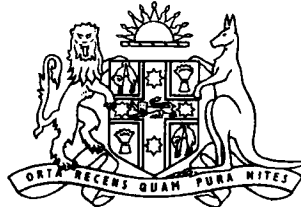


Passed by both Houses



New South Wales

Olympic Arrangements Bill 2000

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Olympic Arrangements Bill 2000

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2000*



New South Wales

Olympic Arrangements Bill 2000

Act No , 2000

An Act to facilitate the conduct of the Olympic Games and Paralympic Games in New South Wales; to modify the application of certain Acts and instruments; and for other purposes.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

Clause 1 Olympic Arrangements Bill 2000

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Olympic Arrangements Act 2000*.

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.
- (2) This Part and Part 11 commence on the date of assent to this Act.

3 Definitions

In this Act:

exercise a function includes perform a duty.

function includes a power, authority or duty.

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*.

Olympic Live Site means any of the following public places:

- (a) Circular Quay,
- (b) the Domain,
- (c) Martin Place,
- (d) Tumbalong Park,
- (e) Pyrmont Bay Park,
- (f) Darling Island,
- (g) Belmore Park,

at which Olympic Games events and activities, and other information, are screened for public viewing.

Olympic venues and facilities has the same meaning as in the *Olympic Co-ordination Authority Act 1995*.

ORTA means the Olympic Roads and Transport Authority constituted under the *Olympic Roads and Transport Authority Act 1998*.

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

SOCOG means the Sydney Organising Committee for the Olympic Games constituted by the *Sydney Organising Committee for the Olympic Games Act 1993*.

the Games period means the period from 2 September 2000 to 29 October 2000, inclusive.

Note. The Games period runs from the date on which the Olympic Village is to open until the last day of the Paralympic Games.

the 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.

4 Notes

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

Clause 5 Olympic Arrangements Bill 2000

Part 2 Annual auditing and reporting legislation

Part 2 Annual auditing and reporting legislation

5 Auditing of accounts for year ending 30 June 2000

- (1) The period during which the Auditor-General is required to audit financial accounts as a consequence of the receipt of:
 - (a) the financial statements referred to in section 41A of the *Public Finance and Audit Act 1983*, and
 - (b) the financial statements referred to in section 45D of the *Public Finance and Audit Act 1983*,for the year ending on 30 June 2000 is extended by 4 weeks.
- (2) This section has effect despite sections 41C and 45F of the *Public Finance and Audit Act 1983*.

6 Submission and tabling of annual reports

- (1) The period during which:
 - (a) a statutory body to which the *Annual Reports (Statutory Bodies) Act 1984* applies, or
 - (b) the Department Head of a Department to which the *Annual Reports (Departments) Act 1985* applies,must submit its annual report for the year ending on 30 June 2000 to the appropriate Minister is extended by 4 weeks.
- (2) This section has effect despite:
 - (a) section 10 of the *Annual Reports (Statutory Bodies) Act 1984*, and
 - (b) section 12 of the *Annual Reports (Departments) Act 1985*.

7 State owned corporations

- (1) The period during which a company State owned corporation to which the *State Owned Corporations Act 1989* applies must deliver reports and statements referred to in section 24 of that Act in accordance with that section for the year ending on 30 June 2000 is extended by 4 weeks.
- (2) Sections 5 and 6 of this Act are taken to be applied to a statutory State owned corporation by section 24A of the *State Owned Corporations Act 1989*.

8 Licence Compliance Advisory Board

- (1) The period within which the Licence Compliance Advisory Board established under section 86 of the *Electricity Supply Act 1995* is required to prepare and forward to the Minister administering that Act a report for the 12 months ending on 30 June 2000 is extended from 31 October 2000 to 31 December 2000.
- (2) This section has effect despite section 88 of the *Electricity Supply Act 1995*.

9 Within-year consolidated financial statements

- (1) The period within which the Treasurer is to release publicly a consolidated financial statement in accordance with section 25 of the *General Government Debt Elimination Act 1995* for the last 6 months of the financial year ending on 30 June 2000 is 4 months after that date.
- (2) This section has effect despite section 25 of the *General Government Debt Elimination Act 1995*.

10 Public Accounts and Total State Sector Accounts

- (1) The period within which the Treasurer is to transmit the Public Accounts and the Total State Sector Accounts to the Auditor-General under section 6 (4) of the *Public Finance and Audit Act 1983* for the year ending on 30 June 2000 is extended by 4 weeks.
- (2) The date on or before which the Auditor-General is to transmit the Public Accounts and the Total State Sector Accounts to the Treasurer under section 49 (2) of the *Public Finance and Audit Act 1983* for the year ending on 30 June 2000 is extended by 4 weeks.
- (3) The date by which the Treasurer is to present the Public Accounts and the Total State Sector Accounts to the Legislative Assembly under section 51 (1) of the *Public Finance and Audit Act 1983* for the year ending on 30 June 2000 is extended by 4 weeks.
- (4) This section has effect despite anything in the *Public Finance and Audit Act 1983*.

11 Extension of time by Treasurer

- (1) The Treasurer may extend the time by which a person (including the Treasurer) is required or permitted by the provisions of any Act (including this Act) or of any statutory or other instrument made under any Act:
 - (a) to prepare or submit financial statements, or
 - (b) to audit accounts, or
 - (c) to prepare and sign an opinion stating whether accounts are properly drawn up and accord with certain accounts and records, or
 - (d) to prepare or submit an annual report, or any part of an annual report, or
 - (e) to table financial statements or an annual report in either House of Parliament, or
 - (f) to present accounts (whether with or without other statements) to the Legislative Assembly, or
 - (g) to make financial or other statements or an annual report publicly available.
- (2) An extension may be granted before or after the relevant time expires.
- (3) More than one extension may be granted to the same person.
- (4) This section has effect despite any other provision of this Part or of any other Act or law.

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

Division 1 Banks and Bank Holidays Act 1912

12 Relationship with Banks and Bank Holidays Act 1912

- (1) This Division is to be construed with and as if it formed part of the *Banks and Bank Holidays Act 1912*.
- (2) In the event of an inconsistency between this Division and the *Banks and Bank Holidays Act 1912*, this Division prevails to the extent of the inconsistency.

13 Weekend banking

- (1) This section applies to Greater Metropolitan Sydney, being the local government areas specified in Schedule 1 to the *Olympic Arrangements Act 2000*.
- (2) Despite section 15A of the *Banks and Bank Holidays Act 1912*, Saturdays during the Games period are not bank holidays, except to the extent provided by subsections (4) and (5), and do not have to be kept as close holidays in banks in the area to which this section applies.
- (3) Nothing in the *Banks and Bank Holidays Act 1912* prevents a bank situated in the area to which this section applies from carrying on business on a Saturday or Sunday during the Games period.
- (4) For the purpose of the computation of time under the *Banks and Bank Holidays Act 1912*, the *Bills of Exchange Act 1909* of the Commonwealth or the *Cheques Act 1986* of the Commonwealth concerning a bill of exchange or promissory-note, a Saturday or Sunday during the Games period is taken to be a bank holiday.
- (5) This section does not cause a Saturday during the Games period not to be a bank holiday for the purpose of any lease or other agreement for the occupation of premises entered into by a bank.

Clause 14	Olympic Arrangements Bill 2000
Part 3	Banks and Bank Holidays Act 1912 and Factories, Shops and Industries Act 1962
Division 2	Factories, Shops and Industries Act 1962

Division 2 Factories, Shops and Industries Act 1962

14 Relationship with Factories, Shops and Industries Act 1962

- (1) This Division is to be construed with and as if it formed part of the *Factories, Shops and Industries Act 1962*.
- (2) In the event of an inconsistency between this Division and the *Factories, Shops and Industries Act 1962*, this Division prevails to the extent of the inconsistency.

15 Sunday trading by general shops

- (1) This section applies to Greater Metropolitan Sydney, being the local government areas specified in Schedule 1 to the *Olympic Arrangements Act 2000*.
- (2) Despite section 84 of the *Factories, Shops and Industries Act 1962*, shops (other than scheduled shops and small shops) in the area to which this section applies do not have to be kept closed on Sundays between the hours of 8.00am and 8.00pm during the Games period.
- (3) Section 78A of the *Factories, Shops and Industries Act 1962* does not require the shopkeeper of a shop in the area to which this section applies to make an application under that section in order to be exempted from the provisions of Division 3 of Part 4 of that Act in order to open the shop on Sundays between the hours of 8.00am and 8.00pm during the Games period.
- (4) Nothing in this section requires a person who is an employee before the commencement of the Games period to work for any period that is not included in a roster applicable to the person's work before that commencement.

Part 4 Crown Lands Act 1989

16 Relationship with Crown Lands Act 1989

- (1) This Part is to be construed with and as if it formed part of the *Crown Lands Act 1989*.
- (2) In the event of an inconsistency between this Part and the *Crown Lands Act 1989*, this Part prevails to the extent of the inconsistency.

17 Use of reserves

- (1) In this section, *reserve* and *reserve trust* have the same meanings as in section 78 of the *Crown Lands Act 1989*.
- (2) Nothing in the *Crown Lands Act 1989* or an instrument made under that Act, including the by-laws or a plan of management for a reserve, prevents or restricts the use of a reserve, with the consent of the reserve trust which is the trustee of the reserve or the council that manages the reserve on behalf of the reserve trust, for any of the following purposes:
 - (a) events approved by OCA,
 - (b) test events approved by SOCOG,
 - (c) the construction and establishment of venues for events and test events approved by OCA,
 - (d) development for the purposes of temporary Olympic venues and facilities,
 - (e) an activity or a community event:
 - (i) associated with the Royal Easter Show and held during the Royal Easter Show in the year 2000, or
 - (ii) associated with the Olympic Games and held during the Games period.

Part 5 Environmental Planning and Assessment Act 1979

18 Relationship with Environmental Planning and Assessment Act 1979

- (1) This Part is to be construed with and as if it formed part of the *Environmental Planning and Assessment Act 1979*.
- (2) In the event of an inconsistency between this Part and the *Environmental Planning and Assessment Act 1979*, this Part prevails to the extent of the inconsistency.

19 Modification of environmental planning instruments and development consents

- (1) A person who is authorised or permitted to do anything on any land by or under the *Olympic Arrangements Act 2000* or a policy, strategy or plan prepared and implemented under section 8 (2) (c) of the *Olympic Roads and Transport Authority Act 1998* may do that thing despite the fact that the doing of it is not authorised by or is contrary to or inconsistent with:
 - (a) the provisions of an environmental planning instrument, or
 - (b) the terms or conditions of a development consent,applying to the land.
- (2) Without limiting subsection (1), a thing is done under the *Olympic Arrangements Act 2000* if it is done pursuant to a declaration under section 34, or an order under section 59, of the *Olympic Arrangements Act 2000*.
- (3) A person does not breach the terms or conditions of a development consent applying to land that regulates:
 - (a) the hours of operation of an activity (including a business) on or in relation to the land, or
 - (b) the means of access to the land, or
 - (c) the emission of noise, including permissible noise levels, on or from the land, or
 - (d) activities that affect the amenity of the locality,by the doing of anything that is reasonably necessary to be done by or under or as a consequence of the operation of the *Olympic*

Arrangements Act 2000 or that is reasonably necessary to be done in order to comply with or give effect to a policy, strategy or plan prepared and implemented under section 8 (2) (c) of the *Olympic Roads and Transport Authority Act 1998*.

20 Validation of certain development consents

- (1) A development consent granted, or purporting to have been granted, before the commencement of this section by the Minister for Urban Affairs and Planning in accordance with *State Environmental Planning Policy No 38—Olympic Games and Related Projects* is validated (to the extent of any invalidity).
- (2) A development consent validated by this section is taken:
 - (a) to be a development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*, and
 - (b) to have been duly granted in accordance with the *Environmental Planning and Assessment Act 1979* and otherwise in accordance with law, and
 - (c) to have been duly granted on the date on which it was granted, or purported to be granted, and thereafter to be, and to have been at all relevant times, a valid development consent.

21 Illegal car parks

- (1) This section applies to land that is within 5 kilometres of any Olympic venues and facilities.
- (2) During the Games period, a person must not use land to which this section applies for the purpose of a car park, whether or not for fee or reward:
 - (a) if the use of the land for that purpose is prohibited by an environmental planning instrument, or
 - (b) if the use of the land for that purpose is permitted in accordance with a development consent, unless such a consent has been granted and is in force.

Maximum penalty: \$15,000 in the case of an individual and \$25,000 in the case of a corporation and, in the case of a continuing offence, \$10,000 for each day the offence continues.

- (3) This section does not limit the operation of any other Act that enables proceedings to be taken in respect of the unlawful use of land.

22 Penalty notices for offences against section 21

- (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 section 21 of the *Olympic Arrangements Act 2000*.
- (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 but wishes to have the offence dealt with under this section, the person may pay, within the time and to the person specified in the notice, a penalty of \$10,000 in the case of an individual or \$20,000 in the case of a corporation.
- (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) 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.
- (7) In this section, *authorised officer* means a person authorised by ORTA or the RTA for the purposes of this section, a police officer or any other person of a class prescribed by the regulations.

Olympic Arrangements Bill 2000

Clause 23

Fines Act 1996

Part 6

Part 6 Fines Act 1996

23 Relationship with Fines Act 1996

Schedule 1 to the *Fines Act 1996* is taken to be amended to include the following:

Olympic Arrangements Act 2000, sections 22, 29 and 64

Part 7 Local Government Act 1993

24 Relationship with Local Government Act 1993

- (1) This Part is to be construed with and as if it formed part of the *Local Government Act 1993*.
- (2) In the event of an inconsistency between this Part and the *Local Government Act 1993*, this Part prevails to the extent of the inconsistency.

25 Modification of certain approvals

- (1) A person who is authorised or permitted to do anything by or under the *Olympic Arrangements Act 2000* or a policy, strategy or plan prepared and implemented under section 8 (2) (c) of the *Olympic Roads and Transport Authority Act 1998* may do that thing despite the fact that the doing of it is not authorised by or is contrary to or inconsistent with the terms or conditions of an approval granted under the *Local Government Act 1993*.
- (2) Without limiting subsection (1), a thing is done under the *Olympic Arrangements Act 2000* if it is done pursuant to a declaration under section 34, or an order under section 59, of the *Olympic Arrangements Act 2000*.
- (3) A person does not breach the terms or conditions of an approval relating to:
 - (a) the management of waste, being an approval under paragraph 1, 2, 3 or 4 of Part C of the Table to section 68 of the *Local Government Act 1993*, or
 - (b) the hours during which an activity may take place, or
 - (c) the means of access to land or premises, or
 - (d) the emission of noise, including permissible noise levels, or
 - (e) the effect of an activity on the amenity of the locality,

by the doing of anything that is reasonably necessary to be done by or under or as a consequence of the operation of the *Olympic Arrangements Act 2000* or that is reasonably necessary to be done in order to comply with or give effect to a policy, strategy or plan prepared and implemented under section 8 (2) (c) of the *Olympic Roads and Transport Authority Act 1998*.

- (4) A person who is exempt from the requirement to obtain an approval under section 68 of the *Local Government Act 1993* does not cease to be exempt from the requirement by the doing of anything that is reasonably necessary to be done under or as a consequence of the operation of the *Olympic Arrangements Act 2000* or that is reasonably necessary to be done in order to comply with or give effect to a policy, strategy or plan prepared and implemented under section 8 (2) (c) of the *Olympic Roads and Transport Authority Act 1998*.

26 Use of community land

- (1) Nothing in the *Local Government Act 1993* or an instrument under that Act, including a plan of management for community land, prevents or restricts the use of community land, with the approval of the council, for any of the following purposes:
- (a) events approved by OCA,
 - (b) test events approved by SOCOG,
 - (c) the construction and establishment of venues for events and test events approved by OCA,
 - (d) development for the purposes of temporary Olympic venues and facilities,
 - (e) an activity or a community event:
 - (i) associated with the Royal Easter Show and held during the Royal Easter Show in the year 2000, or
 - (ii) associated with the Olympic Games and held during the Games period.
- (2) For the purpose of obtaining an approval of the council under subsection (1), the use of community land for a purpose specified in that subsection is taken to be an activity prescribed by the regulations as referred to in paragraph 10 of Part F of the Table to section 68 of the *Local Government Act 1993*.

27 Control of sale and distribution of articles in certain public places

- (1) The council of an area that contains a site, being:
- (a) an Olympic venue or facility, or
 - (b) a major transport node, or
 - (c) an Olympic Live Site,

may, by resolution, prohibit the sale or distribution of any article during the Games period, except with the approval of the council, on or from those public places within its area and within 3 kilometres of any such site that are specified or described in the resolution (those public places being referred to in this section as **a council controlled area**).

- (2) The approval of a council referred to in subsection (1) is taken to be an approval to which section 68 of the *Local Government Act 1993* applies.
- (3) A resolution of a council under subsection (1) cannot be made in respect of, and does not apply to, any of the following places (each of which is referred to in this section as **an OCA controlled area**):
 - (a) the area comprising, or comprising and adjacent to, a place referred to in subsection (1) (a), (b) or (c), being an area that is specified or described in an order of the Minister published in the Gazette,
 - (b) a public place, or any part of a public place, that is within 500 metres of a place referred to in subsection (1) (a), (b) or (c), being a public place, or part of a public place, that is shown on a map referred to in an order of the Minister published in the Gazette,
 - (c) Homebush Bay (within the meaning of the *Homebush Bay Operations Act 1999*).
- (4) The Minister must not make an order under subsection (3) that applies to land within the City of Sydney unless the Minister has consulted the Council of the City of Sydney concerning the order.
- (5) A person who sells or distributes an article during the Games period in a council controlled area without the approval of the council is guilty of an offence.
Maximum penalty: \$5,000.
- (6) A person who sells or distributes an article during the Games period in an OCA controlled area without the approval of OCA is guilty of an offence.
Maximum penalty: \$5,000.

- (7) A person:
- (a) who sells or distributes an article during the Games period:
 - (i) in a council controlled area without the approval of the council, or
 - (ii) in an OCA controlled area without the approval of OCA, and
 - (b) who fails or refuses to comply with a direction given to the person by:
 - (i) an authorised person, or
 - (ii) a person authorised by OCA,to remove the article and any other articles within the person's possession or under the person's control from the council controlled area or the OCA controlled area immediately,
- is guilty of an offence.
- Maximum penalty: \$5,000.
- (8) If a person who sells or distributes an article during the Games period in a council controlled area without the approval of the council or in an OCA controlled area without the approval of OCA:
- (a) is directed by an authorised person or a person authorised by OCA to remove the article and any other articles within the person's possession or under the person's control from the council controlled area or the OCA controlled area immediately, and
 - (b) fails or refuses to comply with the direction,
- the articles are forfeited to the Crown and may be seized by the person who gave the direction or an authorised person.
- (9) A person whose articles are forfeited to the Crown under this section may appeal against the forfeiture to a local court within 21 days after the forfeiture.
- (10) A local court may determine the appeal by:
- (a) upholding the forfeiture, or
 - (b) ordering the return of the articles to the appellant, or
 - (c) making such other order as it thinks fit.
- (11) The regulations under the *Local Government Act 1993*, in relation to a council controlled area, and the regulations under the *Olympic*

Arrangements Act 2000, in relation to an OCA controlled area, may make provision for or with respect to:

- (a) approvals under this section, including:
 - (i) applications for approval, and
 - (ii) application fees, and
 - (iii) determination of applications, and
 - (iv) appeals against determinations of applications, and
 - (b) the making and determination of appeals under subsection (9).
- (12) In this section:

major transport node means a transport facility or interchange specified or described by order of the Minister published in the Gazette.

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,
- and includes to sell from a standing vehicle or any article.

28 Illegal car parks

- (1) This section applies to land that is within 5 kilometres of any Olympic venues and facilities.
- (2) During the Games period, a person must not operate a public car park on land to which this section applies without having obtained the prior approval of the council under Part 1 of Chapter 7 of the *Local Government Act 1993*.

Maximum penalty: \$15,000 in the case of an individual and \$25,000 in the case of a corporation and, in the case of a continuing offence, \$10,000 for each day the offence continues.

- (3) This section does not limit the operation of any other Act that enables proceedings to be taken in respect of the unlawful operation of a public car park.

29 Penalty notices for offences against section 27 or 28

- (1) An authorised person may serve a penalty notice on a person if it appears to the authorised person that the person has committed an offence against section 27 or 28 of the *Olympic Arrangements Act 2000*.
- (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 but wishes to have the offence dealt with under this section, the person may pay, within the time and to the person specified in the notice:
- (a) in the case of an offence against section 27 of the *Olympic Arrangements Act 2000*—a penalty of \$200, or
 - (b) in the case of an offence against section 28 of the *Olympic Arrangements Act 2000*—a penalty of \$10,000 in the case of an individual or \$20,000 in the case of a corporation.
- (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) This section does not limit the operation of any other provision of, or made under, the *Local Government Act 1993* or any other Act relating to proceedings that may be taken in respect of offences.
- (7) In this section, **authorised person** includes a person authorised for the purposes of this section by the RTA or ORTA.

30 Authorised persons

An employee of a council who is an authorised person for the purposes of the *Local Government Act 1993* and who exercises functions during the Games period for another council is taken to have been authorised by that other council to exercise those functions and to be an authorised person for the purposes of that Act in relation to that other council.

Part 8 Protection of the Environment Operations Act 1997

31 Relationship with Protection of the Environment Operations Act 1997

- (1) This Part is to be construed with and as if it formed part of the *Protection of the Environment Operations Act 1997*.
- (2) In the event of an inconsistency between this Part and the *Protection of the Environment Operations Act 1997*, this Part prevails to the extent of the inconsistency.

32 Appropriate regulatory authority

The EPA is the appropriate regulatory authority for premises and activities that are the subject of an order under section 59 of the *Olympic Arrangements Act 2000* if the order specifies that the EPA is the appropriate regulatory authority.

33 Environmental protection proceedings

Section 22 of the *Homebush Bay Operations Act 1999* applies to a person exercising functions for the purposes of the Olympic Games on land that is the subject of an order under section 59 of the *Olympic Arrangements Act 2000*, if the order specifies that the EPA is the appropriate regulatory authority for that land, in the same way as it applies to OCA.

34 Modification of environmental impacts

- (1) OCA may declare that any person specified in the declaration may carry out such activities as are so specified, being activities that, in the opinion of OCA, are necessary for, or ancillary to, or otherwise associated with the conduct of the Olympic Games, on such days during the Games period and during such hours as are so specified.
- (2) The specification of a person or activity in a declaration may be by means of a class or description of persons or activities.
- (3) A declaration may prohibit a person from causing, permitting or allowing the emission of noise from premises on which activities are carried out at a noise level which, when measured at any point outside the premises, exceeds a specified level. Such a prohibition may be

enforced as if it were contained in a noise control notice issued under section 264 of the *Protection of the Environment Operations Act 1997*.

- (4) Before making a declaration, OCA must consult with the EPA concerning the proposed terms of the declaration and must also take into consideration the noise impacts, or the likely noise impacts, of the activity or activities on residents.
- (5) A declaration is to be published in the Gazette.
- (6) A declaration takes effect on the day it is published in the Gazette or, if a later day is specified in the declaration for that purpose, on the later day so specified.
- (7) A declaration has effect despite the terms of:
 - (a) the *Protection of the Environment Operations Act 1997* or any other Act, or
 - (b) any instrument made under the *Protection of the Environment Operations Act 1997* or any other Act, or
 - (c) any approval, consent, licence, permission or any other form of authorisation given or granted under any such Act or instrument, or
 - (d) any trust, estate, interest, dedication, reservation, condition, restriction or covenant affecting the land specified in the declaration.
- (8) OCA may amend or repeal a declaration in the same way as it may make a declaration.

35 Effect of declaration

- (1) In this section, ***declaration*** means a declaration made under section 34 of the *Olympic Arrangements Act 2000*.
- (2) During the period for which a declaration has effect, the EPA is the appropriate regulatory authority for the activities to which the declaration applies and the premises on which the activities are carried out, except as provided by section 263 of the *Protection of the Environment Operations Act 1997*.
- (3) A noise control notice under section 264 of the *Protection of the Environment Operations Act 1997* cannot be given to a person to prohibit the person from causing, permitting or allowing anything to be done that is authorised by a declaration.

Clause 35 Olympic Arrangements Bill 2000

Part 8 Protection of the Environment Operations Act 1997

- (4) A complaint cannot be made under section 268 of the *Protection of the Environment Operations Act 1997* in respect of noise emitted in accordance with a declaration.
- (5) A noise abatement direction under section 276 of the *Protection of the Environment Operations Act 1997* cannot be given in respect of noise emitted in accordance with a declaration.

36 Deemed declarations—banks, retail shops and licensed premises

A declaration is taken to have been made under section 34 of the *Olympic Arrangements Act 2000* in relation to:

- (a) the operation by any person of a bank on Saturdays or Sundays during the Games period in accordance with section 13 of the *Olympic Arrangements Act 2000*, and
- (b) the operation by any person of a shop on Sundays during the Games period in accordance with section 15 of the *Olympic Arrangements Act 2000*, and
- (c) the operation by a licensee of licensed premises during extended trading hours in accordance with section 9 of the *Liquor and Registered Clubs (Olympic and Paralympic Games) Act 1999*.

Part 9 Road transport legislation

Division 1 General

37 Definitions—Division 1

(1) In this Division:

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

Olympic lane—see section 40 (3) of the *Olympic Arrangements Act 2000*.

road includes:

- (a) a road related area, and
- (b) a private road, being an area that:
 - (i) is not, or is not generally, open to or used by the public, and
 - (ii) is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

road transport legislation has the same meaning as in the *Road Transport (General) Act 1999*.

transport area has the same meaning as in the *Olympic Roads and Transport Authority Act 1998*.

(2) Words and expressions used in this Division that are defined in the road transport legislation have the same meanings as in that legislation.

38 Relationship with road transport legislation

- (1) This Division is to be construed with and as if it formed part of the road transport legislation.
- (2) In the event of an inconsistency between this Division and the road transport legislation, this Division prevails to the extent of the inconsistency.
- (3) The provisions of this Division and section 72 (Claims for compensation) of the *Olympic Arrangements Act 2000* have effect despite Division 2 of Part 2 of the *Road Transport (General) Act 1999*.

39 Olympic lanes signs

- (1) A sign that is a reasonable likeness (within the meaning of rule 316 (4) of the *Australian Road Rules*) of the following diagram is an *Olympic lane sign* for the purposes of this Division:



- (2) A sign that is a reasonable likeness (within the meaning of rule 316 (4) of the *Australian Road Rules*) of the following diagram is an *end Olympic lane sign* for the purposes of this Division:



- (3) A sign to which this section applies is a prescribed traffic control device for the purposes of Part 4 of the *Road Transport (Safety and Traffic Management) Act 1999*.

40 Use of Olympic lanes

- (1) A driver must not drive, during the Games period, in an Olympic lane unless:
- (a) the driver is driving:
 - (i) a vehicle that displays, in accordance with instructions given by ORTA, a permit issued by ORTA to drive in an Olympic lane, or
 - (ii) a public bus or taxi, or
 - (iii) a police vehicle or an emergency vehicle, or
 - (b) the driver is driving in the Olympic lane in the same circumstances as a driver is permitted to drive in a transit lane under rule 158 of the *Australian Road Rules*.
- Maximum penalty: \$2,200.
- (2) A person may ride a bicycle in an Olympic lane.
- (3) An ***Olympic lane*** is a marked lane, or part of a marked lane:
- (a) beginning at an *Olympic lane sign*, and
 - (b) ending at an *end Olympic lane sign*.
- (4) Words and expressions used in this section that are defined in the *Australian Road Rules* have the same meanings as in those Rules.

41 Issue of Olympic lane permits by ORTA

ORTA may issue a permit authorising the driving of a vehicle in an Olympic lane.

42 Road closures—integrated road and transport services

- (1) This section applies to roads within transport areas, including roads at Homebush Bay.
- (2) The RTA may, at the direction of ORTA, close a road for any length of time during the Games period for the purpose of providing integrated road and transport services for the Olympic Games.
- (3) ORTA must not give a direction under this section unless it has consulted with OCA concerning the direction.
- (4) A road cannot be closed under this section unless the RTA has, not less than 7 days before the proposed closure, given public notice of the proposed closure by a notice published in a daily newspaper circulating in New South Wales.

43 Road closures—Olympic events

- (1) OCA and ORTA may jointly prepare a traffic management plan, or plans, for all roads on which activities associated with the Olympic Games are to be conducted, other than roads at Homebush Bay.
- (2) OCA or ORTA:
 - (a) may control and regulate traffic in any manner and for any purpose, and
 - (b) may temporarily close a road, or part of 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 in the same way as it applies to roads 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 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) A traffic management plan may be amended 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) A road cannot be closed under this section unless the RTA has, not less than 7 days before the proposed closure, given public notice of the proposed closure by a notice published in a daily newspaper circulating in New South Wales.

44 Road closures—short periods

- (1) This section applies to all roads in New South Wales, whether or not the roads are within a transport area.

- (2) The RTA may, at the direction of ORTA, close a road for a period not exceeding 3 consecutive days during the Games period for any of the following purposes:
- (a) facilitating the conduct of the Olympic Games,
 - (b) controlling and regulating vehicular or pedestrian traffic at or near any Olympic venues and facilities,
 - (c) ensuring the safety of persons,
 - (d) protecting property from damage.
- (3) It is not necessary to give public notice of the closure of a road under this section.

45 Road closure to be for shortest possible period

It is the duty of the RTA, ORTA and OCA to ensure that a road is not closed under this Division for a period longer than is necessary to serve the purpose for which the road is closed.

46 Offences relating to road closures

- (1) If, under this Division, 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 an authorised person, and
 - (b) a person in charge of a vehicle situated on the road:
 - (i) who is informed by an authorised person that the road is closed, and
 - (ii) who is directed by an authorised person 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: \$5,000.
- (2) If, under this Division, 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 an authorised person, or

- (b) a person on the road:
- (i) who is informed by an authorised person that the road is closed, and
 - (ii) who is directed by an authorised person to leave the road,
- must leave the road as soon as practicable after the direction is given.

Maximum penalty: \$5,000.

- (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 Division, except as permitted by an authorised person.

Maximum penalty: \$5,000.

- (4) In this section, **authorised person** means a person authorised by the RTA, ORTA or OCA, or a police officer.

47 Effect of road closure

A road, or any part of a road, does not cease to be a road for the purposes of the road transport legislation, 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 Part 9 of the *Olympic Arrangements Act 2000* or any other Act.

48 Removal of unattended motor vehicles—generally

- (1) This section applies to an unattended motor vehicle or trailer that:
- (a) is standing unlawfully, or
 - (b) constitutes a danger to persons or property, or
 - (c) is causing an obstruction.
- (2) At any time from 15 August 2000 until the end of the Games period, ORTA may declare that section 76 of the *Road Transport (Safety and Traffic Management) Act 1999* applies to motor vehicles or trailers to which this section applies on the following places 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:
- (a) an Olympic lane,
 - (b) a road that has been closed under this Division,
 - (c) a specified parking space,

- (d) a road notified by the Minister for the Olympics by order published in the Gazette as an Olympic route,
- (e) a road or area designated by signs erected by ORTA or the RTA as a tow-away area.

49 Removal of unattended motor vehicles—breach of parking restrictions

At any time from 15 August 2000 until the end of the Games period, ORTA may declare that section 76 of the *Road Transport (Safety and Traffic Management) Act 1999* applies to unattended motor vehicles or trailers that are parked on specified roads in breach of a parking restriction 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.

50 Declarations under sections 48 and 49

- (1) A declaration under section 48 or 49 of the *Olympic Arrangements Act 2000* is to be published in a daily newspaper circulating in New South Wales and has effect from the date of publication or, if a later date is specified in the declaration for that purpose, on the later date so specified.
- (2) A declaration is to specify the period for which section 76 of the *Road Transport (Safety and Traffic Management) Act 1999* is to apply. The period so specified cannot include any day that occurs after the Games period.

51 Removal of unattended motor vehicles—emergencies

- (1) At any time from 15 August 2000 until the end of the Games period, the Chief Executive Officer of ORTA may direct an authorised officer to remove an unattended motor vehicle or trailer from a road within a transport area if the Chief Executive Officer is of the opinion that it is necessary to do so.
- (2) The provisions of section 76 (2)–(8) of the *Road Transport (Safety and Traffic Management) Act 1999* apply to the removal of an unattended motor vehicle or trailer in accordance with this section in the same way as they apply to the removal of an unattended motor vehicle or trailer in accordance with that section.
- (3) However, it is not necessary that the unattended motor vehicle or trailer is standing unlawfully.

- (4) In this section, *authorised officer* has the same meaning as in section 76 of the *Road Transport (Safety and Traffic Management) Act 1999*.

52 Deliveries within the Sydney CBD

- (1) This section applies to land, including roads and road related areas, within the City of Sydney.
- (2) ORTA may prepare a traffic management plan, or plans, for the whole or any part of the land to which this section applies.
- (3) A traffic management plan may authorise ORTA, at any time from 15 August 2000 until the end of the Games period, in relation to the land specified in the plan, to do any one or more of the following:
- (a) to regulate or prohibit the making of deliveries by vehicles to, or by means of, the land, and
 - (b) to regulate or prohibit the loading and unloading of vehicles on the land, and
 - (c) to vary or remove restrictions imposed under the road transport legislation, or to impose restrictions, relating to the standing, stopping, parking, loading and unloading of vehicles, and
 - (d) to give directions to the Council of the City of Sydney or any other person concerning the modification of existing signs or the erection of new signs that may be necessary to give effect to the provisions of the plan.
- (4) A provision of a traffic management plan may apply:
- (a) to the whole of the land specified in the plan or to part only of the land, and
 - (b) to all vehicles or vehicles of a specified class or description, and
 - (c) on such day or days as are specified in the plan, and
 - (d) during such periods on those days as are specified in the plan, and
 - (e) according to such other factors as are specified in the plan.
- (5) A traffic management plan is to be prepared in consultation with the RTA and cannot be made unless the RTA has agreed in writing to the plan.

- (6) Notice of the making of a traffic management plan is to be published in the Gazette.
- (7) A traffic management plan takes effect on the day on which notice of its making is published in the Gazette or, if a later day is specified in the notice for that purpose, on the later day so specified.
- (8) Any person may inspect a traffic management plan without charge at the principal office of ORTA at any time during ordinary office hours.
- (9) ORTA may amend a traffic management plan from time to time. This section applies to the amendment of a traffic management plan in the same way as it applies to the making of a traffic management plan.
- (10) A person:
 - (a) who contravenes a provision of a traffic management plan, or
 - (b) who causes another person to contravene a provision of a traffic management plan, or
 - (c) who fails to comply with a direction given by ORTA in accordance with a traffic management plan within the time specified for compliance in the direction,is guilty of an offence.
Maximum penalty (subsection (10)): \$5,000.

Division 2 Roads at Homebush Bay

53 Traffic management plans

- (1) Despite section 10 of the *Homebush Bay Operations Act 1999*, a traffic management plan prepared under that section that is to apply during:
 - (a) the conduct of a special event (within the meaning of the *Olympic Roads and Transport Authority Act 1998*), or
 - (b) the Games period,is to be prepared jointly by OCA and ORTA.
- (2) ORTA is to exercise the functions of OCA under section 10 (2) of the *Homebush Bay Operations Act 1999* in relation to a traffic management plan referred to in subsection (1).

Clause 53 Olympic Arrangements Bill 2000

Part 9 Road transport legislation

Division 2 Roads at Homebush Bay

- (3) This section applies in relation to the amendment of a traffic management plan referred to in subsection (1) in the same way as it applies in relation to such a traffic management plan.

54 Removal of unattended motor vehicles and trailers

During the Games period, the functions of OCA under section 13 of the *Homebush Bay Operations Act 1999* are to be exercised by:

- (a) ORTA, or
- (b) OCA with the consent of ORTA.

Division 3 Enforcement

55 Penalty notices

For the avoidance of doubt, and without limiting the application of any other powers of prosecution or enforcement under the road transport legislation, penalty notices may be issued under the road transport legislation in relation to offences created by Part 9 of the *Olympic Arrangements Act 2000*.

Part 10 Sydney Football Stadium

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

56 Relationship with Sydney Cricket Ground and Sydney Football Stadium By-law 1999

- (1) This Division is to be construed with and as if it formed part of the *Sydney Cricket Ground and Sydney Football Stadium By-law 1999*.
- (2) In the event of an inconsistency between this Division and the *Sydney Cricket Ground and Sydney Football Stadium By-law 1999*, this Division prevails to the extent of the inconsistency.

57 Members entitlements during certain periods relating to the Olympic Games

- (1) During the period from 2 September 2000 to 30 September 2000, inclusive:
 - (a) a member (of any class of membership) is not entitled to exercise any right or privilege of membership, and
 - (b) the holder of a club card or guest card is not entitled to exercise any right or privilege otherwise conferred on such a holder, and
 - (c) a reciprocal member (being a member of a club, association, ground or other body that the Trust has entered into an arrangement with under clause 34 of the *Sydney Cricket Ground and Sydney Football Stadium By-law 1999*) is not entitled to exercise any right or privilege otherwise conferred on the reciprocal member (or reciprocal members generally),

in relation to the Sydney Football Stadium or any part of it, including the right to obtain entry to the Sydney Football Stadium or to use any facilities (such as facilities for eating or drinking or for sport or recreation) provided at or in relation to the Sydney Football Stadium.
- (2) During the period from 15 July 2000 to 31 October 2000, inclusive, a person referred to in subsection (1) is not entitled to exercise any right or privilege of a kind referred to in that subsection to park a vehicle in a car parking area at the Ground.

Clause 57 Olympic Arrangements Bill 2000

Part 10 Sydney Football Stadium

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

- (3) A person referred to in subsection (1) who breaches this section:
- (a) may be ordered to leave the Ground by an authorised person, and
 - (b) if the person refuses to comply with such an order, may be removed from the Ground by an authorised person.

Division 2 Liability of Sydney Cricket and Sports Ground Trust

58 Liability of Sydney Cricket and Sports Ground Trust

- (1) In this section, *the Trust* means the Sydney Cricket and Sports Ground Trust constituted by the *Sydney Cricket and Sports Ground Act 1978*.
- (2) The Trust is not liable:
- (a) for any suit, action or proceeding, or
 - (b) to pay compensation to a member, a guest or club card holder, or a reciprocal club member, or
 - (c) to reimburse a member, a guest or club card holder, or a reciprocal club member, for the whole or a portion of any payment made by the member, guest or club card holder or reciprocal club member to obtain the rights that belong to a member, guest or club card holder or reciprocal club member, as a result of the operation of Part 10 of the *Olympic Arrangements Act 2000* or anything done or omitted to be done by the Trust under the provisions of Part 10.
- (3) The Trust is not liable for negligence or breach of contract because of any statement made in a prospectus or other document concerning the rights of membership generally or during any period that includes the Games period.
- (4) Nothing in this section limits clause 12 of Schedule 1 to the *Sydney Cricket and Sports Ground Act 1978*.

Part 11 General

59 Application of OCA's functions under Homebush Bay Operations Act 1999 to other land

- (1) The Minister, after consultation with the Premier, may, by order, authorise OCA to exercise its functions under the *Homebush Bay Operations Act 1999* and the *Homebush Bay Operations Regulation 1999* (other than its functions in relation to roads at Homebush Bay) on any land in New South Wales that is:
 - (a) a site of any Olympic venues and facilities, or
 - (b) an Olympic Live Site, or
 - (c) land that adjoins or is in the vicinity of a site referred to in paragraph (a) or (b).
- (2) An order must specify or describe the land on which OCA's functions may be exercised.
- (3) An order cannot be made in respect of private land, except with the consent of the owner of the land.
- (4) Before an order that applies to land within the City of Sydney is made, the Minister must obtain the concurrence of the Lord Mayor of the City of Sydney with respect to:
 - (a) the boundaries of the land to which the order is to apply, and
 - (b) the duration of the order.
- (5) An order may do any one or more of the following:
 - (a) it may authorise OCA to exercise all of its functions or such of its functions as are specified or described in the order,
 - (b) it may impose conditions or restrictions on the exercise by OCA of its functions,
 - (c) it may specify that the Environment Protection Authority (constituted by the *Protection of the Environment Administration Act 1991*) is to be the appropriate regulatory authority for the purposes of the *Protection of the Environment Operations Act 1997* for such activities (and subject to such exceptions, if any) as are specified or described in the order,

- (d) it may provide that OCA's functions are to be exercised on or in relation to the land to the exclusion of any other person who might otherwise be lawfully entitled to exercise identical or similar functions on or in relation to the land,
 - (e) it may specify the period during which OCA may exercise those functions.
- (6) Without limiting the ways in which the functions that OCA may exercise in accordance with an order may be specified, they may be specified by any one or more of the following means:
- (a) an order may apply to the land specified or described in the order, with or without modification, specified provisions of the *Homebush Bay Operations Act 1999* and the *Homebush Bay Operations Regulation 1999*, and a provision so applied has effect in accordance with the order,
 - (b) an order may declare that the land specified or described in the order is to be considered to form part of Homebush Bay (or a specified part of Homebush Bay, such as a sportsground) for the purposes of this section,
 - (c) an order may specify such of OCA's functions as are necessary or convenient to be exercised in order to achieve a particular object or purpose relating to the conduct of the Olympic Games.
- (7) For the purposes of the enforcement of an order made under this section, any function that any person (in addition to OCA) has by or under this Act or the regulations may be exercised on or in relation to the land to which the order applies (and any person on that land) in the same way as those functions could be exercised on or in relation to land at Homebush Bay.
- (8) An order is to be published in the Gazette.
- (9) An order takes effect on the day on which it is published in the Gazette or, if a later day is specified in the order for that purpose, on the later day so specified.
- (10) An order that has not earlier ceased to have effect ceases to have effect on 31 December 2000.

(11) In this section:

functions of OCA include functions conferred on OCA by or under this Act or any other law.

private land means land that is not any of the following:

- (a) Crown land within the meaning of the *Crown Lands Act 1989*,
- (b) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*,
- (c) land granted, dedicated or reserved for a public purpose under the *Crown Lands Act 1989*,
- (d) land vested in a Minister of the Crown,
- (e) land vested in or under the control of a public or local authority constituted by or under an Act, or a statutory body representing the Crown,
- (f) land vested in a State owned corporation,
- (g) a public place within the meaning of the *Local Government Act 1993*,
- (h) a common within the meaning of the *Commons Management Act 1989*,
- (i) land vested in a trust or trustees for public recreation or for any other public purpose,
- (j) a road or road related area within the meaning of the *Road Transport (General) Act 1999*,
- (k) a national park, state recreation area, regional park, historic site, nature reserve, state game reserve or Aboriginal area within the meaning of the *National Parks and Wildlife Act 1974*,
- (l) a State forest or flora reserve within the meaning of the *Forestry Act 1916*,
- (m) land that is specified or described in the regulations.

60 Exercise of functions under section 59

- (1) OCA may exercise its functions under section 59 on land notwithstanding any trust, estate, interest, dedication, reservation, condition, restriction or covenant affecting the land.

- (2) OCA may exercise its functions under section 59 on land without having to obtain any approval, consent, licence, permission or any form of authorisation that would, but for this subsection, have to be obtained before those functions may be exercised.
- (3) For the purpose of exercising OCA's functions under section 59 on land that is a private road, the land is taken to be a road within the meaning of the *Homebush Bay Operations Act 1999*.

61 OCA's functions as a roads authority

- (1) This section applies to:
 - (a) a road that is to be used for the purposes of a sporting event that is part of the Olympic Games, and
 - (b) that part of a road that connects with a road referred to in paragraph (a) and is within 20 metres of an alignment of the road with which it connects.
- (2) OCA 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, OCA may, in accordance with a traffic management plan, carry out such works on a road, place such obstructions on a road, erect such structures on a road and do all such other things on or in relation to a road as OCA considers necessary or convenient to enable or facilitate the conduct of the Olympic Games.
- (4) A traffic management plan cannot authorise the carrying out of works on a private road unless the owner or occupier of the private road has consented to the carrying out of the works. 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 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) A traffic management plan may be amended 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) OCA 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) In this section, **road** has the same meaning as in the *Roads Act 1993*, and includes a part of a road.
- (10) This section has effect despite section 7 of the *Roads Act 1993*.

62 Traffic management plans

For the purposes of this Act, a traffic management plan made as referred to in this Act is taken to be a command and control plan made under section 8 (2) (c) of the *Olympic Roads and Transport Authority Act 1998*.

63 Sale and distribution of tickets

- (1) A person must not, within an OCA controlled area:
- (a) sell, or attempt to sell, or
 - (b) supply, or attempt to supply, otherwise than by sale,
- a ticket for admission to an event that is part of the Olympic Games, without the approval of OCA, or an article that is represented to be such a ticket.
- Maximum penalty: \$2,200.
- (2) In this section:
- OCA controlled area** has the same meaning as in section 27.
- 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.

64 Penalty notices for offences against section 63

- (1) An authorised person may serve a penalty notice on a person if it appears to the authorised person that the person has committed an offence against section 63 of the *Olympic Arrangements Act 2000*.
- (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 but wishes to have the offence dealt with under this section, the person may pay, within the time and to the person specified in the notice, a penalty of \$200.
- (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) In this section, **authorised person** includes a person authorised for the purposes of this section by OCA.

65 Control of airspace

- (1) In this section:
 - Airservices Australia** means the body established by section 7 (1) of the *Air Services Act 1995* of the Commonwealth.
 - restricted air space** means air space that Airservices Australia has declared under relevant Commonwealth law to be restricted airspace in relation to:
 - (a) an Olympic venue or facility, or
 - (b) an Olympic Live Site.
- (2) A person must not, between 2 September 2000 and 4 October 2000, both dates inclusive, cause an aircraft to enter, or operate an aircraft within, restricted air space without:
 - (a) the accreditation of OCA under this section, and

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- (b) an air traffic clearance given by Airservices Australia under relevant Commonwealth law.

Maximum penalty: \$250,000.

- (3) An application for the accreditation of OCA under this section may be made in such form and manner as is determined by OCA.
- (4) OCA may determine an application by granting the application, unconditionally or subject to conditions, or by refusing the application.
- (5) For the purposes of this section, OCA may grant accreditation to an aircraft, or to classes or descriptions of aircraft, if in its opinion the operation of the aircraft (or an aircraft of that class or description) within restricted air space will not adversely affect the organisation or conduct of the Olympic Games, or any Olympic Games event or activity, or commercial arrangements relating to the Olympic Games, or any Olympic Games event or activity.
- (6) The determination of OCA with respect to an application for accreditation is final.
- (7) This section does not apply to the operation of:
- (a) a military aircraft, or an aircraft of the New South Wales Police Service, when being operated for military, security or emergency purposes, or
- (b) an aircraft when being operated exclusively for emergency purposes relating to human life or safety, or the protection of property.

66 Prohibition of certain advertising on buildings and structures

- (1) This section applies to the land to which clause 11C of *State Environmental Planning Policy No 38—Olympic Games and Related Projects* applies.
- (2) A person who is the owner or occupier or the holder of a lease or licence relating to a building or structure on land to which this clause applies must not cause or permit any advertising material to be fixed to or placed on, or to remain on, the building or structure, except as authorised or permitted by OCA.
- (3) OCA may obliterate or remove any advertising material on a building or structure in contravention of this section.
- (4) In exercising its powers under subsection (3), OCA must cause as little damage as possible.

- (5) This section does not apply to the following advertising material:
 - (a) advertising material:
 - (i) that has an area of not more than 5 square metres, or
 - (ii) comprising a series of related advertisements that together have an area of not more than 5 square metres,
 - (b) advertising material referred to in clause 11C (3) (a)–(d) of *State Environmental Planning Policy No 38—Olympic Games and Related Projects*,
 - (c) advertising material that is exempted from this section by the regulations.
- (6) OCA must not exercise its powers under this section in relation to land within the City of Sydney unless it has consulted the Council of the City of Sydney concerning the exercise of those functions.
- (7) This section has effect from 2 September 2000 until 31 October 2000, both dates inclusive.

67 Prohibition of certain aerial advertising

- (1) This section applies to airspace that is within sight of:
 - (a) an Olympic venue or facility, or
 - (b) an Olympic Live Site.
- (2) A person must not, between 2 September 2000 and 4 October 2000, both dates inclusive, display an advertisement, or cause an advertisement to be displayed, in airspace to which this section applies, except with the approval of OCA.
Maximum penalty: \$250,000.
- (3) An application for the approval of OCA under this section may be made in such form and manner as is determined by OCA.
- (4) OCA may determine an application by granting the application, unconditionally or subject to conditions, or by refusing the application.
- (5) For the purposes of this section, OCA may grant approval to a person, or to classes or descriptions of persons, if in its opinion the display of the advertisement will not adversely affect the organisation or conduct of the Olympic Games, or any Olympic Games event or activity, or commercial arrangements relating to the Olympic Games, or any Olympic Games event or activity.

- (6) The determination of OCA with respect to an application for approval is final.
- (7) For the purposes of this section:
advertisement includes the following:
- (a) skywriting or signwriting by an aircraft,
 - (b) a banner, or other sign, towed by or attached to an aircraft,
 - (c) matter displayed on an aircraft, other than its normal markings and livery,
 - (d) matter displayed on a hang glider, parachute, paraglider or similar device, other than its normal markings, or on a banner or sign attached to a hang glider, parachute, paraglider or similar device,
 - (e) a banner, or other sign, attached to a person suspended from a hang glider, parachute, paraglider or similar device,
 - (f) matter displayed on a flag, other than a state or national flag, that has an area of more than 5 square metres.

aircraft includes an airship or a balloon.

68 Commercial broadcasting, telecasting, recording or filming

- (1) A person must not, without the approval of OCA:
- (a) broadcast, telecast, or transmit by any means whatever, any sound or image of an Olympic Games event or activity, or any part of an Olympic Games event or activity, or
 - (b) make any sound recording, or any film, television, video or digital recording of moving images, of an Olympic Games event or activity, or any part of an Olympic Games event or activity,

for profit or gain or for a purpose that includes profit or gain, at or from a place within or outside an Olympic venue or facility, or an Olympic Live Site.

Maximum penalty: \$250,000.

- (2) An application for the approval of OCA under this section may be made in such form and manner as is determined by OCA.

- (3) OCA may determine an application by granting the application, unconditionally or subject to conditions, or by refusing the application, but is taken to have granted approval (without any application being necessary) to a person in respect of any activity referred to in or contemplated by subsection (1) that the International Olympic Committee has licensed or otherwise authorised the person to carry out.
- (4) For the purposes of this section, OCA may grant approval to a person, or to classes or descriptions of persons, if in its opinion the broadcast, telecast or transmission, or the making of the recording, will not adversely affect the organisation or conduct of the Olympic Games, or any Olympic Games event or activity, or commercial arrangements relating to the Olympic Games, or any Olympic Games event or activity.
- (5) The determination of OCA with respect to an application for approval is final.
- (6) A person authorised by OCA may take possession of any article that is used by a person in contravention of this section if 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 section, and may use reasonable force to do so.
- (7) 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.
- (8) 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.
- (9) 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.

(10) The deadline for 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.

(11) In this section:

article means any article, equipment or other thing.

authorised person means a person who is authorised by OCA.

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

69 Authorisations for section 51 of the Trade Practices Act 1974 (Cth) and Competition Code

(1) The following:

- (a) any agreements entered into before or after the commencement of this section by SOCOG or SPOC relating to or in connection with the Paralympic Games including but not limited to the granting by SOCOG or SPOC of sponsorship or licence rights or rights relating to the manufacture, distribution, marketing or sale of goods or services associated with the Paralympic Games, and
- (b) the conduct of the parties in entering into any such agreements, and
- (c) the conduct of the parties in performing any such agreements and any matter or thing done or omitted to be done by any of the parties in performing any such agreements,

are specifically authorised by this Act for the purposes of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*.

(2) In this section:

agreement includes a contract, arrangement or understanding.

SPOC means Sydney Paralympic Organising Committee Limited (ACN 066 669 509).

the Paralympic Games means the Paralympic Games to be held in Sydney in the month of October in the year 2000.

70 Validation of certain approvals (including building approvals)

- (1) An approval granted, or purporting to have been granted, before the commencement of this section by OCA in accordance with Chapter 7 of the *Local Government Act 1993* and the regulations under that Act (whether or not as continued in force by clause 20 of Schedule 6 to the *Environmental Planning and Assessment Act 1979*) is validated (to the extent of any invalidity).
- (2) An approval validated by this section is taken:
 - (a) to be an approval that is in force under the *Local Government Act 1993* (as continued in force by clause 20 of Schedule 6 to the *Environmental Planning and Assessment Act 1979*), and
 - (b) to have been duly granted in accordance with the *Local Government Act 1993* and otherwise in accordance with law, and
 - (c) to have been duly granted on the date on which it was granted, or purported to be granted, and thereafter to be, and to have been at all relevant times, a valid approval.

71 Nature of functions conferred by this Act

Subject to this Act, the powers, authorities, duties and functions conferred or imposed by or under this Act are in addition to any powers, authorities, duties and functions conferred or imposed by or under any other Act or law.

72 Claims for compensation

- (1) No act or omission of a person in good faith in purported administration or execution of a provision of this Act or the regulations gives rise to any civil liability against:
 - (a) the person, or
 - (b) the State or an authority of the State, or
 - (c) a council (within the meaning of the *Local Government Act 1993*).
- (2) This section does not limit or otherwise affect the civil liability of a person for negligence that causes personal injury to a person or the death of a person.

73 No liability in nuisance

Anything done or omitted to be done by any person:

- (a) in the exercise of functions under this Act or the regulations (including functions which, by this Act, are taken to be functions under another Act or instrument), or
- (b) pursuant to any of the provisions of this Act or the regulations (including provisions which, by this Act, are taken to be provisions of another Act or instrument),

does not constitute a nuisance.

74 Enforcement

For the avoidance of doubt it is declared that, if, by this Act, any of its provisions are to be construed with and as if they formed part of any other Act or statutory instrument, those provisions may be enforced in accordance with the provisions for the enforcement of those Acts or statutory instruments.

75 Proceedings for offences

- (1) Proceedings for an offence against a provision of this Act that is to be construed with and as if it formed part of another Act or an instrument may be dealt with under the other Act or the instrument as if the offence were an offence against a provision of that other Act or instrument.
- (2) Proceedings for an offence against a provision of this Act that is not to be construed with and as if it formed part of another Act or an instrument may be dealt with summarily before a Local Court constituted by a Magistrate sitting alone or before the Supreme Court in its summary jurisdiction.
- (3) If proceedings for an offence to which subsection (2) applies are brought in a Local Court constituted by a Magistrate, the maximum penalty that the court may impose in respect of the offence is, despite any other provision of this Act, \$25,000 or the maximum penalty provided by this Act, whichever is the lesser.
- (4) If proceedings for an offence to which subsection (2) applies are brought in the Supreme Court in its summary jurisdiction, the Supreme Court may impose a penalty not exceeding the maximum penalty provided by this Act in respect of the offence.

76 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.

77 Amendment of Homebush Bay Operations Regulation 1999

- (1) The *Homebush Bay Operations Regulation 1999* is amended as set out in Schedule 2.

Note. Section 30B of the *Interpretation Act 1987* provides that the amendment of a statutory rule (such as the *Homebush Bay Operations Regulation 1999*) by an Act does not prevent its later amendment or repeal by another statutory rule.

- (2) Sections 39, 40 and 41 of the *Interpretation Act 1987* do not apply to the amendments set out in Schedule 2.

78 Regulations

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.

79 Administration of this Act

- (1) Parts 1 and 11 of this Act are to be administered by the Minister for the Olympics.
- (2) A Part of this Act that is to be construed as if it formed part of another Act or an instrument is to be administered by the Minister administering that other Act or the instrument.
- (3) This section is subject to any determination of the Premier.

80 Expiry of Act

This Act expires on 31 December 2000.

Schedule 1 Greater Metropolitan Sydney

(Sections 13 (1) and 15 (1))

The cities of:

Bankstown	Hawkesbury	Rockdale
Blacktown	Holroyd	Ryde
Blue Mountains	Hurstville	South Sydney
Botany Bay	Liverpool	Sydney
Campbelltown	Parramatta	Willoughby
Canterbury	Penrith	
Fairfield	Randwick	

The local government areas of:

Ashfield	Hunters Hill	North Sydney
Auburn	Kogarah	Pittwater
Baulkham Hills	Ku-ring-gai	Strathfield
Burwood	Lane Cove	Sutherland
Camden	Leichhardt	Warringah
Concord	Manly	Waverley
Drummoyne	Marrickville	Wollondilly
Hornsby	Mosman	Woollahra

Schedule 2 Amendment of Homebush Bay Operations Regulation 1999

(Section 77)

[1] Clause 5 Other controls

Insert after clause 5 (1) (a):

- (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,

[2] Clause 18A

Insert after clause 18:

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.

[3] Clause 20 Conditions attaching to authorisations

Insert “an authorisation or with” after “with” in clause 20 (3).

[4] Schedule 1 Penalty notice offences and short descriptions

Insert in Columns 1, 2, 3 and 4, respectively, after the matter relating to clause 14 of the *Homebush Bay Operations Regulation 1999*:

clause 18A	7254 ENY	breach ticket conditions	\$150
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