

# World Youth Day Amendment Act 2007 No 96

[2007-96]



New South Wales

## Status Information

### Currency of version

Repealed version for 13 December 2007 to 13 December 2007 (accessed 26 November 2024 at 10:19)

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

### Provisions in force

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

### Notes—

- **Repeal**

The Act was repealed by sec 5 (1) of this Act with effect from 14.12.2007.

### 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 14 December 2007

# World Youth Day Amendment Act 2007 No 96



New South Wales

## Contents

|   |    |
|---|----|
| <b>Long title</b> .....   | 3  |
| 1 Name of Act .....   | 3  |
| 2 Commencement .....  | 3  |
| 3 Amendment of World Youth Day Act 2006 No 106 .....              | 3  |
| 4 Amendment of Passenger Transport Act 1990 No 39 .....           | 3  |
| 5 Repeal of Act .....   | 3  |
| <b>Schedule 1 Amendment of World Youth Day Act 2006</b> .....     | 3  |
| <b>Schedule 2 Amendment of Passenger Transport Act 1990</b> ..... | 23 |

# World Youth Day Amendment Act 2007 No 96



New South Wales

An Act to amend the *World Youth Day Act 2006* to make further provision in relation to the planning, co-ordination and delivery of government services in relation to World Youth Day 2008 and related events; and for other purposes.

## 1 Name of Act

This Act is the *World Youth Day Amendment Act 2007*.

## 2 Commencement

This Act commences on the date of assent to this Act.

## 3 Amendment of *World Youth Day Act 2006 No 106*

The *World Youth Day Act 2006* is amended as set out in Schedule 1.

## 4 Amendment of *Passenger Transport Act 1990 No 39*

The *Passenger Transport Act 1990* is amended as set out in Schedule 2.

## 5 Repeal of Act

(1) This Act is repealed on the day following the day on which this Act commences.

(2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

## Schedule 1 Amendment of *World Youth Day Act 2006*

(Section 3)

### [1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

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

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

**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.

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

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

**[2] Section 3 (1), definition of “World Youth Day period”**

Omit the definition. Insert instead:

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

**[3] Section 3 (1), definition of “World Youth Day venue or facility”**

Insert “World Youth Day declared area and any other” after “means a”.

**[4] Sections 3A and 3B**

Insert after section 3:

**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).

### **[5] Section 15A**

Insert after section 15:

#### **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.

### **[6] Section 37 Modification of environmental planning instruments and development consents**

Omit “1 August 2008” wherever occurring from section 37 (1), (5) and (6).

Insert instead “the expiry date”.

**[7] Section 37 (7)**

Omit the subsection. Insert instead:

(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).

**[8] Part 9A**

Insert after Part 9:

## **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*).

**[9] Section 45 Illegal car parks**

Omit “the World Youth Day period” from section 45 (2).

Insert instead “the parking control period”.

**[10] Section 45 (4) and (5)**

Insert after section 45 (3):

- (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.

**[11] Section 46 Control of sale and distribution of articles in certain public places**

Omit “the World Youth Day period” wherever occurring in section 46 (3) and (4).

Insert instead “the sales control period”.

**[12] Section 46 (10)**

Insert in alphabetical order:

***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).

**[13] Section 46 (11)**

Insert after section 46 (10):

(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.

**[14] Sections 46A-46F**

Insert after section 46:

**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.

#### **[15] Section 50**

Omit the section. Insert instead:

#### **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).

## [16] Section 51A

Insert after section 51:

### **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.

**[17] Section 57A**

Insert after section 57:

**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).

**[18] Section 58 Regulations**

Insert after section 58 (2) (e):

- (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).

## Schedule 2 Amendment of **Passenger Transport Act 1990**

(Section 4)

### Schedule 3 Savings and transitional provisions

Insert at the end of the Schedule:

## Part 10 Provisions consequent on enactment of **World Youth Day Amendment Act 2007**

### 52 Effect of repeal of **World Youth Day Act 2006**

- (1) The repeal of the *World Youth Day Act 2006* does not affect the continued operation in relation to matters arising before the repeal of that Act of:
- (a) section 44H (Protection of exercise of certain functions) of that Act, or
  - (b) section 46E (Bus services for World Youth Day events) of that Act, or
  - (c) any other exemption or immunity from, or limitation of, liability under that Act,
- as in force before that repeal.

**Note—**

The *World Youth Day Act 2006* is to be repealed on 1 January 2009 by section 62 of that Act.

- (2) The provisions of subclause (1) are in addition to, and do not derogate from, section 30 of the *Interpretation Act 1987*.

**Note—**

Section 30 of the *Interpretation Act 1987* provides that the repeal of an Act or statutory rule does not, among other things, affect the previous operation of the Act or statutory rule or anything duly suffered, done or commenced under the Act or statutory rule or affect any right, privilege, obligation or liability acquired, accrued or incurred under the Act or statutory rule.