



New South Wales

Sydney Opera House Trust Amendment Bill 2004

Explanatory note

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

This Bill is cognate with the *Crimes Legislation Amendment (Terrorism) Bill 2004*.

Overview of Bill

The object of this Bill is to amend the *Sydney Opera House Trust Act 1961*:

- (a) to better protect the Opera House by creating new offences of trespassing at the Opera House, trespassing at the Opera House with intent to cause damage or serious disruption or to commit certain offences, and intentionally or recklessly damaging the Opera House, and
 - (b) to increase from 10 to 50 penalty units the maximum penalty that may be imposed for a breach of the by-laws under the Act, and
 - (c) to remove the need for the Governor to approve delegations under the Act, and
 - (d) to update provisions for the employment of staff of the Opera House Trust.
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The Bill also makes consequential amendments to the *Criminal Procedure Act 1986* to provide for the summary disposal of certain of the new offences that are indictable offences.

Outline of provisions

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

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

Clause 3 is a formal provision that gives effect to the amendments to the *Sydney Opera House Trust Act 1961* set out in Schedules 1 and 2.

Clause 4 is a formal provision that gives effect to the amendments to the *Criminal Procedure Act 1986* set out in Schedule 3.

Schedule 1 Amendments to Sydney Opera House Trust Act 1961 relating to Opera House security

Schedule 1 inserts proposed sections 28A–28E into the *Sydney Opera House Trust Act 1961*, which provide as follows:

- (a) Proposed section 28A creates the offence of trespassing at the Opera House. The new offence will carry a maximum penalty of 200 penalty units or imprisonment for 2 years, or both.
- (b) Proposed section 28B creates the offence of trespassing at the Opera House with intent to cause damage to the Opera House, seriously disrupt the operations of the Opera House, or commit any offence punishable by imprisonment or arising under the *Summary Offences Act 1988*. The new offence will carry a maximum penalty on indictment of 7 years imprisonment.
- (c) Proposed section 28C creates the offence of intentionally or recklessly damaging the Opera House. The new offence will carry a maximum penalty on indictment of 5 years imprisonment.
- (d) Proposed section 28D provides that the penalty for the offence of attempting to commit an offence under proposed section 28B or 28C is the same as the penalty for the offence.
- (e) Proposed section 28E deals with the taking of proceedings for offences. The offences under proposed sections 28B and 28C are indictable offences that will be dealt with summarily unless an election is made under the *Criminal Procedure Act 1986* to proceed on indictment.

The creation of these new offences does not limit the operation of any other offence in connection with the Opera House (for example, the sabotage offence under section 203B of the *Crimes Act 1900*).

Schedule 2 Miscellaneous amendments to Sydney Opera House Trust Act 1961

Schedule 2 [1] removes the need for the Governor to approve a delegation of functions by the Opera House Trust to a member of its staff.

Schedule 2 [4] replaces existing provisions for the appointment of staff of the Trust by the Governor with current provisions for the appointment of staff under the *Public Sector Employment and Management Act 2002*. **Schedule 2 [2], [3] and [5]** make consequential amendments.

Schedule 2 [6] increases the maximum penalty that may be imposed by the by-laws under the Act from 10 to 50 penalty units.

Schedule 2 [7] repeals an existing provision dealing with the taking of proceedings for offences (as a consequence of the enactment of proposed section 28E).

Schedule 3 Amendment of Criminal Procedure Act 1986

Schedule 3 amends the *Criminal Procedure Act 1986* to provide for the summary disposal of proceedings for the new indictable offences to be created by proposed sections 28B and 28C of the *Sydney Opera House Trust Act 1961* unless an election to proceed on indictment is made in accordance with the procedures set out in the Act.