



Regulatory Impact Statement

Sydney Opera House Trust By-law 2021

A Regulatory Impact Statement of a proposal by the Sydney Opera House Trust to remake the Sydney Opera House Trust By-law 2015 with amendments.

The By-law is to be made under the Sydney Opera House Trust Act 1961.

The Regulatory Impact Statement has been prepared in accordance with the Subordinate Legislation Act 1989.

Date: 12 March 2021

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Executive summary

This document is a Regulatory Impact Statement (RIS), prepared in support of the provisions of the proposed Sydney Opera House Trust By-law 2021 (2021 By-law), to be made under the *Sydney Opera House Trust Act 1961* (SOHT Act).

Section 28 of the SOHT Act provides that the Sydney Opera House Trust (the Trust) may make By-laws relating to the general management and control of the Sydney Opera House. The overarching intention of the 2021 By-law is to support the proper management of the Opera House, protect and conserve the building and precinct, and to ensure the safety and security of visitors and staff.

The Sydney Opera House Trust By-law 2015 (2015 By-law) was due for repeal and remake on 1 September 2020 in accordance with the *Subordinate Legislation Act 1989*, which effectively requires the Trust to justify why it should have By-laws every five years. The repeal and remake process is also an opportunity to make changes, if needed.

Due to the impact of COVID-19 in 2020, it was assessed that meaningful and transparent consultation on any changes would be challenging. Accordingly, the decision was made to postpone the remake of the 2015 By-law until 1 September 2021. The 2015 By-law was intended to achieve the 'outcomes' listed below:

- a) Safety and security of people on the Opera House precinct;
- b) Protection of the fabric of the Opera House and its contents;
- c) Protection of the Opera House brand and its image as a national icon, major tourist attraction and meeting place;
- d) Regulation of access to auditoriums and restricted areas;
- e) Protection of revenues;
- f) Effective management of the Opera House and its staff;
- g) Support for the Opera House as a cultural leader and world-class performing arts centre; and
- h) Provision of memorable and enjoyable visitor experiences.

Provisions of the 2015 By-law

The 2015 By-law makes provision with respect to the following:

- the regulation of vehicles and cycles on the Opera House precinct;
- the admission of persons to, and the behaviour of persons on, the Opera House precinct;
- the powers of authorised officers and the exercise of certain functions of the Trust by authorised officers;
- the banning of persons from the Opera House precinct;
- creating an offence (maximum penalty \$1,100) of hindering or obstructing a person in the exercise of a function under the By-law;

- circumstances where a person's actions do not constitute an offence under the By-law;
- the allowances to which Trustees are entitled; and
- savings and formal matters.

Proposed Amendments to the 2015 By-law

The 2021 By-law proposes to retain and remake the existing provisions of the 2015 By-law with amendments. The amendments proposed in summary are:

- Amended definition: Vehicle

In the 2015 By-law a vehicle means *'a vehicle that is built to be propelled by a motor that forms part of the vehicle'*.

It is proposed to broaden the definition to include other items that may impact the safety and amenity of pedestrians on the site. The proposed definition of vehicle in the 2021 By-law is *"motor vehicle, bicycle, scooter, skateboard, rollerblades or similar device but does not include:*

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

Subclauses (a) and (b) have been inserted to exclude prams and strollers, and wheelchairs and other mobility devices used as disability aids, from this definition (and therefore from the limitations placed on vehicles).

This new definition will apply to Clauses 4, 5 and 15.

- Amended definition: Aircraft

In the 2015 By-law the definition of aircraft means *'any unmanned aerial vehicle, hang-glider, hot air balloon or parachute, or any other aircraft'*.

Launching or landing aircraft from and on Opera House premises is prohibited, and authorised officers may cause aircraft to be removed from the Opera House premises for the purposes of safety and security.

It is proposed to move the definition of 'aircraft' from clause 15 to clause 3, and for the purpose of safety and security, also update the definition to expressly capture drones in addition to the ordinary meaning of aircraft and the other devices expressly stated.

The proposed definition of aircraft is *"includes a drone or unmanned aerial vehicle, hang-glider, hot air balloon and parachute"*.

This new definition will apply to clauses 9 and 15.

- Clauses 4(1) and 4(2)

To improve the security, safety and enjoyment of patrons and visitors, the Trust has removed access to the Opera House Forecourt for almost all vehicles. This change was implemented in 2016, removing about 1000 heavy-vehicle movements from the Opera House Forecourt every week.

Clauses 4(1) and 4(2) have not been updated since this change. It is proposed that Clauses 4(1) and 4(2) be reframed in line with the removal of vehicles from the Forecourt to state that vehicles (as newly defined in Clause 3) are not permitted on the precinct, unless authorised by the Trust.

- Clause 4(3)

This Clause currently empowers the Opera House to regulate the driving and parking of motor vehicles and the use of cycles on the precinct ‘by means of notices or barriers’.

It is proposed that Clause 4(3) be broadened to enable Opera House authorised officers to also use directions in situations where the use of barriers or signs is not the preference (in line with the Opera House Conservation Management Plan).

- Clause 5(1)(d)

This Clause currently empowers an authorised officer to inspect a vehicle or part of the vehicle prior to site entry for the purposes of safety and security.

The Clause has been broadened to include other items such as scooters and bicycles through use of the new definition for vehicle in Clause 3.

- Clause 6

This Clause allows the Trust to use barriers or notices to exclude the public from certain areas. It is proposed to update Clause 6 to allow the Trust to, by direction as well as by barrier or notice, exclude the public from any part of the Opera House precinct.

- Clause 8(2)

Clause 8(2) prohibits the recording of film, sound and images during a performance in an auditorium.

It is proposed to update this Clause to also capture the live transmission of performances from auditoriums (which mobile phones and other devices make possible). The proposed updates include prohibiting devices that may transmit sound or images.

- Clause 9(1)(c)

Clause 9(1)(c) prohibits a person from conducting, or causing or assisting in the conduct of, an amusement, entertainment, instruction or performance, whether or not for money or other consideration.

It is proposed to remove the redundant words ‘*whether or not for money or other consideration.*’

- New Clause 9(1)(d)

It is proposed that the Opera House align its regulatory provisions with other local iconic sites/areas of public significance to prohibit ‘public demonstrations’ unless permitted by the Trust.

A new provision [9(1)(d)] is proposed to specifically prohibit unauthorised public demonstration. This provision would support authorised officers to manage these potentially disruptive or unsafe activities. Previously the Trust relied on Clauses 9(1)(b), (e) or (i) and 12(3)(c) to manage unauthorised public demonstrations.

- Clause 9(1)(e)

This Clause prohibits the display or distribution of any advertisement, sign, bill, poster or other printed matter.

It is proposed to broaden this Clause to cover additional distribution or display methods, including visual or electronic, capturing additional activities such as unauthorised projections onto the building. This amended Clause is now 9(1)(g).

- Clauses 9(1)(d) and 9(1)(i)

It is proposed that previously numbered Clauses 9(1)(d) and 9(1)(i) be replaced with proposed Clauses 9(1)(e) and 9(1)(f) to achieve technology neutral language.

- Clause 9(1)(k)

To clarify the prohibition of bringing animals on to the Opera House premises (unless permitted by the Trust), a new definition of ‘animal’ has been applied to this Clause (by Clause 9(4)) being any “*non-human mammal or any bird, fish, reptile, amphibian, crustacean, insect, arachnid, arthropod or mollusc*’.

- Clause 9(3)

The Opera House is proposing to minimise areas in which smoking is permitted on the Opera House precinct (i.e. only within designated smoking areas).

- Clause 10

Clause 10 may, as currently drafted, be interpreted narrowly. For example, it is not clear whether it could be relied on in relation to interference with Wi-Fi or any other system.

It is proposed to include the words ‘electronic, technological or computer system or network’ in addition to ‘equipment, fixture or fitting’ to ensure the Opera House is more broadly covered for potential technological interference, such as with Opera House Wi-Fi.

- Clause 12(3)

It is proposed that Clause 12(3) be updated to allow authorised officers to direct a person to leave the precinct to protect the person’s health or safety or the health and safety of any person generally (for example, in circumstances where there is a risk of an electrical storm or a gas leak).

- Clause 15

Clause 15 gives authorised officers certain powers in relation to aircraft, vehicles and vessels e.g. an authorised officer can remove a vehicle from the premises at any time for the purposes of promoting safety and security.

The new definition of vehicle in Clause 3 broadens the application of Clause 15 to other items such as bicycles and scooters.

Alternatives

The major alternatives to the proposed 2021 By-law are summarised as follows:

- Do nothing;
- Use Section 4 of the *Summary Offences Act 1988* in place of By-law Clause 12(3)(c). This Clause of the By-law states that a person may be directed to leave “if the person is behaving in an offensive manner or in a manner likely to endanger the person or another person”;
- Use the *Smoke-free Environment Act 2000* to control smoking;
- Use general “Conditions of Entry” printed on the back of tickets issued for performances or on the Opera House website in place of Clause 8 of the proposed By-law. This method is used by many theatre owners and entertainment promoters to provide means of managing patrons; and
- Use other extant legislation in place of Clause 10 of the proposed By-law.

Conclusion

The RIS shows that the proposed 2021 By-law has greatest effectiveness in meeting the objectives established for the By-law. It will assist the Trust to properly manage, protect and conserve the building and site, to maintain its status as Australia’s premier cultural institution and tourist destination, and to ensure the safety and security of all visitors and staff. None of the alternatives meets the Objectives with equal or greater effectiveness.

The monetary costs of the By-law in terms of security, safety and front of house of \$28.54 million in present value terms over five years are justified because, in incurring this expenditure, the loss of the economic value of the building and its contents, up to a value of \$4.92 billion over a five-year period (representing 0.58% of the Opera House’s economic value over the same period), is avoided.

1. Introduction

1.1 Purpose of this document

This document is a Regulatory Impact Statement (RIS) of a proposed By-law, the *Sydney Opera House Trust By-law 2021*, to be made under the SOHT Act.

The proposal is to remake, with some amendments, the provisions of the 2015 By-law, which will be repealed on 1 September 2021 by section 10(2) of the *Subordinate Legislation Act 1989*.

1.2 What is a RIS?

1.2.1 Overview

The preparation of a RIS is required under the *Subordinate Legislation Act 1989*.

To reduce unnecessary regulation, this Act requires departments and authorities to consider the economic costs and social impact of any new regulation and to consider options for meeting the proposed regulation's objectives.

The Act also provides for public exhibition of the RIS and consultation prior to making a regulation, as part of the mechanism by which the option that produces the greatest net public good can be chosen.

1.2.2 Underlying purpose of the RIS procedure

The purpose of the RIS procedure is to ensure that the approved regulation is the preferred course of action in achieving a policy objective.

The NSW Government has also articulated what characterises good regulation and the minimisation of red tape through seven Better Regulation Principles. Better regulation is the result of sound policy development and regulatory design processes. The principles are the cornerstone of the Government's commitment to good regulation and must be followed in the development of every regulatory proposal. In doing so, it is demonstrated that the proposal is required, reasonable and responsive.

The RIS procedure aims to ensure that a proposed regulation complies with the following Principles¹:

- Principle 1: The need for government action should be established. Government action should only occur where it is in the public interest, that is, where the benefits outweigh the costs;
- Principle 2: The objective of government action should be clear;

¹ See "Guide to Better Regulation", January 2019, issued by the NSW Regulatory Improvement Branch, NSW Treasury, page 5.

- Principle 3: The impact of government action should be properly understood by considering the costs and benefits of a range of options, including non-regulatory options;
- Principle 4: Government action should be effective and proportional;
- Principle 5: Consultation with business and the community should inform regulatory development;
- Principle 6: The simplification, repeal, reform, modernisation or consolidation of existing regulation should be considered; and
- Principle 7: Regulation should be periodically reviewed, and if necessary reformed, to ensure its continued efficiency and effectiveness.

1.2.3 RIS contents

The RIS must include:

- A statement of the objectives of the regulation and the reason for them;
- An identification of the alternative options by which those objectives can be achieved, either wholly or in part;
- An assessment of the costs and benefits of the regulation, including the costs and benefits relating to resource allocation, administration and compliance;
- An assessment of the costs and benefits of each alternative to the making of the regulation, including the costs and benefits relating to resource allocation, administration and compliance. This assessment must include the alternative of not proceeding with any action;
- An assessment as to which of the alternatives involves the greatest net benefit to the community; and
- A statement of the consultation program to be undertaken.

1.2.4 Regulation outcomes

The regulation's outcomes are assessed by a:

- Cost-benefit analysis when the costs and benefits flowing from the regulation can be measured in monetary terms; or
- Cost-effectiveness analysis when the benefits of the regulation do not lend themselves to monetary quantification.

Qualitative costs and benefits may also be important as supporting benefits in both cost-benefit and cost-effectiveness analyses. Qualitative costs and benefits may involve consideration of matters affecting, for example, cultural participation, heritage preservation, reputational costs-benefits, quality of life, environmental pollution and visual amenity.

Cost-effectiveness analysis has been used in the preparation of this RIS, supported by a 'break-even' analysis as discussed below.

1.2.5 Regulatory burdens

Regulatory burdens are costs imposed by regulatory requirements, including unnecessary regulation, or 'red tape'. Costs may be borne by businesses, government and the community and include:

- Administrative compliance costs associated with demonstrating compliance with a regulation (such as paperwork and record-keeping costs);
- Substantive compliance costs related to required capital and production expenditure (such as equipment and training expenses);
- Financial costs which are payments made directly to the Government (such as fees, levies and fines); and
- Indirect costs relating to the impact that regulation has on market structures and consumption patterns (such as restrictions on innovation and barriers to entry through licensing) and the cost of delays.

1.3 Report structure

This RIS has been prepared in accordance with:

- The *Subordinate Legislation Act 1989*;
- The *Guide to Better Regulation* issued by the Better Regulation Office in January 2019; and
- The NSW Treasury Technical Paper titled *Guidelines for the Economic Appraisal of Assets*, issued in July 2007.

The RIS includes five sections, as follows:

- Section 1:** **Sydney Opera House Trust By-law** – establishes objectives and processes of enforcement.
- Section 2:** **Impact analysis of the Sydney Opera House Trust By-law** – identifies affected parties and specifies and quantifies relevant benefits.
- Section 3:** **Impact analysis of alternatives** – defines major alternatives, specifies, quantifies and compares costs and benefits.
- Section 4:** **Evaluation of relative impacts** – overall comparison and evaluation of the relative net costs/benefits of the By-law and alternatives.
- Section 5:** **Methodology** – describes the methods used, assumptions adopted in analysis, data and information sources and consultation process.

2. Section 1: The Objectives of the proposed By-law

2.1 Sydney Opera House

2.1.1 History of site and building

The Opera House occupies a unique place in the cultural landscape. For thousands of years before the arrival of Europeans, the Sydney district was Aboriginal land, occupied by the Gadigal people.

Bennelong Point, the land on which the Opera House stands, was originally a low rocky outcrop known to the Gadigal as Tubowgule.

Since 1810, Tubowgule has been variously used as a fort (Fort Macquarie), a drill ground for artillery, a location for ferry landings and a tram shed.

In January 1956, based on the original vision of Eugene Goossens and with the political support of then Premier John Joseph Cahill, the NSW Government announced an international competition for the design of a 'National Opera House' to be erected on Bennelong Point. Judging took place in January 1957. The entry of Danish architect Jørn Utzon was the unanimous winner.

The building was completed and officially opened on 20 October 1973. The Opera House honours the long history of gathering and storytelling by the traditional custodians, the Gadigal, and as envisioned by the NSW Premier Joseph Cahill, helps to "mould a better, more enlightened community".

2.1.2 Sydney Opera House Trust (the Trust)

The Opera House is operated and maintained on behalf of the NSW Government and the people of NSW by the Sydney Opera House Trust². The Trust is constituted as a body corporate under the SOHT Act.

The Trust consists of 10 members appointed by the Governor on the nomination of the Minister. The Trust must include at least two persons who have knowledge of, or experience in, the performing arts.

The SOHT Act charges the Trust with:

- Administering, caring for, controlling, managing and maintaining the Opera House precinct;
- Managing and administering the Opera House precinct as an arts centre and meeting place;

² Source: Sydney Opera House Annual Report 2019-20, page 8

- Promoting artistic taste and achievement in all branches of the performing arts; and
- Fostering scientific research into and encouraging the development of new forms of entertainment and presentation.

In exercising its stewardship functions, the Trust acts to fulfil these objectives as custodians of the Opera House for the citizens and Government of NSW.

2.1.3 Opera House Mission

As an organisation, the Opera House's vision is to be as bold and inspiring as the Opera House itself. Its mission is:

- To treasure and renew the Opera House for future generations of artists, audiences and visitors; and
- To inspire, and strengthen the community, through everything we do.

2.1.4 Business overview and value

The Opera House is the symbol of modern Australia, the nation's premier tourist attraction and one of the world's busiest performing arts centres. In the almost 50 years since it opened, the Opera House has played a transformative role in Australian life.

A 2018 Deloitte Access Economics report (see discussion below commencing on page 20) found that the Opera House contributes \$1.2 billion to the national economy every year, supports more than 8,700 full-time equivalent jobs and has a cultural and iconic value to Australia of \$6.2 billion. Although COVID-19 has had and will continue to have, significant impacts, recovery efforts are under way. The NSW Government is protecting the value of the Opera House through ongoing financial support until COVID-19 related impacts sufficiently recede.

The Opera House is a highly complex organisation that balances a wide range of competing imperatives. One of the great buildings of the 20th century, the Opera House received World Heritage listing in 2007. The precinct includes 11 theatre bars, six restaurants, two retail stores, and various public spaces.

The Opera House is home to eight resident companies (Australian Chamber Orchestra, Bangarra Dance Theatre, Bell Shakespeare, Opera Australia, Sydney Philharmonia Choirs, Sydney Symphony Orchestra, Sydney Theatre Company and The Australian Ballet). In addition, in a normal 'non-COVID' year, the Opera House itself presents almost 900 performances and the precinct often hosts significant state, national and international events.

Additionally, in a normal 'non-COVID' year, the Opera House attracts almost 11 million visitors to the precinct. Noting that all public-facing activities on site were suspended between March and September 2020, in line with COVID-19 public health orders, more than a million people attended 1,473 performances in 2019-20, including³:

- 579,000 people attending resident company performances;

³ Sydney Opera House Annual Report 2019-20 page 33.

- More than 79,000 attending performances for young audiences;
- 284,000 people attending Sydney Opera House Presents performances; and
- More than 152,000 people attending a variety of recitals, school concerts, community events, competitions and performances by external hirers.

Online performances in 2019-20, including those streamed through the Opera House's From Our House to Yours (FOHTY) digital program, had 5.6m views. Many more people simply appreciated the magnificent building, surrounding public spaces and harbourside setting.

2.1.5 Site and venues

The Opera House is 183 metres long, 118 metres wide at its widest point, and 67.4 metres at its highest point. The Opera House precinct occupies an area of about 1.82 hectares. There are seven primary venues:

- Concert Hall (maximum seating capacity 2,668);
- Joan Sutherland Theatre (maximum seating capacity 1,507);
- Drama Theatre (maximum seating capacity 544);
- Playhouse (maximum seating capacity 398);
- Studio (maximum seating capacity 318);
- Utzon Room (a multi-purpose venue, maximum capacity 270 people); and
- Forecourt (an open-air venue south of the shells that accommodates up to 6,000 people).

The Opera House also includes a recording studio, rehearsal studios, dressing rooms, theatre bars, foyer and lounge areas, and the 'Green Room' dining area for performers and staff. In 2019, the Yallamundi Rooms function and events centre opened, replacing the longstanding events marquee on the Northern Broadwalk. In 2020, a new venue providing an immersive digital experience for tour patrons opened in what was previously back-of-house space. The experience uses the latest technology to bring to life the art and performances that take place on the Concert Hall stage

2.1.6 A Decade of Renewal

On its 40th anniversary, the Opera House embarked upon a Decade of Renewal to ensure that the building continues to inspire generations of artists, audiences and visitors. Major upgrades to the Joan Sutherland Theatre were completed in December 2017, followed by the opening of new Yallamundi Rooms in April 2019.

Also in 2019, a number of accessibility and foyer improvements were made, as well as significant upgrades to the area under the Monumental Steps and site entry.

Renewal continued in 2020 and is continuing in 2021, including:

- Essential upgrades to the Concert Hall, which is planned to reopen in 2022 following its closure in February 2020; and
- A new Creative Learning Centre is planned for completion in 2021.

2.2 Sydney Opera House Trust By-law 2021

2.2.1 Summary of amendments to the 2015 By-Law

The following summarises the proposed amendments to the 2015 By-law. The amendments are intended to better align the By-law with the Opera House's current operating environment:

- Expand the regulation of vehicles and cycles to include other similar devices that may impact the safety and amenity of pedestrians on the site. To achieve this, a new definition of vehicle is proposed, being 'motor vehicle, bicycle, scooter, skateboard, rollerblades or similar devices'. Prams and strollers, and wheelchairs and other mobility devices used as disability aids are expressly excluded from this definition (and therefore from the limitations placed on vehicles);
- Update the definition of 'aircraft' to expressly include drones, in addition to the ordinary meaning of aircraft and the other devices expressly stated. Launching or landing aircraft from and on Opera House premises is prohibited, and authorised officers may cause aircraft to be removed from the Opera House premises for the purposes of safety and security;
- Enable authorised officers to give directions to enforce particular requirements (such as excluding members of the public and vehicles from certain areas) as opposed to relying on signs and barriers. The use of signs or barriers on site may not always correspond with site policy (e.g. policy within the Opera House Conservation Management Plan);
- Enable authorised officers to direct a person to leave the premises to protect their health and safety or the health and safety of another person, e.g. lightning or flooding to support the rights and obligations of the Opera House and the public under the *Work Health and Safety Act 2011* (WHS Act);
- Broaden prohibited methods of distributing or displaying content on the Opera House precinct to include digital and electronic displays to capture unauthorised projections on to the building;
- Update Clauses of the By-law to ensure the language used is technology-neutral and future-proofed. A key amendment is to include a prohibition on interference with 'any electronic, technological or computer system or network' to capture interference with such systems (e.g. Wi-Fi interference), particularly given the Opera House's reliance on wireless systems for its day-to-day operations;
- Prohibit smoking across the site except in designated smoking areas (reframing the 2015 prohibition on smoking in areas designated as non-smoking);
- Extend prohibited activities to include public demonstrations. This approach is consistent with neighbouring and iconic Sydney sites such as the Harbour Bridge, Barangaroo, the Royal Botanic Gardens and the Domain; and
- Include a definition of 'animal'.

2.2.2 Outcomes of the By-law

The By-law is intended to achieve the 'outcomes' ⁴ listed below. Generally, each Clause relates to a specific outcome. However, there is some overlap, with several Clauses addressing a particular outcome. The outcomes include:

- a) Health, safety and security of people on the Opera House precinct;
- b) Protection of the fabric of the Opera House and its contents;
- c) Protection of the Opera House brand and its image as a national icon, major tourist attraction and meeting place;
- d) Managing access to the Opera House building and precinct;
- e) Protection of revenues;
- f) Effective management of the Opera House and its staff;
- g) Support for the Opera House as a cultural leader and world-class performing arts centre; and
- h) Provision of memorable and enjoyable visitor experiences.

2.2.3 Matters dealt with by the By-law

2.2.3 (a) Safety and security of people on the Sydney Opera House precinct

Safety and security are addressed by:

- Clause 4, which manages access to, and the parking and driving of, vehicles on the Opera House precinct. Unrestricted use of vehicles can create a potential hazard to pedestrians;
- Clause 5, which enables authorised officers to subject persons to a search of their person or vehicle (as defined in Clause 3) or part of the vehicle and articles in the person's possession as a condition of entry;
- Clause 9, which prohibits certain activities, including bringing unauthorised animals to the precinct, conducting unauthorised public demonstrations and interference or damage of signs;
- Clause 11, which prohibits persons mooring, fishing or swimming from any part of the Opera House precinct;
- Clause 12, which enables authorised officers to issue directions to leave and to remove a person causing inconvenience or offence;
- Clause 14, which enables authorised officers to photograph or make another form of image of persons suspected of an offence under the By-law;

⁴ The use of the word 'outcomes' is intended to refer to the 'ends' the By-law is intended to achieve rather than just the 'means' to the ends.

- Clause 15, which enables authorised officers to remove unlawfully landed aircraft, vehicles or vessels from the Opera House premises; and
- Clause 18, which creates an offence if a person hinders or obstructs any person in the exercise of a function under the By-law.

2.2.3 (b) Protection of the fabric of the Sydney Opera House and its contents.

Protection of the Opera House requires actions that minimise the risk of physical damage to the Opera House precinct, including the building, its fittings, fixtures, plant, equipment and art collections. This protection is achieved through:

- Clause 4, which manages access to, and the parking and driving of, vehicles on the precinct;
- Clause 5, which enables authorised officers to subject persons to a search of their person and articles in the person's possession as a condition of entry;
- Clause 6, which provides authority to exclude the public from any part of the precinct using notices or barriers;
- Clause 7, which provides authority to control access to auditoriums and restricted areas under conditions managed by the issuing of tickets or permits;
- Clause 8, which provides authority to prohibit activities in an auditorium, including consumption of food or drink;
- Clause 9, which prohibits damage or interference with signs and notices; and
- Clause 10, which prohibits persons from interfering with equipment, fixtures or fittings.

2.2.3 (c) Protection of the Sydney Opera House brand and its status as a national icon, major tourist attraction and meeting place.

Protection of the Opera House brand and status requires actions that minimise the risk of internal, external and reputational damage to the Opera House. This protection is achieved through:

- Clause 9, which prohibits a range of activities on the Opera House precinct, including advertising, unauthorised commercial activities, charitable collections and certain recreational activities.

2.2.3 (d) Management of access to the Sydney Opera House precinct and the Sydney Opera House building

Access to the building and precinct is managed through:

- Clause 4, which manages access to, and the parking and driving of, vehicles on the Opera House precinct;
- Clause 6, which enables the Trust to restrict access to any part of the Opera House premises by means of a direction, sign or barrier;

- Clause 7, which provides authority to permit access only under conditions managed by the issuing of tickets or permits; and
- Clause 11, which prohibits the mooring of a vessel to any part of the precinct.

2.2.3 (e) Protection of revenues

Protection of revenues generated by the Trust and its resident companies, presenters/hirers and onsite commercial operators is through:

- Clause 4, which permits the Opera House to fix a scale of charges for the parking of vehicles on the Opera House precinct;
- Clause 8, which prohibits the taking of photographs or use of a device to record sound or images or to transmit sound or images from an auditorium;
- Clause 8, which prevents persons from causing inconvenience to others in an auditorium;
- Clause 9, which provides the means to manage unauthorised commercial activities on the Opera House precinct and distribution of products;
- Clause 9, which prevents the use of any audio, loudspeaker or broadcasting equipment or camera (whether photographic, cinematic or video) for a commercial purpose;
- Clause 9, which prevents unauthorised entertainment and performances;
- Clause 12, which enables authorised officers to issue directions to leave and to remove any person who is not in possession of a valid ticket for which the person has paid; and
- Clause 18, which creates an offence if a person hinders or obstructs any person in the exercise of a function under the By-law.

2.2.3 (f) Effective management of the Sydney Opera House and its staff.

Effective management of the Opera House and its staff is facilitated by:

- Clause 12, which enables Opera House authorised officers to issue directions to leave and to remove an offending person;
- Clause 17, which enables the delegation of Trust authority conferred by the By-law to the Chief Executive Officer and other authorised officers or staff members; and
- Clause 18, which creates an offence if a person hinders or obstructs any person in the exercise of a function under the By-law.

2.2.3 (g) Support for the Sydney Opera House as a cultural leader and world-class performing arts centre.

- Clause 8, which provides authority to prohibit activities in an auditorium, including consuming food or drink, photographic or audio recording, or causing inconvenience to any other person;

- Clause 9, which prevents unauthorised entertainment and performances;
- Clause 9, which provides the means to manage unauthorised commercial activities on the precinct and distribution of products; and
- Clause 9, which prevents the use of cinematic, video or photographic equipment for commercial purposes.

2.2.3 (h) Provision of memorable and enjoyable visitor patron experiences.

- Clause 4, which manages access to, and the parking and driving of, vehicles and cycles on the Opera House precinct;
- Clause 8, which prevents persons from causing inconvenience to others in an auditorium;
- Clause 9, which prohibits a range of activities on the Opera House precinct, including advertising, unauthorised commercial activities, unauthorised public demonstrations, charitable collections and certain recreational activities;
- Clause 12, which enables authorised officers to issue directions to leave and to remove an offending person; and
- Clause 18, which creates an offence if a person hinders or obstructs any person in the exercise of a function under the By-law.

2.2.4 New or amended matters compared to the existing By-law

The following are the proposed changes to the existing By-law ⁵:

- Amended definition: Vehicle

It is proposed that a new definition be included in the By-law so that cycles, skateboards, roller skates or similar devices (other than wheelchairs or other mobility devices used as a mobility aid, prams or strollers) are captured as 'vehicles' for the purposes of Clauses 4, 5 and 15.

Wheelchairs/mobility devices are supported on site via disability discrimination legislation. However, for clarity and to appease any potential concerns by those reading the By-law, the new definition expressly excludes wheelchairs (or any other mobility device used as a disability aid), prams and strollers.

- Clauses 4(1) and 4(2)

To improve the security, safety and enjoyment of patrons and visitors, the Opera House has removed access to the Opera House Forecourt for almost all vehicles. This change was implemented in 2016, removing about 1,000 heavy-vehicle movements from the Opera House Forecourt every week. A passenger drop-off and transfer system has been implemented for visitors with accessibility requirements.

⁵ Refer to the previous section for a summary of the content of each of the Clauses referred to.

With regards to cycles, scooters, skateboards, rollerblades and similar devices, riders are asked to dismount at the site boundary and safely walk, carry or park them while on site. (<https://www.sydneyoperahouse.com/visit-us/parking.html>)

Clauses 4(1) and 4(2) have not been updated since this change. It is proposed that Clauses 4(1) and 4(2) be reframed to state that vehicles (as per the new definition) are not permitted on site, unless authorised by the Trust.

- Clause 4

This Clause currently empowers the Opera House to regulate the driving and parking of vehicles and the use of cycles on the precinct 'by means of notices or barriers' only.

It is proposed that Clause 4 be broadened to enable Opera House authorised officers to use other means such as directions in situations where the Opera House cannot, or prefers not to, use barriers or notices, to regulate vehicles on the Opera House precinct. This aligns with the Opera House Conservation Management Plan (CMP), which requires that notices and barriers be kept to a minimum on the Opera House precinct. The current CMP version is *Respecting the Vision Sydney Opera House – A Conservation Management Plan Fourth Edition* (CMP4) by Alan Croker.

CMP4 was endorsed by the Heritage Council of NSW in August 2017 and reflects the most contemporary thinking in how to manage the site appropriately as a State, National and World Heritage-listed site. Note that new editions may be published from time to time.

The conservation policies in CMP4 also provide guidance for the ongoing care, conservation, use and management of the Opera House, including any changes or development. CMP4 can be found here:

<https://www.sydneyoperahouse.com/our-story/conservation-management/conservation-management-plan.html>

Policy 5.1 of the CMP4 requires that "permanent, semipermanent or long-term objects (as opposed to structures), including furniture and signage, should only be permitted on the Forecourt, Broadwalks, Podium platform and steps if they do not interrupt or intrude upon the open and uncluttered presentation of the place". Policy 15.1 also requires signage to "be kept to a minimum".

- Clause 5(1)(d)

This Clause currently empowers an authorised officer to inspect a vehicle or part of the vehicle prior to site entry for the purposes of safety and security.

The Clause has been broadened to include other items such as scooters and bicycles as per the new definition for vehicle in Clause 3.

- Clause 6

In line with Clauses 4(3) and 4(4), the Opera House seeks to maintain a safe, secure, enjoyable, open and uncluttered site. In certain circumstances, notices or barriers may not be necessary, or may be contrary to CMP4. It would

therefore be useful if an authorised officer was empowered under the By-law to give a 'direction'.

Accordingly, it is proposed that Clause 6 be updated to allow the Trust (including authorised officers) to, by request or direction, exclude the public from any part of the Opera House precinct (regardless of whether a barrier or notice is present).

- Clause 9

This Clause prohibits the display or distribution of any advertisement, sign, bill, poster or other printed matter.

- It is proposed to broaden prohibited methods of distributing or displaying content to include photographic, cinematic or video methods. Clause 9(1)(h)

Clause 9(1)(h) prohibits a person from riding on or using any cycle, skateboard, roller skates or similar apparatus in a manner likely to cause inconvenience to any other person.

Clause 9(1)(h) has been deleted as Clause 4 has been amended to prohibit all unauthorised 'vehicles' on the precinct, as defined as motor vehicles, cycles, skateboards, roller skates or similar (other than wheelchairs or other mobility devices, prams or strollers).

- Clauses 8(2)(b), 9(1)(d) and 9(1)(i)

Clauses 8(2)(b), 9(1)(d) and 9(1)(i) have been reviewed and amended to achieve technology-neutrality and future-proofing. Current Clause 9.1(d) has become Clause 9(1)(e).

As an example, while Clause 8(2)(b) captures mobile phones, and addresses the recording of film, sound and images, it does not address live transmission (which mobile phones and other devices make possible).

It is proposed to introduce Clause 8(2)(b) to also capture the live transmission of performances from auditoriums (which mobile phones and other devices make possible). The update includes prohibiting devices that may transmit sound or images.

The current Clause 8(2)(b) then becomes Clause 8(2)(c).

- Clause 9(1)(k)

Clause 9(1)(k) prohibits people from bringing animals, reptiles and birds to the site. It is proposed to delete 'reptiles and birds' and clarify and define 'animal' for the purpose of this Clause. The proposed definition for animal is 'a non-human mammal or a bird, fish, reptile, amphibian, crustacean, insect, arachnid, arthropod or mollusc'.

It is noted that while animals on site are generally prohibited, Clause 9(2) specifically states that Clause 9(1)(k) does not prohibit a person who has a disability (defined in the *Disability Discrimination Act 1992* (Cth) (DDA)) from bringing an assistance animal (as defined in section 9 of the DDA) onto the

Opera House precinct. Additionally, certain acts are not offences if the consent of the Trust has been given (as per Clause 19(1)(c)).

Regardless of the By-law, the DDA addresses rights regarding companion animals and the like.

- Clause 9(3)

The Opera House is proposing to minimise areas in which smoking is permitted in the precinct (i.e. only within designated smoking areas).

The Opera House proposes that the By-law be reframed to prohibit smoking across the Opera House precinct, except in designated smoking area(s).

- Clause 10

It was not clear that Clause 10 'Interference with Equipment' could be relied on in relation to interference or tampering with Wi-Fi or any other computer or electronic system or network.

It is proposed to broaden the Clause to include the words 'electronic, technological or computer system or network' in addition to 'equipment, fixture or fitting'. This will ensure that a person must not, while on the Opera House premises, damage, interfere or tamper with any electronic, technological or computer system or network (such as with Opera House Wi-Fi) on the Opera House premises.

The operations across the Opera House precinct generally rely on wireless systems for:

- Microphones and in-ear systems;
- Security radios; and
- Wireless control of theatrical lighting, audio, stage machinery.

- Clause 12(3)

Clause 12(3) does not specifically enable an Authorised Officer to direct a person to leave the Opera House precinct for 'safety reasons' (for example, in circumstances where there is a risk of an electrical storm or a gas leak). The Opera House is proposing that Clause 12 be updated to allow Authorised Officers to direct a person to leave the precinct for safety reasons.

The WHS Act places an obligation on the Opera House as a person conducting a business or undertaking (PCBU) to ensure, as far as reasonably practicable, the health and safety of workers, and of 'other persons', so that they are not put at risk from work carried out as part of conducting the business.

The Opera House understands that the WHS Act then states that any person at a workplace (which could include a member of the public) must take reasonable care for their own health and safety, and take reasonable care that their acts or omissions do not adversely affect the health and safety of others. The WHS Act also requires the public to, as far as they reasonably can, comply with any reasonable instructions given by the PCBU to allow the PCBU to ensure health and safety.

It is the Opera House's understanding that this would allow certain Opera House staff to ask people to leave the site for safety reasons such as:

- Dangerous weather (lightning);
- Deterioration of building fabric (broken tiles on roof); or
- Gas leak.

Nonetheless, the Opera House considers that an amendment to Clause 12(3) to reflect the rights and obligations of the Opera House and the public under the WHS Act would help support the Opera House.

- Clauses 9(1), 12(3)(c) and 19

The Opera House must consider safety, security, operational and general amenity matters in relation to public demonstrations on the Opera House precinct. Clauses 9(1) and 12(3)(c) of the 2015 By-law offers limited rights to deal with public demonstrations where there are particular circumstances that may be related to such activities.

As background, it is understood the *NSW Summary Offences Act 1998* facilitates the legal right that people have to peaceful assembly. Part 4 deals with public assemblies (which are gatherings held in a 'public place' being a public road, public reserve or other place which the public are entitled to use).

To hold an authorised public assembly, the legislation requires notification to the Commissioner of Police of the proposed date, time and location of the assembly and the expected number of people.

Under regulatory provisions for other local iconic sites/areas of public significance, public assemblies (such as demonstrations, processions, meetings, gatherings) are prohibited unless permitted by the relevant trust/authority.

Examples:

- Harbour Bridge and Anzac Bridge: Public assemblies and processions are prohibited except if the Roads and Maritime Services issues a permit allowing them. The section then clarifies that the prohibition does not affect the operation of Part 4 (Public assemblies) of the *Summary Offences Act 1988* (s48 of the *Roads Regulation 2018*).
- Botanic Gardens and Domain: A person who addresses a public demonstration or gathering in the Gardens without the written consent of the Royal Botanic Gardens and Domain Trust is guilty of an offence (s69 of the *Royal Botanic Gardens and Domain Trust Regulation 2013*).
- Centennial Park/Moore Park: A person must not on Trust land (which includes Centennial Park, Moore Park, ES Marks field, Sydney Showground site, Queens Park) organise or participate in, or cause to be organised, a public meeting, public function, public demonstration, public gathering or other public activity, except with the written permission of, and in the manner approved by, the Trust or the Director (s13 *Centennial Park and Moore Park Trust Regulation 2014*).

- Barangaroo: A person must not conduct or participate in an organised assembly of persons for the purposes of holding a meeting, procession or performance unless the Authority has granted approval (ss 7 and 35 *Barangaroo Delivery Authority Regulation 2015*).

It is proposed that a similar approach be taken in relation to public demonstrations on the Opera House precinct.

A new provision [9(1)(d)] is proposed to specifically prohibit unauthorised public demonstration (unless authorised by the Trust). This provision would support authorised officers to manage these potentially disruptive or unsafe activities.

2.2.4 Other By-law provisions

The above analysis covers all of the By-law provisions with the exception of:

- Clauses 1, 2, 3 and 21, which are machinery provisions relating to the By-law citation, commencement date, definitions and repeal of the preceding By-law (Sydney Opera House Trust By-law 2015).
- Clause 19, which specifies that certain acts are not to be offences, including acts that are undertaken with the consent of the Trust.
- Clause 20, which specifies that Trustee allowances may be fixed by the Governor.

2.3 Penalties imposed by the By-law

The 2021 By-law imposes penalties for breaching certain Clauses. These penalties have not changed since 2015.

The imposition of penalties in the By-law recognises the significant role the Opera House plays in NSW and Australia, and the features that distinguish it from other attractions and cultural institutions, including:

1. The value of the Opera House as a public asset;
2. The significance of the Opera House as a major tourist attraction and meeting place for matters of local, national and international significance.
3. The Opera House's contribution to the visitor economy and Australia's broader economic and cultural life and identity.
4. The Opera House's role in the development of economic and political alliances between Australia and other nations.
5. The diversity of Opera House visitors, including self-guided visitors, members of guided tour groups, people attending performances, dining or shopping, and people simply walking through or around the area.
6. The priority placed on security of the building and site, and the Opera House's status as a national icon.
7. The accessibility of the Opera House precinct, including many potential entry points by both land and water, and the fact that access to the precinct is generally not restricted during the day or night.

8. The public-facing operation of the Opera House 24 hours a day, 7 days of the week, 52 weeks of the year, except for Christmas Day and Good Friday.
9. The proximity to the harbour of the Opera House and the openness of the site that makes it a natural vantage point from which the public may view special events, such as New Year's Eve fireworks and the Sydney-Hobart Yacht Race.

2.4 Penalty Units

It will be noted that the quantum of penalties in the By-law is expressed as 'penalty units'.

The value of a 'penalty unit' is provided in the *Crimes (Sentencing Procedure) Act 1999* – Section 17, which states that unless the contrary intention appears, a reference in any Act or statutory rule to a number of penalty units (whether fractional or whole) is taken to be a reference to an amount of money equal to the amount obtained by multiplying \$110 by that number of penalty units.

The reason for this approach is that as time passes and Parliament decides that the quantum of penalties should increase, it is necessary to amend only the *Crimes (Sentencing Procedure) Act 1999* to vary the value of a penalty unit, rather than every Act in the statute books that specifies a penalty.

2.5 Estimated costs of implementing the By-law

In the RIS for the 2015 By-law, it was estimated by the Opera House that the labour costs of implementing the By-law at that time were \$4.01 million per annum. The Australian Bureau of Statistics has estimated that public sector wage costs have increased since that year by 9%⁶. The Australian public sector wage price index rose a further 2.1% over the 12 months to the June quarter 2020⁷. Opera House wages increased 1.8% over the 12 months to June 2020. In addition, the overall cost of security required to protect the precinct has increased considerably since 2015. Labour costs, therefore, now totalling \$6.96 million per annum are estimated to be required to implement the By-law in 2020.

These costs include:

- Emergency Planning and Response Group, including:
 - Duty Security Operations Managers, Security and Event Planning Coordinator, Venue Security Managers, Security Operations Administrator;
 - Control Room Operators, Operational Security Officers.
- Visitor Services, including:

⁶ Australian Bureau of Statistics, Item 6345.0 - Wage Price Index, Australia, Sep 2019.

⁷ <https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/wage-price-index-australia/jun-2020>

- Front of House Theatre Managers and Attendants;
 - Ticketing Services and Systems Specialists;
 - Food and Beverage General Manager and Operations Managers; and
 - Concierge, Welcome Team and Host team.
- Fire and Safety Teams.

2.6 Derivation of the objectives of the By-law

Based on the above summary of the history and function of the Trust and the proposed 2021 By-law, it is clear that the overarching intention of the 2021 By-law is to support the proper management of the site and organisation, protect and conserve the building and site, and to ensure the safety and security of visitors and staff.

2.7 Statement of objectives of the By-law

The following is a statement of the objectives of the 2021 By-law:

1. Assist in maintaining the safety and security of persons on the Opera House precinct;
2. Protect the fabric of the Opera House and its contents;
3. Protect the Opera House brand and its status as a national icon, major tourist attraction and meeting place;
4. Manage access to the site and the building;
5. Preserve revenues generated by the Opera House, its resident companies, presenters/hirers and onsite commercial operators; and
6. Facilitate the effective management of the Opera House and its staff.

2.8 Means and processes of enforcing the By-law

The proposed By-law will be enforced by:

- The Chief Executive Officer of the Opera House;
- Staff of the Opera House who have been designated as 'authorised officers' for the By-law; and
- NSW Police.

Enforcement of the provisions of the By-law is by the issuing of directions and the imposition of monetary penalties as specified in the By-law.

3. Section 2: Impact analysis of the proposed By-law

3.1 Identification of affected parties

The parties affected by the proposed By-law are:

- Visitors to the Opera House precinct and patrons of performances, tours, events, dining areas and retail shops;
- Artists performing at the Opera House;
- The Opera House's resident companies, presenters/hirers and onsite commercial operators;
- The general community;
- The Trustees of the Opera House; and
- The CEO and staff of the Opera House.

3.2 The costs and benefits considered are incremental

The impact of the By-law is the focus of this RIS. Expressed another way, the costs and benefits incurred by the community as a result of making the By-law must be justifiable, compared with doing nothing or maintaining the status quo by remaking the By-law unamended. The option that maintains the status quo should always be considered. Taking no action may be the best response if the cost of action would be greater than the cost of the problem. Even if it is not, exploring this option establishes a base against which other options can be compared. The status quo can reflect an environment with no by-law or one that is already regulated⁸.

It is implicit in this, and in the *Subordinate Legislation Act 1989*, that the RIS can consider only those costs and benefits that result from changes brought about by the By-law. Any costs and benefits generated by the SOHT Act itself cannot be included in this RIS.

3.3 Exclusion of transfer costs

It should also be noted that the RIS Manual and the *Guide to Better Regulation* caution against including 'transfer items' in the costs and benefits of a by-law⁹. Transfer items are monetary costs and benefits that flow from one group in the community to another without changing net economic benefit.

Examples of transfer items are direct and indirect taxes, subsidies, bounties and fines imposed for non-compliance.

⁸ Source: *Guide to Better Regulation*, Appendix B.

⁹ Source: *Guide to Better Regulation*, page 32.

Thus, these types of cash flows have not been included in the costs and benefits of the subject By-law.

3.4 Consideration of distributional effects

The *Guide to Better Regulation* requires that ‘distributional’ effects be taken into consideration in assessing the impact of a By-law¹⁰, for example, when monetary benefits flowing from a by-law are unevenly distributed among the community.

Persons on relatively low incomes gain greater relative economic benefit from a particular dollar value of benefits than persons on higher incomes who gain the same dollar value.

No distributional effects were identified in relation to this By-law.

3.5 Specification and quantification of the relevant benefits

3.5.1 Tangible direct benefits

3.5.1 (a) Avoidance of loss of the Opera House’s economic value

It is assumed that the existence of the By-law will provide a direct tangible benefit by reducing loss or damage to the Opera House’s ‘economic’ value. COVID-19’s disruption has increased the need to focus on protecting the Opera House’s value during the recovery phase. The NSW Government is supporting the Opera House until COVID-19 related impacts recede.

A report by Deloitte Access Economics¹¹ assessed the economic, cultural, brand and digital value of the Opera House (Deloitte Report). First commissioned in mid-2013 by the Opera House, its purpose is to gauge the Opera House’s true worth to Australian residents and visitors. It took into account the direct and indirect financial and employment value the Opera House adds to the economy, its iconic and experiential value to local and international visitors and residents, its perceived value among key audiences, and the value of its digital footprint – both now and into the future.

The Deloitte Report was updated in 2018 and the following information is taken from it¹²:

“Since the 2013 report was released, the Opera House has undergone significant growth. Some of the key comparisons include:

- The annual economic contribution has increased by 44% in real terms, from \$775 million in 2012-13 to \$1,200 million in 2016-17.

¹⁰ Source: *The Guide to Better Regulation*, page 33.

¹¹ Source: *Revaluing Our Icon – Midpoint in Sydney Opera House’s Decade of Renewal*, Deloitte Access Economics, 2018.

¹² Source: Deloitte Access Economics, op cit, page iv.

- Almost 1 million more international visitors attend the Opera House precinct annually (increasing from 2 million international visitors in 2012-13 to 2.9 million international visitors in 2016-17, a growth of 46%).
- The social asset value of the Opera House has increased by \$1.6 billion, or 24% in real terms, from \$4.6 billion in 2013 to \$6.2 billion in 2018.
- The total value of consumer transactions within the precinct has grown almost 50% to \$219 million in 2017.
- Digital engagement (e.g. website views, videos streamed etc.) has grown over 400% since 2013 and is now worth \$12.5 million per year.
- This growth is likely a reflection of a combination of factors, for instance, a [pre-COVID] increase in the number of international visitors to Sydney and an increase in their spending habits, enhanced tour, performance and food and beverage options, upgrades to the precinct, and an increase in government funding to enable the Renewal works.

Using the annual economic contribution of \$1.2 billion per year as a marker, this sum represents the maximum tangible direct benefit through the avoidance of the total loss of the Opera House and, consequently, its economic value. This benefit in present value terms over five years (the life of the By-law before it is again reviewed) at a 7%¹³ per annum discount rate is \$4.92 billion.

It is not possible to draw a direct cause and effect relationship between the 2015 By-law and the powers conferred on Opera House staff, with a reduction in such loss.

In light of this difficulty and as mentioned above, a 'break-even analysis' has been conducted to determine the monetary value of loss or damage that must be avoided to enable the costs incurred by the proposed 2021 By-law to be balanced by the benefits. The total costs of the By-law were earlier estimated to be \$6.96 million per year, or \$28.54 million at a discount rate of 7% per annum over the five-year life of the By-law.

3.5.1 (b) Assist in maintaining the safety and security of persons on the Opera House precinct

Through effective management of the building and site, the Opera House will continue to meet its objective of maintaining the safety and security of staff and everyone on site through a strong safety culture, using appropriate risk management, infrastructure, systems and resourcing.

It is also noted that security is a particular focus given the Opera House's status as a national icon.

This is considered an intangible direct benefit of the By-law. No data is available that would show the change in the likelihood of a security or safety incident and the number, nature or severity of those incidents.

¹³ NSW Government Guide to Cost-Benefit Analysis (TPP17-03), page 15

3.5.1 (c) Manage access to the site and the building

The By-law will enable the Opera House to manage patron and other visitor access to the Opera House precinct. This is a key objective of the Trust, given the Opera House's status as a public asset, performing arts centre, dining destination, major tourist attraction and meeting place.

This is considered an intangible direct benefit of the By-law.

It is noted that the precinct is not fenced off and can be accessed by the public at any time of the day or night. The adjacent Royal Botanic Gardens, by contrast, are fenced off and gates locked at night.

3.5.1 (d) Facilitate the effective management of the Sydney Opera House and its staff

If the CEO and staff of the Opera House do not possess the appropriate degree of authority to manage the Opera House precinct, then the efficiency and effectiveness of the Opera House will be compromised.

This has been considered an intangible direct benefit of the By-law. No data is available that would show the reduction in such efficiency and effectiveness, but it undoubtedly would occur in the absence of day-to-day functional authority by the Opera House management.

3.5.2 Tangible and intangible indirect benefits

The Deloitte Report referred to earlier in the RIS took into account both the direct and indirect financial and employment value added by the Opera House to the economy, the Opera House's iconic and experiential value to local and international visitors and residents, its perceived value among key audiences, and the value of its digital footprint – both now and into the future.

Consequently, tangible and intangible indirect benefits of the By-law are included in the economic value, as discussed in sections 2.1.4 above on page 5 and 3.5.1 (a) above on page 20.

3.6 Specification and quantification of the relevant costs

3.6.1 Categories of costs

The costs of the 2021 By-law are studied within the following categories:

- Direct costs
 - Tangible: Direct costs that can be expressed in monetary terms.
 - Intangible: Direct costs that are qualitative.
- Indirect costs
 - Tangible: Indirect costs that can be expressed in monetary terms.
 - Intangible: Indirect costs that are qualitative.

Each of these categories of costs is described below.

3.6.2 Tangible direct costs

3.6.2 (a) The provision of staff

As indicated above, services provided by staff in support of the By-law provisions are estimated at an annual cost of \$6.96 million.

3.6.3 Intangible direct costs

3.6.3 (a) Constraints on visitors and patrons

The 2021 By-law imposes constraints on visitors to the Opera House and patrons attending Opera House performances. While these constraints represent direct costs, they are considered to be intangible.

The constraints include:

- Prohibitions (unless permitted in accordance with the By-law) on:
 - Entry to specified areas;
 - The taking and consuming of food or drink in the auditoriums;
 - Photography and video or audio recording during performances;
 - Nominated commercial activities;
 - Nominated recreational activities; and
 - Smoking, except in certain areas.
- Limitations on entry of vehicles and on driving and parking.

3.6.4 Tangible and intangible indirect costs

No tangible or intangible indirect costs have been identified.

3.7 Comparison of costs and benefits and assessment of impact of the By-law

The comparison of the costs and benefits of the proposed By-law is presented below in the form of a break-even analysis.

A 'break-even analysis' balances the loss of the economic value of the Opera House that the By-law is intended to avoid (present value of \$4.92 billion), with the costs of enforcing the By-law (present value of \$28.54 million) .

A break-even analysis has been undertaken because it is not known what the outcome would be if there was no security, safety or front of house staff to implement the By-law: there is no quantifiable 'cause and effect' relationship between the two variables, monetary loss of the economic value and the costs of staff associated with controlling certain behaviours/actions.

There are, however, two possible extreme outcomes:

- At one extreme, an event could occur that would destroy the Opera House building and all of its contents; and

- At the other extreme, there would never be any damage to or loss of the building, the building's contents or its functional utility as described above.

It can be assumed that the most likely outcome will lie somewhere between these two extremes: if all of the costs of security, safety and front of house were saved, some loss of the economic value would occur. The break-even analysis tells the Opera House management what the monetary value of that loss must be if the security, safety and front of house costs are to be justified.

The present value of the costs of the By-law over five years is \$28.54 million.

If the Opera House management believes at least \$28.54 million worth of damage is avoided to an asset estimated to have an economic value of \$4.92 billion by expenditure on security, staff and front of house costs over five years, then the expenditure is justified in cost-benefit terms. It is noted that the costs of staff supporting the By-law provisions represent only 0.58% of the building's economic value.

Alternatively, if the Opera House management believes that \$28.54 million worth of damage would not occur if security, safety and front of house staff were scaled down or eliminated over five years, then justification exists for amending the scope of relevant provisions in the By-law and reducing or eliminating the expenditure.

Because of the difficulties associated with the lack of a 'cause and effect' relationship referred to above, this RIS cannot be prescriptive in advising on the value of the By-law. The Trust and management must make the final judgment as to whether the costs of staff to implement the By-law are justified in light of the results of the 'Break-Even Analysis'.

3.7.1 (a) Assumptions made in determining the break-even analysis

- The security, safety and front of house costs are \$6.96 million per annum, with a present value of \$28.54 million over five years;
- The economic value of the Opera House is \$4.92 billion discounted over five years at a 7% per annum discount rate;
- The discount rate of 7% that has been used is as specified in the NSW Treasury Technical Paper titled *NSW Government Guide to Cost-Benefit Analysis (TPP17-03)*; and
- An analysis period of five years has been used. This is the period during which the proposed By-law will be applicable before a further review is required under the *Subordinate Legislation Act 1989*.

3.7.2 Intangible costs and benefits

The following intangible cost and benefit have been identified:

3.7.2 (a) Constraints on visitors and patrons

The By-law imposes constraints on visitors to the Opera House and of patrons of the performances at the Opera House. These constraints represent direct costs but they are not tangible.

The constraints include:

- Prohibitions (unless permitted in accordance with the By-law) on:
 - Entry to specified areas;
 - The taking and consuming of food or drink in the auditoriums;
 - Photography and video or audio recording during performances;
 - The use of devices to record or transmit images or sound during performances;
 - Nominated commercial and promotional activities;
 - Nominated recreational activities; and
 - Smoking in certain areas.
- Limitations on entry of vehicles (as defined in Clause 3) and on driving and parking.

3.8 The Opera House's ability to meet its objectives

Through improved management of the Opera House and conservation of the building, the Opera House will continue to meet its objectives associated with artistic and cultural participation and presentation.

3.9 Summary assessment of impact

The proposed By-law will meet its Objectives.

The monetary costs of the By-law in terms of security, safety and front of house costs of \$28.54 million in present value terms over five years are justified because, in incurring this expenditure, the loss of the economic value of the building and its contents, up to a value of \$4.92 billion over a five-year period (representing 0.58% of the Opera House's economic value over the same period), is avoided.

The By-law will impose constraints on visitors and patrons to the Opera House as listed above in Section 3.7.2 (a) above.

It is now necessary to look at alternatives to the By-law to determine if the objectives of the By-law can be met wholly or in part without resorting to making the proposed By-law. The identification and assessment of alternatives are provided in the following section.

4. Section 3: Impact analysis of alternatives

4.1 Definition of the alternatives to the proposed By-law

The alternatives to the proposed By-law are summarised as follows:

- Do nothing;
- Use Section 4 of the *Summary Offences Act 1988* in place of By-law Clause 12(3)(c). This Clause of the By-law states that a person may be directed to leave “if the person is behaving in an offensive manner or in a manner likely to endanger the person or another person”;
- Use the *Smoke-free Environment Act 2000* to control smoking;
- Use general “Conditions of Entry” printed on the back of tickets issued for performances or on the Opera House website in place of Clause 8 of the proposed By-law, which prohibits certain activities in the auditorium. This method is used by many theatre owners and entertainment promoters to provide means of managing patrons; and
- Use other extant legislation in place of Clause 10 of the proposed By-law.

No alternatives to the other Clauses of the proposed By-law have been identified.

4.2 ALTERNATIVE 1: Do nothing

4.2.1 Description

The ‘do nothing’ alternative assumes the application of the legislative regime that would have existed if the proposed By-law were not made.

This alternative assumes that this legislative regime is the application only of the *SOHT Act*.

The impact of the “do nothing” alternative is:

- Reduced protection of the fabric of the Opera House and its contents;
- Less control over the Opera House’s brand and status as a national icon and major tourist attraction;
- Potential impediments to managing access to the site and the building;
- Risk to revenues generated by the Opera House for the Trust and presenters/hirers;
- Compromised safety of persons on the Opera House precinct;
- Less control over smoking on the site;
- Less effective management of the Opera House and its staff;

- A potential saving of \$6.96 million per annum in security, front of house and fire and safety staff costs; and
- A potential loss of up to \$4.92 billion of the building's economic value measured over five years from destruction of the building and contents.

4.2.2 Analysis of Results

This alternative will have a significant negative impact on the attainment by the Opera House of its objectives and is, therefore, rejected.

4.3 ALTERNATIVE 2: Use Section 4 of the Summary Offences Act 1988

4.3.1 Description

This alternative is to use Section 4 of the *Summary Offences Act 1988* in place of By-law Clause 12(3)(c).

Section 4 of the *Summary Offences Act 1988* states:

(1) A person must not conduct himself or herself in an offensive manner in or near, or within view or hearing from, a public place or a school.

Maximum penalty: 6 penalty units or imprisonment for 3 months.

(2) A person does not conduct himself or herself in an offensive manner as referred to in subsection (1) merely by using offensive language.

(3) It is a sufficient defence to a prosecution for an offence under this section if the defendant satisfies the court that the defendant had a reasonable excuse for conducting himself or herself in the manner alleged in the information for the offence.

Clause 12(3) of the proposed By-law states:

An authorised officer may direct a person to leave the Opera House premises or any part of those premises if the authorised officer believes on reasonable grounds that:

(a) the person is contravening or has contravened any provision of this By-law or is committing or has committed any other offence on the Opera House precinct, or

(b) the person is failing or has failed to comply with a request referred to in clause 5, compliance with which is a condition of the person's entry to the Opera House precinct or part of those precinct, or

(c) the person is causing inconvenience or behaving in an offensive manner or in a manner likely to endanger the person or another person, or

(d) the person is about to contravene a provision of this By-law or commit any other offence on the Opera House precinct.

Clause 12 of the proposed By-law also states:

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

Maximum penalty: 50 penalty units.

(5) An authorised officer may remove from the Opera House precinct any person who fails to comply with a direction under this clause.

(6) Reasonable force may be used to effect the person's removal.

4.3.2 Specification and quantification of benefits

This alternative may permit deletion of Clause 12(3)(c) from the proposed By-law, which is considered a tangible direct benefit.

No intangible direct, tangible indirect and intangible indirect benefits have been identified.

4.3.3 Specification and quantification of costs

Intangible direct costs

This alternative does not provide direct powers to the Trust to require a person who is exhibiting offensive behaviour to leave the Opera House precinct. It simply creates an offence that may result in a fine or imprisonment when the charge of offensive behaviour is dealt with in court. Enforcement of this alternative, resulting in the cessation of offensive behaviour, can be exercised only by an officer of the NSW Police Force. There may therefore be a delay between detection of the offensive behaviour and arrival of a police officer to take action.

This alternative does not provide the power that is in the proposed By-law, which enables the Trust (or its authorised officers) to direct a person to leave, immediately remedying the problem created by the offensive behaviour. This immediate remedy is necessary given the nature of the Opera House and its precinct, and its high levels of visitation and patronage.

Other costs:

No tangible direct, tangible indirect and intangible indirect costs have been identified.

4.3.4 Analysis of results

While this alternative may eliminate the need for Clause 12(3)(c) of the proposed By-law, the potential delay in being able to control offensive conduct will have a negative impact on the attainment by the Opera House of its objectives. This alternative is, therefore, rejected.

4.4 ALTERNATIVE 3: Use of the Smoke-free Environment Act 2000

4.4.1 Description

This alternative is to delete By-Law 9(3) and rely on the *Smoke-free Environment Act 2000*.

Section 7 of the *Smoke-free Environment Act 2000* states:

(1) A person must not smoke in a smoke-free area.

Maximum penalty: 5 penalty units.

(2) A person who performs in a theatre or other performance space does not commit an offence under this section by smoking during the performance if smoking is a necessary part of the performance.

(3) It is a defence to a prosecution for an offence under subsection (1) if the defendant proves that he or she did not know, and could not reasonably be expected to have known, that the place in which the person was smoking was a smoke-free area.

Section 6 of the Act defines “Smoke-free areas--enclosed public places” and Section 6A of the Act defines “Smoke-free areas--outdoor public places”.

It is noted that from 6 July 2015, the Act also prohibits smoking in commercial outdoor dining areas [see Clause 6A(1)(j)], as well as smoking within four metres of a pedestrian access point to a licensed precinct or a restaurant [see Clause 6A(1)(i)]. A pedestrian access point is an entry or exit to/from the licensed precinct/restaurant.

The Opera House proposes that Clause 9(3) of the By-law be reframed to prohibit smoking across the Opera House premises, except in designated smoking area(s). This will provide greater clarity for patrons and Opera House staff as to where smoking is permitted and prohibited. It will also ensure smoking is prohibited in additional areas to those that are covered by the *Smoke-free Environment Act 2000*.

4.4.2 Specification and quantification of benefits

This alternative permits deletion of Clause 9(3) of the proposed By-law, which is considered a tangible direct benefit.

No intangible direct, tangible indirect and intangible indirect benefits have been identified.

4.4.3 Specification and quantification of costs

Tangible direct costs

The intention of the Trust in framing the proposed By-law is to prohibit smoking in additional areas that are not covered by the *Smoke-free Environment Act 2000*.

The action by the Trust in proposing a smoking prohibition wider than that covered by the *Smoke-free Environment Act 2000* is in response to:

- Successful court actions by persons claiming health damage due to exposure to passive smoking;
- The deleterious effect on the capabilities of performers at the Opera House, particularly those performers who use the voice and may be affected by the presence of cigarette and cigar smoke in nearby areas;
- An increasing trend to consider smoking a socially undesirable act in public places; and

- A desire by the Trust to reduce contamination of the Opera House and the surrounding harbour environment caused by smoke, ash and butts from cigarettes and cigars.

The proposed alternative would not enable these objectives of the Trust to be met.

Other costs:

No intangible direct, tangible indirect and intangible indirect costs have been identified.

4.4.4 Analysis of Results

While this alternative would permit deletion of Clause 9(3) of the proposed By-law, it fails to prevent smoking in areas beyond those prescribed in the *Smoke-free Environment Act 2000*. The use of the *Smoke-free Environment Act 2000* only is, therefore, rejected.

4.5 ALTERNATIVE 4: Use general “Conditions of Entry” printed on the back of tickets

4.5.1 Description

This alternative proposes using the sale of tickets issued for performances as the means to prevent auditorium offences in place of Clause 8 of the proposed By-law. The acceptance and use of a ticket by a person that has conditions of entry and behaviour printed on the back of the ticket would signify acceptance of the conditions. This is the method used by many theatre owners and entertainment promoters and presenters to manage patrons in other venues.

It is noted that tickets to performances are small and already contain important ticket conditions on the back thus reducing the feasibility of adding additional information.

4.5.2 Specification and quantification of benefits

This alternative permits deletion of Clause 8 of the proposed By-law, which is considered a tangible direct benefit.

No intangible direct, tangible indirect and intangible indirect benefits have been identified.

4.5.3 Specification and quantification of costs

Tangible direct costs

A contractual relationship would exist between the presenters/hirers and the purchaser of a ticket. In such a relationship, there may be an implied term that the person who purchased the ticket should obey signage preventing entry to an area, and not behave offensively or interfere with the reasonable enjoyment of others. However, the Opera House is a complex of theatres and other performance spaces that hosts multiple performances concurrently.

In addition, there are many different genres and styles of show that may be presented at the same time, with a consequential diversity in the ages, attitudes and behaviours of the various audiences.

This situation is significantly different to 'single performance' theatres such as the Capitol Theatre or State Theatre, where only one performance to one group of patrons is held at any one time.

Stronger management is therefore required at the Opera House by the 'theatre owner', in this case the Trust, over the activities of a diverse group of presenters/hirers and patrons.

The tangible direct cost of this alternative is weaker management by the Opera House, which may result in damage to the internal fabric and fittings of the auditoriums through unauthorised consumption of food or drink, disruption to patrons from offensive behaviour, and potential disruption to performers through the use of flash photography and interfering with Wi-Fi transmissions.

Other costs:

No intangible direct, tangible indirect and intangible indirect costs have been identified.

4.5.4 Analysis of results

While this alternative would permit deletion of Clause 7 of the proposed By-law, the costs of this alternative are a reduction in the powers of the Trust to manage behaviour in the auditoriums. This alternative would therefore have a significant negative impact on the attainment by the Opera House of its objectives and is, therefore, rejected.

4.6 ALTERNATIVE 5: Use other legislation in place of Clause 10 of the By-law

4.6.1 Description

Clause 10 of the proposed By-law states:

10 Interference with Equipment

A person must not, while on the Opera House premises, damage, tamper with, or

otherwise interfere with the operation of, any of the following –

- (a) any equipment, fixture or fitting on the Opera House premises,
- (b) any electronic, technological or computer system or network operating on the Opera House premises.

Maximum penalty – 50 penalty units.

The penalties for interference with equipment are also covered by other legislation, namely:

- Crimes Act 1900 (NSW) (s195 covers offences relating to destroying or damaging property);
- Heritage Act (NSW)
- Environment Protection and Biodiversity Conservation Act (Cth).

- Section 28C of the *SOHT Act* imposes a penalty on the intentional or reckless damage of the Sydney Opera House (or attempt to do so).

4.6.2 Specification and quantification of benefits

The use of any or all of the above legislation would enable Clause 10 of the proposed By-law to be deleted. This is considered to be a tangible direct benefit.

4.6.3 Specification and quantification of costs

The above mentioned legislation is limited in its scope and while appropriate to building protection, does not fully apply to electronic, technological or computer systems or network. For this reason, elimination of Clause 10 in place of this legislation would create unacceptable costs.

4.6.4 Analysis of results

This alternative does not enable a reduction in the scope of the proposed By-law and thus does not support the intent of the Subordinate Legislation Act 1989.

Costs are created, and the objectives of the proposed By-law are not met.

Alternative 5 is, therefore, rejected.

4.7 Overall comparison and evaluation of relative net costs/benefits of the proposed By-law and its alternatives

Each of the alternatives considered above has been rejected for the reasons given.

4.8 Justification for selecting or rejecting the proposed 2021 By-law

4.8.1 Effective in meeting the objectives

The RIS shows that the proposed By-law has the greatest effectiveness in meeting the objectives established for the By-law. See section 2.7 above on page 18 for a discussion of this.

The 2021 By-law will assist the Opera House to properly manage, protect and conserve the building and site, the 'iconic' status of the structure, and to ensure the safety and security of visitors and staff. None of the alternatives meets the objectives established for the By-law with equal or greater effectiveness.

The monetary costs of the By-law in terms of security, safety and front of house costs of \$28.54 million in present value terms over five years are justified because, in incurring this expenditure, the loss of the economic value of the building and its contents, up to a value of \$4.92 billion over a five-year period (representing 0.58% of the Opera House's economic value over the same period), is avoided.

4.8.2 Compliance with the Principles of Better Regulation

It was mentioned earlier that the NSW Government has articulated what characterises good regulation and the minimisation of red tape through the promulgation of seven Better Regulation Principles. Compliance by the proposed By-law with these seven principles is demonstrated below.

- Principle 1: The need for government action should be established.

The need for government action has been established, firstly, by demonstrating the economic and cultural value of the Opera House to the community, and, secondly, its vulnerability to damage through unfettered access. See section 2.1.4 above commencing on page 5 for further discussion.
- Principle 2: The objective of government action should be clear.

The proposed By-law will support the SOHT Act by assisting the Trust and management to maintain the safety and security of persons on the Opera House precinct.

The objective of government in proposing to make the By-law was stated in section 2.7 above on page 18.
- Principle 3: The impact of government action should be properly understood by considering the costs and benefits of a range of options, including non-regulatory options.

The impact analysis of the proposed By-law was discussed in section 3 above commencing on page 19.

A range of options, including non-regulatory options, has been considered, as demonstrated in section 4 above, commencing on page 25.
- Principle 4: Government action should be effective and proportional.

By providing direct powers to the managers of the Opera House, the By-law provides an effective means of supporting the intentions of the SOHT Act and decisions and actions made by authorised officers.

The By-law does not unduly or unnecessarily restrict access to the Opera House, nor impose any unreasonable restraint on its enjoyment and use. It is therefore a proportional response, balancing the need to protect the asset while minimising restrictions on access to it.
- Principle 5: Consultation with business and the community should inform regulatory development.

Continuing mechanisms exist whereby the Trust and management remain aware of concerns and needs expressed by hirers, visitors and others.

These mechanisms include surveys and the registration of concerns received by letter, telephone and email and input from the deliberations of the Trust.
- Principle 6: The simplification, repeal, reform or consolidation of existing regulation should be considered.

The following existing legislation was considered:

- Section 4 of the *Summary Offences Act 1988* in place of Clause 13(3)(c) of the proposed By-law 4.3 above commencing on page 27); and
- *Smoke Free Environment Act 2000* in place of Clause 9(3) of the proposed By-law (section 4.4 above commencing on page 28).
- Other legislation listed in paragraph 4.6 above commencing on page 31.

None of the above options was found to effectively meet the objectives of the By-law.

- Principle 7: Regulation should be periodically reviewed, and if necessary reformed to ensure its continued efficiency and effectiveness.

As mentioned under Principle 5, continuing mechanisms exist whereby the Trust and management remain aware of concerns and needs expressed. These mechanisms will be maintained over the next five years to inform a further review of the By-law when it is next repealed under the Subordinate Legislation Act.

If circumstances warrant an earlier review of the By-law, then this will be initiated by the Trust.

5. Section 5: Methodology

5.1 Description of the methods used and the assumptions adopted in the analysis

5.1.1 Methods used

The methods used in the preparation of the RIS were based on:

- The *Subordinate Legislation Act 1989*;
- The *Guide to Better Regulation* issued by the Regulatory Improvement Branch in January 2019;
- The NSW Treasury Technical Paper titled *Guidelines for the Economic Appraisal of Assets*, issued in July 2007.

The determination of the economic value of the proposed By-law was based on a discounted cash flow analysis. The measure of worth adopted to compare the relative merit of the proposed By-law was a 'Break-Even Analysis'.

The discount rate used was 7% as specified in the Treasury Technical Paper.

The period over which the discounted cash flow analysis was studied was five years, the period at the end of which the subject By-law is to be reviewed.

5.1.2 Assumptions

In developing the RIS in support of remaking the 2015 By-law (with amendments), the following assumptions have been made:

1. The protection of the Opera House as a physical asset would be less effective with a consequent risk to its material fabric if the By-law were not made. This risk may result in a range of events from minor to major damage.
2. The protection of the Opera House brand and its status as a national icon and major tourist attraction would be degraded, with a consequent negative impact on Australia's cultural and artistic status and a reduction in revenues earned from domestic and international tourism.
3. There would be a reduction in management of access to the site and building, with a consequent inconvenience to visitors and potential loss of income to the Trust, its resident companies, presenters/hirers and onsite commercial operators.
4. Actions may occur which would reduce the income generated from the use of the Opera House for commercial purposes due to unauthorised competition.
5. The safety and security of persons (visitors, patrons and staff) would be less certain.
6. The effective management of the Opera House and its staff would be rendered difficult through an inability of the Trust to legally delegate its powers to management for the day-to-day administration of the Opera House.

7. The total costs of the By-law are \$6.96 million per annum.
8. The net present value of the economic value of the Opera House over a five-year period at a 7% per annum discount rate is \$4.92 billion.

5.2 List of data and information sources used

The following documents were studied:

- *Sydney Opera House Trust Act 1961*;
- *Sydney Opera House Trust By-law 2015*;
- *Proposed Sydney Opera House Trust By-law 2021*;
- *Sydney Opera House Trust Annual Report, 2018-19*;
- *Sydney Opera House Trust Annual Report, 2019-20*;
- *Deloitte Access Economics report (2013), How do you value an icon? The Sydney Opera House: economic, cultural and digital value, as updated in 2018*;
- *Summary Offences Act 1988*;
- *Inclosed Lands Protection Act 1901*;
- *Smoke-free Environment Act 2000*;
- *Royal Botanic Gardens and Domain Trust Regulation 2013*;
- *Centennial Park and Moore Park Trust Regulation 2014*;
- *Barangaroo Delivery Authority Regulation 2015*;
- *Roads Regulation 2018*;
- *Crimes Act 1900 (NSW) (s195 covers offences relating to destroying or damaging property)*;
- *Heritage Act 1977 (NSW)*; and
- *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

5.3 The consultation process and the list of parties consulted

5.3.1 During the policy development

5.3.1 (a) Internal Opera House consultation

The position holders listed below were consulted during the preparation of policy, leading to the drafting of the proposed 2021 By-law:

1. Sydney Opera House Trust;
2. Head of Security, Emergency Planning and Response;
3. Head of Safety;
4. Environmental Sustainability Manager;

5. Building Operations Manager;
6. Security Systems Project Lead;
7. Chief Technology Officer;
8. General Counsel;
9. Corporate Counsel;
10. Head of Enterprise Risk & Program Management;
11. A/Director, Engagement;
12. Head of External Communications;
13. Heritage Manager;
14. Senior Policy Officer;
15. Head of Venue & Event Sales, Venue & Event Sales;
16. Head of Operations and Business Management, SOHP;
17. Manager Strategy and Projects, SOHP;
18. General Manager Food and Beverage;
19. Accessibility Manager;
20. Accessibility Manager – Operations;
21. General Manager, Ticketing & Customer Satisfaction;
22. Head of Tours and Experiences;
23. Product Development & Excellence; and
24. Head of Visitor Services.

5.3.1 (b) External invitations to comment on the proposed By-law

The following stakeholders will be invited to comment by email or letters, as appropriate:

1. Royal Botanic Gardens and Domain Trust;
2. City of Sydney;
3. Property NSW;
4. Neighbouring Bennelong Apartments residents;
5. Resident companies;
6. Onsite food and beverage contractors;
7. Onsite security contractors;
8. Onsite cleaning contractors;

5.3.2 Draft By-law and RIS on Public Display

Individuals and organisations will be invited to comment on the By-law in the following ways:

- Publication of a notice in The Sydney Morning Herald and The Daily Telegraph;
- Publication of a notice in the Government Gazette;
- Publication of a notice on the Opera House intranet;
- Placement of a notice and copies of the draft By-law and RIS on the Opera House website (<http://www.sydneyoperahouse.com>); and
- Individual letters or emails of notice and invitation to comment on the By-law to Opera House's neighbours and City of Sydney.

Appropriate representative groups will also be informed of the By-law and of this Regulatory Impact Statement.

ATTACHMENT A

Draft Sydney Opera House By-law 2021

