

Homebush Bay Operations Regulation 1999

[1999-649]



New South Wales

Status Information

Currency of version

Historical version for 13 September 2000 to 16 July 2001 (accessed 27 May 2024 at 13:19)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**
[Sydney Olympic Park Authority Bill 2001](#)
- **Notes**
 - (1) Sec 19 (1) of the [Homebush Bay Operations Act 1999](#) provides that Sch 3 ([Homebush Bay Operations Regulation 1999](#)) to that Act is taken to be and has effect as a regulation made under that Act. Sec 19 (3) of that Act further provides that, for the purposes of sec 10 of the [Subordinate Legislation Act 1989](#), the regulation is taken to have been published on the date of assent to the [Homebush Bay Operations Act 1999](#).
 - (2) The [Homebush Bay Operations Act 1999](#) ceases to have effect on 31.3.2002 — see sec 32 of that Act.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Homebush Bay Operations Regulation 1999



New South Wales

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Homebush Bay Operations Regulation 1999



New South Wales

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,
 - (a1) prohibit categories of persons from entering, or limit categories of person who may enter, or limit the number of persons within categories 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.

13A Provision and operation of public services and facilities

- (1) The Authority may, at Homebush Bay, provide, or authorise any other person to provide, any one or more of the following:
- (a) public services,
 - (b) public information,
 - (c) first aid,
 - (d) food and beverages,
 - (e) entertainment (such as concerts, dancing and theatre, whether or not involving the participation of the public),
 - (f) commercial services,
 - (g) any thing for sale or distribution to any person.
- (2) The Authority may, at Homebush Bay, construct, instal, provide, operate and maintain, or authorise any other person to construct, instal, provide, operate or maintain, any one or more of the following (whether for the purpose of providing any thing referred to in subclause (1) or otherwise):
- (a) toilets (including temporary toilets),

- (b) places and areas for giving information, including associated infrastructure,
 - (c) first aid units (mobile and non-mobile),
 - (d) tents, shelters, marquees, sheds, vans and other structures and facilities for the sale and supply of food and beverages, including bars and areas for corporate entertainment and promotion,
 - (e) infrastructure for or associated with the sale or supply of food and beverages (such as refrigeration units, counters and storage units),
 - (f) infrastructure for or associated with entertainment (such as steps, stages, platforms and towers),
 - (g) video screens and sound systems,
 - (h) tents, shelters, marquees, sheds, vans and other structures and facilities for commercial outlets,
 - (i) underground, on-ground and aboveground utilities (such as utilities for the provision of energy and water),
 - (j) fences, barricades and bollards,
 - (k) tables,
 - (l) seating,
 - (m) tents, shelters, marquees, sheds, vans and other structures and facilities for site services,
 - (n) temporary hardstand areas,
 - (o) temporary areas of ground protection,
 - (p) ramps for disability access,
 - (q) site sheds and vans for staff accommodation,
 - (r) temporary signs,
 - (s) temporary flagpoles,
 - (t) temporary site dressing and decoration.
- (3) The Authority may determine and impose, or authorise any other person to determine and impose, a fee or charge for or in respect of the provision of any service or facility, or any other thing, in accordance with this clause. Nothing in this subclause affects clause 19.

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.

18A Observance of ticket conditions

A person who has gained admission to an event at a sportsground must not contravene or fail to comply with the conditions of the ticket for the event.

Maximum penalty: 20 penalty units.

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 an authorisation or 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	Column 2	Column 3	Column 4
Offence	IPB Code	Short description text	Penalty
Homebush Bay Operations Act 1999			
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

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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
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 18A	7254 ENY	breach ticket conditions	\$150
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