

# World Youth Day Act 2006 No 106

[2006-106]



New South Wales

## Status Information

### Currency of version

Historical version for 13 December 2007 to 30 June 2008 (accessed 6 December 2023 at 19:41)

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

### Provisions in force

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

### Notes—

- **Does not include amendments by**
  - Miscellaneous Acts (Local Court) Amendment Act 2007 No 94* (not commenced)
  - Road Transport (Safety and Traffic Management) Amendment (Law Revision) Regulation 2008 (189)* (GG No 69 of 13.6.2008, p 5357) (not commenced — to commence on 1.7.2008)
- **See also**
  - Australian Jockey Club Bill 2008*
  - Statute Law (Miscellaneous Provisions) Bill 2008*
- **Note**

The Act is to be repealed on 1.1.2009 by sec 62 of this Act.

### Authorisation

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

File last modified 13 June 2008

# World Youth Day Act 2006 No 106



New South Wales

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# World Youth Day Act 2006 No 106



New South Wales

An Act to constitute a World Youth Day Co-ordination Authority, to confer certain functions on the Authority and to provide for the co-operation of other government agencies in the planning, co-ordination and delivery of government services in relation to World Youth Day 2008 and related events; and for other purposes.

## Part 1 Preliminary

### 1 Name of Act

This Act is the *World Youth Day Act 2006*.

### 2 Commencement

This Act commences on a day or days to be appointed by proclamation.

### 3 Definitions

(1) In this Act:

**Advisory Board** means the Advisory Board established under section 9.

**AJC** means the club known as the Australian Jockey Club as referred to in the *Australian Jockey Club Act 1873*.

**Authority** means the World Youth Day Co-ordination Authority constituted by section 5.

**Barangaroo site** means the land comprised in Lots 3 and 5, DP 876514.

**Chief Executive Officer** means the Chief Executive Officer of the Authority holding office as such under Chapter 1A of the *Public Sector Employment and Management Act 2002*.

**exercise** a function includes perform a duty.

**function** includes a power, authority or duty.

**government agency** means:

- (a) a public authority constituted by or under an Act, or
- (b) a NSW Government agency, or
- (c) a Division of the Government Service, or
- (d) a local authority, or
- (e) a State owned corporation,

but does not include the Authority or the NSW Police Force.

**member of staff of the Authority** means a person employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in a Division of the Government Service to enable the Authority to exercise its functions.

**Randwick Racecourse** means:

- (a) the land comprised in Certificate of Title Folio Identifier 1/130234, and
- (b) the land comprised in Certificate of Title Folio Identifier 1642/752011, and
- (c) the land comprised in Certificate of Title Folio Identifier 1588/752011, and
- (d) the land comprised in Lot 72, DP 1062908 and Lot 73, DP 1062906,

and includes:

- (e) any buildings, structures, fixtures and fittings on that land, and
- (f) any chattels of the AJC (or held in trust for, or in the custody, control or possession of, the AJC) on that land.

**ranger** means a person appointed as a ranger under section 54.

**road and transport plan** means a plan prepared by the Authority that sets out policies and procedures to be followed in relation to the provision of integrated road and transport services in relation to a World Youth Day event.

**the State** includes the Crown in right of the State and the Government of the State.

**traffic** includes vehicular traffic, pedestrian traffic, cyclist traffic and all other kinds of traffic.

**transport area** means a transport area declared under Division 1 of Part 5.

**World Youth Day declared area**—see section 3A.

**World Youth Day event** means any event determined by the Authority to be an event associated with World Youth Day 2008.

**World Youth Day period**—see section 3B.

**World Youth Day venue or facility** means a World Youth Day declared area and any other venue or facility that is required for hosting a World Youth Day event, and includes the following:

- (a) media centres and other communications facilities for the media,
- (b) lodgings and other accommodation for persons attending such an event,
- (c) transport and other physical infrastructure associated with any of the above venues or facilities,
- (d) any other development (within the meaning of the [Environmental Planning and Assessment Act 1979](#)) determined by the Authority to be required for, or as associated with, a World Youth Day event.

**WYD 2008** means the company registered under the [Corporations Act 2001](#) of the Commonwealth as WYD 2008 (ACN 118 060 987).

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

### **3A World Youth Day declared areas**

- (1) For the purposes of this Act, a **World Youth Day declared area** is any area that is designated to be a World Youth Day declared area by an order under this section.
- (2) The Minister may, by order published in the Gazette, designate any area that the Minister determines is required for hosting a World Youth Day event, or for the provision of services in relation to a World Youth Day event, to be a declared area for the period (if any) specified in the order.

**Note—**

The Minister may amend or repeal an order made under this section. See section 43 of the [Interpretation Act 1987](#).

- (3) An area is a declared area for the purposes of this Act only for:
  - (a) the period specified in the order, or
  - (b) if no period is specified in the order—the World Youth Day period or, if the World Youth Day period has already commenced, the remainder of that period.
- (4) An order under this section may be made before or during the World Youth Day period.

### **3B Meaning of “World Youth Day period”**

- (1) For the purposes of this Act, **World Youth Day period** means the period:



- (a) commencing at the beginning of 1 July 2008, and
  - (b) ending at the end of 31 July 2008 (or such later day as may be prescribed by the regulations).
- (2) A regulation made for the purposes of subsection (1) (b):
- (a) may not prescribe a day that is later than 31 December 2008, and
  - (b) may limit the extension of the World Youth Day period to specified provisions of this Act, and
  - (c) may be made only before or during the World Youth Day period (or, if the period has been extended under paragraph (a) only in relation to a specified provision of this Act, during that extended period but only in relation to that specified provision).

#### **4 Effect of Act on police powers and other matters**

Nothing in this Act:

- (a) affects the lawful exercise of powers by a police officer, or
- (b) authorises the Authority to direct that members, facilities or other resources of the NSW Police Force be used to enable the Authority to exercise the Authority's functions under this Act.

## **Part 2 Constitution and management of Authority**

### **5 Constitution of Authority**

There is constituted by this Act a corporation with the corporate name of the World Youth Day Co-ordination Authority.

### **6 Status of Authority**

The Authority is a NSW Government agency.

### **7 Ministerial control**

The Authority is subject to the control and direction of the Minister in the exercise of its functions.

### **8 Chief Executive Officer of the Authority**

- (1) The Chief Executive Officer is responsible for the day-to-day management of the affairs of the Authority.
- (2) Any act, matter or thing done in the name of, or on behalf of, the Authority by the Chief Executive Officer is taken to have been done by the Authority.

## **9 Advisory Board**

- (1) There is to be an Advisory Board of the Authority.
- (2) The principal function of the Advisory Board is to provide advice to the Chief Executive Officer on the following:
  - (a) any matter referred to the Advisory Board by the Chief Executive Officer,
  - (b) any matter referred to the Advisory Board by a member of the Board,
  - (c) overall planning and logistics for World Youth Day events,
  - (d) matters that impact on the New South Wales Government's commitments in relation to World Youth Day events.
- (3) The Advisory Board is to consist of the following members:
  - (a) the Minister (who is to be the Chairperson of the Advisory Board),
  - (b) the Director-General of the Premier's Department,
  - (c) the Chief Executive Officer of the Authority,
  - (d) the Chief Operating Officer of WYD 2008,
  - (e) such other members as the Minister may appoint to represent government agencies that, in the opinion of the Minister, will be involved in the provision of services for World Youth Day events.
- (4) The members of the Advisory Board are honorary members and no remuneration is payable to them in respect of the duties they perform as members. The members are however entitled to be reimbursed for reasonable expenses (such as for travel or accommodation) that they may incur in attending meetings of the Advisory Board.
- (5) Subject to the regulations, the term of office of appointed members of the Advisory Board, the procedure for calling meetings of the Board and the conduct of business at those meetings are to be determined by the Minister.

## **10 Advisory committees**

- (1) The Advisory Board may establish advisory committees to assist it in the exercise of its functions or for the purposes of public consultation.
- (2) Any or all of the members of an advisory committee may be persons who are not members of the Advisory Board.
- (3) The procedure for the calling of meetings of an advisory committee and for the conduct of business at those meetings is to be as determined by the Advisory Board or (subject to any determination of the Advisory Board) by the committee.

## **11 Delegation of Authority's functions**

- (1) The Authority may delegate to an authorised person any of its functions, other than this power of delegation.
- (2) A delegate may sub-delegate to an authorised person any function delegated by the Authority if the delegate is authorised in writing to do so by the Authority.
- (3) In this section, **authorised person** means:
  - (a) a member of the Advisory Board, or
  - (b) a member of staff of the Authority, or
  - (c) a government agency or member of staff of a government agency, or
  - (d) a member of the NSW Police Force, or
  - (e) a person, or committee of persons, of a class approved by the Minister or prescribed by the regulations.

## **Part 3 Functions of Authority**

### **12 Functions—generally**

- (1) The principal function of the Authority is to develop policies, strategies and plans for the delivery of, and to co-ordinate and manage the delivery of, integrated government services for World Youth Day events.
- (2) The Authority also has the following functions in relation to World Youth Day events:
  - (a) to establish a command structure for the provision of integrated government services, including the preparation and implementation of road and transport plans,
  - (b) to consult with relevant government agencies and the NSW Police Force in the preparation of road and transport plans,
  - (c) to notify relevant government agencies and the NSW Police Force of the making or amendment of a road and transport plan,
  - (d) to co-ordinate and manage the road network, including pedestrian movements and motor vehicle traffic on roads,
  - (e) to co-ordinate and manage the delivery of public transport services,
  - (f) to develop and manage the government's communication and public information strategy,
  - (g) to perform, co-ordinate, monitor, advise and report on the government's

commitments to WYD 2008,

- (h) to liaise with NSW Government agencies and the NSW Police Force on World Youth Day matters,
  - (i) to be the principal NSW Government agency for liaison with other State and Territory Governments, the Commonwealth Government, WYD 2008 and the Catholic Church on World Youth Day matters,
  - (j) to provide advice to the New South Wales Government on World Youth Day matters.
- (3) The Authority may do all such supplemental, incidental or consequential acts as may be necessary or expedient for the exercise of its functions.
- (4) The Authority may exercise its functions in or outside New South Wales.
- (5) The Authority cannot, however, employ any staff.

**Note—**

Staff may be employed under Chapter 1A of the [Public Sector Employment and Management Act 2002](#) in the Government Service to enable the Authority to exercise its functions.

- (6) The Authority has such other functions as are conferred or imposed on it by or under this or any other Act.

### **13 Other functions concerning land**

The Authority may, with the consent of the owner of any land, exercise in relation to the land any function that it could so exercise if it were the owner of the land.

## **Part 4 Co-ordination and co-operation of government agencies**

### **14 Obligations of government agencies**

A government agency has the following obligations in respect of World Youth Day events:

- (a) to co-operate with the Authority in the exercise of the Authority's functions, including complying with any reasonable request of the Authority for information to enable the Authority to exercise its functions,
- (b) to comply with the Authority's road and transport plan for a World Youth Day event in respect of which it has received notification by the Authority,
- (c) to provide resources and assistance in accordance with any request of the Authority that is authorised by or under this Act,
- (d) to notify the Authority of any proposed exercise of the agency's functions that may impact adversely on the exercise of the Authority's functions.

## **15 Powers of government agencies**

Despite the provisions of any other Act or law, a government agency is:

- (a) authorised to exercise any of its functions in order to comply with a request, direction or decision of the Authority made or given under this Act, and
- (b) authorised and empowered to enter into agreements for the purposes of this Act with the Authority and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

### **15A Minister may direct government agencies to co-operate**

- (1) The Minister may, by notice in writing given to a prescribed government agency, direct the agency to comply with a request, direction or decision of the Authority made or given under this Act.
- (2) In this section, **prescribed government agency** means a government agency prescribed by the regulations for the purposes of this section.

## **Part 5 Management of roads and traffic**

### **Division 1 Transport areas**

#### **16 Declaration of transport areas**

- (1) The Minister may, by order published in the Gazette, declare an area specified in the order to be a transport area.
- (2) The Minister may make an order under this section only if the Minister is satisfied that the order is required to enable integrated road and transport services to be provided for a World Youth Day event.
- (3) As soon as practicable after making an order under this section, the Minister is to cause a copy of the order to be given to any government agency that has any of the functions referred to in section 17 (1) in the transport area concerned.
- (4) A transport area order takes effect on the day the order is published in the Gazette or on a later day specified in the order.
- (5) A transport area order remains in force for the period specified in the order.

#### **17 Government agencies to comply with Authority's directions**

- (1) The Authority may direct a government agency to exercise in a particular way any of the following functions that the government agency has in a transport area:
  - (a) any function relating to the provision of transport,

- (b) any function relating to the regulation or movement of traffic,
- (c) any function relating to the provision, regulation or prohibition of parking,
- (d) any function that might impact on any of the functions of a government agency referred to in paragraph (a), (b) or (c).

(2) A government agency is to comply, as far as is reasonably possible, with a direction given to it under this section.

## **Division 2 Road transport legislation**

### **18 Definitions—Division 2**

(1) In this Division:

**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 2005](#).

**WYD08 lane**—see section 21 (3).

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

### **19 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) However, unless otherwise specified, in this Division:
  - (a) references to provisions are references to provisions of this Act, and
  - (b) references to this Act are references to the [World Youth Day Act 2006](#).
- (3) In the event of an inconsistency between this Division and the road transport legislation, this Division prevails to the extent of the inconsistency.
- (4) The provisions of this Division and section 50 (Claims for compensation) have effect despite Part 2.1 of the [Road Transport \(General\) Act 2005](#).

## 20 WYD08 lane signs

- (1) A sign that is a reasonable likeness (within the meaning of rule 316 (4) of the *Australian Road Rules*) of the diagram prescribed by the regulations under the *Road Transport (Safety and Traffic Management) Act 1999* as a WYD08 lane sign is a WYD08 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 diagram prescribed by the regulations under the *Road Transport (Safety and Traffic Management) Act 1999* as an end WYD08 lane sign is an end WYD08 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*.

## 21 Use of lanes

- (1) A driver must not drive, during the World Youth Day period, in a WYD08 lane unless:
  - (a) the driver is driving:
    - (i) a vehicle that displays, in accordance with instructions given by the Authority, a permit issued by the Authority to drive in a WYD08 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 WYD08 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 a WYD08 lane.
- (3) A **WYD08 lane** is a marked lane, or part of a marked lane:
  - (a) beginning at a WYD08 lane sign, and
  - (b) ending at an end WYD08 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.

## 22 Issue of WYD08 lane permits by Authority

The Authority may issue a permit authorising the driving of a vehicle in a WYD08 lane.

## 23 Road closures—integrated road and transport services

- (1) This section applies to roads within transport areas.

- (2) The RTA may, at the direction of the Authority, close a road for any length of time during the World Youth Day period for the purpose of providing integrated road and transport services for a World Youth Day event.
- (3) 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 newspaper circulating generally in New South Wales.

#### **24 Road closures—World Youth Day events**

- (1) This section applies to roads whether or not the roads are within a transport area.
- (2) The Authority may prepare a traffic management plan, or plans, for all roads on which activities associated with World Youth Day events are to be conducted.
- (3) The Authority may, in accordance with a traffic management plan:
  - (a) control and regulate traffic in any manner and for any purpose, and
  - (b) temporarily close a road, or part of a road, at any time and for any purpose.
- (4) 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 (5).
- (5) 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.
- (6) 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.
- (7) The consent of the RTA under subsection (6) 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.
- (8) A traffic management plan may be amended from time to time. Subsection (6) applies to the amendment of a traffic management plan in the same way as it applies to a traffic management plan.
- (9) 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 newspaper circulating generally in New South Wales.

#### **25 Road closures—short periods**

- (1) This section applies to roads whether or not the roads are within a transport area.



- (2) The RTA may, at the direction of the Authority, close a road for a period not exceeding 3 consecutive days during the World Youth Day period for any of the following purposes:
  - (a) facilitating the conduct of a World Youth Day event,
  - (b) controlling and regulating vehicular or pedestrian traffic at or near any World Youth Day venue or facility,
  - (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.

## **26 Road closure to be for shortest possible period**

It is the duty of the RTA and the Authority 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.

## **27 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 person must not bring a vehicle onto the road contrary to the sign or by removing, interfering with or going beyond the barrier, except as permitted by an authorised person.

Maximum penalty: \$5,000.

- (2) 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 person in charge of a vehicle situated on the road who is informed by an authorised person that the road is closed and 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.

- (3) If, under this Division, a road is closed to pedestrians (whether or not it is also closed to vehicles) by the use of a sign or barrier, a person must not enter the road contrary to the sign or by removing, interfering with or going beyond the barrier, except as permitted by an authorised person.

Maximum penalty: \$5,000.

- (4) If, under this Division, a road is closed to pedestrians (whether or not it is also closed to vehicles) by the use of a sign or barrier, a person on the road who is informed by an authorised person that the road is closed and 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.

- (5) 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.

- (6) In this section, **authorised person** means a person authorised by the RTA or the Authority, or a police officer.

## **28 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 this Division or any other Act.

## **29 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) The Authority may declare that, for the whole or any specified part of the World Youth Day period, 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) a WYD08 lane,
  - (b) a road that has been closed under this Division,
  - (c) a specified parking space,
  - (d) a road notified by the Minister by order published in the Gazette as a World Youth Day route,
  - (e) a road or area designated by signs erected by the Authority or the RTA as a tow-away area.

## **30 Removal of unattended motor vehicles—breach of parking restrictions**

The Authority may declare that, for the whole or any specified part of the World Youth Day period, 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.

### **31 Declarations under sections 29 and 30**

A declaration under section 29 or 30 is to be published in a newspaper circulating generally 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.

### **32 Removal of unattended motor vehicles—emergencies**

- (1) At any time during the World Youth Day period, the Chief Executive Officer 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)–(8A) 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*.

### **33 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 this Division.

## **Part 6 Crown Lands Act 1989**

### **34 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) However, unless otherwise specified, in this Part:
  - (a) references to provisions are references to provisions of this Act, and
  - (b) references to this Act are references to the *World Youth Day Act 2006*.
- (3) In the event of an inconsistency between this Part and the *Crown Lands Act 1989*, this Part prevails to the extent of the inconsistency.

### 35 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) a World Youth Day event,
  - (b) development for the purposes of temporary World Youth Day venues and facilities.

## Part 7 Environmental Planning and Assessment Act 1979

### 36 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) However, unless otherwise specified, in this Part:
  - (a) references to provisions are references to provisions of this Act, and
  - (b) references to this Act are references to the *World Youth Day Act 2006*.
- (3) 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.

### 37 Modification of environmental planning instruments and development consents

- (1) Until the expiry date, a person who is authorised or permitted to carry out a permitted activity on land by or under this Act, or a policy, strategy or plan prepared and implemented by the Authority for the purposes of this Act, may carry out that activity on land despite the fact that the carrying out of the activity is not authorised by or is contrary to or inconsistent with:
  - (a) the provisions of an environmental planning instrument applying to the land, or
  - (b) the terms or conditions of a development consent applying to the land.
- (2) For the purposes of subsection (1), a **permitted activity** means:
  - (a) the use of land for any purpose, or
  - (b) the erection or use of structures or buildings on the land, or
  - (c) the demolition or removal of any such structures, or

- (d) the carrying out of any work, or
  - (e) anything done pursuant to a declaration under section 43.
- (3) The Authority may impose conditions on the carrying out of a permitted activity by a person as referred to in subsection (1).
- (4) Subsection (1) does not apply to the carrying out of a permitted activity in contravention of any such condition.
- (5) If a building or structure is erected before the expiry date in reliance on subsection (1) and is not removed or demolished before that date, the *Environmental Planning and Assessment Act 1979* and any relevant instrument made under that Act apply on and after the expiry date to the building or structure as if subsection (1) had not authorised its erection.
- (6) Until the expiry date, 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, this Act, that is reasonably necessary to be done in order to comply with or give effect to a policy, strategy or plan prepared and implemented by the Authority for the purposes of this Act or that is done pursuant to a declaration under section 43.

(7) In this section:

**development consent** includes an approval under Part 3A of the *Environmental Planning and Assessment Act 1979*.

**expiry date** means 1 September 2008 or such later date as is prescribed by the regulations for the purposes of this section (being a date that is not later than 31 December 2008).

## Part 8 Local Government Act 1993

### 38 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) However, unless otherwise specified, in this Part:
  - (a) references to provisions are references to provisions of this Act, and
  - (b) references to this Act are references to the *World Youth Day Act 2006*.
- (3) In the event of an inconsistency between this Part and the *Local Government Act 1993*, this Part prevails to the extent of the inconsistency.

### **39 Modification of certain approvals**

- (1) A person who is authorised or permitted to do anything by or under this Act, or a policy, strategy or plan prepared and implemented by the Authority for the purposes of this Act, 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 this Act if it is done pursuant to a declaration under section 43.
- (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, this Act, that is reasonably necessary to be done in order to comply with or give effect to a policy, strategy or plan prepared and implemented by the Authority for the purposes of this Act or that is done pursuant to a declaration under section 43.
- (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, this Act, that is reasonably necessary to be done in order to comply with or give effect to a policy, strategy or plan prepared and implemented by the Authority for the purposes of this Act or that is done pursuant to a declaration under section 43.

#### **40 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 the Authority,
  - (b) development for the purposes of temporary World Youth Day venues and facilities,
  - (c) an activity or a community event associated with a World Youth Day event and held during the World Youth Day 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*.

#### **41 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 World Youth Day 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 9 Protection of the Environment Operations Act 1997**

#### **42 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) However, unless otherwise specified, in this Part:
  - (a) references to provisions are references to provisions of this Act, and
  - (b) references to this Act are references to the *World Youth Day Act 2006*.
- (3) 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.

#### **43 Modification of environmental impacts**

- (1) The Authority 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 the Authority, are necessary for, or ancillary to, or otherwise associated with the conduct of World Youth Day events, on such days during the World Youth Day 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, the Authority 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) The Authority may amend or repeal a declaration in the same way as it may make a declaration.

#### **44 Effect of declaration**

- (1) In this section, **declaration** means a declaration made under section 43.
- (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 prevention notice under section 96 of the *Protection of the Environment Operations Act 1997*, or a noise control notice under section 264 of that Act, 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.



- (4) An application 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.

## **Part 9A Use of Randwick Racecourse for World Youth Day events**

### **44A Interpretation**

- (1) In this Part, a reference to using Randwick Racecourse for the purpose of a World Youth Day event includes the following:
  - (a) holding a World Youth Day event at Randwick Racecourse,
  - (b) making preparations for any such event,
  - (c) cleaning up and restoring Randwick Racecourse after any such event,
  - (d) such supplemental, incidental or consequential acts as may be necessary or expedient for carrying out any action referred to in paragraph (a), (b) or (c).
- (2) In this Part, **WYD event agreement** means a written agreement between the AJC and the State of New South Wales (whether entered into before or after the commencement of this section) for the use of Randwick Racecourse for the purposes of one or more World Youth Day events that provides that it is a comprehensive agreement for the use of the Racecourse for the purposes of this Part.

### **44B AJC may use or permit use of Randwick Racecourse for World Youth Day events**

For the avoidance of doubt and despite any other written or unwritten law, or any other instrument (including the provisions of any trust deed or contract or the AJC Constitutional Rules), the AJC, and the Chairman and the Committee of the AJC, may and are authorised to:

- (a) use Randwick Racecourse, or permit that Racecourse to be used, for the purposes of one or more World Youth Day events, and
- (b) enter into one or more agreements with the State of New South Wales for the use of Randwick Racecourse for the purposes of any such event.

### **44C Directions in aid of use of Randwick Racecourse**

- (1) The Minister may, by written order, direct a person or body (whether incorporated or unincorporated), or a person or body belonging to a class of persons or bodies, prescribed by the regulations:

- (a) to take such actions as are specified in the order, or
  - (b) to cease or refrain from taking such actions as are specified in the order,
- for the purpose of carrying out a WYD event agreement or otherwise enabling the use of Randwick Racecourse for the purposes of one or more World Youth Day events.

**Note—**

An order made under an Act may be amended or repealed. See section 43 of the [Interpretation Act 1987](#).

- (2) A direction may specify:
  - (a) the time within which an action must be taken or must cease, or
  - (b) the period during which an action must be refrained from.
- (3) A direction may:
  - (a) apply in relation to one or more persons or bodies or classes of persons or bodies, and
  - (b) be given unconditionally or subject to such terms and conditions as the Minister sees fit.
- (4) A direction is to be served:
  - (a) by leaving it at the principal office of the person or body, or
  - (b) by conspicuously displaying it at any main gate of, or another prominent place at, Randwick Racecourse, or
  - (c) by sending it by facsimile transmission to the facsimile number of the person or body.
- (5) Any person who, or body that, is the subject of a direction under this section must not:
  - (a) contravene or fail to comply with a direction given under this section, or
  - (b) cause or permit another person or body to contravene or fail to comply with such a direction.

**Note—**

See section 57A for the enforcement of provisions of this Act.

**44D Order relating to compensation for use of Randwick Racecourse**

- (1) This section applies if no WYD event agreement is in force.
- (2) The Minister may, by order published in the Gazette, specify the maximum amount of compensation (other than compensation for loss in relation to acts or omissions that

cause personal injury to a person or the death of a person) that is to be paid to the AJC or any other person, or any or all of them, in connection with that use of Randwick Racecourse.

- (3) If an order under this section is in force, the State and any authority of the State is not liable to pay any compensation to the AJC or such other persons in connection with that use of Randwick Racecourse, other than:
- (a) any compensation specified in that order, and
  - (b) any compensation for loss in relation to acts or omissions that cause personal injury to a person or the death of a person.

#### **44E Entry to Randwick Racecourse**

- (1) The Minister may, by order published in the Gazette, declare that entry to, and use of, Randwick Racecourse by authorised persons is necessary.
- (2) While a declaration under subsection (1) is in force, an authorised person may:
- (a) enter Randwick Racecourse, and
  - (b) use the Racecourse for the purpose of one or more World Youth Day events.
- (3) In this section, **authorised person** means:
- (a) the Chief Executive Officer, and
  - (b) a member of staff of the Authority, and
  - (c) a person (or a person belonging to a class of persons) authorised by the Authority, by order in writing, for the purposes of this section.
- (4) An authorisation made under subsection (3) (c) may be given unconditionally or subject to conditions.
- (5) A person is not to be taken to be an employee of the Authority or any other government agency merely because the person is (or belongs to a class of persons) authorised for the purposes of this section under subsection (3) (c).

#### **44F Obstruction of World Youth Day preparation work at Randwick Racecourse**

A person must not:

- (a) intentionally delay or obstruct another person who is:
  - (i) lawfully carrying out any work to facilitate the holding of World Youth Day events at Randwick Racecourse, or
  - (ii) lawfully entering, or attempting to enter, Randwick Racecourse for such a

purpose, or

- (b) without lawful excuse, intentionally interfere with or damage any works or structure at Randwick Racecourse that facilitate the use of the Racecourse for World Youth Day events, or
- (c) cause or permit another person to do anything referred to in paragraph (a) or (b).

Maximum penalty: 500 penalty units.

#### **44G Compensation in respect of use of Randwick Racecourse for World Youth Day events**

(1) Compensation is not payable by or on behalf of:

- (a) the State or an authority of the State, or
- (b) WYD 2008, or
- (c) the AJC, the Committee of the AJC, the Chairman or the members of the Committee of the AJC, or the members of the AJC,

for an act or omission that is a Randwick Racecourse WYD event-related matter or that arises (directly or indirectly) from a Randwick Racecourse WYD event-related matter.

(2) Subsection (1):

- (a) applies only in respect of acts done or omitted to be done in good faith, and
- (b) does not apply to acts or omissions that cause personal injury to a person or the death of a person, and
- (c) does not apply to compensation paid or payable to the AJC or any other person for loss connected with the use of Randwick Racecourse for World Youth Day events under:
  - (i) a WYD event agreement, or
  - (ii) an order under section 44D.

(3) Without limiting subsection (1), the property of the Chairman or any member of the Committee of the AJC, or any member of the AJC, is not available in satisfaction of any judgment or order for compensation for any act or omission that:

- (a) is a Randwick Racecourse WYD event-related matter, or that arises (directly or indirectly) from a Randwick Racecourse WYD event-related matter, and
- (b) was done or omitted to be done in good faith in the exercise of the Chairman's or member's functions,

unless the property is held by the Chairman or member on behalf of the AJC.

(4) For the purposes of subsection (3), the property of the Chairman or any member of the Committee of the AJC, or any member of the AJC, does not include any right under a policy of insurance or indemnity issued or given to the Chairman or member.

(5) In this section:

**compensation** includes damages and any other form of monetary compensation.

**Randwick Racecourse WYD event-related matter** means the following:

- (a) the holding of any World Youth Day event at Randwick Racecourse,
- (b) any preparations for any such event,
- (c) any clean up and restoration of Randwick Racecourse after any such event,
- (d) the exercise of functions under this Act in relation to Randwick Racecourse.

#### **44H Protection of exercise of certain functions**

(1) This section applies to any function (**a protected function**) conferred or imposed on any of the following persons (**a protected person**) by or under a provision of this Part:

- (a) the Minister (including a delegate of the Minister),
- (b) the Authority (including a delegate of the Authority).

(2) The exercise by any protected person of any protected function may not be:

- (a) challenged, reviewed, quashed or called into question before any court of law or administrative review body in any proceedings, or
- (b) restrained, removed or otherwise affected by any proceedings.

(3) Without limiting subsection (2), that subsection applies whether or not the proceedings relate to any question involving compliance or non-compliance, by a protected person, with the provisions of this Part or the rules of natural justice (procedural fairness).

(4) Accordingly, no court of law or administrative review body has jurisdiction or power to consider any question involving compliance or non-compliance, by the protected person, with those provisions or with those rules so far as they apply to the exercise of any protected function.

(5) This section has effect despite any provision of this Act or other legislation or any other law (whether written or unwritten).

(6) In this section:

**exercise** of functions includes:

- (a) the purported exercise of functions, and
- (b) the non-exercise or improper exercise of functions, and
- (c) the proposed, apprehended or threatened exercise of functions.

**proceedings** includes:

- (a) proceedings for an order in the nature of prohibition, certiorari or mandamus or for a declaration or injunction or for any other relief, and
- (b) without limiting paragraph (a), proceedings in the exercise of the inherent jurisdiction of the Supreme Court or the jurisdiction conferred by section 23 of the [Supreme Court Act 1970](#),

but does not include any investigation or proceedings under the [Independent Commission Against Corruption Act 1988](#).

#### **44I Randwick Racecourse Project Steering Committee**

- (1) The regulations may establish a committee to assist the Authority in the exercise of its functions in relation to Randwick Racecourse (**Project Steering Committee**).
- (2) The regulations may make provision for or with respect to the constitution and procedure of the Project Steering Committee, including (but not limited to) the quorum for the Committee, the voting rights of members, and the method of voting at meetings, of the Committee.
- (3) The Project Steering Committee is to have, and may exercise, such functions as are conferred or imposed on it by or under this Act or are delegated to it by the Authority or the Minister under section 11 or 51A respectively.
- (4) Nothing in subsection (3) prevents the Authority or the Minister delegating a function directly to a presiding member, or another member, of the Project Steering Committee.

#### **44J Randwick Racecourse may be used for World Youth Day events despite [Australian Jockey Club Act 1873](#) and by-laws**

Anything permitted, required, directed or authorised to be done by a person by or under this Act in relation to the use of Randwick Racecourse for the purpose of one or more World Youth Day events may be done despite any of the following:

- (a) the [Australian Jockey Club Act 1873](#) and any by-laws under that Act,
- (b) the [Thoroughbred Racing Act 1996](#) and any instrument under that Act,
- (c) the Australian Rules of Racing (within the meaning of the [Thoroughbred Racing Act](#)

1996).

## Part 10 Miscellaneous

### 45 Illegal car parks

- (1) This section applies to land that is within 5 kilometres of any World Youth Day venue or facility.
- (2) During the parking control 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) if the use of the land for that purpose by the person is not lawful under the [Environmental Planning and Assessment Act 1979](#).

Maximum penalty: \$5,000 in the case of an individual and \$25,000 in the case of a corporation and, in the case of a continuing offence by an individual or corporation, \$2,000 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.
- (4) In this section, **parking control period** means the period from 1 July 2008 to 31 July 2008, inclusive, or such other period as may be prescribed by the regulations for the purposes of this section (being a period that does not begin before 1 June 2008 or end after 31 December 2008).
- (5) A regulation for the purposes of the definition of **parking control period** in subsection (4) that extends a parking control period may be made before or during that period.

### 46 Control of sale and distribution of articles in certain public places

- (1) For the purposes of this section, **an Authority controlled area** is any of the following areas:
  - (a) the area comprising, or comprising and adjacent to, a transport facility or interchange or a World Youth Day venue or facility, 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 transport facility or interchange or a World Youth Day venue or facility, 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.
- (2) The Minister is not to make an order under subsection (1) that applies to land within the City of Sydney unless the Minister has consulted the Council of the City of Sydney concerning the order.

- (3) A person must not sell or distribute a prescribed article during the sales control period in an Authority controlled area without the approval of the Authority.

Maximum penalty: \$5,000.

- (4) An authorised officer may give a direction to a person who sells or distributes any prescribed article during the sales control period in an Authority controlled area without the approval of the Authority to remove the article, and any other prescribed articles within the person's possession or under the person's control, from the area immediately or by such other time as may be directed.

- (5) A person must not fail or refuse to comply with a direction given to the person by an authorised officer under subsection (4).

Maximum penalty: \$5,000.

- (6) If a person fails or refuses to comply with a direction given under subsection (4) for the removal of a prescribed article, the article is forfeited to the Crown and may be seized by an authorised officer.

- (7) A person whose article is forfeited to the Crown under this section may appeal against the forfeiture to a Local Court within 21 days after the forfeiture.

- (8) A Local Court may determine the appeal by:

- (a) upholding the forfeiture, or
- (b) ordering the return of the article to the appellant, or
- (c) making such other order as it thinks fit.

- (9) The regulations 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 (8).

- (10) In this section:

**authorised officer** means a person authorised in writing by the Authority for the purposes of this section.

**prescribed article** means an article of a class prescribed by the regulations as being



a prescribed article for the purposes of this section.

**sales control period** means the period from 1 July 2008 to 31 July 2008, inclusive, or such other period as may be prescribed by the regulations for the purposes of this section (being a period that does not begin before 1 June 2008 or end after 31 December 2008).

**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.

- (11) A regulation for the purposes of the definition of **sales control period** in subsection (10) that extends a sales control period may be made before or during that period.

#### **46A 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.

**Commonwealth Air Navigation Regulations** means the [Air Navigation Regulations 1947](#) of the Commonwealth.

**restricted air space** means air space that Airservices Australia has declared under a Commonwealth law to be restricted air space in relation to a World Youth Day event.

**State air navigation** means air navigation within New South Wales to and in relation to which the Commonwealth Air Navigation Regulations are applied as if they were State law by section 4 of the [Air Navigation Act 1938](#).

- (2) A person must not, during a World Youth Day event and in the course of State air navigation, cause an aircraft to enter, or operate an aircraft within, restricted air space without an air traffic clearance given by or on behalf of Airservices Australia under relevant Commonwealth law.

Maximum penalty: 2,000 penalty units.

- (3) The provisions of this section prevail to the extent of any inconsistency between this section and the provisions of the Commonwealth Air Navigation Regulations (as applied to and in relation to State air navigation by the [Air Navigation Act 1938](#)).
- (4) This section does not apply to the operation of:
- (a) a military aircraft, or an aircraft of the NSW Police Force, 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.

#### **46B Prohibition of certain advertising on buildings and structures**

- (1) The Minister may, by order published in the Gazette, designate any area to be an **advertising controlled site** for the period (if any) specified in the order.

**Note—**

The Minister may amend or repeal an order made under this section. See section 43 of the [Interpretation Act 1987](#).

- (2) An area is an advertising controlled site for the purposes of this section only for:
- (a) the period specified in the order (being a period that does not begin before 1 July 2008 or end after 31 July 2008), or
  - (b) if no period is specified in the order—the World Youth Day period or, if the World Youth Day period has already commenced, the remainder of that period.
- (3) A person who is the owner or occupier or the holder of a lease or licence relating to a building or structure that is (or is part of) an advertising controlled site must not, while the land is an advertising controlled site, 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 the Authority.

Maximum penalty:

- (a) in the case of an individual—250 penalty units, or
  - (b) in the case of a corporation—500 penalty units.
- (4) A person authorised by the Authority for the purposes of this subsection may obliterate or remove any advertising material that is on a building or structure in

contravention of this section.

- (5) A person authorised under subsection (4) may enter:
  - (a) an advertising controlled site to undertake the obliteration or removal referred to in that subsection, and
  - (b) other adjacent premises, if necessary to undertake that obliteration or removal.
- (6) A person is not entitled under this section to enter a part of premises used only for residential purposes, except with the consent of the occupier of the part.
- (7) In exercising functions under subsection (4), the person must:
  - (a) cause as little damage as possible, and
  - (b) produce to any person apparently in charge of the premises who requests its production the person's authorisation under that subsection.
- (8) This section does not apply to the following advertising material:
  - (a) any advertising material:
    - (i) that has an area of not more than one square metre, or
    - (ii) comprising a series of related advertisements that together have an area of not more than one square metre,
  - (b) any advertising material that is exempted from this section by the regulations.

#### **46C Prohibition of certain aerial advertising**

- (1) For the purposes of this section, **advertising controlled airspace** means airspace that is within unaided sight of the following places:
  - (a) Randwick Racecourse,
  - (b) the Barangaroo site,
  - (c) such other World Youth Day venues or facilities as may be prescribed by the regulations for the purposes of this section,but only during such periods as are prescribed by the regulations in relation to the place (being periods that do not begin before 14 July 2008 or end after 20 July 2008).
- (2) A person must not display an advertisement, or cause an advertisement to be displayed, in advertising controlled airspace, except with the approval of the Authority.  
Maximum penalty: 2,000 penalty units.
- (3) An application for the approval of the Authority under this section may be made in

such form and manner as is determined by the Authority.

- (4) The Authority 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, the Authority may grant approval to a person, or to classes or descriptions of persons, only if in its opinion the display of the advertisement will not adversely affect the organisation or conduct of any World Youth Day event.
- (6) The determination of the Authority 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.

**aircraft** includes an airship or a balloon.

#### **46D SES and RFS may assist in the provision of government services for World Youth Day events**

- (1) Both the State Emergency Service and the NSW Rural Fire Service have the function of assisting the Authority in the delivery of services for World Youth Day events, including (but not limited to) the following:
  - (a) crowd management services and access control services for venues or facilities,
  - (b) traffic or pedestrian control.
- (2) The functions referred to in subsection (1) are in addition to any functions conferred or imposed on the State Emergency Service or the NSW Rural Fire Service by or under any other Act or law.
- (3) Nothing in this section requires the State Emergency Service or the NSW Rural Fire Service, or any member of those Services, to undertake any task or activity without the consent of the Director-General of the State Emergency Service or the

Commissioner of the NSW Rural Fire Service (as the case may be).

#### **46E Bus services for World Youth Day events**

- (1) **Implication of terms into regular bus service contracts** A service contract for a regular bus service entered into under the *Passenger Transport Act 1990* (whether entered into or renewed before or after the commencement of this section) is taken to include terms to the effect of subsections (2)-(9).
- (2) **Implied terms** The Director-General may direct the Operator to provide such services as the Director-General determines are necessary for World Youth Day events.
- (3) The Director-General may determine a price or prices (on a per kilometre basis) for such services for World Youth Day events (**World Youth Day Price**).
- (4) The Operator must provide the services for the World Youth Day events as directed and must:
  - (a) provide to the Director-General for approval a detailed plan of the manner in which it will provide services for World Youth Day events and invite the Director-General to comment on that plan, and
  - (b) comply with any requirements of the Director-General in relation to the plan referred to in paragraph (a) where the Director-General reasonably believes the plan will not adequately service World Youth Day events, and
  - (c) provide to the Director-General any other information the Director-General requests and that is relevant to the plan referred to in paragraph (a) or the provision of services for World Youth Day events, and
  - (d) ensure that free travel on any service provided by the Operator is provided during such period in July 2008 as is specified by the Director-General to any person, or persons of a class, nominated by the Director-General, and
  - (e) at the end of the month during which services for World Youth Day events were provided, provide a written report to the Director-General detailing, in respect of services for the World Youth Day events provided in the previous month:
    - (i) the World Youth Day Kilometres run to service World Youth Day events, and
    - (ii) the World Youth Day Prices applicable to the World Youth Day Kilometres, and
    - (iii) an estimate of the total number of passengers carried on the services for World Youth Day events, and
    - (iv) any deviation from the plan approved by the Director-General, and
    - (v) any other relevant details regarding the provision of services for World Youth Day events.

- (5) The Operator is to be paid an amount (**World Youth Day Kilometres Payment**) that is calculated by multiplying the World Youth Day Kilometres by the applicable World Youth Day Price for each World Youth Day Kilometre.
- (6) Within 14 days of the end of a calendar month in which the Operator provided World Youth Day Kilometres to the Director-General, the Operator must submit an invoice to the Director-General for the amount due to it under subsection (5).
- (7) The Director-General must pay the Operator the World Youth Day Kilometres Payment to be made in respect of a calendar month within 30 days of receipt on an invoice from the Operator under subsection (6).
- (8) Without prejudice to the Director-General's rights under the service contract relating to records or other information, the Director-General may (or may appoint a third party to) inspect and audit the Operator's and any Associated Operator's or related entity's records and accounts to verify the calculation of any World Youth Day Kilometres Payment in respect of a calendar month.
- (9) The Operator must not claim any amounts in addition to the World Youth Day Kilometres Payment for operating services for World Youth Day events.
- (10) **Effect of implied terms** The implied terms set out in subsections (2)-(9) have effect despite any other term or condition of a service contract to which this section applies to the extent of any inconsistency.
- (11) Any contravention of a term implied in a service contract by this section may be remedied at law or in equity as though the term were an essential term to which the parties had by contract agreed.
- (12) **Interpretation** Unless otherwise defined in subsection (13), expressions used in this section that are defined in the [Passenger Transport Act 1990](#) have the same meanings as in that Act.
- (13) In this section:

**Associated Operator** means any subcontractor of the Operator approved by the Director-General in accordance with the service contract.

**Operator** means the holder of the service contract for a regular bus service concerned.

**related entity** has the same meaning as in the [Corporations Act 2001](#) of the Commonwealth.

**World Youth Day Kilometres** means the number of kilometres run by the Operator between locations required to service World Youth Day events pursuant to this section.

#### **46F Effect of this Act on contracts, instruments and related matters**

- (1) The operation of this Act (and, in particular, any action of any person in compliance with section 46B) is not to be regarded as:
  - (a) a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) a breach of any instrument, or
  - (c) an event of default under any contract or other instrument, or
  - (d) giving rise to any remedy by a party to a contract or other instrument, or as causing or permitting the termination of, or exercise of rights under, any contract or other instrument.
- (2) Nothing in this section prevents:
  - (a) the Director-General of the Ministry of Transport enforcing any term implied into a service contract for a regular bus service by section 46E, or
  - (b) the Authority bringing proceedings under section 57A, or
  - (c) a person taking such other action, or bringing such other proceedings, of a kind prescribed by the regulations.
- (3) In this section, ***instrument*** does not include a statutory instrument.

#### **47 Dispute resolution**

- (1) If there is a dispute between the Authority and a government agency concerning the operation of any provision of this Act and the parties have after reasonable efforts been unable to resolve the dispute themselves, either party may request a review of the matter by the responsible Ministers (namely, the Minister responsible for the Authority and the Minister responsible for the government agency concerned).
- (2) If the same Minister is responsible for both the Authority and the government agency concerned, the review is to be by that Minister.
- (3) If the dispute is not resolved by the responsible Ministers or Minister, the dispute is to be referred to the Premier.
- (4) The Authority and the government agency concerned are to give effect to any decision of a Minister or the Premier in resolution of the dispute.
- (5) A reference in this section to the Minister responsible for a government agency is, in the case of a government agency that is a council, a reference to the Minister administering the [Local Government Act 1993](#).

#### **48 Authorisations for section 51 of the [Trade Practices Act 1974 \(Cth\)](#) and Competition**

### **Code**

- (1) The following agreements and conduct 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*:
- (a) any agreements entered into before or after the commencement of this section by the Authority, or by a person or body with the approval of the Authority, relating to or in connection with a World Youth Day event,
  - (b) the conduct of the parties in entering into any such agreements,
  - (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.
- (2) In this section, **agreement** includes a contract, arrangement or understanding.

### **49 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.

### **50 Compensation not payable in respect of World Youth Day event-related matters**

(1) Compensation is not payable by or on behalf of:

- (a) the State or an authority of the State, or
- (b) a local council, or
- (c) an officer, employee or agent of the State, an authority of the State or a local council,

for an act or omission that is a World Youth Day event-related matter or that arises (directly or indirectly) from a World Youth Day event-related matter.

(2) Subsection (1):

- (a) applies only in respect of acts done or omitted to be done in good faith, and
- (b) does not apply to acts or omissions that cause personal injury to a person or the death of a person.



(3) In this section:

**compensation** includes damages and any other form of monetary compensation.

**World Youth Day event-related matter** means the following:

- (a) the holding of any World Youth Day event,
- (b) the administration or purported administration of this Act,
- (c) the exercise or purported exercise of functions under this Act,

but does not include any Randwick Racecourse WYD event-related matter (within the meaning of section 44G).

### **51 Exclusion of personal liability**

Anything done or omitted to be done by:

- (a) the Chief Executive Officer or a person acting under the direction of the Chief Executive Officer, or
- (b) a member of the Advisory Board or a person acting under the direction of the Advisory Board or a member of the Advisory Board, or
- (c) a committee established by the Advisory Board, a member of such a committee or a person acting under the direction of any such committee or member of a committee,

does not subject the Chief Executive Officer, member of the Advisory Board or of the committee, or person so acting, personally to any action, liability, claim or demand if the thing was done, or omitted to be done, in good faith for the purpose of executing this Act.

### **51A Delegation of Minister's functions**

(1) The Minister may delegate to an authorised person any function of the Minister conferred or imposed by or under this Act, other than:

- (a) the Minister's function under section 44E (1), and
- (b) this power of delegation.

(2) A delegate may sub-delegate to an authorised person any function delegated by the Minister if the delegate is authorised in writing to do so by the Minister.

(3) In this section, **authorised person** means:

- (a) the Authority, or
- (b) a member of staff of the Authority, or
- (c) a government agency or member of staff of a government agency, or

(d) a person, a person of a class, or committee of persons, approved by the Minister or prescribed by the regulations.

(4) Subject to section 44I, the procedure for the calling of meetings of a committee of persons (as referred to in subsection (3) (d)) and for the conduct of business at those meetings is to be as determined by the Minister or (subject to any determination of the Minister) by the committee.

## **52 Seal of Authority**

The seal of the Authority is to be kept by the Chief Executive Officer, or by a member of staff of the Authority authorised in that behalf by the Chief Executive Officer, and may be fixed to a document only:

- (a) in the presence of the Chief Executive Officer or that member of staff, and
- (b) with an attestation by the signature of the Chief Executive Officer or that member of staff of the fact of the fixing of the seal.

## **53 Recovery of fees and charges**

Any charge, fee or money due to the Authority under this Act is recoverable by the Authority in a court of competent jurisdiction as a debt due to the Crown.

## **54 Rangers**

(1) The Authority may appoint a person employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service, or a person of a class prescribed by the regulations, to be a ranger for the purposes of this Act.

(2) A ranger may exercise such functions as are conferred on a ranger by this Act or the regulations.

(3) The Authority is to provide each ranger with an identification card.

(4) An identification card is a card that:

- (a) states that it is issued under this Act, and
- (b) gives the name of the person to whom it is issued, and
- (c) describes the nature of the powers conferred, and
- (d) states the date (if any) on which it expires, and
- (e) is signed by the Chief Executive Officer.

(5) In the course of exercising the functions of a ranger under this Act, the ranger must, if requested to do so by a person affected by the exercise of any such function, produce the ranger's identification card to the person.

## 55 Penalty notices

- (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 this Act or the regulations, being an offence prescribed by the regulations as a penalty notice offence.
- (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, the person can pay, within the time and to the person specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of 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 to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
- (6) The regulations may:
  - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
  - (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and
  - (c) prescribe different amounts of penalties for different offences or classes of offences.
- (7) The amount of a penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.
- (8) 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.
- (9) In this section, **authorised officer** means a ranger or a police officer.

## 56 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.

## 57 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, or against the regulations may be dealt with summarily before a Local Court 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, 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.

#### **57A Civil proceedings to restrain breaches of this Act and certain agreements**

- (1) The Authority may bring proceedings in the Supreme Court for an order to remedy or restrain the following breaches, whether or not any right of the Authority has been or may be infringed by or as a consequence of that breach:
  - (a) a breach of this Act,
  - (b) a breach of a WYD event agreement (as referred to in section 44A (2)),
  - (c) a breach of any other agreement between the AJC and the State of New South Wales or the Authority, in connection with the use of Randwick Racecourse for the purpose of one or more World Youth Day events, as may be specified in the regulations.
- (2) If the Court is satisfied that a breach referred to in subsection (1) has been committed or that such a breach may, unless restrained by order of the Court, be committed, it may make such order as it thinks fit to remedy or restrain the breach.
- (3) Without limiting the powers of the Court under subsection (2), an order made under that subsection may:
  - (a) where the breach relates to a use of any building, work or land—restrain that use, and
  - (b) where the breach involves the conduct of horse training or racing—restrain that conduct, and
  - (c) where the breach is a breach of:

- (i) an agreement, or
  - (ii) a direction under Part 9A, or
  - (iii) a condition imposed on an authorisation made under section 44E (3) (c),  
specify actions that must be taken or actions that must cease or be refrained from.
- (4) The functions of the Court under this section are in addition to and not in derogation from any other functions of the Court.
- (5) Nothing in this section limits or otherwise affects other remedies that the Authority may have (apart from this section) in relation to a breach of an agreement.
- (6) In this section:
- (a) a reference to a **breach of an agreement** is a reference to:
    - (i) a contravention of or failure to comply with the agreement, and
    - (ii) a threatened or an apprehended contravention of or a threatened or apprehended failure to comply with the agreement, and
  - (b) a reference to a **breach of this Act** is a reference to:
    - (i) a contravention of or failure to comply with this Act, and
    - (ii) a threatened or an apprehended contravention of or a threatened or apprehended failure to comply with this Act, and
  - (c) a reference to **this Act** includes a reference to the following:
    - (i) the regulations,
    - (ii) a direction under section 44C,
    - (iii) a condition imposed on an authorisation made under section 44E (3) (c).

## 58 Regulations

- (1) 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.
- (2) In particular, regulations may be made for or with respect to the following:
  - (a) the fees and charges that may be imposed for the purposes of this Act,
  - (b) regulating the use by the public of, and the conduct of the public on, World Youth Day venues and facilities,

- (c) regulating the provision of services by the Authority,
  - (d) requiring the payment of fares or other charges for the use of any facility operated or service provided by the Authority or a government agency for the purposes of this Act,
  - (e) conferring on the Authority any function that may be exercised by a council in relation to a public place,
  - (f) requiring persons to submit to searches of themselves and their articles, vehicles or vessels (including searches conducted by electronic detection devices) as a condition of entry to any World Youth Day venue or facility,
  - (g) excluding persons who refuse to submit to such searches from World Youth Day venues or facilities,
  - (h) the use of Randwick Racecourse for the purpose of one or more World Youth Day events (within the meaning of Part 9A).
- (3) The regulations may create an offence punishable by a maximum penalty of 50 penalty units.

#### **59 Savings, transitional and other provisions**

Schedule 1 has effect.

#### **60 Amendment of other Acts**

The Acts specified in Schedule 2 are amended as set out in that Schedule.

#### **61 Dissolution of Authority and Advisory Board**

- (1) The Authority is dissolved on a date to be appointed by proclamation.
- (2) Before the dissolution of the Authority, the Minister may make an order for the transfer or disposal of the assets, and the transfer of the rights and liabilities, of the Authority to an authority or body determined by the Minister. Any such order has effect according to its tenor.
- (3) Any such order may make provision for or with respect to the members of staff of the Authority (including the transfer of staff or other provision relating to staff).
- (4) On the dissolution of the Authority:
  - (a) any assets, rights and liabilities of the Authority referred to in any such order are transferred, or disposed of, as the case requires, in accordance with the order, and
  - (b) any remaining assets, rights and liabilities of the Authority are transferred to the Crown.

- (5) The regulations may make provision for or with respect to any matter that is consequent on the dissolution of the Authority.
- (6) Any such regulation may take effect from a date that is earlier than the date of its publication in the Gazette.
- (7) To the extent to which any such regulation takes effect from an earlier date, the regulation does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.
- (8) On the dissolution of the Authority, the Advisory Board is dissolved.
- (9) A person who immediately before the dissolution of the Advisory Board held office as a member of the Advisory Board:
  - (a) ceases to hold that office, and
  - (b) is not entitled to any remuneration or compensation because of the loss of that office.

## **62 Repeal of Act**

This Act is repealed on 1 January 2009.

## **Schedule 1 Savings, transitional and other provisions**

(Section 59)

### **1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

this Act
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its

publication, or

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

## **Schedule 2 Amendment of Acts**

(Section 60)

### **2.1 Fines Act 1996 No 99**

#### **Schedule 1 Statutory provisions under which penalty notices issued**

Insert in appropriate order:

*World Youth Day Act 2006*, section 55

### **2.2 Public Finance and Audit Act 1983 No 152**

#### **Schedule 2 Statutory bodies**

Insert “World Youth Day Co-ordination Authority” in appropriate order.

### **2.3 Subordinate Legislation Act 1989 No 146**

#### **Schedule 4 Excluded instruments**

Insert at the end of the Schedule with appropriate item number:

Regulations under the *World Youth Day Act 2006*