

1993—No. 402

SYDNEY OPERA HOUSE TRUST ACT 1961—BY-LAW

(Sydney Opera House Trust By-law 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Sydney Opera House Trust Act 1961, has been pleased to approve the By-law made by the Sydney Opera House Trust and set forth hereunder.

PETER COLLINS, Q.C., M.P.,
Minister for Arts.

PART 1—PRELIMINARY

Citation

1. This By-law may be cited as the Sydney Opera House Trust By-law 1993.

Commencement

2. This By-law commences on 1 September 1993.

Definitions

3. In this By-law:

“**auditorium**” means any part of the Opera House premises that is used as a chamber music hall, cinema, concert hall, drama theatre or opera theatre or that is otherwise used for the conduct of a performance or event;

“**function**” includes power, authority and duty; “**confer a function**” includes impose a duty; “**exercise a function**” includes perform a duty;

“General Manager” means the General Manager of the Opera House;

“Opera House” includes any building situated on the Opera House premises;

“Opera House premises” means the whole of the land comprised in Lot 4, Deposited Plan 787933, and Lot 5, Deposited Plan 775888, and includes any building situated on that land;

“public area” means any part of the Opera House premises that comprises open space or that is used for the purposes of a foyer, walkway or other facility of a public nature;

“restricted area” means any part of the Opera House premises that is not a public area or an auditorium, and includes any area from which the public is excluded under clause 4;

“the Act” means the Sydney Opera House Trust Act 1961.

PART 2—VISITORS TO THE OPERA HOUSE

Exclusion of public from certain areas

4. The Trust may, by means of notices or barriers, exclude the public from any part of the Opera House premises.

Admission to auditorium

5. A person must not enter an auditorium unless the person is the holder of a ticket, or is the subject of a permit, authorising the person to enter the auditorium concerned.

Maximum penalty: 10 penalty units.

Admission to restricted areas

6. A person must not enter a restricted area unless the person is the subject of a permit authorising the person to enter the restricted area concerned.

Maximum penalty: 10 penalty units.

Permits

7. (1) The Trust may grant a permit authorising a person or group of persons to enter an auditorium or restricted area.

(2) A permit is to be in writing and is to specify the auditorium or restricted area to which it relates, when it is to have effect and for what purposes it is granted.

Auditorium offences

8. (1) A person must not take food or drink into, or consume food or drink within, an auditorium.

Maximum penalty: 10 penalty units.

(2) During a performance in an auditorium, a person:

- (a) must not take photographs or films, or operate an audio or video recorder, in the auditorium; and
- (b) must not cause annoyance or inconvenience to any other person in the auditorium.

Maximum penalty: 10 penalty units.

Commercial activities

9. A person must not do any of the following on the Opera House premises:

- (a) collect or attempt to collect money;
- (b) sell, hire, expose for sale or hire or solicit for sale or hire any papers, printed matter, food or other goods or services;
- (c) conduct, or cause or assist in the conduct of, an amusement, entertainment, instruction or performance, whether or not for money or other consideration;
- (d) take photographs or films, or operate a video recorder, for commercial purposes;
- (e) display or distribute any advertisement, sign, bill, poster or other printed matter.

Maximum penalty: 10 penalty units.

Recreational activities

10. (1) A person must not do any of the following on the Opera House premises:

- (a) operate any radio, cassette or other audio player, or play any musical instrument, at a volume likely to cause annoyance or inconvenience to any other person;
- (b) ride on or use any bicycle, skateboard, roller skates or similar apparatus;
- (c) operate or use a loudspeaker or public address system;
- (d) allow any animal, reptile or bird that is under the person's care or control to be on the premises.

Maximum penalty: 10 penalty units.

(2) Subclause (1) (d) does not prohibit a person from bringing on to the Opera House premises a seeing-eye dog that is in harness.

Smoking

11. (1) A person must not smoke within any enclosed part of the Opera House unless that part is designated as a smoking area in accordance with this clause.

Maximum penalty: 10 penalty units.

(2) The Trust may, by means of notices, designate any part of the Opera House as a smoking area.

Littering

12. A person must not deposit or discard any bottle, box or refuse of any kind on the Opera House premises otherwise than in the litter-bins provided.

Maximum penalty: 10 penalty units.

Hazardous behaviour

13. A person must not use a lighted candle, burning brand, wick, coal or fuel of any kind for illumination, heat or theatrical effect on the Opera House premises.

Maximum penalty: 10 penalty units.

Interference with signs

14. A person must not deface, damage, obscure or interfere with any sign or notice displayed on the Opera House premises.

Maximum penalty: 10 penalty units.

Mooring and fishing

15. A person must not do any of the following:

- (a) moor a vessel to any part of the Opera House premises;
- (b) fish from any part of the Opera House premises.

Maximum penalty: 10 penalty units.

Directions to leave

16. (1) The Trust may require a person who is in any auditorium or restricted area, or who is seeking entry to any auditorium or restricted area, to produce a ticket or permit authorising the person to enter the auditorium or area.

(2) The Trust may direct a person to leave an auditorium or restricted area if the person is not authorised by a ticket or permit to be in the auditorium or area.

(3) The Trust may direct a person to leave the Opera House premises:
(a) if the person is contravening any provision of this By-law; or
(b) if the person is behaving in an offensive manner.

(4) A person must not fail to comply with a direction under this clause.

Maximum penalty: 10 penalty units.

(5) The Trust may remove from the Opera House premises any person who fails to comply with a direction under this clause.

PART 3—VEHICLES**Admission**

17. (1) The Trust may refuse to admit a vehicle to the Opera House premises.

(2) A person must not cause a vehicle to enter the Opera House premises if admission is refused by the Trust.

Maximum penalty: 10 penalty units.

Parking

18. (1) The Trust may, by means of notices or barriers, regulate the parking of vehicles on the Opera House premises.

(2) A person must not cause a vehicle to be parked in wilful contravention of any such sign or in wilful disregard of any such barrier.

Maximum penalty: 10 penalty units.

(3) The Trust:

(a) may from time to time fix a scale of charges for the parking of vehicles on the Opera House premises; and
may demand and receive such charges from any person parking a vehicle on the Opera House premises.

(4) The Trust may direct a person to remove from the Opera House premises any unlawfully parked vehicle that is under that person's control.

(5) A person must not fail to comply with such a direction.

Maximum penalty: 10 penalty units.

(6) For the purposes of this clause, "park" includes stand and wait.

PART 4—GENERAL

Exercise of Trust's functions

19. (1) A function that is conferred on the Trust by this By-law may be exercised by the General Manager or by any person authorised under this clause to exercise that function.

(2) Either the Trust or the General Manager may authorise any member of staff of the Trust, or any other person, to exercise a function conferred on the Trust by this By-law.

Hindrance or obstruction

20. A person must not hinder or obstruct any person in the exercise of a function under this By-law.

Maximum penalty: 10 penalty units.

Certain acts not to be offences

21. (1) A person does not commit an offence under this By-law if the act giving rise to the offence was done:

- (a) as part of a performance; or
- (b) by a member of staff of the Trust in the course of his or her employment as such; or
- (c) under the direction or with the consent of the Trust.

(2) The consent of the Trust referred to in this clause may be given generally or in a particular case.

Allowances for trustees

22. The allowances to which a trustee is entitled under section 13 of the Act are the allowances for the time being fixed by the Governor.

Repeal

23. (1) The Sydney Opera House Trust Management By-laws are repealed.

(2) Any act, matter or thing that, immediately before the commencement of this By-law, had effect under the Sydney Opera House Trust Management By-laws is taken to have effect under this By-law.

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EXPLANATORY NOTE

The purpose of this By-law is to repeal and remake, with modifications, the provisions of the Sydney Opera House Trust Management By-laws. The new By-law deals with the following matters:

- (a) the admission of persons to and the behaviour of persons on the Opera House premises (Part 2);
- (b) the admission of vehicles to and the parking of vehicles on the Opera House premises (Part 3);
- (c) other matters of a minor, consequential or ancillary nature (Parts 1 and 4).

This By-law is made under the Sydney Opera House Trust Act 1961, including section 28 (the general by-law making power) and section 13.

This By-law is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
