

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 February, 1961.*

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1961.

An Act to make provisions with respect to the management and administration of the Sydney Opera House; to provide for the establishment and incorporation of The Sydney Opera House Trust and to define its powers, authorities, duties and functions; and for purposes connected therewith.

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 : —

1. This Act may be cited as the "Sydney Opera House Short title. Trust Act, 1961".

2.

Sydney Opera House Trust.

2. In this Act, unless the context or subject-matter otherwise indicates or requires— Definitions

5 “Appointed day” means the day upon which the proclamation referred to in subsection two of section five of this Act is published in the Gazette.

“By-laws” means by-laws made under this Act.

10 “Opera House” means the work the carrying out of which was authorised by the Sydney Opera House Act, 1960, and includes any alteration, enlargement, re-building, extension or addition, made from time to time, to such work.

“Site” means the site of the Opera House, as described in the notification published pursuant to subsection two of section five of this Act.

15 “Trust” means The Sydney Opera House Trust constituted and incorporated under this Act.

“Trustee” means a member of the Trust.

3. (1) There shall be constituted under this Act a Sydney Opera House Trust which shall carry into effect the objects and purposes of this Act and shall have and may exercise the powers, authorities, duties and functions conferred or imposed on the Trust by or under this Act. Constitution of Sydney Opera House Trust.

25 (2) The Trust shall be a body corporate under the name of “The Sydney Opera House Trust” with perpetual succession and a common seal, and shall, for the purposes and subject to the provisions of this Act, be capable by that name of suing and being sued, and of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

35 (3) The Trust may acquire and hold by purchase, lease or otherwise any real or personal property and any rights or privileges which the Trust may think necessary or convenient for its objects.

4.

Sydney Opera House Trust.

4. (1) The Trust shall have the following objects and may exercise any or all of the following functions : —

Objects,
functions
and powers
of Trust.

- (a) the administration, care, control, management and maintenance of the Opera House and the site;
- 5 (b) the management and administration of the Opera House as a theatre, concert hall and place of assembly to be used as a place for the presentation of any of the branches of the musical, operatic, dramatic, terpsichorean, visual or auditory arts or
- 10 as a meeting place in respect of matters of international, national or local significance;
- (c) the promotion of artistic taste and achievement in any of the branches of the arts referred to in the foregoing provisions of this subsection;
- 15 (d) scientific research into, and the encouragement of, new and improved forms of entertainment and methods of presentation of entertainment.

(2) In order that the Trust may attain any of its objects and effectively carry out any of its functions, it shall

20 have power to do all such things as it may deem incidental or conducive to the profitable and effective carrying out thereof.

(3) The Trust shall have in addition to any other powers conferred on it by this Act the specific powers set out in the Schedule to this Act.

25 (4) The mere enumeration of specific powers in the Schedule to this Act or the conferring upon the Trust of other specific powers by any other section of this Act shall not operate to limit the general powers conferred upon the Trust by this section.

30 5. (1) When the work described in the Schedule to the Sydney Opera House Act, 1960, has been carried out, the Minister for Public Works shall certify to the Governor that such work has been completed.

Vesting of
Sydney
Opera
House in
the Trust.

(2)

Sydney Opera House Trust.

(2) Thereupon the Governor may by proclamation published in the Gazette notify—

- (a) that such work is complete; and
- (b) that the Trust is charged with the care, control and management of such work and the site thereof as described in such notification.

(3) Such notification shall on and from the appointed day operate to charge the Trust with the care, control and management of such work, and the site thereof described in the notification published pursuant to subsection two of this section.

6. (1) The first Trust shall consist of seventeen trustees. Constitution of first Trust.

(2) Of such trustees—

- (a) one shall be the Minister, and he shall be the President of the first Trust; and
- (b) one shall be the person who for the time being holds the office of Lord Mayor of the City of Sydney, and he shall be the Vice-President of the first Trust.

(3) The other fifteen trustees (in this Act called “nominated trustees”) shall be the following persons, that is to say :—

Stanley Haviland, Esquire, C.B.E. (who shall be chairman of the first Trust), Edward William Adams, Esquire, Clarence Henry Woodward Arthy, Esquire, Professor Henry Ingham Ashworth, M.A., B.Arch., F.R.A.I.A., F.R.I.B.A., Miss Doris Fitton, O.B.E., John Glass, Esquire, C.B.E., Sir Bernard Heinze, Kt., Neil Hutchison, Esquire, the Honourable James Denis Kenny, M.L.C., Erik Langker, Esquire, O.B.E., Dr. Nicolai Malko, Charles Joseph Alfred Moses, Esquire, C.B.E., Dr. Cobden Parkes, C.B.E., F.R.A.I.A., F.R.I.B.A., Dr. Lloyd Maxwell Ross, D.Litt., M.A., LL.B., and Dr. Harold Stanley Wyndham, M.A., Ed.D., Dip.Ed.

(4)

Sydney Opera House Trust.

(4) The members of the first Trust shall, subject to this Act, hold office until the second anniversary of the appointed day.

(5) Where a casual vacancy occurs in the office of any nominated trustee, the Governor may appoint a person to the vacant office who shall, subject to this Act, hold office as a nominated trustee for the residue of his predecessor's term of office.

(6) Where a casual vacancy occurs in the office of chairman of the first Trust, the Governor may appoint a trustee to the vacant office who shall, subject to this Act, hold office as chairman of the first Trust for the residue of his predecessor's term of office.

(7) At every meeting of the first Trust at which he is present the chairman shall preside.

In the absence of the chairman from any meeting of the first Trust, the trustees present at the meeting shall select from amongst their number a chairman to preside at that meeting.

(8) A nominated trustee shall, unless otherwise disqualified, be eligible for appointment as a trustee under section seven of this Act.

7. (1) Upon the second anniversary of the appointed day the Trust shall be reconstituted and shall thereafter consist of fourteen trustees. Reconstitution of Trust.

(2) Of such trustees—

(a) one shall be the Minister, and he shall be the President of the Trust; and

(b) one shall be the person who for the time being holds the office of Lord Mayor of the City of Sydney, and he shall be the Vice-President of the Trust.

(3) The other twelve trustees (in this Act called "appointed trustees") shall be appointed by the Governor on the nomination of the Minister made after consultation with such persons, authorities, organisations and associations as the Minister thinks fit.

(4)

Sydney Opera House Trust.

(4) The appointed trustees shall be divided into four equal groups and the appointed trustees to be included in each of the four groups shall be as determined by the Governor.

5 (5) (a) The appointed trustees comprised in such one of the four groups aforesaid as the Governor may determine shall, subject to this Act, hold office as trustees for a term of one year from the date of the reconstitution of the Trust under this section, and shall if otherwise qualified be eligible for
10 reappointment.

(b) The appointed trustees comprised in such other of the four groups aforesaid as the Governor may determine shall, subject to this Act, hold office as trustees for a term of two years from the date of the reconstitution
15 of the Trust under this section, and shall if otherwise qualified be eligible for reappointment.

(c) The appointed trustees comprised in such other of the four groups aforesaid as the Governor may determine shall, subject to this Act, hold office as trustees
20 for a term of three years from the date of the reconstitution of the Trust under this section, and shall if otherwise qualified be eligible for reappointment.

(d) The appointed trustees comprised in the remaining one of the four groups aforesaid shall, subject to
25 this Act, hold office as trustees for a term of four years from the date of the reconstitution of the Trust under this section, and shall if otherwise qualified be eligible for reappointment.

(6) Upon the first anniversary of the date of the reconstitution of the Trust under this section and thereafter annually
30 there shall take office as trustees three persons who shall have been appointed by the Governor on the nomination of the Minister made after consultation with such persons, authorities, organisations and associations as the Minister thinks fit.

The

Sydney Opera House Trust.

The trustees appointed under this subsection shall, subject to this Act, hold office as trustees for a term of four years from the date upon which they take office under this subsection and shall if otherwise qualified be eligible for
5 reappointment.

Of the three persons nominated each year by the Minister for appointment as trustees at least one shall be knowledgeable and experienced in the theatre and all shall be persons who by their knowledge and experience can advance the objects
10 of the Trust.

(7) (a) Where a vacancy occurs in the office of an appointed trustee before the expiration of his term of office the casual vacancy so arising shall be filled by a person appointed thereto by the Governor on the nomination of the
15 Minister and such person shall possess similar qualifications to those by virtue of which his predecessor was appointed as a trustee.

(b) The trustee filling any such casual vacancy shall, subject to this Act, hold office as trustee for the residue
20 of his predecessor's term of office, and shall if otherwise qualified be eligible for reappointment.

(8) (a) No person of or above the age of seventy years shall be eligible for appointment as an appointed trustee.

25 (b) An appointed trustee shall cease to hold office as a trustee upon the day upon which he attains the age of seventy years.

(9) Nothing contained in this section shall prejudice or affect in any way the continuity of the body corporate
30 established under this Act under the name of "The Sydney Opera House Trust" but such body corporate shall continue notwithstanding the provisions of this section.

8. (1) A trustee shall be deemed to have vacated his office if he—
Vacancies
—how
caused.

35 (a) dies;

(b) resigns his office by writing under his hand addressed to the Governor;

(c)

Sydney Opera House Trust.

- (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- 5 (d) is absent from three consecutive ordinary meetings of the Trust of which notice has been given to him personally or in the ordinary course of post and is not before the expiration of six weeks after the last of such meetings excused by the Trust for his absence from such meetings;
- 10 (e) is removed from office by the Governor.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any nominated trustee or appointed trustee from office.

9. The provisions of the Public Service Act, 1902, or any
 15 Act amending or replacing that Act, shall not apply to or in respect of the appointment of any trustee, and a trustee shall
 not, in his capacity as such trustee, be subject to the provisions of any such Act during his term of office. Public Service Act not to apply.

The office of a trustee shall not for the purposes of the
 20 Constitution Act, 1902, or any Act amending or replacing that Act, be deemed to be an office or place of profit under the Crown.

10. (1) The trustees shall, in accordance with the by-laws, Chairman.
 elect from amongst their number a chairman of the Trust
 25 and a vice-chairman of the Trust and such other officers as the trustees think fit. The chairman and vice-chairman and any such other officer shall hold office as chairman, vice-chairman or other officer, as the case may be, from the date of his election until the election of his successor at the
 30 annual general meeting of the Trust in the next ensuing year, and shall if otherwise qualified be eligible for re-election.

(2)

Sydney Opera House Trust.

(2) Where the office of the chairman, vice-chairman or other officer elected under this section becomes vacant before the expiration of his term of office as chairman, vice-chairman or other officer, as the case may be, a successor shall, in accordance with the by-laws, be elected to fill the vacancy by the trustees from amongst their number at a meeting of the Trust specially convened for the purpose. Such successor shall hold office as chairman, vice-chairman or other officer, as the case may be, for the residue of his predecessor's term of office and shall if otherwise qualified be eligible for re-election.

(3) At every meeting of the Trust at which he is present the chairman shall preside.

In the absence of the chairman from any meeting of the Trust at which the vice-chairman is present, the vice-chairman shall preside at the meeting.

In the absence of the chairman and the vice-chairman from any meeting of the Trust, the trustees present at the meeting shall select from amongst their number a chairman to preside at that meeting.

(4) The provisions of this section shall not apply to or in respect of the first Trust or the members thereof.

11. (1) The procedure for the calling of meetings of the Trust and the conduct of business at such meetings shall, subject to any by-laws in relation thereto, be as determined by the trustees. Procedure, quorum, etc.

(2) Any eight trustees shall be a quorum for the purposes of any meeting of the Trust.

(3) (a) Any duly convened meeting of the Trust at which a quorum is present shall be competent to transact any business of the Trust and shall have and may exercise and perform all the powers, authorities, duties and functions by this Act conferred or imposed upon the Trust.

(b)

Sydney Opera House Trust.

(b) A decision of the majority of trustees present at a meeting of the Trust shall be the decision of the Trust.

(c) The chairman, vice-chairman or other the trustee presiding at any meeting of the Trust shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

12. (1) The Trust may establish such committees as it thinks fit for the purpose of assisting it to carry out its objects and functions under this Act.

Delegation to committees, and other persons.

(2) A person may be appointed to any such committee whether or not he is a member of the Trust.

(3) Any such committee may exercise such of the Trust's powers, authorities, duties and functions as may be delegated to it by the Trust.

(4) Any officer or employee appointed pursuant to section sixteen of this Act may, where the delegation has been approved by the Governor, exercise such of the Trust's powers, authorities, duties and functions as may be delegated to him by the Trust.

(5) Notwithstanding any delegation made under this section, the Trust may continue to exercise and discharge any of the powers, authorities, duties and functions so delegated.

(6) The Trust may at any time revoke any such delegation, either wholly or in part.

13. The trustees shall be entitled to receive allowances for conveyance and subsistence in travelling to and from meetings of the Trust and upon the business of the Trust, in such amounts or at such rates as may be prescribed by or under the by-laws.

Allowances.

14. (1) No act or proceeding of the Trust or of any person acting pursuant to any direction of the Trust shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any trustee.

Validity of acts and proceedings.

(2)

Sydney Opera House Trust.

(2) All acts and proceedings of the Trust or of any person acting pursuant to any direction of the Trust shall, notwithstanding the subsequent discovery of any defect in the appointment of any trustee, or that any such trustee was disqualified from acting as or incapable of being a trustee, be as valid as if such trustee had been duly appointed and was qualified to act as or capable of being, and had acted as, a trustee and as if the Trust had been properly and fully constituted.

10 15. (1) The common seal of the Trust shall be kept in the custody of the chairman or such other trustee as the Trust may determine, and shall not be affixed to any instrument or writing except upon resolution of the Trust.

(2) Every instrument to which the common seal is affixed shall be signed by two trustees and such other officer of the Trust as the Trust may appoint.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Trust, and shall presume that it was duly affixed.

20 16. (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary for the purposes of this Act.

(2) The officers and employees so employed shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, during their tenure of office or employment.

17. (1) The Trust shall, as soon as practicable after the commencement of this Act, establish an account in a bank in New South Wales to be called the "Sydney Opera House Management Account" (in this section referred to as "the Account").

(2)

Sydney Opera House Trust.

(2) There shall be placed to the credit of the Account—

- (a) any moneys appropriated by Parliament for the purposes of this Act;
- 5 (b) such amounts as may be advanced to the Account by the Treasurer;
- (c) all moneys received from any other source under or for the purposes of this Act.

(3) Any moneys standing to the credit of the Special Deposits Account in the Treasury called the "Opera House Account" on the appointed day, and any moneys paid to the credit of the said Special Deposits Account after that day shall, if the Treasurer certifies that such moneys are not required to meet any expenditure payable from the said Special Deposits Account pursuant to any of the provisions of the Sydney Opera House Act, 1960, be paid into the Account.

(4) The moneys in the Account may, subject to the terms of any trust or condition affecting those moneys or any part thereof, be applied for the purpose of carrying out or giving effect to all or any of the objects or functions of the Trust, including but without limiting the generality of the foregoing provisions of this subsection, the payment of allowances under section thirteen of this Act and of the salaries and wages of officers and employees referred to in section sixteen of this Act.

(5) Any moneys in the Account that are not immediately required for the purposes of this Act may be invested by the Trust in any manner authorised under this Act.

30 **18.** (1) The Trust shall have power to acquire by gift inter vivos, endowment, bequest or devise, any property for any of the purposes of this Act, and to agree to the condition of any such gift, endowment, bequest or devise. Power to accept gifts, etc.

(2) The rule of law relating to perpetuities shall not apply to any such condition to which the Trust has agreed.

(3)

Sydney Opera House Trust.

(3) Nothing contained in the Stamp Duties Act, 1920, or in any Act amending that Act, whether passed before or after the commencement of this Act, shall apply to any real or personal property of any nature or kind whatsoever 5 comprised in any gift inter vivos, endowment, devise or bequest to be made to the Opera House or the Trust.

19. (1) Where the Trust adjudges any real or personal property for the time being vested in the Trust to be unfit for or not required for its objects, the Trust may notwithstanding 10 the terms of any trust affecting the property or of any arrangement or condition made or agreed to by the Trust at the time of its acquisition by the Trust—
- (a) sell the property or exchange it for any other property; or
- 15 (b) dispose of without consideration or in the case of personal property destroy the property if the Trust adjudges it to be of no salable value.

The proceeds of any sale made by the Trust in the exercise of the power conferred on the Trust by paragraph (a) of this 20 subsection shall, after deduction therefrom of the costs of and incidental to the sale, be held by the Trust for the objects of the Trust.

(2) Any property sold or disposed of by way of exchange or otherwise by the Trust purporting to exercise any 25 of the powers conferred on the Trust by this section shall vest in the person acquiring it by virtue of the sale or other disposition freed and discharged from any trust, arrangement or condition relating to any sale or disposition of the property or to the use of the property to which the property was subject 30 in the hands of the Trust.

(3) No person acquiring any property from the Trust purporting to exercise any of the powers conferred on the Trust by this section shall be concerned to inquire whether a case has arisen to authorise the sale or other disposition of 35 the property or whether the power was otherwise properly and regularly exercised or to see to the application of any purchase money paid to the Trust.

Sydney Opera House Trust.

20. For the purpose of assisting the Trust in carrying out its objects, there shall be paid by the Treasurer to the Trust such sum as Parliament may approve each year. Such sum shall be paid in such instalments as the Treasurer may
5 approve. Statutory
endow-
ment.

21. The Treasurer may for the temporary accommodation of the Trust advance such moneys to the Trust as the
Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon. Temporary
advances.

10 22. The Trust may borrow money for— Borrowing.
(a) the purpose of carrying out or performing any of its powers, authorities, duties and functions;
(b) the renewal of loans; or
(c) the discharge or partial discharge of any indebted-
15 ness to the Treasurer or to any bank,

within such limits, to such extent and upon such conditions as to security or otherwise, as the Governor upon the recommendation of the Treasurer may approve.

23. (1) The Trust shall cause to be kept proper books of
20 account in relation to the funds of the Trust and shall, as soon as practicable, and not more than three months, after the thirtieth day of June in each year prepare and transmit to the Minister for presentation to Parliament statements of accounts in a form approved by the Auditor-General
25 exhibiting a true and correct view of the financial position and transactions of the Trust. Accounts.

(2) The accounts of the Trust shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law
30 now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the trustees and officers and employees in the same manner as it applies to accounting officers of public departments.

24.

Sydney Opera House Trust.

24. (1) The Trust may, subject to the provisions of any trust affecting its funds or to any directions or restrictions attached thereto or imposed by the donor thereof, from time to time invest any of its funds in any securities from time to time authorised by law for the investment of trust funds.

Investment
of funds of
the Trust.

(2) The Trust may retain and hold any investments which may be transferred to it otherwise than by way of purchase notwithstanding that such investments may not be of the nature authorised by subsection one of this section.

10 25. (1) The Trust—

- (a) may by resolution from time to time fix the scale of charges and admission fees to be made and levied by it for admission to the Opera House or site or any part of the Opera House or site at any time except during a period when the Trust has granted the use of the Opera House or site or such part to any person pursuant to section twenty-six of this Act; and
- (b) may, except during any such period, demand, recover and receive such charges and admission fees from any person entering the Opera House or site or the part of the Opera House or site in respect of which a charge or admission fee is payable.

Charges
and
admission
fees.

(2) The scale of charges and admission fees to be made and levied for admission to the Opera House or site or part of the Opera House or site may vary according to the days on which, the times at which, the function to which, and the uses or purposes for which, admission is sought or allowed.

26. The Trust may permit the Opera House or site or any part of the Opera House or site to be used by any person at such times and upon such terms and conditions and subject to payment to the Trust of such hiring charges as the Trust may think fit and proper, or as may be prescribed by the by-laws, for or in connection with any purpose approved by the Trust.

Hiring.

27.

Sydney Opera House Trust.

27. The Trust shall as soon as practicable, and not more Annual
than three months, after the thirtieth day of June in each reports.
year cause a report of its work and activities during the year
ending on that date to be prepared and forwarded to the
5 Minister for presentation to Parliament.

28. (1) The Trust may make by-laws not inconsistent with By-laws.
this Act for and with respect to—

- 10 (a) the general management and control of the Opera
House and the site or any part of the Opera House
or site, including but without limiting the generality
of the foregoing, by-laws for or with respect to—
- (i) the regulation of the use and enjoyment of
the Opera House or site;
- 15 (ii) the leasing, letting or hiring of the Opera
House or site;
- (iii) the securing of decency and order in the
Opera House or on the site;
- 20 (iv) the removal of trespassers from the Opera
House or site and of other persons causing
annoyance or inconvenience in the Opera
House or on the site;
- 25 (v) the regulation or prevention of the taking
of intoxicants into the Opera House or
onto the site, or the consuming of
intoxicants in the Opera House or on the
site;
- (vi) the regulation or prevention of the taking
of animals into the Opera House or onto
the site;
- 30 (vii) the regulation, control or prohibition of
the parking of vehicles on any land vested
in or under the control of the Trust, the
making of charges for such parking, and
the collecting and receiving of such charges
35 by the Trust or by other persons;
- (viii)

Sydney Opera House Trust.

(viii) admission to the Opera House or site or any part of the Opera House or site, and the making and levying of charges or admission fees, and the collecting and receiving of such charges and fees by the Trust or by other persons;

(b) regulating the affairs, business, management and meetings of the Trust and any committee thereof;

(c) the election of officers of the Trust (other than the President and Vice-President);

(d) generally any matters necessary or convenient for carrying out or giving effect to this Act.

(2) The by-laws may impose a penalty not exceeding fifty pounds for any breach thereof. Any such penalty may be recovered before a stipendiary magistrate or two justices in petty sessions.

(3) Every by-law made by the Trust shall be sealed with the common seal of the Trust, shall be submitted for the consideration and approval of the Governor, and when so approved shall—

(a) be published in the Gazette;

(b) take effect from the date of publication or from a later date to be specified in the by-law.

(4) A copy of every such by-law shall be laid before each House of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such by-law has been laid before such House disallowing the by-law or part thereof, such by-law or part thereof shall thereupon cease to have effect.

Sydney Opera House Trust.

SCHEDULE.

Sec. 4 (3),
(4).

SPECIFIC POWERS OF THE TRUST.

- (a) To use or arrange for the use of the Opera House for—
 - 5 (i) the presentation of grand opera and ballet, and orchestral, instrumental, dramatic, choral and vocal concerts and recitals ;
 - (ii) the promotion and organisation of music, drama and dance festivals and similar entertainments ;
 - (iii) the holding of conferences and meetings ;
 - 10 (iv) performances, entertainments, displays, exhibitions, recitals, lectures, film-screenings, broadcasts, telecasts and other purposes calculated, in the opinion of the Trust, to provide for the cultural welfare or education of the participants or audience.
- 15 (b) To engage and enter into contracts with artists, entertainers, lecturers and performers to appear at the Opera House and to pay them such fees and remuneration as may be agreed upon.
- 20 (c) In or in connection with the Opera House and any entertainment or gathering therein to carry on the businesses of licensed victuallers, refreshment purveyors, caterers, tobacconists and confectioners and any like business.
- (d) To give and contribute towards prizes, cups and other rewards or prizes for competition at any entertainment or gathering held in the Opera House.
- 25 (e) To grant rights and privileges to licensed victuallers, caterers, tobacconists, confectioners and other vendors to sell their wares within the Opera House or on the site upon such terms and conditions and subject to the payment of such charges as may be determined by the Trust.
- 30 (f) To install, use, work and maintain film cameras and projectors and broadcasting and television apparatus, and to grant the right of installing, using, working and maintaining the same within the Opera House or on the site upon such terms and conditions and subject to the payment of such charges as may be determined by the Trust.
- 35 (g) To print and publish or to arrange for the printing or publishing of plays, music, programmes, posters and advertisements and such other publications as the Trust may deem expedient and to acquire the copyright therein.
- 40

(h)

Sydney Opera House Trust.

- 5 (h) To register, purchase or apply for or otherwise acquire either wholly or in part any invention, copyright, trade or other mark or design, patent, patent rights and privileges, licenses, concessions or other like rights conferring any exclusive or non-exclusive or limited right to use any mark, device, brand, process or invention which may seem capable of being used in the exercise or in furtherance of any of the functions of the Trust or the acquisition of which may seem to be calculated directly or indirectly to benefit the Trust and to sell, dispose of, use, exercise and develop such rights or inventions or to grant licenses or privileges in respect thereof.
- 10 (i) To enter into any contract or arrangement with any person for the purpose of promoting the objects of the Trust.

The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are determined by the laws of the special theory of relativity. The second part of the paper is devoted to a discussion of the application of the theory of the structure of the atom to the study of the properties of matter. It is shown that the theory of the structure of the atom can be used to study the properties of matter in a very general way, and that the properties of matter can be studied in a very general way by the use of the theory of the structure of the atom.

No. , 1961.

A BILL

To make provisions with respect to the management and administration of the Sydney Opera House; to provide for the establishment and incorporation of The Sydney Opera House Trust and to define its powers, authorities, duties and functions; and for purposes connected therewith.

[MR. HEFFRON ;—21 February, 1961.]

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15 “Trust” means The Sydney Opera House Trust constituted and incorporated under this Act.

“Trustee” means a member of the Trust.

3. (1) There shall be constituted under this Act a Sydney Opera House Trust which shall carry into effect the objects and purposes of this Act and shall have and may exercise the powers, authorities, duties and functions conferred or imposed on the Trust by or under this Act. Constitution of Sydney Opera House Trust.

25 (2) The Trust shall be a body corporate under the name of “The Sydney Opera House Trust” with perpetual succession and a common seal, and shall, for the purposes and subject to the provisions of this Act, be capable by that name of suing and being sued, and of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

35 (3) The Trust may acquire and hold by purchase, lease or otherwise any real or personal property and any rights or privileges which the Trust may think necessary or convenient for its objects.

Sydney Opera House Trust.

4. (1) The Trust shall have the following objects and may exercise any or all of the following functions :—

Objects,
functions
and powers
of Trust.

- (a) the administration, care, control, management and maintenance of the Opera House and the site;
- 5 (b) the management and administration of the Opera House as a theatre, concert hall and place of assembly to be used as a place for the presentation of any of the branches of the musical, operatic, dramatic, terpsichorean, visual or auditory arts or
- 10 as a meeting place in respect of matters of international, national or local significance;
- (c) the promotion of artistic taste and achievement in any of the branches of the arts referred to in the foregoing provisions of this subsection;
- 15 (d) scientific research into, and the encouragement of, new and improved forms of entertainment and methods of presentation of entertainment.

(2) In order that the Trust may attain any of its objects and effectively carry out any of its functions, it shall

20 have power to do all such things as it may deem incidental or conducive to the profitable and effective carrying out thereof.

(3) The Trust shall have in addition to any other powers conferred on it by this Act the specific powers set out in the Schedule to this Act.

25 (4) The mere enumeration of specific powers in the Schedule to this Act or the conferring upon the Trust of other specific powers by any other section of this Act shall not operate to limit the general powers conferred upon the Trust by this section.

30 5. (1) When the work described in the Schedule to the Sydney Opera House Act, 1960, has been carried out, the Minister for Public Works shall certify to the Governor that such work has been completed.

Vesting of
Sydney
Opera
House in
the Trust.

(2)

Sydney Opera House Trust.

(2) Thereupon the Governor may by proclamation published in the Gazette notify—

- (a) that such work is complete; and
- (b) that the Trust is charged with the care, control and management of such work and the site thereof as described in such notification.

(3) Such notification shall on and from the appointed day operate to charge the Trust with the care, control and management of such work, and the site thereof described in the notification published pursuant to subsection two of this section.

6. (1) The first Trust shall consist of seventeen trustees. Constitution of first Trust.

(2) Of such trustees—

- (a) one shall be the Minister, and he shall be the President of the first Trust; and
- (b) one shall be the person who for the time being holds the office of Lord Mayor of the City of Sydney, and he shall be the Vice-President of the first Trust.

(3) The other fifteen trustees (in this Act called “nominated trustees”) shall be the following persons, that is to say:—

Stanley Haviland, Esquire, C.B.E. (who shall be chairman of the first Trust), Edward William Adams, Esquire, Clarence Henry Woodward Arthy, Esquire, Professor Henry Ingham Ashworth, M.A., B.Arch., F.R.A.I.A., F.R.I.B.A., Miss Doris Fitton, O.B.E., John Glass, Esquire, C.B.E., Sir Bernard Heinze, Kt., Neil Hutchison, Esquire, the Honourable James Denis Kenny, M.L.C., Erik Langker, Esquire, O.B.E., Dr. Nicolai Malko, Charles Joseph Alfred Moses, Esquire, C.B.E., Dr. Cobden Parkes, C.B.E., F.R.A.I.A., F.R.I.B.A., Dr. Lloyd Maxwell Ross, D.Litt., M.A., LL.B., and Dr. Harold Stanley Wyndham, M.A., Ed.D., Dip.Ed.

(4)

Sydney Opera House Trust.

(4) The members of the first Trust shall, subject to this Act, hold office until the second anniversary of the appointed day.

(5) Where a casual vacancy occurs in the office of any 5 nominated trustee, the Governor may appoint a person to the vacant office who shall, subject to this Act, hold office as a nominated trustee for the residue of his predecessor's term of office.

(6) Where a casual vacancy occurs in the office of 10 chairman of the first Trust, the Governor may appoint a trustee to the vacant office who shall, subject to this Act, hold office as chairman of the first Trust for the residue of his predecessor's term of office.

(7) At every meeting of the first Trust at which he is 15 present the chairman shall preside.

In the absence of the chairman from any meeting of the first Trust, the trustees present at the meeting shall select from amongst their number a chairman to preside at that meeting.

20 (8) A nominated trustee shall, unless otherwise disqualified, be eligible for appointment as a trustee under section seven of this Act.

7. (1) Upon the second anniversary of the appointed day 25 fourteen trustees. the Trust shall be reconstituted and shall thereafter consist of Reconstitution of Trust.

(2) Of such trustees—

(a) one shall be the Minister, and he shall be the President of the Trust; and

30 (b) one shall be the person who for the time being holds the office of Lord Mayor of the City of Sydney, and he shall be the Vice-President of the Trust.

(3) The other twelve trustees (in this Act called "appointed trustees") shall be appointed by the Governor 35 on the nomination of the Minister made after consultation with such persons, authorities, organisations and associations as the Minister thinks fit.

(4)

Sydney Opera House Trust.

(4) The appointed trustees shall be divided into four equal groups and the appointed trustees to be included in each of the four groups shall be as determined by the Governor.

5 (5) (a) The appointed trustees comprised in such one of the four groups aforesaid as the Governor may determine shall, subject to this Act, hold office as trustees for a term of one year from the date of the reconstitution of the Trust under this section, and shall if otherwise qualified be eligible for
10 reappointment.

(b) The appointed trustees comprised in such other of the four groups aforesaid as the Governor may determine shall, subject to this Act, hold office as trustees for a term of two years from the date of the reconstitution
15 of the Trust under this section, and shall if otherwise qualified be eligible for reappointment.

(c) The appointed trustees comprised in such other of the four groups aforesaid as the Governor may determine shall, subject to this Act, hold office as trustees
20 for a term of three years from the date of the reconstitution of the Trust under this section, and shall if otherwise qualified be eligible for reappointment.

(d) The appointed trustees comprised in the remaining one of the four groups aforesaid shall, subject to
25 this Act, hold office as trustees for a term of four years from the date of the reconstitution of the Trust under this section, and shall if otherwise qualified be eligible for reappointment.

(6) Upon the first anniversary of the date of the reconstitution of the Trust under this section and thereafter annually
30 there shall take office as trustees three persons who shall have been appointed by the Governor on the nomination of the Minister made after consultation with such persons, authorities, organisations and associations as the Minister thinks fit.

The

Sydney Opera House Trust.

The trustees appointed under this subsection shall, subject to this Act, hold office as trustees for a term of four years from the date upon which they take office under this subsection and shall if otherwise qualified be eligible for
5 reappointment.

Of the three persons nominated each year by the Minister for appointment as trustees at least one shall be knowledgeable and experienced in the theatre and all shall be persons who by their knowledge and experience can advance the objects
10 of the Trust.

(7) (a) Where a vacancy occurs in the office of an appointed trustee before the expiration of his term of office the casual vacancy so arising shall be filled by a person appointed thereto by the Governor on the nomination of the
15 Minister and such person shall possess similar qualifications to those by virtue of which his predecessor was appointed as a trustee.

(b) The trustee filling any such casual vacancy shall, subject to this Act, hold office as trustee for the residue
20 of his predecessor's term of office, and shall if otherwise qualified be eligible for reappointment.

(8) (a) No person of or above the age of seventy years shall be eligible for appointment as an appointed trustee.

25 (b) An appointed trustee shall cease to hold office as a trustee upon the day upon which he attains the age of seventy years.

(9) Nothing contained in this section shall prejudice or affect in any way the continuity of the body corporate
30 established under this Act under the name of "The Sydney Opera House Trust" but such body corporate shall continue notwithstanding the provisions of this section.

8. (1) A trustee shall be deemed to have vacated his office if he—
Vacancies
—how
caused.

35 (a) dies;

(b) resigns his office by writing under his hand addressed to the Governor;

(c)

Sydney Opera House Trust.

- (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- 5 (d) is absent from three consecutive ordinary meetings of the Trust of which notice has been given to him personally or in the ordinary course of post and is not before the expiration of six weeks after the last of such meetings excused by the Trust for his absence from such meetings;
- 10 (e) is removed from office by the Governor.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any nominated trustee or appointed trustee from office.

9. The provisions of the Public Service Act, 1902, or any
15 Act amending or replacing that Act, shall not apply to or in Public Service Act not to apply. respect of the appointment of any trustee, and a trustee shall not, in his capacity as such trustee, be subject to the provisions of any such Act during his term of office.

The office of a trustee shall not for the purposes of the
20 Constitution Act, 1902, or any Act amending or replacing that Act, be deemed to be an office or place of profit under the Crown.

10. (1) The trustees shall, in accordance with the by-laws, Chairman. elect from amongst their number a chairman of the Trust
25 and a vice-chairman of the Trust and such other officers as the trustees think fit. The chairman and vice-chairman and any such other officer shall hold office as chairman, vice-chairman or other officer, as the case may be, from the date of his election until the election of his successor at the
30 annual general meeting of the Trust in the next ensuing year, and shall if otherwise qualified be eligible for re-election.

(2)

Sydney Opera House Trust.

(2) Where the office of the chairman, vice-chairman or other officer elected under this section becomes vacant before the expiration of his term of office as chairman, vice-chairman or other officer, as the case may be, a successor shall, in accordance with the by-laws, be elected to fill the vacancy by the trustees from amongst their number at a meeting of the Trust specially convened for the purpose. Such successor shall hold office as chairman, vice-chairman or other officer, as the case may be, for the residue of his predecessor's term of office and shall if otherwise qualified be eligible for re-election.

(3) At every meeting of the Trust at which he is present the chairman shall preside.

In the absence of the chairman from any meeting of the Trust at which the vice-chairman is present, the vice-chairman shall preside at the meeting.

In the absence of the chairman and the vice-chairman from any meeting of the Trust, the trustees present at the meeting shall select from amongst their number a chairman to preside at that meeting.

(4) The provisions of this section shall not apply to or in respect of the first Trust or the members thereof.

11. (1) The procedure for the calling of meetings of the Trust and the conduct of business at such meetings shall, subject to any by-laws in relation thereto, be as determined by the trustees. Procedure, quorum, etc.

(2) Any eight trustees shall be a quorum for the purposes of any meeting of the Trust.

(3) (a) Any duly convened meeting of the Trust at which a quorum is present shall be competent to transact any business of the Trust and shall have and may exercise and perform all the powers, authorities, duties and functions by this Act conferred or imposed upon the Trust.

(b)

Sydney Opera House Trust.

(b) A decision of the majority of trustees present at a meeting of the Trust shall be the decision of the Trust.

(c) The chairman, vice-chairman or other the trustee presiding at any meeting of the Trust shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

12. (1) The Trust may establish such committees as it thinks fit for the purpose of assisting it to carry out its objects and functions under this Act.

Delegation to committees, and other persons.

10 (2) A person may be appointed to any such committee whether or not he is a member of the Trust.

(3) Any such committee may exercise such of the Trust's powers, authorities, duties and functions as may be delegated to it by the Trust.

15 (4) Any officer or employee appointed pursuant to section sixteen of this Act may, where the delegation has been approved by the Governor, exercise such of the Trust's powers, authorities, duties and functions as may be delegated to him by the Trust.

20 (5) Notwithstanding any delegation made under this section, the Trust may continue to exercise and discharge any of the powers, authorities, duties and functions so delegated.

(6) The Trust may at any time revoke any such delegation, either wholly or in part.

25 **13.** The trustees shall be entitled to receive allowances for conveyance and subsistence in travelling to and from meetings of the Trust and upon the business of the Trust, in such amounts or at such rates as may be prescribed by or under the by-laws.

Allowances.

30 **14.** (1) No act or proceeding of the Trust or of any person acting pursuant to any direction of the Trust shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any trustee.

Validity of acts and proceedings.

(2)

Sydney Opera House Trust.

(2) All acts and proceedings of the Trust or of any person acting pursuant to any direction of the Trust shall, notwithstanding the subsequent discovery of any defect in the appointment of any trustee, or that any such trustee was disqualified from acting as or incapable of being a trustee, be as valid as if such trustee had been duly appointed and was qualified to act as or capable of being, and had acted as, a trustee and as if the Trust had been properly and fully constituted.

10 15. (1) The common seal of the Trust shall be kept in the custody of the chairman or such other trustee as the Trust may determine, and shall not be affixed to any instrument or writing except upon resolution of the Trust. Common seal.

(2) Every instrument to which the common seal is affixed shall be signed by two trustees and such other officer of the Trust as the Trust may appoint.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Trust, and shall presume that it was duly affixed.

20 16. (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary for the purposes of this Act. Officers and employees.

(2) The officers and employees so employed shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, during their tenure of office or employment.

17. (1) The Trust shall, as soon as practicable after the commencement of this Act, establish an account in a bank in New South Wales to be called the "Sydney Opera House Management Account" (in this section referred to as "the Account"). Sydney Opera House Management Account.

(2)

Sydney Opera House Trust.

(2) There shall be placed to the credit of the Account—

- (a) any moneys appropriated by Parliament for the purposes of this Act;
- 5 (b) such amounts as may be advanced to the Account by the Treasurer;
- (c) all moneys received from any other source under or for the purposes of this Act.

(3) Any moneys standing to the credit of the Special
 10 Deposits Account in the Treasury called the "Opera House Account" on the appointed day, and any moneys paid to the credit of the said Special Deposits Account after that day shall, if the Treasurer certifies that such moneys are not required to meet any expenditure payable from the said Special
 15 Deposits Account pursuant to any of the provisions of the Sydney Opera House Act, 1960, be paid into the Account.

(4) The moneys in the Account may, subject to the terms of any trust or condition affecting those moneys or any part thereof, be applied for the purpose of carrying out or
 20 giving effect to all or any of the objects or functions of the Trust, including but without limiting the generality of the foregoing provisions of this subsection, the payment of allowances under section thirteen of this Act and of the salaries and wages of officers and employees referred to in
 25 section sixteen of this Act.

(5) Any moneys in the Account that are not immediately required for the purposes of this Act may be invested by the Trust in any manner authorised under this Act.

30 **18.** (1) The Trust shall have power to acquire by gift ^{Power to accept gifts, etc.} inter vivos, endowment, bequest or devise, any property for any of the purposes of this Act, and to agree to the condition of any such gift, endowment, bequest or devise.

(2) The rule of law relating to perpetuities shall not
 35 apply to any such condition to which the Trust has agreed.

(3)

Sydney Opera House Trust.

(3) Nothing contained in the Stamp Duties Act, 1920, or in any Act amending that Act, whether passed before or after the commencement of this Act, shall apply to any real or personal property of any nature or kind whatsoever
5 comprised in any gift inter vivos, endowment, devise or bequest to be made to the Opera House or the Trust.

19. (1) Where the Trust adjudges any real or personal property for the time being vested in the Trust to be unfit for or not required for its objects, the Trust may notwithstanding
10 the terms of any trust affecting the property or of any arrangement or condition made or agreed to by the Trust at the time of its acquisition by the Trust—

Sale or disposal of certain property.

- (a) sell the property or exchange it for any other property; or
- 15 (b) dispose of without consideration or in the case of personal property destroy the property if the Trust adjudges it to be of no salable value.

The proceeds of any sale made by the Trust in the exercise of the power conferred on the Trust by paragraph (a) of this
20 subsection shall, after deduction therefrom of the costs of and incidental to the sale, be held by the Trust for the objects of the Trust.

(2) Any property sold or disposed of by way of exchange or otherwise by the Trust purporting to exercise any
25 of the powers conferred on the Trust by this section shall vest in the person acquiring it by virtue of the sale or other disposition freed and discharged from any trust, arrangement or condition relating to any sale or disposition of the property or to the use of the property to which the property was subject
30 in the hands of the Trust.

(3) No person acquiring any property from the Trust purporting to exercise any of the powers conferred on the Trust by this section shall be concerned to inquire whether a case has arisen to authorise the sale or other disposition of
35 the property or whether the power was otherwise properly and regularly exercised or to see to the application of any purchase money paid to the Trust.

Sydney Opera House Trust.

20. For the purpose of assisting the Trust in carrying out its objects, there shall be paid by the Treasurer to the Trust such sum as Parliament may approve each year. Such sum shall be paid in such instalments as the Treasurer may
5 approve. Statutory
endow-
ment.

21. The Treasurer may for the temporary accommodation of the Trust advance such moneys to the Trust as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon. Temporary
advances.

10 22. The Trust may borrow money for— Borrowing.
(a) the purpose of carrying out or performing any of its powers, authorities, duties and functions;
(b) the renewal of loans; or
(c) the discharge or partial discharge of any indebted-
15 ness to the Treasurer or to any bank,

within such limits, to such extent and upon such conditions as to security or otherwise, as the Governor upon the recommendation of the Treasurer may approve.

23. (1) The Trust shall cause to be kept proper books of Accounts.
20 account in relation to the funds of the Trust and shall, as soon as practicable, and not more than three months, after the thirtieth day of June in each year prepare and transmit to the Minister for presentation to Parliament statements of accounts in a form approved by the Auditor-General
25 exhibiting a true and correct view of the financial position and transactions of the Trust.

(2) The accounts of the Trust shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law
30 now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the trustees and officers and employees in the same manner as it applies to accounting officers of public departments.

24.

Sydney Opera House Trust.

24. (1) The Trust may, subject to the provisions of any trust affecting its funds or to any directions or restrictions attached thereto or imposed by the donor thereof, from time to time invest any of its funds in any securities from time to time authorised by law for the investment of trust funds.

Investment
of funds of
the Trust.

(2) The Trust may retain and hold any investments which may be transferred to it otherwise than by way of purchase notwithstanding that such investments may not be of the nature authorised by subsection one of this section.

10 25. (1) The Trust—

- (a) may by resolution from time to time fix the scale of charges and admission fees to be made and levied by it for admission to the Opera House or site or any part of the Opera House or site at any time except during a period when the Trust has granted the use of the Opera House or site or such part to any person pursuant to section twenty-six of this Act; and
- (b) may, except during any such period, demand, recover and receive such charges and admission fees from any person entering the Opera House or site or the part of the Opera House or site in respect of which a charge or admission fee is payable.

Charges
and
admission
fees.

(2) The scale of charges and admission fees to be made and levied for admission to the Opera House or site or part of the Opera House or site may vary according to the days on which, the times at which, the function to which, and the uses or purposes for which, admission is sought or allowed.

26. The Trust may permit the Opera House or site or any part of the Opera House or site to be used by any person at such times and upon such terms and conditions and subject to payment to the Trust of such hiring charges as the Trust may think fit and proper, or as may be prescribed by the by-laws, for or in connection with any purpose approved by the Trust.

Hiring.

Sydney Opera House Trust.

27. The Trust shall as soon as practicable, and not more Annual
than three months, after the thirtieth day of June in each reports.
year cause a report of its work and activities during the year
ending on that date to be prepared and forwarded to the
5 Minister for presentation to Parliament.

28. (1) The Trust may make by-laws not inconsistent with By-laws.
this Act for and with respect to—

- 10 (a) the general management and control of the Opera
House and the site or any part of the Opera House
or site, including but without limiting the generality
of the foregoing, by-laws for or with respect to—
- (i) the regulation of the use and enjoyment of
the Opera House or site;
- 15 (ii) the leasing, letting or hiring of the Opera
House or site;
- (iii) the securing of decency and order in the
Opera House or on the site;
- (iv) the removal of trespassers from the Opera
House or site and of other persons causing
20 annoyance or inconvenience in the Opera
House or on the site;
- (v) the regulation or prevention of the taking
of intoxicants into the Opera House or
onto the site, or the consuming of
25 intoxicants in the Opera House or on the
site;
- (vi) the regulation or prevention of the taking
of animals into the Opera House or onto
the site;
- 30 (vii) the regulation, control or prohibition of
the parking of vehicles on any land vested
in or under the control of the Trust, the
making of charges for such parking, and
the collecting and receiving of such charges
35 by the Trust or by other persons;
- (viii)

Sydney Opera House Trust.

- (viii) admission to the Opera House or site or any part of the Opera House or site, and the making and levying of charges or admission fees, and the collecting and receiving of such charges and fees by the Trust or by other persons;
- (b) regulating the affairs, business, management and meetings of the Trust and any committee thereof;
- (c) the election of officers of the Trust (other than the President and Vice-President);
- (d) generally any matters necessary or convenient for carrying out or giving effect to this Act.
- (2) The by-laws may impose a penalty not exceeding fifty pounds for any breach thereof. Any such penalty may be recovered before a stipendiary magistrate or two justices in petty sessions.
- (3) Every by-law made by the Trust shall be sealed with the common seal of the Trust, shall be submitted for the consideration and approval of the Governor, and when so approved shall—
- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the by-law.
- (4) A copy of every such by-law shall be laid before each House of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.
- If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such by-law has been laid before such House disallowing the by-law or part thereof, such by-law or part thereof shall thereupon cease to have effect.

Sydney Opera House Trust.

SCHEDULE.

Sec. 4 (3),
(4).

SPECIFIC POWERS OF THE TRUST.

- (a) To use or arrange for the use of the Opera House for—
- 5 (i) the presentation of grand opera and ballet, and
 orchestral, instrumental, dramatic, choral and vocal
 concerts and recitals ;
- (ii) the promotion and organisation of music, drama and
 dance festivals and similar entertainments ;
- (iii) the holding of conferences and meetings ;
- 10 (iv) performances, entertainments, displays, exhibitions,
 recitals, lectures, film-screenings, broadcasts, telecasts
 and other purposes calculated, in the opinion of the
 Trust, to provide for the cultural welfare or educa-
 tion of the participants or audience.
- 15 (b) To engage and enter into contracts with artists, entertainers,
 lecturers and performers to appear at the Opera House and
 to pay them such fees and remuneration as may be agreed
 upon.
- 20 (c) In or in connection with the Opera House and any entertain-
 ment or gathering therein to carry on the businesses of
 licensed victuallers, refreshment purveyors, caterers, tobacconists
 and confectioners and any like business.
- (d) To give and contribute towards prizes, cups and other rewards
 or prizes for competition at any entertainment or gathering
25 held in the Opera House.
- (e) To grant rights and privileges to licensed victuallers, caterers,
 tobacconists, confectioners and other vendors to sell their
 wares within the Opera House or on the site upon such terms
 and conditions and subject to the payment of such charges
30 as may be determined by the Trust.
- (f) To install, use, work and maintain film cameras and projectors
 and broadcasting and television apparatus, and to grant the
 right of installing, using, working and maintaining the same
 within the Opera House or on the site upon such terms and
35 conditions and subject to the payment of such charges as may
 be determined by the Trust.
- (g) To print and publish or to arrange for the printing or publish-
 ing of plays, music, programmes, posters and advertisements
 and such other publications as the Trust may deem expedient
40 and to acquire the copyright therein.

(h)

Sydney Opera House Trust.

- 5 (h) To register, purchase or apply for or otherwise acquire either
wholly or in part any invention, copyright, trade or other
mark or design, patent, patent rights and privileges, licenses,
concessions or other like rights conferring any exclusive or
non-exclusive or limited right to use any mark, device, brand,
process or invention which may seem capable of being used
in the exercise or in furtherance of any of the functions of
the Trust or the acquisition of which may seem to be calculated
10 directly or indirectly to benefit the Trust and to sell, dispose
of, use, exercise and develop such rights or inventions or to
grant licenses or privileges in respect thereof.
- (i) To enter into any contract or arrangement with any person
for the purpose of promoting the objects of the Trust.

SYDNEY OPERA HOUSE TRUST BILL, 1961.

EXPLANATORY NOTE.

THE objects of ~~this~~ Bill are—

- (a) to provide for the establishment and incorporation of a body to be called “The Sydney Opera House Trust” which shall be charged with the care, control and management of the Sydney Opera House upon its completion ;
- (b) to appoint an interim Trust to hold office from the passing of this Act until two years after the Sydney Opera House has been completed, comprising the Minister as President, the Lord Mayor as Vice-President, and fifteen other members ;
- (c) thereafter to appoint the permanent Trust which shall comprise the Minister as President, the Lord Mayor as Vice-President, and twelve members divided into four groups to retire after one, two, three or four years respectively but their successors to be all appointed for terms of four years ;
- (d) to define the objects, powers, authorities, duties and functions of the Trust ;
- (e) to make other provisions consequent upon and ancillary to the foregoing.

No. , 1961.

A BILL

To make provisions with respect to the management and administration of the Sydney Opera House; to provide for the establishment and incorporation of The Sydney Opera House Trust and to define its powers, authorities, duties and functions; and for purposes connected therewith.

[MR. HEFFRON ;—21 February, 1961.]

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
5 follows :—

1. This Act may be cited as the "Sydney Opera House Short title. Trust Act, 1961".

2. 18

Sydney Opera House Trust.

2. In this Act, unless the context or subject-matter otherwise indicates or requires— Definitions.

5 “Appointed day” means the day upon which the proclamation referred to in subsection two of section five of this Act is published in the Gazette.

“By-laws” means by-laws made under this Act.

10 “Opera House” means the work the carrying out of which was authorised by the Sydney Opera House Act, 1960, and includes any alteration, enlargement, re-building, extension or addition, made from time to time, to such work.

“Site” means the site of the Opera House, as described in the notification published pursuant to subsection two of section five of this Act.

15 “Trust” means The Sydney Opera House Trust constituted and incorporated under this Act.

“Trustee” means a member of the Trust.

3. (1) There shall be constituted under this Act a Sydney Opera House Trust which shall carry into effect the objects and purposes of this Act and shall have and may exercise the powers, authorities, duties and functions conferred or imposed on the Trust by or under this Act. Constitution of Sydney Opera House Trust.

25 (2) The Trust shall be a body corporate under the name of “The Sydney Opera House Trust” with perpetual succession and a common seal, and shall, for the purposes and subject to the provisions of this Act, be capable by that name of suing and being sued, and of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

35 (3) The Trust may acquire and hold by purchase, lease or otherwise any real or personal property and any rights or privileges which the Trust may think necessary or convenient for its objects.

Sydney Opera House Trust.

4. (1) The Trust shall have the following objects and may exercise any or all of the following functions :—

Objects,
functions
and powers
of Trust.

- (a) the administration, care, control, management and maintenance of the Opera House and the site;
- 5 (b) the management and administration of the Opera House as a theatre, concert hall and place of assembly to be used as a place for the presentation of any of the branches of the musical, operatic, dramatic, terpsichorean, visual or auditory arts or
- 10 as a meeting place in respect of matters of international, national or local significance;
- (c) the promotion of artistic taste and achievement in any of the branches of the arts referred to in the foregoing provisions of this subsection;
- 15 (d) scientific research into, and the encouragement of, new and improved forms of entertainment and methods of presentation of entertainment.

(2) In order that the Trust may attain any of its objects and effectively carry out any of its functions, it shall

20 have power to do all such things as it may deem incidental or conducive to the profitable and effective carrying out thereof.

(3) The Trust shall have in addition to any other powers conferred on it by this Act the specific powers set out in the Schedule to this Act.

25 (4) The mere enumeration of specific powers in the Schedule to this Act or the conferring upon the Trust of other specific powers by any other section of this Act shall not operate to limit the general powers conferred upon the Trust by this section.

30 5. (1) When the work described in the Schedule to the Sydney Opera House Act, 1960, has been carried out, the Minister for Public Works shall certify to the Governor that such work has been completed.

Vesting of
Sydney
Opera
House in
the Trust.

(2)

Sydney Opera House Trust.

(2) Thereupon the Governor may by proclamation published in the Gazette notify—

- (a) that such work is complete; and
- (b) that the Trust is charged with the care, control and management of such work and the site thereof as described in such notification.

(3) Such notification shall on and from the appointed day operate to charge the Trust with the care, control and management of such work, and the site thereof described in the notification published pursuant to subsection two of this section.

6. (1) The first Trust shall consist of seventeen trustees. Constitution of first Trust.

(2) Of such trustees—

- (a) one shall be the Minister, and he shall be the President of the first Trust; and
- (b) one shall be the person who for the time being holds the office of Lord Mayor of the City of Sydney, and he shall be the Vice-President of the first Trust.

(3) The other fifteen trustees (in this Act called “nominated trustees”) shall be the following persons, that is to say :—

Stanley Haviland, Esquire, C.B.E. (who shall be chairman of the first Trust), Edward William Adams, Esquire, Clarence Henry Woodward Arthy, Esquire, Professor Henry Ingham Ashworth, M.A., B.Arch., F.R.A.I.A., F.R.I.B.A., Miss Doris Fitton, O.B.E., John Glass, Esquire, C.B.E., Sir Bernard Heinze, Kt., Neil Hutchison, Esquire, the Honourable James Denis Kenny, M.L.C., Erik Langker, Esquire, O.B.E., Dr. Nicolai Malko, Charles Joseph Alfred Moses, Esquire, C.B.E., Dr. Cobden Parkes, C.B.E., F.R.A.I.A., F.R.I.B.A., Dr. Lloyd Maxwell Ross, D.Litt., M.A., LL.B., and Dr. Harold Stanley Wyndham, M.A., Ed.D., Dip.Ed.

(4)

Sydney Opera House Trust.

(4) The members of the first Trust shall, subject to this Act, hold office until the second anniversary of the appointed day.

5 (5) Where a casual vacancy occurs in the office of any nominated trustee, the Governor may appoint a person to the vacant office who shall, subject to this Act, hold office as a nominated trustee for the residue of his predecessor's term of office.

10 (6) Where a casual vacancy occurs in the office of chairman of the first Trust, the Governor may appoint a trustee to the vacant office who shall, subject to this Act, hold office as chairman of the first Trust for the residue of his predecessor's term of office.

(7) At every meeting of the first Trust at which he is
15 present the chairman shall preside.

In the absence of the chairman from any meeting of the first Trust, the trustees present at the meeting shall select from amongst their number a chairman to preside at that meeting.

20 (8) A nominated trustee shall, unless otherwise disqualified, be eligible for appointment as a trustee under section seven of this Act.

7. (1) Upon the second anniversary of the appointed day
the Trust shall be reconstituted and shall thereafter consist of
25 fourteen trustees. Reconstitution of Trust.

(2) Of such trustees—

(a) one shall be the Minister, and he shall be the President of the Trust; and

30 (b) one shall be the person who for the time being holds the office of Lord Mayor of the City of Sydney, and he shall be the Vice-President of the Trust.

(3) The other twelve trustees (in this Act called "appointed trustees") shall be appointed by the Governor
35 on the nomination of the Minister made after consultation with such persons, authorities, organisations and associations as the Minister thinks fit.

(4)

Sydney Opera House Trust.

(4) The appointed trustees shall be divided into four equal groups and the appointed trustees to be included in each of the four groups shall be as determined by the Governor.

5 (5) (a) The appointed trustees comprised in such one of the four groups aforesaid as the Governor may determine shall, subject to this Act, hold office as trustees for a term of one year from the date of the reconstitution of the Trust under this section, and shall if otherwise qualified be eligible for
10 reappointment.

(b) The appointed trustees comprised in such other of the four groups aforesaid as the Governor may determine shall, subject to this Act, hold office as trustees for a term of two years from the date of the reconstitution
15 of the Trust under this section, and shall if otherwise qualified be eligible for reappointment.

(c) The appointed trustees comprised in such other of the four groups aforesaid as the Governor may determine shall, subject to this Act, hold office as trustees
20 for a term of three years from the date of the reconstitution of the Trust under this section, and shall if otherwise qualified be eligible for reappointment.

(d) The appointed trustees comprised in the remaining one of the four groups aforesaid shall, subject to
25 this Act, hold office as trustees for a term of four years from the date of the reconstitution of the Trust under this section, and shall if otherwise qualified be eligible for reappointment.

(6) Upon the first anniversary of the date of the reconstitution of the Trust under this section and thereafter annually
30 there shall take office as trustees three persons who shall have been appointed by the Governor on the nomination of the Minister made after consultation with such persons, authorities, organisations and associations as the Minister thinks fit.

The

Sydney Opera House Trust.

The trustees appointed under this subsection shall, subject to this Act, hold office as trustees for a term of four years from the date upon which they take office under this subsection and shall if otherwise qualified be eligible for
5 reappointment.

Of the three persons nominated each year by the Minister for appointment as trustees at least one shall be knowledgeable and experienced in the theatre and all shall be persons who by their knowledge and experience can advance the objects
10 of the Trust.

(7) (a) Where a vacancy occurs in the office of an appointed trustee before the expiration of his term of office the casual vacancy so arising shall be filled by a person appointed thereto by the Governor on the nomination of the
15 Minister and such person shall possess similar qualifications to those by virtue of which his predecessor was appointed as a trustee.

(b) The trustee filling any such casual vacancy shall, subject to this Act, hold office as trustee for the residue
20 of his predecessor's term of office, and shall if otherwise qualified be eligible for reappointment.

(8) (a) No person of or above the age of seventy years shall be eligible for appointment as an appointed trustee.

25 (b) An appointed trustee shall cease to hold office as a trustee upon the day upon which he attains the age of seventy years.

(9) Nothing contained in this section shall prejudice or affect in any way the continuity of the body corporate
30 established under this Act under the name of "The Sydney Opera House Trust" but such body corporate shall continue notwithstanding the provisions of this section.

8. (1) A trustee shall be deemed to have vacated his office
if he— Vacancies
—how
caused.

35 (a) dies;

(b) resigns his office by writing under his hand addressed to the Governor;

(c)

Sydney Opera House Trust.

- (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- 5 (d) is absent from three consecutive ordinary meetings of the Trust of which notice has been given to him personally or in the ordinary course of post and is not before the expiration of six weeks after the last of such meetings excused by the Trust for his absence from such meetings;
- 10 (e) is removed from office by the Governor.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any nominated trustee or appointed trustee from office.

- 9. The provisions of the Public Service Act, 1902, or any Public Service Act amending or replacing that Act, shall not apply to or in respect of the appointment of any trustee, and a trustee shall not, in his capacity as such trustee, be subject to the provisions of any such Act during his term of office.

The office of a trustee shall not for the purposes of the Constitution Act, 1902, or any Act amending or replacing that Act, be deemed to be an office or place of profit under the Crown.

- 10. (1) The trustees shall, in accordance with the by-laws, elect from amongst their number a chairman of the Trust and a vice-chairman of the Trust and such other officers as the trustees think fit. The chairman and vice-chairman and any such other officer shall hold office as chairman, vice-chairman or other officer, as the case may be, from the date of his election until the election of his successor at the annual general meeting of the Trust in the next ensuing year, and shall if otherwise qualified be eligible for re-election.

(2)

Sydney Opera House Trust.

(2) Where the office of the chairman, vice-chairman or other officer elected under this section becomes vacant before the expiration of his term of office as chairman, vice-chairman or other officer, as the case may be, a successor
5 shall, in accordance with the by-laws, be elected to fill the vacancy by the trustees from amongst their number at a meeting of the Trust specially convened for the purpose. Such successor shall hold office as chairman, vice-chairman or other officer, as the case may be, for the residue of his predecessor's
10 term of office and shall if otherwise qualified be eligible for re-election.

(3) At every meeting of the Trust at which he is present the chairman shall preside.

In the absence of the chairman from any meeting of the
15 Trust at which the vice-chairman is present, the vice-chairman shall preside at the meeting.

In the absence of the chairman and the vice-chairman from any meeting of the Trust, the trustees present at the meeting shall select from amongst their number a chairman to preside
20 at that meeting.

(4) The provisions of this section shall not apply to or in respect of the first Trust or the members thereof.

11. (1) The procedure for the calling of meetings of the Trust and the conduct of business at such meetings shall, ^{Procedure, quorum, etc.}
25 subject to any by-laws in relation thereto, be as determined by the trustees.

(2) Any eight trustees shall be a quorum for the purposes of any meeting of the Trust.

(3) (a) Any duly convened meeting of the Trust at
30 which a quorum is present shall be competent to transact any business of the Trust and shall have and may exercise and perform all the powers, authorities, duties and functions by this Act conferred or imposed upon the Trust.

(b)

Sydney Opera House Trust.

(b) A decision of the majority of trustees present at a meeting of the Trust shall be the decision of the Trust.

(c) The chairman, vice-chairman or other the trustee presiding at any meeting of the Trust shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

12. (1) The Trust may establish such committees as it thinks fit for the purpose of assisting it to carry out its objects and functions under this Act.

Delegation to committees, and other persons.

15 (2) A person may be appointed to any such committee whether or not he is a member of the Trust.

(3) Any such committee may exercise such of the Trust's powers, authorities, duties and functions as may be delegated to it by the Trust.

15 (4) Any officer or employee appointed pursuant to section sixteen of this Act may, where the delegation has been approved by the Governor, exercise such of the Trust's powers, authorities, duties and functions as may be delegated to him by the Trust.

20 (5) Notwithstanding any delegation made under this section, the Trust may continue to exercise and discharge any of the powers, authorities, duties and functions so delegated.

(6) The Trust may at any time revoke any such delegation, either wholly or in part.

25 **13.** The trustees shall be entitled to receive allowances for conveyance and subsistence in travelling to and from meetings of the Trust and upon the business of the Trust, in such amounts or at such rates as may be prescribed by or under the by-laws.

Allowances.

30 **14.** (1) No act or proceeding of the Trust or of any person acting pursuant to any direction of the Trust shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any trustee.

Validity of acts and proceedings.

(2)

Sydney Opera House Trust.

(2) All acts and proceedings of the Trust or of any person acting pursuant to any direction of the Trust shall, notwithstanding the subsequent discovery of any defect in the appointment of any trustee, or that any such trustee was disqualified from acting as or incapable of being a trustee, be as valid as if such trustee had been duly appointed and was qualified to act as or capable of being, and had acted as, a trustee and as if the Trust had been properly and fully constituted.

10 **15.** (1) The common seal of the Trust shall be kept in the custody of the chairman or such other trustee as the Trust may determine, and shall not be affixed to any instrument or writing except upon resolution of the Trust.

(2) Every instrument to which the common seal is affixed shall be signed by two trustees and such other officer of the Trust as the Trust may appoint.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Trust, and shall presume that it was duly affixed.

20 **16.** (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary for the purposes of this Act.

(2) The officers and employees so employed shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, during their tenure of office or employment.

30 **17.** (1) The Trust shall, as soon as practicable after the commencement of this Act, establish an account in a bank in New South Wales to be called the "Sydney Opera House Management Account" (in this section referred to as "the Account").

(2)

Sydney Opera House Trust.

(2) There shall be placed to the credit of the Account—

- (a) any moneys appropriated by Parliament for the purposes of this Act;
- 5 (b) such amounts as may be advanced to the Account by the Treasurer;
- (c) all moneys received from any other source under or for the purposes of this Act.

(3) Any moneys standing to the credit of the Special
 10 Deposits Account in the Treasury called the "Opera House Account" on the appointed day, and any moneys paid to the credit of the said Special Deposits Account after that day shall, if the Treasurer certifies that such moneys are not required to meet any expenditure payable from the said Special
 15 Deposits Account pursuant to any of the provisions of the Sydney Opera House Act, 1960, be paid into the Account.

(4) The moneys in the Account may, subject to the terms of any trust or condition affecting those moneys or any part thereof, be applied for the purpose of carrying out or
 20 giving effect to all or any of the objects or functions of the Trust, including but without limiting the generality of the foregoing provisions of this subsection, the payment of allowances under section thirteen of this Act and of the salaries and wages of officers and employees referred to in
 25 section sixteen of this Act.

(5) Any moneys in the Account that are not immediately required for the purposes of this Act may be invested by the Trust in any manner authorised under this Act.

30 18. (1) The Trust shall have power to acquire by gift ^{Power to accept gifts, etc.} inter vivos, endowment, bequest or devise, any property for any of the purposes of this Act, and to agree to the condition of any such gift, endowment, bequest or devise.

(2) The rule of law relating to perpetuities shall not
 35 apply to any such condition to which the Trust has agreed.

(3)

Sydney Opera House Trust.

(3) Nothing contained in the Stamp Duties Act, 1920, or in any Act amending that Act, whether passed before or after the commencement of this Act, shall apply to any real or personal property of any nature or kind whatsoever
5 comprised in any gift inter vivos, endowment, devise or bequest to be made to the Opera House or the Trust.

19. (1) Where the Trust adjudges any real or personal property for the time being vested in the Trust to be unfit for or not required for its objects, the Trust may notwithstanding
10 the terms of any trust affecting the property or of any arrangement or condition made or agreed to by the Trust at the time of its acquisition by the Trust—

- (a) sell the property or exchange it for any other property; or
15 (b) dispose of without consideration or in the case of personal property destroy the property if the Trust adjudges it to be of no salable value.

The proceeds of any sale made by the Trust in the exercise of the power conferred on the Trust by paragraph (a) of this
20 subsection shall, after deduction therefrom of the costs of and incidental to the sale, be held by the Trust for the objects of the Trust.

(2) Any property sold or disposed of by way of exchange or otherwise by the Trust purporting to exercise any
25 of the powers conferred on the Trust by this section shall vest in the person acquiring it by virtue of the sale or other disposition freed and discharged from any trust, arrangement or condition relating to any sale or disposition of the property or to the use of the property to which the property was subject
30 in the hands of the Trust.

(3) No person acquiring any property from the Trust purporting to exercise any of the powers conferred on the Trust by this section shall be concerned to inquire whether a case has arisen to authorise the sale or other disposition of
35 the property or whether the power was otherwise properly and regularly exercised or to see to the application of any purchase money paid to the Trust.

Sydney Opera House Trust.

20. For the purpose of assisting the Trust in carrying out its objects, there shall be paid by the Treasurer to the Trust such sum as Parliament may approve each year. Such sum shall be paid in such instalments as the Treasurer may
5 approve. Statutory endowment.

21. The Treasurer may for the temporary accommodation of the Trust advance such moneys to the Trust as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon. Temporary advances.

10 22. The Trust may borrow money for— Borrowing.
(a) the purpose of carrying out or performing any of its powers, authorities, duties and functions;
(b) the renewal of loans; or
15 (c) the discharge or partial discharge of any indebtedness to the Treasurer or to any bank,

within such limits, to such extent and upon such conditions as to security or otherwise, as the Governor upon the recommendation of the Treasurer may approve.

23. (1) The Trust shall cause to be kept proper books of Accounts.
20 account in relation to the funds of the Trust and shall, as soon as practicable, and not more than three months, after the thirtieth day of June in each year prepare and transmit to the Minister for presentation to Parliament statements of accounts in a form approved by the Auditor-General
25 exhibiting a true and correct view of the financial position and transactions of the Trust.

(2) The accounts of the Trust shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law
30 now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the trustees and officers and employees in the same manner as it applies to accounting officers of public departments.

Sydney Opera House Trust.

24. (1) The Trust may, subject to the provisions of any trust affecting its funds or to any directions or restrictions attached thereto or imposed by the donor thereof, from time to time invest any of its funds in any securities from time to time authorised by law for the investment of trust funds.

Investment
of funds of
the Trust.

(2) The Trust may retain and hold any investments which may be transferred to it otherwise than by way of purchase notwithstanding that such investments may not be of the nature authorised by subsection one of this section.

10 25. (1) The Trust—

- (a) may by resolution from time to time fix the scale of charges and admission fees to be made and levied by it for admission to the Opera House or site or any part of the Opera House or site at any time except during a period when the Trust has granted the use of the Opera House or site or such part to any person pursuant to section twenty-six of this Act; and
- (b) may, except during any such period, demand, recover and receive such charges and admission fees from any person entering the Opera House or site or the part of the Opera House or site in respect of which a charge or admission fee is payable.

Charges
and
admission
fees.

(2) The scale of charges and admission fees to be made and levied for admission to the Opera House or site or part of the Opera House or site may vary according to the days on which, the times at which, the function to which, and the uses or purposes for which, admission is sought or allowed.

30 26. The Trust may permit the Opera House or site or any part of the Opera House or site to be used by any person at such times and upon such terms and conditions and subject to payment to the Trust of such hiring charges as the Trust may think fit and proper, or as may be prescribed by the by-laws, for or in connection with any purpose approved by the Trust.

Hiring.

Sydney Opera House Trust.

27. The Trust shall as soon as practicable, and not more Annual
than three months, after the thirtieth day of June in each reports.
year cause a report of its work and activities during the year
ending on that date to be prepared and forwarded to the
5 Minister for presentation to Parliament.

28. (1) The Trust may make by-laws not inconsistent with By-laws.
this Act for and with respect to—

- 10 (a) the general management and control of the Opera
House and the site or any part of the Opera House
or site, including but without limiting the generality
of the foregoing, by-laws for or with respect to—
- (i) the regulation of the use and enjoyment of
the Opera House or site;
- 15 (ii) the leasing, letting or hiring of the Opera
House or site;
- (iii) the securing of decency and order in the
Opera House or on the site;
- 20 (iv) the removal of trespassers from the Opera
House or site and of other persons causing
annoyance or inconvenience in the Opera
House or on the site;
- 25 (v) the regulation or prevention of the taking
of intoxicants into the Opera House or
onto the site, or the consuming of
intoxicants in the Opera House or on the
site;
- (vi) the regulation or prevention of the taking
of animals into the Opera House or onto
the site;
- 30 (vii) the regulation, control or prohibition of
the parking of vehicles on any land vested
in or under the control of the Trust, the
making of charges for such parking, and
the collecting and receiving of such charges
35 by the Trust or by other persons;
- (viii)

Sydney Opera House Trust.

(viii) admission to the Opera House or site or any part of the Opera House or site, and the making and levying of charges or admission fees, and the collecting and receiving of such charges and fees by the Trust or by other persons;

(b) regulating the affairs, business, management and meetings of the Trust and any committee thereof;

(c) the election of officers of the Trust (other than the President and Vice-President);

(d) generally any matters necessary or convenient for carrying out or giving effect to this Act.

(2) The by-laws may impose a penalty not exceeding fifty pounds for any breach thereof. Any such penalty may be recovered before a stipendiary magistrate or two justices in petty sessions.

(3) Every by-law made by the Trust shall be sealed with the common seal of the Trust, shall be submitted for the consideration and approval of the Governor, and when so approved shall—

(a) be published in the Gazette;

(b) take effect from the date of publication or from a later date to be specified in the by-law.

(4) A copy of every such by-law shall be laid before each House of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such by-law has been laid before such House disallowing the by-law or part thereof, such by-law or part thereof shall thereupon cease to have effect.

Sydney Opera House Trust.

SCHEDULE.

Sec. 4 (3),
(4).

SPECIFIC POWERS OF THE TRUST.

- (a) To use or arrange for the use of the Opera House for—
- 5 (i) the presentation of grand opera and ballet, and
 orchestral, instrumental, dramatic, choral and vocal
 concerts and recitals ;
- (ii) the promotion and organisation of music, drama and
 dance festivals and similar entertainments ;
- (iii) the holding of conferences and meetings ;
- 10 (iv) performances, entertainments, displays, exhibitions,
 lectures, film-screenings, broadcasts, telecasts
 and other purposes calculated, in the opinion of the
 Trust, to provide for the cultural welfare or educa-
 tion of the participants or audience.
- 15 (b) To engage and enter into contracts with artists, entertainers,
 lecturers and performers to appear at the Opera House and
 to pay them such fees and remuneration as may be agreed
 upon.
- 20 (c) In or in connection with the Opera House and any entertain-
 ment or gathering therein to carry on the businesses of
 licensed victuallers, refreshment purveyors, caterers, tobacconists
 and confectioners and any like business.
- (d) To give and contribute towards prizes, cups and other rewards
 or prizes for competition at any entertainment or gathering
25 held in the Opera House.
- (e) To grant rights and privileges to licensed victuallers, caterers,
 tobacconists, confectioners and other vendors to sell their
 wares within the Opera House or on the site upon such terms
30 and conditions and subject to the payment of such charges
 as may be determined by the Trust.
- (f) To install, use, work and maintain film cameras and projectors
 and broadcasting and television apparatus, and to grant the
 right of installing, using, working and maintaining the same
35 within the Opera House or on the site upon such terms and
 conditions and subject to the payment of such charges as may
 be determined by the Trust.
- (g) To print and publish or to arrange for the printing or publish-
 ing of plays, music, programmes, posters and advertisements
 and such other publications as the Trust may deem expedient
40 and to acquire the copyright therein.

(h)

Sydney Opera House Trust.

- (h) To register, purchase or apply for or otherwise acquire either wholly or in part any invention, copyright, trade or other mark or design, patent, patent rights and privileges, licenses, concessions or other like rights conferring any exclusive or non-exclusive or limited right to use any mark, device, brand, process or invention which may seem capable of being used in the exercise or in furtherance of any of the functions of the Trust or the acquisition of which may seem to be calculated directly or indirectly to benefit the Trust and to sell, dispose of, use, exercise and develop such rights or inventions or to grant licenses or privileges in respect thereof.
- (i) To enter into any contract or arrangement with any person for the purpose of promoting the objects of the Trust.

