



New South Wales

# Sydney Opera House Trust By-law 2021

under the

Sydney Opera House Trust Act 1961

Her Excellency the Governor, with the advice of the Executive Council, has approved the following By-law under the *Sydney Opera House Trust Act 1961*.

DON HARWIN, MLC

Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts

## Explanatory note

The object of this By-law is to remake, with minor amendments, the *Sydney Opera House Trust By-law 2015*, which is repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).

This By-law makes provision in relation to the following—

- (a) the regulation of vehicles on the premises of the Sydney Opera House,
- (b) the regulation of persons attending performances and events at the Sydney Opera House and on the premises of the Sydney Opera House,
- (c) the powers of authorised officers,
- (d) other minor and miscellaneous matters.

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### Part 1 Preliminary

#### 1 Name of By-law

This By-law is the *Sydney Opera House Trust By-law 2021*.

#### 2 Commencement

This By-law commences on 1 September 2021 and is required to be published on the NSW legislation website.

**Note**— This By-law replaces the *Sydney Opera House Trust By-law 2015*, which is repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).

#### 3 Definitions

In this By-law—

**aircraft** includes a drone or other unmanned aerial vehicle, hang-glider, hot air balloon and parachute.

**auditorium** means a chamber music hall, cinema, concert hall, drama theatre or opera theatre on the Opera House premises and includes any other part of the Opera House premises, whether indoors or outdoors, while the part is being used to hold a performance or event.

**authorised officer** means each of the following persons—

- (a) a police officer,
- (b) the Chief Executive Officer,
- (c) a person employed in the Public Service who is assigned to an authorised officer role by the Chief Executive Officer, generally or in relation to a particular provision of this By-law,
- (d) a person authorised for the time being by the Chief Executive Officer or the Trust to exercise the functions of an authorised officer, generally or in relation to a particular provision of this By-law.

**Chief Executive Officer** means the person employed in the Public Service as the Chief Executive Officer of the Trust.

**motor vehicle** has the same meaning as in the *Road Transport Act 2013*.

**Opera House premises** means the whole of the land comprised in Lot 4, Deposited Plan 787933 and Lot 5, Deposited Plan 775888 and includes a building, work or fixture on the land.

**parking** includes standing and waiting.

**public area** means a part of the Opera House premises that—

- (a) comprises open space, or
- (b) is used for the purposes of a foyer, walkway or other facility of a public nature.

***restricted area*** means a part of the Opera House premises that is not a public area or an auditorium and includes an area from which the public is excluded under clause 6.

***the Act*** means the *Sydney Opera House Trust Act 1961*.

***vehicle*** means a motor vehicle, bicycle, scooter, skateboard, rollerblades or similar device but does not include—

- (a) a pram or stroller, or
- (b) a wheelchair or other mobility device used as a disability aid.

**Note—** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this By-law.

## Part 2 Regulation of vehicles and persons on Opera House premises—the Act, s 28

### 4 Driving and parking vehicles

- (1) A person must not use a vehicle on the Opera House premises unless permitted by the Trust.  
Maximum penalty—10 penalty units.
- (2) The Trust may, by giving a direction, displaying a sign or erecting a barrier, do one or more of the following—
  - (a) prohibit the entry of vehicles onto the Opera House premises,
  - (b) regulate or otherwise control the entry of a vehicle onto the Opera House premises,
  - (c) regulate the use and parking of vehicles on the Opera House premises,
  - (d) refuse to admit a vehicle onto the Opera House premises.
- (3) A person must not do anything in contravention of a direction, sign or barrier under this clause.  
Maximum penalty—10 penalty units.
- (4) The Trust may—
  - (a) from time to time fix a scale of charges for the parking of vehicles on the Opera House premises, and
  - (b) demand and receive the charges from a person parking a vehicle on the Opera House premises.

### 5 Conditions of entry

- (1) An authorised officer may, for the purposes of promoting safety and security on the Opera House premises, request that a person entering the premises do one or more of the following—
  - (a) undergo a search conducted by electronic means,  
**Example—** An electronic detection device passed over or in close proximity to the person or the person passing through a detection device.
  - (b) allow the authorised officer to search articles in the person's possession,
  - (c) identify articles in the person's possession,
  - (d) remove the person's coat, jacket or similar item of clothing or gloves, shoes and hat or other headwear and allow the authorised officer to examine the items,
  - (e) if the person enters in or on a vehicle—allow the authorised officer to inspect or search the vehicle,
  - (f) leave an article in the person's possession in the temporary custody of the Trust while the person is on the Opera House premises.  
**Example—** Checking the article into a cloakroom provided by the Trust.
- (2) A request under subclause (1)(f) may be made by a member of staff of the Trust.
- (3) A request under this clause may be made at any time a person is on the Opera House premises.
- (4) A person's entry to the Opera House premises, whether or not on payment of an admission fee, is subject to the condition that the person complies with a request made under this clause.

## 6 Exclusion of public from certain areas

The Trust may exclude the public from a part of the Opera House premises by—

- (a) giving a direction, or
- (b) displaying a sign, or
- (c) erecting a barrier.

## 7 Admission to auditoriums and restricted areas

- (1) A person must not enter an auditorium that is open for a ticketed performance or event unless the person has a ticket or a permit authorising the person to enter the auditorium.

Maximum penalty—10 penalty units.

- (2) A person must not enter a restricted area unless the person has a permit authorising the person to enter the restricted area.

Maximum penalty—10 penalty units.

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

- (4) A permit must be written and specify the following—

- (a) the auditorium or restricted area to which it relates,
- (b) the period during which the permit has effect,
- (c) the purposes for which the permit is granted.

- (5) In this clause—

*ticketed performance or event* means a performance or event for which a ticket must be held for entry to the auditorium in which the performance or event is taking place.

## 8 Prohibited activities in auditoriums

- (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 must not do the following—

- (a) take photographs or films in the auditorium,
- (b) use a device to record sound or images in the auditorium or to transmit sound or images from the auditorium,
- (c) cause inconvenience to another person in the auditorium.

Maximum penalty—10 penalty units.

## 9 Prohibited activities on Opera House premises

- (1) A person must not do the following on the Opera House premises—

- (a) sell, hire, display for sale or hire or solicit for sale or hire a service, article or thing,
- (b) distribute an article or thing for commercial or promotional purposes,
- (c) conduct, or cause or assist in the conduct of, an amusement, entertainment, instruction or performance,
- (d) conduct, or cause or assist in the conduct of, a public demonstration,
- (e) use an audio, loudspeaker or broadcasting equipment or camera, whether photographic, cinematic or video, for commercial purposes,

- (f) use a device to record or transmit sound or images for commercial purposes,
- (g) distribute or display, by oral, visual, written, electronic or other means, an advertisement, sign, bill, poster or other promotional material,
- (h) undertake a charitable collection,
- (i) operate a radio or other electronic device, or play a musical instrument, at a volume likely to cause inconvenience to another person,
- (j) operate a public address system, loudspeaker or similar device,
- (k) allow an animal that is under the person's care or control onto the premises,
- (l) deface, damage, obscure or interfere with a sign or notice displayed on the premises,
- (m) launch or land an aircraft.

Maximum penalty—10 penalty units.

- (2) Subclause (1)(k) does not prohibit a person who has a disability from bringing an assistance animal onto the Opera House premises.
- (3) A person must not smoke in an area of the Opera House premises unless a sign designates the area as an area in which smoking is permitted.  
Maximum penalty—5 penalty units.
- (4) In this clause—

*animal* means a non-human mammal or a bird, fish, reptile, amphibian, crustacean, insect, arachnid, arthropod or mollusc.

*assistance animal* and *disability* have the same meanings as in the *Disability Discrimination Act 1992* of the Commonwealth.

*smoke* has the same meaning as in the *Smoke-free Environment Act 2000*.

## 10 Interference with equipment

A person must not, while on the Opera House premises, damage, tamper with, or otherwise interfere with the operation of—

- (a) equipment, fixtures or fittings on the Opera House premises, or
- (b) an electronic, technological or computer system or network operating on the Opera House premises.

Maximum penalty—50 penalty units.

## 11 Mooring, fishing and swimming

- (1) A person must not do the following—
  - (a) launch or moor a vessel from or to the Opera House premises,
  - (b) fish from the Opera House premises,
  - (c) swim to and enter the Opera House premises or swim from the premises.Maximum penalty—10 penalty units.
- (2) It is not an offence if a person swims to or from the Opera House premises, or launches or moors a vessel from or to the premises, in an emergency.

## **Part 3 Powers of authorised officers—the Act, s 28**

### **12 Directions to leave**

- (1) An authorised officer may require a person who is in an auditorium or restricted area, or who is seeking entry to an auditorium or restricted area, to produce a ticket or permit authorising the person to enter the auditorium or area.
- (2) An authorised officer 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) An authorised officer may direct a person to leave the Opera House premises or a part of the premises if the authorised officer believes on reasonable grounds that—
  - (a) the person is about to contravene, is contravening or has contravened a provision of this By-law, or
  - (b) the person is about to commit, is committing or has committed another offence on the Opera House premises, or
  - (c) the person is failing or has failed to comply with a request made under clause 5 that is a condition of the person's entry to the Opera House premises, or
  - (d) the person is causing inconvenience or behaving in an offensive manner or a manner likely to endanger the person or another person, or
  - (e) the direction is necessary to protect the person's health or safety or the health or safety of another person.
- (4) A person must not fail to comply with a direction under this clause.  
Maximum penalty—50 penalty units.
- (5) An authorised officer may remove from the Opera House premises a person who fails to comply with a direction under this clause.
- (6) Reasonable force may be used to effect the person's removal.

### **13 Requirement to state name and address**

- (1) An authorised officer may require a person to state the person's full name and residential address if the authorised officer suspects on reasonable grounds that the person—
  - (a) is contravening or has contravened a provision of this By-law, or
  - (b) is committing or has committed another offence on the Opera House premises.
- (2) A person must not—
  - (a) without reasonable excuse, fail to comply with a requirement under this clause, or
  - (b) in purported compliance with a requirement, provide information that the person knows to be false or misleading in a material particular.  
Maximum penalty—50 penalty units.
- (3) A person is not guilty of an offence against this clause unless it is established that the authorised officer warned the person that the failure to comply with the requirement is an offence.

### **14 Taking photographs**

An authorised officer may take a photograph or make another form of image of a person if the authorised officer suspects on reasonable grounds that the person—

- (a) is contravening or has contravened a provision of this By-law, or



- (b) is committing or has committed another offence on the Opera House premises.

**15 Powers in relation to aircraft, vehicles and vessels**

- (1) An authorised officer may direct a person to remove from the Opera House premises an unlawfully landed aircraft, unlawfully parked vehicle or unlawfully moored vessel that is under the person's control.
- (2) A person must not fail to comply with a direction under this clause.  
Maximum penalty—10 penalty units.
- (3) An authorised officer may cause an unlawfully landed aircraft, unlawfully parked vehicle or unlawfully moored vessel to be removed from the Opera House premises if—
  - (a) the person in control of the aircraft, vehicle or vessel has failed to comply with a direction to remove the aircraft, vehicle or vessel, or
  - (b) the aircraft, vehicle or vessel is unattended and the authorised officer, after making reasonable inquiries, has been unable to identify a person who is in control of the aircraft, vehicle or vessel.
- (4) For the purpose of promoting safety and security on the Opera House premises, an authorised officer may cause an aircraft, vehicle or vessel to be removed from the premises at any time.

## **Part 4 Miscellaneous—the Act, s 28**

### **16 Banning from Opera House premises**

- (1) The Trust may ban a person from the Opera House premises if it believes on reasonable grounds that—
  - (a) the person has contravened a provision of this By-law or has committed another offence on the Opera House premises, or
  - (b) the person has failed to comply with a request made under clause 5 that is a condition of the person's entry to the Opera House premises, or
  - (c) the person has caused inconvenience or has behaved in an offensive manner or a manner likely to endanger the person or another person.
- (2) A ban under this clause takes effect when written notice of the ban is served on the person and remains in force for the period specified in the notice or for 3 months, if no period is specified.
- (3) The maximum period that may be specified in a notice under subclause (2) is 3 months unless there is a ban already in force in relation to the person, in which case the maximum period that may be specified is 12 months.
- (4) The Trust may remove a ban in relation to a person at any time by written notice served on the person.
- (5) A person must not enter the Opera House premises while a ban is in force in relation to the person.  
Maximum penalty—50 penalty units.
- (6) The Trust may delegate the exercise of a function of the Trust under this clause, other than this power of delegation, to the Chief Executive Officer, another member of staff of the Trust or a police officer.

### **17 Exercise of Trust's functions**

A function conferred on the Trust by this By-law, other than a function under clause 16, may be exercised by an authorised officer.

### **18 Offence to hinder or obstruct**

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

Maximum penalty—10 penalty units.

### **19 Certain acts not to be offences**

- (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 put on, or approved, by the Trust, or
  - (b) by a member of staff of the Trust in the course of the member's employment, 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.

### **20 Allowances for trustees**

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

## **21 Savings**

Any act, matter or thing that, immediately before the repeal of the *Sydney Opera House Trust By-law 2015*, had effect under that By-law continues to have effect under this By-law.