



New South Wales

# World Youth Day Amendment Regulation 2008

under the

World Youth Day Act 2006

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *World Youth Day Act 2006*.

JOHN WATKINS, M.P.,  
Deputy Premier

## Explanatory note

The object of this Regulation is to amend the *World Youth Day Regulation 2008* to make provision for a number of matters under the *World Youth Day Act 2006* (***the Act***). In particular, the Regulation:

- (a) prescribes the types of articles that may not be sold or distributed without the approval of World Youth Day Co-ordination Authority (***the Authority***) in certain Authority controlled areas during the sales control period specified under section 46 of the Act (proposed clause 4 (1)), and
- (b) deals with applications for such approvals under section 47 of the Act (proposed clause 4 (2)–(5)), and
- (c) provides for an exemption from the prohibition under section 46B of the Act against certain advertising material on buildings or structures in declared advertising controlled sites for material that was fixed to or placed on the building or structure before the area became an advertising controlled site (proposed clause 5 (1)), and
- (d) provides that the Authority may remove that exemption in certain circumstances (proposed clause 5 (2)), and
- (e) prescribes dates and locations so as to determine what airspace is advertising controlled airspace for the purposes of section 46C of the Act and for which periods it is so controlled (proposed clause 6), and
- (f) empowers police officers and authorised members of the State Emergency Service and the Rural Fire Service to direct a person within a World Youth Day declared area to cease engaging in conduct that is a risk to the safety of the person or others, causes

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- annoyance or inconvenience to participants in a World Youth Day event or obstructs a World Youth Day event (proposed clause 7 (1)), and
- (g) makes it an offence (carrying a maximum penalty of 50 penalty units, currently \$5,500) to fail, without reasonable excuse, to comply with such a direction (proposed clause 7 (2)), and
  - (h) provides that a person's entry to a World Youth Day declared area (or any part of a declared area) is subject to the condition that the person must comply with such of the following requests as may be made of the person:
    - (i) a request by a search officer (being a police officer or a member of an SES unit or the NSW Rural Fire Service, but only where assisting officers at a point of entry) that the person undergo a search conducted by electronic means (such as by passing an electronic detection device over or in close proximity to the person or by the person passing through a detection device),
    - (ii) a request by a search officer that the person allow a search of articles in the person's possession and identify articles in the person's possession,
    - (iii) a request by a search officer that the person remove his or her overcoat, coat or jacket or similar article of clothing and any gloves, shoes and hat (or other headwear), and allow an examination of those items,
    - (iv) if the person enters in a vehicle or vessel—a request by a search officer that the person open the vehicle or vessel, or part of it, for inspection and allow the vehicle, vessel or part to be searched (proposed clause 8 (1)), and
  - (i) provides that such a search officer may exclude a person who refuses such a request from entry to the World Youth Day declared area or part of the area concerned (proposed clause 8 (2)), and
  - (j) provides that the Authority may appoint employees of local councils as rangers under the Act (proposed clause 9), and
  - (k) provides for the issue of penalty notices for contraventions of certain provisions of the Act and the *World Youth Day Regulation 2008* (proposed clause 10 and proposed Schedule 1).

This Regulation is made under the *World Youth Day Act 2006*, including sections 46, 46B, 46C, 54, 55 and 58 (the general regulation-making power).

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### **1 Name of Regulation**

This Regulation is the *World Youth Day Amendment Regulation 2008*.

### **2 Amendment of World Youth Day Regulation 2008**

The *World Youth Day Regulation 2008* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 2)

[1] **Part 1, heading**

Insert before clause 1:

#### **Part 1 Preliminary**

[2] **Part 2, heading**

Insert before clause 2A:

#### **Part 2 General**

[3] **Clauses 4–8, Part 3 and Schedule 1**

Insert after clause 3:

**4 Sale and distribution of articles in certain public places: section 46 of the Act**

- (1) For the purposes of the definition of *prescribed article* in section 46 (10) of the Act, the following classes of articles are prescribed:
- (a) items of food and drink,
  - (b) religious items (for example, rosary beads, candles, candle holders, prayer tokens and prayer cards),
  - (c) items of apparel, including headwear, (for example, t-shirts, jumpers, jackets, pants, pyjamas, singlets, tank tops, shorts, wet weather jackets, caps, visors and hats),
  - (d) clothing accessories (for example, scarves, bandannas, socks, shoes and thongs),
  - (e) jewellery,
  - (f) giftware (for example, key rings, lapel pins, zipper pulls, magnets, removable tattoos, button badges, wristbands, mobile phone accessories, computer accessories, sunglasses, stickers and photo frames),
  - (g) hardgoods (for example, bottles, mugs, plates, spoons, ceramics and umbrellas),
  - (h) stationery,
  - (i) textiles (for example, beach towels and tea towels),
  - (j) philatelic and numismatic articles (for example, coins, postage stamps, envelopes and first day covers).

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- (2) An application for an approval to sell or distribute a prescribed article under section 46 of the Act must:
- (a) be made in writing, and
  - (b) be accompanied by the application fee determined by the Authority, and
  - (c) contain such information, and be accompanied by such documentation, as to enable the Authority to properly consider and determine the application, and
  - (d) be lodged with the Authority at least 7 days (or such shorter period as the Authority may allow) before the proposed sale or distribution to which it relates is to take place.
- (3) The Authority may require an applicant for an approval to provide further information or documentation before the application is determined.
- (4) The Authority may waive an application fee referred to in subclause (2) (b).
- (5) The Authority may determine an application by granting the application, unconditionally or subject to conditions, or by refusing the application.
- 5 Prohibition of certain advertising on buildings and structures: section 46B (8) (b)**
- (1) Advertising material fixed to or placed on a building or structure in an area that is an advertising controlled site (other than an area that is a World Youth Day declared area) is exempted from section 46B of the Act if the material was fixed or placed before the area became an advertising controlled site.
  - (2) Advertising material ceases to be so exempt if the Authority serves a notice on a person who is the relevant owner or occupier of, or the holder of a lease or licence relating to, the building or structure to or on which the advertising material is fixed or placed stating that, in the opinion of the Authority, the material is obscene, offensive to the public or otherwise inappropriate in the circumstances.
- 6 Prohibition of certain aerial advertising: section 46C**
- (1) The airspaces that are within the unaided sight of Randwick Racecourse and the Barangaroo site are ***advertising controlled airspace*** for the purposes of section 46C (1) of the Act for the period that begins on 15 July 2008 and ends on 20 July 2008 (inclusive).

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- (2) Each World Youth Day venue or facility specified in Column 1 of the Table to this subclause is prescribed for the purposes of section 46C of the Act, but only for the period (or periods) prescribed for each such venue or facility in Column 2 of that Table.

Column 1	Column 2
Sydney Olympic Park	15–18 July 2008 (inclusive)
The Domain	15–18 July 2008 (inclusive)
Royal Botanic Gardens	15–18 July 2008 (inclusive)
Sydney Opera House	15–18 July 2008 (inclusive)
Centennial Park	15–20 July 2008 (inclusive)
Darling Harbour (within the meaning of Part 3 of the <i>Sydney Harbour Foreshore Authority Regulation 2006</i> )	15–18 July 2008 (inclusive)
Sydney Harbour Bridge	14–19 July 2008 (inclusive)
Central Railway Station	14–20 July 2008 (inclusive)
Hyde Park	15–18 July 2008 (inclusive)
Saint Mary’s Roman Catholic Cathedral	17–20 July 2008 (inclusive)
Sydney Harbour east of the line between Ballast Point and Balls Head (including Darling Harbour, Blackwattle Bay and Johnston Bay) and west of the line between Bradleys Head and Point Piper	14 July 2008 and 17–19 July 2008 (inclusive)
Pilgrim Walking Route as shown on the map entitled “World Youth Day—Pilgrimage walking route” prepared by the Authority and dated 29 May 2008 and deposited in the office of the Authority	19 July 2008
<b>Note.</b> A copy of the map is available on the Authority’s website ( <a href="http://www.wydca.nsw.gov.au">www.wydca.nsw.gov.au</a> ).	

**7 Control of conduct within World Youth Day declared areas**

- (1) An authorised person may direct a person within a World Youth Day declared area to cease engaging in conduct that:
  - (a) is a risk to the safety of the person or others, or
  - (b) causes annoyance or inconvenience to participants in a World Youth Day event, or
  - (c) obstructs a World Youth Day event.
- (2) A person must not, without reasonable excuse, fail to comply with a direction given to the person under subclause (1).  
Maximum penalty: 50 penalty units.
- (3) A person is not guilty of an offence under this clause unless it is established that the authorised person warned the person that a failure to comply with the direction is an offence.
- (4) In this clause, *authorised person* means:
  - (a) a police officer, or
  - (b) a member of an SES unit (within the meaning of the *State Emergency Service Act 1989*) or a member of the NSW Rural Fire Service, but only if the member is authorised by the Authority in writing for the purposes of this clause.

**8 Request to undergo search as condition of entry to World Youth Day declared areas**

- (1) For the purpose of promoting safety and security within a World Youth Day declared area, a person's entry to the World Youth Day declared area (or any part of the area) is subject to the condition that the person must comply with such of the following requests as may be made of the person:
  - (a) a request by a search officer that the person undergo a search conducted by electronic means (such as by passing an electronic detection device over or in close proximity to the person or by the person passing through a detection device),
  - (b) a request by a search officer that the person allow a search of articles in the person's possession and identify articles in the person's possession,
  - (c) a request by a search officer that the person remove his or her overcoat, coat or jacket or similar article of clothing and any gloves, shoes and hat (or other headwear), and allow an examination of those items,

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- (d) if the person enters in a vehicle or vessel—a request by a search officer that the person open the vehicle or vessel, or part of it, for inspection and allow the vehicle, vessel or part to be searched.
- (2) A search officer may exclude a person who refuses such a request from entry to the World Youth Day declared area or part of the area concerned. Reasonable force may be used to effect the person's exclusion.
- (3) In this clause, *search officer* means:
  - (a) a police officer, or
  - (b) a member of an SES unit (within the meaning of the *State Emergency Service Act 1989*) or a member of the NSW Rural Fire Service, but only where the member is assisting one or more police officers at a point of entry to a World Youth Day declared area or part of such an area.

### Part 3 Miscellaneous

#### 9 Rangers: section 54

Persons who are employees of local councils are prescribed for the purposes of section 54 (1) of the Act.

#### 10 Penalty notices: section 55

For the purposes of section 55 of the Act:

- (a) each offence arising under 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 relation to the offence in Column 2 of Schedule 1.



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**Schedule 1    Penalty notice offences**

(Clause 10)

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
<b>World Youth Day Act 2006</b>	
Section 21 (1)	\$300
Section 27	\$300
Section 45 (2)	\$2,000
Section 46 (3) or (5)	\$1,000
<b>World Youth Day Regulation 2008</b>	
Clause 7 (2)	\$300

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