

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to constitute the World Youth Day Co-ordination Authority (the Authority) with the principal function of developing policies, strategies and plans for the delivery of, and co-ordinating and providing for, integrated government services for World Youth Day events, and
- (b) to provide the Authority with powers to give directions to government agencies involved in the provision of transport and other government services relevant to World Youth Day events to ensure a co-ordinated approach to the provision of those services, and
- (c) to enact specific traffic management provisions in relation to World Youth Day events and World Youth Day venues and facilities, and
- (d) to ensure that activities and land uses associated with World Youth Day events can be carried out despite the requirements of other legislation such as the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act. The term government agency includes NSW Government agencies, Divisions of the Government Service, public and local authorities and State owned corporations but does not include the Authority or NSW Police. The term World Youth Day period means 1 July 2008 to 31 July 2008, inclusive.

Clause 4 provides that the proposed Act does not affect the lawful exercise of powers by a police officer and does not enable the Authority to direct that members, facilities or other resources of NSW Police be used to enable the Authority to carry out its functions.

Part 2 Constitution and management of Authority

Clause 5 provides for the constitution of the Authority as a corporation.

Clause 6 states that the Authority is a NSW Government agency.

Clause 7 provides that the Authority is subject to the direction and control of the Minister.

Clause 8 provides that the Chief Executive Officer of the Authority is responsible for the day-to-day management of the affairs of the Authority.

Clause 9 provides for the establishment of an Advisory Board to provide advice to the Chief Executive Officer on issues relating to World Youth Day.

Clause 10 enables the establishment of advisory committees.

Clause 11 enables the Authority to delegate its functions.

Part 3 Functions of Authority

Clause 12 sets out the functions of the Authority. 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.

Clause 13 enables the Authority, with the consent of the owner of any land, to exercise any function in relation to that land that the owner could exercise.

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

Clause 14 requires a government agency to co-operate with the Authority in the exercise of the Authority's functions, comply with any road and transport plans prepared by the Authority, to provide a reasonable level of resources and assistance

to the Authority if requested and notify the Authority of actions of the government agency that may impact adversely on the exercise of the Authority's functions.

Clause 15 empowers a government agency to comply with directions and requests of the Authority and to enter into agreements with the Authority for the purposes of the proposed Act.

Part 5 Management of roads and traffic

Division 1 Transport areas

Clause 16 authorises the Minister to declare transport areas to enable integrated road and transport services to be provided for a World Youth Day event.

Clause 17 enables the Authority to direct a government agency that has transport or traffic related functions in a transport area to exercise those functions in a particular way.

Division 2 Road transport legislation

Clause 18 defines certain terms used in the proposed Division.

Clause 19 states that the proposed Division is to be construed as if it formed part of the road transport legislation.

Clause 20 enables WYD08 lane signs and WYD08 lane end signs to be prescribed by regulations. Such signs are taken to be prescribed traffic control devices for the purposes of the Road Transport (Safety and Traffic Management) Act 1999.

Clause 21 makes it an offence for a person, who does not fall within specified exceptions, to drive in a WYD08 lane during the World Youth Day period.

Clause 22 enables the Authority to issue a permit authorising a person to drive in a WYD08 lane.

Clause 23 allows the Roads and Traffic Authority (the RTA) to close a road, at the direction of the Authority, within a transport area during the World Youth Day period in order to provide integrated road and transport services for a World Youth Day event. Seven days' notice has to be given of a proposed closure.

Clause 24 enables the Authority to prepare a traffic management plan for roads on which activities associated with World Youth Day events are to be conducted. A traffic management plan must be approved by the RTA. The Authority may regulate traffic and close roads (whether or not within a transport area) in accordance with a traffic management plan.

Clause 25 enables the RTA, at the direction of the Authority, to close a road (whether or not within a transport area) without public notice for not more than 3 days during the World Youth Day period. A road may only be closed for specified purposes in connection with World Youth Day events or venues or facilities.

Clause 26 provides that any road closures are to be for periods no longer than is necessary to serve the relevant purpose.

Clause 27 makes it an offence for drivers and pedestrians to enter a road closed to them under the proposed Division by a sign or barrier. It is also an offence for a driver on a closed road not to remove his or her vehicle, or a pedestrian on a closed road to remain, if given a direction to leave by an authorised person.

Clause 28 provides that a road does not cease to be a road for the purposes of any law while it is closed under the proposed Division.

Clause 29 enables the Authority to declare that section 76 of the Road Transport (Safety and Traffic Management) Act 1999 applies to unattended motor vehicles and trailers standing unlawfully, or constituting a danger or obstruction, in certain areas during the World Youth Day period. The effect of such a declaration is to enable the RTA or the Tow Truck Authority to tow away the vehicle or trailer.

Clause 30 enables the Authority to declare that section 76 of the Road Transport (Safety and Traffic Management) Act 1999 applies to motor vehicles or trailers that are illegally parked on roads specified in the declaration during the World Youth Day period.

Clause 31 requires declarations under proposed sections 29 and 30 to be published

in a newspaper circulating in New South Wales.

Clause 32 enables the Chief Executive Officer of the Authority to direct an authorised officer under the road transport legislation to remove an unattended motor vehicle or trailer in a transport area in the World Youth Day period if the Chief Executive Officer considers it necessary to do so.

Clause 33 makes it clear that penalty notices may be issued under the road transport legislation in relation to offences created by the proposed Division.

Part 6 Crown Lands Act 1989

Clause 34 states that the proposed Part is to be construed as if it formed part of the Crown Lands Act 1989.

Clause 35 enables a reserve under the Crown Lands Act 1989 to be used for a World Youth Day event or temporary World Youth Day venues and facilities with the consent of the trustee or council managing the reserve.

Part 7 Environmental Planning and Assessment Act 1979

Clause 36 states that the proposed Part is to be construed as if it formed part of the Environmental Planning and Assessment Act 1979.

Clause 37 allows a person to do anything on land, despite the terms of an environmental planning instrument, development consent or approval under Part 3A of the Environmental Planning and Assessment Act 1979 applying to the land, if authorised by or under the proposed Act or a policy, strategy or plan prepared under the proposed Act, but only until 1 August 2008.

Part 8 Local Government Act 1993

Clause 38 states that the proposed Part is to be construed as if it formed part of the Local Government Act 1993.

Clause 39 allows a person to do anything on land, despite the terms of an approval under the Local Government Act 1993 applying to the land, if authorised by or under the proposed Act or a policy, strategy or plan prepared under the proposed Act.

Clause 40 enables community land to be used, with the approval of the relevant council, for a World Youth Day event or temporary World Youth Day venues and facilities despite the provisions of the Local Government Act 1993 or the terms of any instrument under that Act, including a plan of management, applying to the land.

Clause 41 facilitates, during the World Youth Day period, the exercise of functions by an authorised employee of a council on behalf of another council.

Part 9 Protection of the Environment Operations Act 1997

Clause 42 states that the proposed Part is to be construed as if it formed part of the Protection of the Environment Operations Act 1997.

Clause 43 will enable the Authority, after consulting with the Environment Protection Authority, to declare that a person may carry out activities associated with World Youth Day events on such days during the World Youth Day period and during such hours as are specified in the declaration. Such a declaration has effect despite the terms of any other Act or statutory instrument, any approval or other authorisation given under any other Act or statutory instrument, or any restriction affecting the land specified in the declaration.

Clause 44 provides that the Environment Protection Authority is to be the appropriate regulatory authority for the purposes of the Protection of the Environment Operations Act 1997 in relation to the activities to which a declaration under proposed section 43 applies and the premises on which those activities are carried out. Proceedings under that Act relating to the emission of noise cannot be taken in respect of anything done under the authority of a declaration.

Part 10 Miscellaneous

Clause 45 makes it an offence for a person to operate a car park during the World Youth Day period within 5 kilometres of any World Youth Day venue or facility if

its operation is unlawful under the Environmental Planning and Assessment Act 1979.

Clause 46 makes it an offence to sell or distribute articles of a class prescribed by the regulations, without the Authority's approval, during the World Youth Day period on certain areas close to a World Youth Day venue or facility or a transport facility or interchange defined by order of the Minister. If a person who is selling or distributing prescribed articles without approval fails or refuses to comply with a direction by an authorised person to remove the articles to a place outside the relevant area, the articles are forfeited to the Crown.

Clause 47 provides for the resolution of disputes between the Authority and a government agency concerning the operation of any provision of the proposed Act.

Clause 48 authorises certain activities undertaken under the proposed Act for the purposes of section 51 of the Trade Practices Act 1974 of the Commonwealth and of the Competition Code. Section 51 of that Act and of that Code empowers the making of such authorisations by State legislation, with the result that the authorised matters will be disregarded in deciding whether a person has contravened Part IV of that Act and that Code. Part IV of that Act deals with restrictive trade practices.

Clause 49 provides that anything done pursuant to the proposed Act and the regulations does not constitute a nuisance.

Clause 50 provides that actions of a person done in good faith in the administration of the proposed Act do not give rise to any civil liability of the person, the State or an authority of the State or a local council.

Clause 51 protects the Chief Executive Officer of the Authority, a member of the Advisory Board or a committee, or a person acting under the direction of any of them, from personal liability in respect of acts done in good faith for the purpose of executing the proposed Act.

Clause 52 contains provisions relating to the seal of the Authority.

Clause 53 deals with the recovery of money due to the Authority under the proposed Act.

Clause 54 authorises the Authority to appoint rangers to carry out functions under the proposed Act.

Clause 55 enables penalty notices to be issued for prescribed offences against the proposed Act or the regulations.

Clause 56 ensures that provisions of the proposed Act that are to be construed as if they formed part of another Act or statutory instrument may be enforced in accordance with the enforcement provisions of that other Act or statutory instrument.

Clause 57 provides for the way in which proceedings for offences against a provision of the proposed Act are to be dealt with.

Clause 58 enables the Governor to make regulations for the purposes of the proposed Act, including in relation to fees and charges and the regulation of conduct of the public at World Youth Day venues and facilities.

Clause 59 is a formal provision that gives effect to the savings, transitional and other provisions set out in Schedule 1.

Clause 60 is a formal provision that gives effect to the amendments to the Acts set out in Schedule 2.

Clause 61 dissolves the Authority and the Advisory Board on a day to be appointed by proclamation.

Clause 62 provides for the repeal of the proposed Act on 1 January 2009.

Schedule 1 Savings, transitional and other provisions

Schedule 1 enables regulations to be made containing savings, transitional and other provisions consequent on the enactment of the proposed Act.

Schedule 2 Amendment of Acts

Schedule 2 amends consequentially the Acts specified in the Schedule.