local government council, if the regulations under the proposed Act make provision to that effect.

**Clause 7** specifies those roads at Homebush Bay for which the Authority is to be the roads authority under the *Roads Act 1993*.

**Clause 8** specifies other roads at Homebush Bay for which the Authority may exercise the functions of a roads authority under the *Roads Act 1993*.

**Clause 9** provides that certain uses of private roads at Homebush Bay cannot be carried out except with the consent of the Authority.

**Clause 10** enables the Authority to prepare traffic management plans for the control and regulation of traffic on roads at Homebush Bay and for the temporary closure of those roads. A traffic management plan cannot apply to a private road except with the consent of the owner or occupier of the private road. A traffic management

plan is to be prepared in consultation with the Roads and Traffic Authority of New South Wales constituted under the *Transport Administration Act 1988* and does not have effect unless and until the Roads and Traffic Authority consents in writing to the plan.

**Clause 11** creates certain offences relating to road closures.

**Clause 12** provides that a road, when closed, 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.

**Clause 13** enables the Authority to remove an unattended motor vehicle or trailer at Homebush Bay if it is standing unlawfully, constitutes a danger to persons or property or is causing an obstruction.

**Clause 14** enables the Roads and Traffic Authority of New South Wales to delegate any of its functions (other than the power of delegation) to the Authority.

**Clause 15** requires the Authority 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 masterplan that is the subject of the *Homebush Bay Masterplan Report* published by the Authority in September 1995.

**Clause 16** is a formal provision which gives effect to Parts 1 and 2 of Schedule 2 to the proposed Act and which relates to the functions of the Authority in respect of its Water Reclamation and Management Scheme at Homebush Bay. Part 1 of Schedule 2 amends the *Water Supply Authorities Act 1987* to constitute the Authority as a water supply authority for the purposes of that Act. Part 2 of Schedule 2 comprises a regulation that is to have effect as a regulation under the *Water Supply Authorities Act 1987* and which specifies that:

- (a) the Authority's area of operations as a water supply authority is Homebush Bay, and
- (b) the Authority's functions as a water supply authority are limited to the functions necessary to operate the Water Reclamation and Management Scheme at Homebush Bay, including the collection and treatment of waste water and the distribution of treated water.

**Clause 17** enables the Authority to appoint enforcement officers.

**Clause 18** makes it an offence to obstruct or impersonate an enforcement officer.

**Clause 19** is a formal provision that gives effect to Schedule 3 to the proposed Act. Schedule 3 comprises the proposed *Homebush Bay Operations Regulation 1999* that is to have effect as a regulation under the proposed Act.

**Clause 20** provides that the functions conferred on the Authority under the proposed Act are in addition to the Authority's other functions and do not affect the functions of the Sydney Organising Committee for the Olympic Games (SOCOG) or the Olympic Roads and Transport Authority (ORTA) or the provisions of any agreement entered into by the Authority before the commencement of the proposed section in relation to land at Homebush Bay.

### **Part 3 General**

**Clause 21** provides that the Environment Protection Authority (*EPA*) is to be the appropriate regulatory authority for the purposes of the *Protection of the Environment Operations Act 1997* for premises occupied at, and activities carried out on land at, Homebush Bay.

**Clause 22** provides that any environmental protection proceedings may be brought against the Authority, or a person exercising functions for the purposes of the Olympic Games, the Paralympic Games or a test event, only by the EPA.

**Clause 23** exonerates the Authority in the exercise of its functions from liability in nuisance.

**Clause 24** provides that a licensee of land at Homebush Bay may prevent a person from entering or remaining on the land.

**Clause 25** enables offences under the proposed Act and the regulations to be dealt with by way of penalty notice.

**Clause 26** provides that proceedings for offences under the proposed Act and the regulations are to be dealt with summarily before a Local Court.

**Clause 27** facilitates the enforcement of offences against persons who unlawfully park vehicles on land at Homebush Bay, other than roads, by presuming that the owner of the vehicle has committed the offence unless the owner specifies the actual offender.

**Clause 28** is a formal provision that gives effect to Schedule 4 to the proposed Act. Schedule 4 contains amendments to the *Fines Act 1996*, the *Impounding Act 1993* and the *Olympic Co-ordination Authority Act 1995*.

**Clause 29** enables the regulations under the proposed Act to make amendments to Schedule 1 to the proposed Act and thereby to redefine the area of land that is to comprise Homebush Bay for the purposes of the proposed Act.

**Clause 30** provides that the proposed Act is to bind the Crown.

**Clause 31** enables the making of regulations for the purposes of the proposed Act.

## **Schedule 1 Homebush Bay**

**Schedule 1** contains a description of the land to which the proposed Act applies.

## **Schedule 2 Water supply authorities legislation**

**Schedule 2** contains the amendment of the *Water Supply Authorities Act 1987* and the proposed *Water Supply Authorities (Olympic Co-ordination Authority) Regulation 1999* referred to in the summary of clause 16.

## **Schedule 3 Homebush Bay Operations Regulation 1999**

**Schedule 3** contains the proposed *Homebush Bay Operations Regulation 1999*. The proposed Regulation contains the following provisions:

### **Part 1 Preliminary**

- 1 Name of Regulation
- 2 Definitions

### **Part 2 Regulation of activities—generally**

- 3 Commercial and other activities
- 4 Closing of the public domain
- 5 Other controls
- 6 Bringing of liquor into Homebush Bay
- 7 Sale or supply of liquor to minors
- 8 Prohibition on liquor
- 9 Parking
- 10 Use of land by buses
- 11 Securing of vessels to wharves of the Authority
- 12 Personal conduct
- 13 Closure and use of roads

**Part 3 Regulation of activities—sportsgrounds**

- 14 Prohibited entry to playing fields
- 15 Removal from sportsground
- 16 Banning from sportsground
- 17 Authority may ban persons for specified period
- 18 Taking photographs of certain persons

**Part 4 Miscellaneous**

- 19 Fees
- 20 Conditions attaching to authorisations
- 21 Requirement to state name and address and provide proof of age
- 22 Removal of certain persons
- 23 Removal of obstructions
- 24 Confiscation of articles
- 25 Penalty notices: section 25
- 26 Short description of offences

**Schedule 1 Penalty notice offences and short descriptions**

## **Schedule 4 Amendment of Acts**

**Schedule 4** contains amendments to the *Fines Act 1996*, the *Impounding Act 1993* and the *Olympic Co-ordination Authority Act 1995*. The *Fines Act 1996* is amended as a consequence of creating penalty notice offences in the proposed Act. The *Impounding Act 1993* is amended to constitute the Olympic Co-ordination Authority as an impounding authority for the purposes of that Act and to specify its area of operations to be the land at Homebush Bay. The *Olympic Co-ordination Authority Act 1995* is amended by substituting the definitions of *Olympic Games* and *Olympic venues and facilities* for the purposes of that Act.