

SYDNEY OPERA HOUSE ACT.

Act No. 29, 1960.

Elizabeth II, No. 29, 1960. An Act to sanction and to provide for the construction of the Sydney Opera House; to establish an Opera House Account; for these and other purposes to amend the Public Works Act, 1912, and the State Lotteries Act, 1930; to validate certain matters; and for purposes connected therewith. [Assented to, 19th April, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title
and
commence-
ment.

1. (1) This Act may be cited as the "Sydney Opera House Act, 1960".

(2) Section two (paragraph (c) of subsection one excepted) of this Act shall be deemed to have commenced upon the first day of January, one thousand nine hundred and fifty-seven.

(3) Section four of this Act shall be deemed to have commenced upon the eighth day of August, one thousand nine hundred and fifty-seven.

(4) In this Act unless the context otherwise indicates or requires—

"Sydney Opera House Executive Committee" includes the Opera House Committee and the Opera House Executive Committee.

2.

2. (1) (a) The carrying out of the work described in No. 29, 1960. the Schedule to this Act is hereby sanctioned.

(b) The said work shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, as amended by subsequent Acts. ^{Work} sanctioned.

(c) The Minister for Public Works is empowered to carry out the said work and shall be the constructing authority for the same within the meaning of the said Act, as so amended, and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

(d) The provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the said work.

(2) Without prejudice to the generality of subsection one of this section the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contracts referred to in paragraph (c) of subsection one of this section.

(3) For the purposes of this Act, but not otherwise, the Public Works Act, 1912, as amended by subsequent Acts, is amended by omitting from section eighty-one the words "Provided that no highway so dedicated shall exceed one chain in width".

(4) The cost of carrying out the said work is estimated at four million eight hundred and eighty thousand pounds and such estimated cost shall not, under any circumstances, be exceeded by more than ten per centum.

3. (1) The holding of the International Competition during the year one thousand nine hundred and fifty-six under which architects were invited to submit designs for a National Opera House at Bennelong Point, Sydney, in accordance with the conditions which were expressed to attach to such competition, is hereby ratified and validated.

(2)

Sydney Opera House Act.

No. 29, 1960.

(2) Any matter or thing done by the Government or the Premier of the State of New South Wales or the Sydney Opera House Executive Committee or any Minister of the Crown in connection with or consequential upon or incidental to the holding of such competition, including, but without limiting the generality of the foregoing, the award of premiums to the authors of the designs placed first, second and third in the competition, and the engagement and employment of the author of the design placed first in the competition as architect for the work authorised under this Act, shall be deemed to have been and to be valid and in accordance with the law.

Establishment of Opera House Account.

4. (1) There shall be established and kept in the Treasury an account in the Special Deposits Account to be called the "Opera House Account".

(2) There shall be paid to the credit of the Opera House Account—

- (a) the proceeds of any lottery conducted for the purpose of raising funds for the construction of the Sydney Opera House and associated works, less, firstly, the amount required to meet payment of all prizes in respect of any such lottery, and secondly, such amount as may be determined by the Treasurer as representing the proportion of the administrative costs of the State Lotteries Department incurred in the conduct of any such lottery;
- (b) the proceeds of any public appeal conducted for the purpose of raising funds for the construction of the Sydney Opera House and associated works;
- (c) such amounts as may be advanced to the Account by the Treasurer;
- (d) all moneys received from any other source for the purposes of this Act.

(3) The Opera House Account shall be applied to—

- (a) the payment of all costs related to the carrying out of the work sanctioned by this Act;
- (b)

- (b) the repayment of any advances made to the Account No. 29, 1960. by the Treasurer and the payment of any charges payable under the terms and conditions determined by the Treasurer in respect of such advances;
- (c) the payment of such expenses as may be incurred in the conduct of public appeals for the purpose of raising funds for the construction of the Sydney Opera House and associated works.

(4) Notwithstanding the provisions of the State Lotteries Act, 1930, the Treasurer shall cause to be paid into the Opera House Account all moneys received from the sale of tickets in, or from the promotion and conduct of any State lottery designated as an Opera House Lottery, less, firstly, the amount required to meet payment of all prizes in respect of any such lottery, and secondly, such amount as may be determined by the Treasurer as representing the proportion of the administrative costs of the State Lotteries Department incurred in the conduct of any such lottery.

(5) The Treasurer may make advances to the Opera House Account out of moneys appropriated by Parliament for this purpose on such terms and conditions as the Treasurer may approve.

5. (1) All contracts, agreements and undertakings entered into or purporting to have been entered into before the date upon which the Assent of Her Majesty to this Act is signified between the Government or the Premier of the State of New South Wales or the Sydney Opera House Executive Committee or any Minister of the Crown and any person, body or corporation relating to or concerning the Sydney Opera House are hereby ratified and validated.

Ratification
and valida-
tion of
contracts.

(2) The ratification and validation of such contracts, agreements and undertakings by subsection one of this section shall be deemed to have taken effect as from the respective dates upon which such contracts, agreements or undertakings were entered into or purported to have been entered into, and any act, instrument, matter or thing made, done or executed or any payment of moneys made under or in pursuance of any such contract, agreement or undertaking is hereby ratified and validated.

(3)

No. 29, 1960.

(3) The following provisions shall, as from the date of commencement of this section, have effect with respect to contracts, agreements and undertakings ratified and validated by subsections one and two of this section :—

- (a) all such contracts, agreements and undertakings shall be deemed to be contracts, agreements and undertakings entered into by or with the constructing authority pursuant to this Act;
- (b) any legal or other proceedings that might, but for the provisions of this section, have been continued or commenced by or against the Government or the Premier of the State of New South Wales or the Sydney Opera House Executive Committee or any Minister of the Crown may be continued or commenced by or against the constructing authority;
- (c) all suits, actions and proceedings pending immediately before such date at the suit of the Government or the Premier of the State of New South Wales or the Sydney Opera House Executive Committee or any Minister of the Crown under or in relation to any such contract, agreement or undertaking shall be suits, actions and proceedings pending at the suit of the constructing authority;
- (d) all moneys and liquidated or unliquidated claims which immediately before such date would have been payable to or recoverable by the Government or the Premier of the State of New South Wales or the Sydney Opera House Executive Committee or any Minister of the Crown under or in relation to any such contract, agreement or undertaking if the provisions of subsections one and two of this section had then been in force, shall be moneys and liquidated or unliquidated claims payable to or recoverable by the constructing authority;
- (e) any securities given to or by the Government or the Premier of the State of New South Wales or the Sydney Opera House Executive Committee or any Minister of the Crown in relation to any such contract, agreement or undertaking shall be deemed to be securities given to or by the constructing authority;
- (f)

- (f) the constructing authority may pursue the like No. 29, 1960. remedies for the recovery of any such moneys and claims and for the prosecution of any such suits, actions and proceedings as the Government or the Premier of the State of New South Wales or the Sydney Opera House Executive Committee or any Minister of the Crown might have done immediately before such date if the provisions of subsections one and two of this section had then been in force;
- (g) the constructing authority may enforce and realise any such security existing immediately before such date as if the same were existing in favour of the constructing authority;
- (h) all debts due and moneys payable by and all claims liquidated and unliquidated which immediately before such date would have been recoverable against the Government or the Premier of the State of New South Wales or the Sydney Opera House Executive Committee or any Minister of the Crown under or in relation to any such contract, agreement or undertaking if the provisions of subsections one and two of this section had then been in force, shall be debts due and moneys payable by and claims recoverable against the constructing authority.

SCHEDULE.

Sec. 2.

The construction and equipment of the Sydney Opera House at Bennelong Point, Sydney, generally in accordance with the design prepared by Joern Utzon, Esquire, which was placed first in the International Competition for a National Opera House conducted by the Government of New South Wales during the year one thousand nine hundred and fifty-six.

The work shall comprise:—

- (1) A large hall with a seating capacity for an audience of two thousand eight hundred persons.
- (2) A smaller hall with a seating capacity for an audience of one thousand one hundred persons.

(3)

Sydney Opera House Act.**No. 29, 1960.**

- (3) A restaurant with a seating capacity for two hundred and fifty persons.
- (4) A small experimental theatre in the basement with a seating capacity for an audience of four hundred persons.
- (5) A chamber music hall with a seating capacity for an audience of three hundred persons.
- (6) Meeting rooms, offices, library, canteen, kitchen, bars, lounges, foyers, cloak rooms and public amenities, rehearsal rooms, dressing rooms, broadcasting and television control centre, projection boxes, storerooms and workshops.
- (7) Air conditioning plant and equipment, lifts, stages, stage machinery, and stage facilities.
- (8) Concourse, car park, road works and paving, land-scaping and planting.
- (9) All works necessary or incidental to the preparation and development of the site, including site investigation, clearing, the construction of foundations, reconstruction of sea-walls and other marine works adjacent to the site, and the provision, removal or re-arrangement of any water or sewerage or drainage or electricity service or other public utility service.
- (10) Other ancillary works or buildings as deemed necessary or desirable by the constructing authority.

The whole of the work hereinbefore described to be subject to such modifications as may be deemed necessary or desirable by the constructing authority.

WORKERS'