

# Sydney Olympic Park Authority Regulation 2007

[2007-429]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### Notes—

- **Does not include amendments by**  
*Weapons and Firearms Legislation Amendment Act 2010 No 40* (not commenced)

### Authorisation

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# Sydney Olympic Park Authority Regulation 2007



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Sydney Olympic Park Authority Regulation 2007*.

### 2 Commencement

This Regulation commences on 1 September 2007.

#### Note—

This Regulation replaces the *Sydney Olympic Park Regulation 2001* which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

**liquor** has the same meaning as in the *Liquor Act 2007*.

**public domain** means that part of Sydney Olympic Park that is not the site of a sportsground.

**sell** includes 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 any one or more of the following:

- (a) Telstra Stadium,
- (b) Sydney Showground,
- (c) Sydney SuperDome,
- (d) Sydney Olympic Park Aquatic Centre,
- (e) Sydney Olympic Park Athletic Centre,
- (f) Sydney Olympic Park Golf Centre,
- (g) Sydney Olympic Park Hockey Centre,
- (h) Sydney Olympic Park Sports Centre,
- (i) Sydney Olympic Park Sports Halls,
- (j) Sydney International Archery Centre,
- (k) Sydney International Tennis Centre.

**the Act** means the [Sydney Olympic Park Authority Act 2001](#).

**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.

**Note—**

**Penalty unit** is defined in section 17 of the [Crimes \(Sentencing Procedure\) Act 1999](#) which provides that a reference in any Act or statutory rule to a number of penalty units is to be read as a reference to an amount of money equal to the amount obtained by multiplying a specified monetary value by that number of penalty units. On the commencement of this Regulation, the monetary value of a penalty unit was \$110.

- (2) Notes included in this Regulation do not form part of this Regulation.

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

### **4 Commercial and other activities**

A person must not do any of the following at Sydney Olympic Park, except as authorised by the Authority:

- (a) sell 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 or operated 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,
- (i) distribute a brochure, leaflet or handbill,
- (j) conduct a wedding,
- (k) collect or attempt to collect money,
- (l) busk,
- (m) conduct, or participate in, any game or other activity in a manner that unduly interferes with the amenity of the area,
- (n) operate or use any radio, television, record-player, tape recorder, compact disc player, musical instrument or other sound-generating device in a manner that unduly interferes with the amenity of the area,
- (o) camp or use facilities for sleeping overnight,
- (p) erect a tent or other temporary structure,
- (q) paint, erect or affix any decoration, sign or other equipment,
- (r) climb any tree, sculpture, decoration, flagpole or other fixture,
- (s) bathe, wade, wash or swim, or operate a boat, kayak or any other water craft or

vessel or flotation device, in any lake, pond or stream or in any ornamental water,

- (t) light any fire, barbecue or stove (not being a cooking facility provided for the purpose by the Authority),
- (u) set off any firework,
- (v) carry or discharge or have in the person's possession any firearm (within the meaning of the *Firearms Act 1996*) or prohibited weapon (within the meaning of the *Weapons Prohibition Act 1998*), unless:
  - (i) the person is a police officer of the State or the Commonwealth, or
  - (ii) the person is the holder of a licence under the *Security Industry Act 1997*, is carrying out functions authorised by the licence, and is the holder of the relevant licence or permit under the *Firearms Act 1996* or the *Weapons Prohibition Act 1998* (as the case requires),
- (w) operate a motorised model aircraft, boat, car or similar thing,
- (x) play or practise golf,
- (y) land or launch any aircraft, helicopter, parachute, hang-glider or hot air or gas-filled balloon, or any similar thing,
- (z) ride or use any skate board, roller skates, in-line skates, or recreational equipment, whether motorised or not, or similar equipment (other than a bicycle),
- (aa) ride or push a bicycle otherwise than on a cycleway or other path designated for that purpose,
- (ab) bring a horse into the park, or lead or ride a horse, or leave a horse unattended or untethered,
- (ac) bring a dog into, or have a dog within, the park unless it is on a leash,
- (ad) abandon an animal,
- (ae) destroy, capture, injure or annoy an animal,
- (af) be in possession of a trap or device for the hunting or capturing of animals,
- (ag) destroy or interfere with the habitat of an animal,
- (ah) dig up or disturb the surface of any road or other land,
- (ai) deposit waste,
- (aj) allow a vehicle to leak, onto a sealed surface in the park, an amount of oil in excess of what a properly-maintained vehicle of that kind could reasonably be expected to

leak,

- (ak) moor a vessel (otherwise than by securing the vessel to a wharf of the Authority) or tie a vessel to any vegetation.

Maximum penalty: 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 Sydney Olympic Park or any part of Sydney Olympic Park,
- (b) 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, Sydney Olympic Park or any part of Sydney Olympic Park,
- (c) close Sydney Olympic Park or any part of Sydney Olympic Park to the public,
- (d) charge admission to Sydney Olympic Park or any part of Sydney Olympic Park,
- (e) prohibit persons from entering Sydney Olympic Park or any part of Sydney Olympic Park:
  - (i) if they are in possession of any specified thing, or
  - (ii) if, in the opinion of a person authorised by the Authority, they are or appear to be intoxicated.

- (2) The Authority may do any one or more of the following:

- (a) prohibit the entry of vehicles to Sydney Olympic Park or any part of Sydney Olympic Park,
- (b) regulate or otherwise control the entry of vehicles to Sydney Olympic Park or any part of Sydney Olympic Park,
- (c) refuse to admit a vehicle to Sydney Olympic Park or any part of Sydney Olympic Park.

- (3) The Authority may take any action referred to in subclause (1) or (2) by means of the erection of a sign or the giving of a direction to the person concerned.

- (4) A person must not do anything in wilful contravention of a sign erected or a direction given under this clause.

Maximum penalty: 20 penalty units.

- (5) Nothing in this clause limits any other function of the Authority under this Regulation.



## **6 Bringing of liquor into Sydney Olympic Park**

- (1) A person must not bring or attempt to bring liquor into Sydney Olympic Park or any part of Sydney Olympic Park 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 Sydney Olympic Park or any part of Sydney Olympic Park, or being removed from Sydney Olympic Park or any part of Sydney Olympic Park, 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 a licence under the [Liquor Act 2007](#) that allows the person to sell liquor on a part of Sydney Olympic Park set aside for that purpose.

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

A person must not sell or supply liquor within Sydney Olympic Park 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 Sydney Olympic Park or any part of Sydney Olympic Park (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 Sydney Olympic Park or any part of Sydney Olympic Park 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.

## **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: 10 penalty units.

(3) The Authority or a person authorised by the Authority may direct a person to remove a vehicle that is unlawfully parked and that is under the person's control.

(4) A person must comply with a direction under subclause (3).

Maximum penalty: 10 penalty units.

(5) For the purposes of this clause, **park** includes stand.

## **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: 20 penalty units.

## **11 Closure and use of roads**

Clauses 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 Sydney Olympic Park, 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 Sydney Olympic Park contrary to a traffic management plan in force under section 41 of the Act.

## **12 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 Sydney Olympic Park.

### **13 Personal conduct**

(1) A person must not do any of the following at Sydney Olympic Park:

- (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 Sydney Olympic Park, or any part of Sydney Olympic Park, 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.

### **14 Provision and operation of public services and facilities**

(1) The Authority may, at Sydney Olympic Park, 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 Sydney Olympic Park, construct, install, provide, operate and maintain, or authorise any other person to construct, install, 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,
  - (u) amusement devices, carnival rides and similar facilities.
- (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 23.

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

#### **15 Reserved areas and reserved seating**

- (1) Without limiting clause 5, the Authority may, either generally or for a particular event, set aside any area of a sportsground for reserved seats. An area so set aside is referred to in this clause as a **reserved area**.
- (2) A person who is not in lawful possession of an appropriate ticket must not:
- (a) enter or remain in a sportsground or any reserved area, or
  - (b) occupy a reserved seat.
- Maximum penalty: 10 penalty units.
- (3) A person authorised by the Authority or a police officer may direct a person:
- (a) who is within a sportsground or any reserved area, or
  - (b) who is occupying a reserved seat,
- to produce an appropriate ticket for inspection by the person or police officer.
- (4) A person authorised by the Authority or a police officer may direct a person who is in unlawful possession of a ticket to surrender the ticket to the person or police officer.
- (5) A person must comply with a direction under this clause.
- Maximum penalty: 10 penalty units.
- (6) In this clause, **ticket** means a ticket issued by the Authority or a person authorised by the Authority, being a ticket that authorises its holder:

- (a) to enter a sportsground or a reserved area within a sportsground, or
- (b) to occupy a reserved seat in a reserved area.

#### **16 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.

#### **17 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.

#### **18 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 16 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 16 is banned from entering the sportsground for life.

#### **19 Authority may ban persons for specified period**

- (1) The Authority may ban a person from entering any part of Sydney Olympic Park 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 18.

## **20 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.

## **21 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 Authority's functions as a local government council**

## **22 Conferral of functions**

Pursuant to section 19 of the Act, the Authority, in relation to Sydney Olympic Park, has and may exercise to any necessary extent the following functions of a council (within the meaning of the *Local Government Act 1993*) under the following provisions as in force for the time being:

- (a) in the case of the *Environmental Planning and Assessment Act 1979*:

- (i) Divisions 2, 2A, 3, 6, 6A and 7 of Part 4, and
- (ii) Part 7A, and
- (iii) sections 149A-149G,

### **Note—**

The Authority may exercise the functions of a council under Part 6 (Implementation and enforcement) of the *Environmental Planning and Assessment Act 1979*—see section 25 of the *Sydney Olympic Park Authority Act 2001*.

- (b) in the case of the *Environmental Planning and Assessment Regulation 2000*—Parts 4, 6, 7, 8, 9, 12 and 16, clauses 260, 280, 281, 284 and 286, Parts 2, 3 and 4 of Schedule 1, and Schedule 5,

- (c) in the case of the *Local Government Act 1993*:

- (i) Part 1 (Approvals) of Chapter 7 in so far as it relates to the matters specified in Parts A (Structures or places of public entertainment), C (Management of waste), E (Public roads) and F (Other activities) of the Table to section 68, and
- (ii) Part 2 (Orders) of Chapter 7, and
- (iii) Part 5 (Appeals) of Chapter 7, and

- (iv) Part 2 (Entry on to land and other powers) of Chapter 8, and
  - (v) Parts 1 (General offences), 2 (Public places) and 8 (Miscellaneous) of Chapter 16, and
  - (vi) Chapter 17, except section 674 and Divisions 4 and 5 of Part 2 (Proceedings by the council or its employees),
- (d) Parts 2 (Approvals), 3 (Orders) and 12 (Penalty notices) of, and Schedules 1, 2 and 12 to, the *Local Government (General) Regulation 2005*,
- (e) the *Food Act 2003*,
- (f) the *Food Regulation 2004*,
- (g) Part 4 (Microbial control) of the *Public Health Act 1991*,
- (h) the *Public Health (Microbial Control) Regulation 2000*,
- (i) the *Swimming Pools Act 1992*,
- (j) the *Swimming Pools Regulation 1998*,
- (k) any Act, statutory instrument or provision replacing an Act, statutory instrument or provision referred to in paragraphs (a)-(j).

## **Part 5 Miscellaneous**

### **23 Fees**

- (1) The Authority may charge and recover a fee for any authorisation it gives or any service it provides under the Act or this Regulation.
- (2) The services for which a fee may be charged include the following:
  - (a) supplying a service, product or commodity,
  - (b) giving information,
  - (c) providing a service in connection with the exercise of the Authority's regulatory functions—for example, receiving an application for an approval or a certificate, granting an approval, making an inspection and issuing a certificate,
  - (d) allowing admission to a sportsground or to any building or enclosure.
- (3) In particular, the Authority may charge a fee for inspecting premises that are reasonably required to be inspected in the exercise of the Authority's functions, whether or not the inspection is requested or agreed to by the owner or occupier of the premises.



- (4) However, the Authority may not charge a fee for the inspection of premises that are not used for a commercial activity, except where it is necessary to inspect the premises in connection with an application for an approval or a certificate concerning the premises or in connection with any inspection that is reasonably necessary to determine if an approval or a certificate has been complied with.
- (5) If inspections of premises are reasonably necessary to determine if an approval or a certificate has been complied with, a fee may not be charged for the inspection of any thing for which the Authority relies on a certificate under section 93 of the *Local Government Act 1993* that the thing has been done in compliance with the approval or certificate.
- (6) A fee charged for inspecting premises must be repaid to the person who paid it if the inspection is not carried out.

#### **24 Determination of amount of fee**

- (1) The Authority must determine the amount of a fee it proposes to charge before it can impose the fee.
- (2) The Authority may, from time to time, determine to increase or decrease the amount of a fee that has been determined under this clause.
- (3) In making a determination under this clause in respect of a fee for giving an authorisation, the Authority must take into consideration the following factors:
  - (a) the cost to the Authority of giving the authorisation,
  - (b) the nature of the authorisation given.
- (4) In making a determination under this clause in respect of a fee for providing a service, the Authority must take into consideration the following factors:
  - (a) the cost to the Authority of providing the service,
  - (b) the price suggested for that service by any relevant industry body or in any schedule of charges published, from time to time, by the government department or agency engaged in the administration of the Act or statutory instrument under which the service is provided,
  - (c) the importance of the service to the community.
- (5) The cost to the Authority of providing a service in connection with the exercise of a regulatory function need not be the only basis for determining the fee for that service.
- (6) A higher fee or an additional fee may be charged for an expedited service provided, for example, in the case of urgency.

## **25 Effect of other Acts and statutory instruments**

- (1) If the amount of a fee for a service is determined under an Act (other than the Act) or statutory instrument, the Authority may charge a fee in addition to the amount determined under the Act concerned or the statutory instrument.
- (2) If the charging of a fee for a service is prohibited under an Act, the Authority must not charge a fee for that service.

## **26 Authority may waive or reduce fees**

The Authority may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the Authority is satisfied that the case falls within a category of hardship or any other category in respect of which the Authority has determined that payment should be so waived or reduced.

## **27 Schedule of fees**

The Authority may, from time to time, publish a schedule of fees that may be charged by the Authority, whether the fees are determined under the Act or this Regulation or under another Act or statutory instrument.

## **28 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: 10 penalty units.

## **29 Requirement to state name and address**

- (1) A person authorised by the Authority or a police officer who suspects on reasonable grounds that a person at Sydney Olympic Park has committed, or been involved in the commission of, an offence against the Act or this Regulation may require the person to state his or her full name and residential address.
- (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.

### **30 Removal of certain persons**

- (1) A person who:

- (a) causes annoyance or inconvenience to other persons at Sydney Olympic Park or a part of Sydney Olympic Park, or
- (b) contravenes any provision of this Regulation at Sydney Olympic Park, or
- (c) trespasses on any part of Sydney Olympic Park closed to the public,

must leave Sydney Olympic Park or the part of Sydney Olympic Park 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 Sydney Olympic Park or the part of Sydney Olympic Park 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 Sydney Olympic Park or a part of Sydney Olympic Park under this clause must remove any equipment, vehicle or animal, or any other item belonging to or associated with the person from Sydney Olympic Park or the part of Sydney Olympic Park concerned, unless, in the case of a vehicle, the person is so affected by alcohol that the driving of the vehicle by the person would constitute an offence.
- (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.

### **31 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 Sydney Olympic Park.
- (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 Sydney Olympic Park 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.

### 32 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 44 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 Sydney Olympic Park 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.

### **33 Penalty notices: section 79**

For the purposes of section 79 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 2 of that Schedule.

### **34 Saving**

Any act, matter or thing that had effect under the *Sydney Olympic Park Regulation 2001* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

## **Schedule 1 Penalty notice offences**

(Clause 33)

**Column 1**

**Column 2**

<b>Offence</b>	<b>Penalty</b>
clause 4	\$200
clause 5 (4)	\$200
clause 6 (1)	\$150
clause 7	\$150
clause 8 (2)	\$20
clause 9 (2)	\$150
clause 9 (4)	\$150
clause 10 (3)	\$200
clause 12 (1)	\$200
clause 13 (1)	\$150
clause 15 (2)	\$150
clause 15 (5)	\$150
clause 16	\$500
clause 21	\$200
clause 28 (3)	\$150
clause 29 (2)	\$200
clause 30 (1)	\$200
clause 31 (3)	\$200