



Western Australia

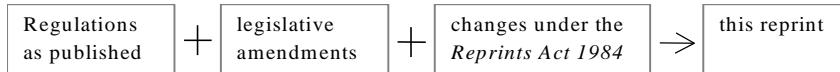
Health Act 1911

Health (Public Buildings) Regulations 1992

Reprint 3: The regulations as at 6 January 2012

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).
Notes of this kind may also be at the foot of Schedules or headings.
2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

**Reprinted under the
Reprints Act 1984 as
at 6 January 2012**

Western Australia

Health (Public Buildings) Regulations 1992

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Defined Terms



Reprinted under the
Reprints Act 1984 as
at 6 January 2012

Western Australia

Health Act 1911

Health (Public Buildings) Regulations 1992

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Health (Public Buildings) Regulations 1992*¹.

2. Commencement

These regulations shall come into operation on 1 April 1992.

3. Terms used

- (1) In these regulations, unless the contrary intention appears —
AS/NZS 2293 means Australian/New Zealand Standard AS/NZ 2293 — Emergency Evacuation Lighting in Buildings;
AS/NZS 4360 means Australian/New Zealand Standard AS/NZS 4360:1999 — Risk Management;
Building Regulations means the *Building Regulations 1989*, as amended from time to time, made under the *Local Government (Miscellaneous Provisions) Act 1960*;

cinema means a public building used for the projection of motion pictures;

drive-in means a public building used for the purpose of viewing motion pictures from parked vehicles;

emergency lighting system includes the exit signs required for such a system under these regulations and power source of the system;

large licensed premises means licensed premises having a floor area of more than 850 m²;

lecture theatre means a public building used for lectures;

licensed premises means —

- (a) premises in respect of which a cabaret licence as defined by the *Liquor Control Act 1988*² has been granted under that Act; or
- (b) premises in respect of which a tavern licence, a hotel restricted licence or any other kind of hotel licence as defined by the *Liquor Control Act 1988*² has been granted under that Act; or
- (c) a cabaret, hotel or tavern —
 - (i) in respect of which a special facility licence as defined by the *Liquor Control Act 1988*² has been granted under that Act; and
 - (ii) in respect of which paragraph (a) or (b) does not apply;

supply authority means —

- (a) a supply authority as defined in section 5 of the *Electricity Act 1945*; or
- (b) the Electricity Networks Corporation established by section 4(1)(b) of the *Electricity Corporations Act 2005*; or
- (c) the Regional Power Corporation established by section 4(1)(d) of the *Electricity Corporations Act 2005*;

theatre means a public building used for performing of any of the performing arts.

- (2) For the purposes of these regulations **electrical installation** and **electrical work** have the same meaning as is given to those terms in the *Electricity (Licensing) Regulations 1991*.

[Regulation 3 amended in Gazette 3 Aug 2001 p. 3955-7 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2721-2; 31 Mar 2006 p. 1350.]

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Part 2 — Administration

4. Applications relating to construction etc. (Act s. 176)

- (1) An application for the purposes of section 176 of the Act shall be made to the local government in writing in the form of Form 1 in Schedule 2 and shall be accompanied by the fee calculated in accordance with Schedule 1.
- (2) An application for the purposes of section 176 of the Act that is in respect of a building or place or part of a building or place where 5 000 or more persons may assemble for religious, entertainment, recreational or sporting purposes shall also be accompanied by a risk management plan that has been developed in accordance with AS/NZS 4360.

[Regulation 4 amended in Gazette 3 Aug 2001 p. 3957 and 3965 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2722 and 2731.]

5. Application for certificate of approval (Act s. 178)

An application for a certificate of approval shall be made in writing in the form of Form 2 in Schedule 2.

6. Certificate of approval (Act s. 178)

- (1) A certificate of approval for the purposes of section 178 of the Act shall be in the form of Form 4 in Schedule 2.
- (2) Notwithstanding anything in regulation 7 or 7A(1), a certificate of approval shall not be issued for the accommodation of any number of persons that exceeds the number permitted under the Building Regulations with respect to sanitary facilities, exits and ventilation.

[Regulation 6 amended in Gazette 7 Jun 2002 p. 2723.]

7. Maximum number of persons for buildings other than large licensed premises

- (1) Subject to this regulation and regulation 9A, the maximum number of persons that may be accommodated in a public building other than large licensed premises shall be ascertained in accordance with the Table to this subregulation.

Table
Area per person according to use

[Reg. 7(1)]

Type of use	Measurement units where not otherwise specifically mentioned — m ² per person
Art gallery, exhibition area, museum	4
Auditorium	1
Cafe, church, dining room	1
Conference room — unfixed seating	0.5
Gymnasium	3
Hall	1
Indoor sports stadium — arena	10
Library — reading space	2
— storage space	30
Licensed premises having a floor area of 850 m ² or less	0.85
Meeting/conference room	1
Restaurant	1
School — general classroom	2
— multi purpose hall	1
— trade & practical area : primary	4
: secondary	5
Skating rink, based on rink area	1.5
Spectator stand, audience viewing area:	
— bench seating	450 mm/person wide x 750 mm deep (minimum)
— fixed seating	450 mm/person wide (min)
— seating not fixed	1
— standing viewing area	0.5
Swimming pool based on pool area	1.5

r. 7

- (2) The Executive Director, Public Health, may on application by the owner and after consulting the local government vary the ratio for any standing viewing area of spectator accommodation to 0.3 m² per person.
- (3) Where no provision is made in the Table to subregulation (1) in relation to a particular public building or a particular class of public building other than large licensed premises the maximum number of persons that may be accommodated in the public building or a public building of that class shall be such number as is approved by the Executive Director, Public Health after consulting the local government.
- (4) If, immediately before the coming into operation of the *Health (Public Buildings) Amendment Regulations 2002*¹ —
 - (a) a certificate of approval was in effect in relation to licensed premises having a floor area of 850 m² or less; and
 - (b) the maximum number of persons that the licensed premises could be used to accommodate was more than the new maximum number,the maximum number of persons that may be accommodated in those licensed premises is the number set out in that certificate of approval.
- (5) In subregulation (4) —
new maximum number means the maximum number of persons that may be accommodated in the licensed premises as ascertained in accordance with the Table to subregulation (1) immediately after the coming into operation of the *Health (Public Buildings) Amendment Regulations 2002*¹.
[Regulation 7 amended in Gazette 3 Aug 2001 p. 3957-8 and 3965 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2723-4 and 2731; 11 Feb 2004 p. 533.]

r. 7A

7A. Maximum number of persons for large licensed premises

- (1) Subject to subregulation (2) and regulation 9A, the maximum number of persons that may be accommodated in large licensed premises is 1 000 persons.
 - (2) If, immediately before the coming into operation of the *Health (Public Buildings) Amendment Regulations 2002*¹ —
 - (a) a certificate of approval was in effect in relation to large licensed premises; and
 - (b) the maximum number of persons that the licensed premises could be used to accommodate was more than 1 000 persons,

the maximum number of persons that may be accommodated in those licensed premises is the number set out in that certificate of approval.

[Regulation 7A inserted in Gazette 7 Jun 2002 p. 2724.]

7B. Floor area, calculation of

To calculate the floor area of a public building for the purposes of regulation 7 and the definition of *large licensed premises* —

- (a) measurements shall be taken within the finished surfaces of the internal walls of the public building; and
 - (b) measurements of any external areas of the public building shall only be taken of the parts of the external areas where people would normally be expected to assemble; and
 - (c) areas occupied by lifts, lift-wells, stairways, ramps, escalators, passages, hallways, corridors, lobbies, fixtures and similar areas shall not be included; and
 - (d) kitchens, stages, sanitary areas, and staff areas, including staff areas behind counters, shall not be included.

[Regulation 7B inserted in Gazette 7 Jun 2002 p. 2724-5.]

r. 8

8. Certificate of approval to be displayed

- (1) A certificate of approval shall be displayed in a conspicuous position in the main entrance of the public building in relation to which it is issued and so that it is easily legible to a person who enters the main entrance of the public building.
- (2) If a certificate of approval is varied under regulation 9A, the reference in subregulation (1) to a certificate of approval is a reference to the certificate incorporating the variation that is current at the time of the display.

[Regulation 8 amended in Gazette 7 Jun 2002 p. 2725.]

9. Application to vary certificate of approval

- (1) Where a certificate of approval has been issued in relation to —
 - (a) a public building, a person may apply to the local government that issued the certificate to vary the purposes for which the public building may be used;
 - (b) a public building other than licensed premises, a person may apply to the local government that issued the certificate to vary the maximum number of persons that the public building may be used to accommodate.
- (2) An application under subregulation (1) —
 - (a) shall be made in the form of Form 3 in Schedule 2;
 - (b) shall be accompanied by the fee calculated in accordance with Schedule 1.
- (3) Where a certificate of approval has been issued in relation to large licensed premises (including premises referred to in regulation 7A(2)), a person may apply to the local government that issued the certificate to use a measurement unit of 0.85 m² per person to increase the maximum number of persons that the licensed premises, or a specified part of the licensed premises, may be used to accommodate.

- (4) An application under subregulation (3) shall be made in the form of Form 3 in Schedule 2 and be accompanied by —
- (a) a risk management plan that has been developed in accordance with AS/NZS 4360; and
 - (b) details of the type of number counting system —
 - (i) that is or is intended to be installed to monitor the number of persons entering and leaving the licensed premises or the specified part of the licensed premises; and
 - (ii) that has been approved by the Executive Director, Public Health;
- and
- (c) such other information as is required by the local government for the purposes of the application; and
 - (d) the fee calculated in accordance with Schedule 1.

[Regulation 9 inserted in Gazette 7 Jun 2002 p. 2725-6.]

9A. Varying certificate of approval

- (1) On an application under regulation 9 a local government may vary the certificate of approval issued in relation to the public building that is the subject of the application in accordance with the application.
- (2) Notwithstanding anything in subregulation (1), a certificate of approval shall not be varied —
- (a) if a structural alteration or extension of the public building that is the subject of the application is proposed; or
 - (b) for the accommodation of any number of persons that exceeds the number permitted under the Building Regulations with respect to sanitary facilities, exits and ventilation.

r. 9B

- (3) A local government may —
- (a) impose such conditions as it thinks proper in relation to a variation of a certificate of approval; and
 - (b) vary or revoke a condition imposed under paragraph (a) by written notice served on the occupier of the public building.

[Regulation 9A inserted in Gazette 7 Jun 2002 p. 2726.]

9B. Certain large licensed premises, occupier's duties to enable head counts etc.

- (1) This regulation applies to large licensed premises or a specified part of large licensed premises the certificate of approval in relation to which has been varied under regulation 9A so that a measurement unit of 0.85 m^2 per person is used to calculate the maximum number of persons that the licensed premises, or a specified part of the licensed premises, may be used to accommodate.
- (2) The occupier of the licensed premises shall ensure that any number counting system that is approved on the application referred to in regulation 9(3) is properly installed and properly operating at the licensed premises or in the specified part of the licensed premises at all times when the premises are open to the public.
- (3) The occupier of the licensed premises shall ensure that each movable item, other than chairs, in the licensed premises or the specified part of the licensed premises —
 - (a) is assigned a Person Equivalent Number (**PEN**) where each PEN equates to 0.7 m^2 of floor area; and
 - (b) has its PEN clearly visible, legible and permanently marked on it so that it can be readily identified for the purposes of calculating the number of persons being accommodated in the licensed premises or the specified part of the licensed premises.

- (4) If subregulation (3) has not been complied with, an authorised person may assign a PEN under subregulation (3)(a) for the purposes of any inspection by the authorised officer under section 179 of the Act.
- (5) The maximum number of persons that the licensed premises or the specified part of the licensed premises may be used to accommodate on each occasion that the premises or part of the premises is open for business shall be shown on the certificate of approval in relation to the licensed premises or the specified part of the licensed premises in accordance with the following:
the number of persons allowed under the 0.85 m^2 measurement unit minus the number of PENs for each occasion on which the licensed premises or the specified part of the licensed premises is open for business, rounded up or down to the nearest whole number.

[Regulation 9B inserted in Gazette 7 Jun 2002 p. 2727.]

10. Electrical work, certificate of approval for buildings after

A certificate of approval shall not be issued in relation to a public building on which electrical work has been undertaken unless a person authorised to sign a notice of completion referred to in regulation 52 of the *Electricity (Licensing) Regulations 1991* made under the *Electricity Act 1945* has issued a certificate in the form of Form 5 in Schedule 2 certifying that the electrical work of the public building conforms to the relevant provisions of these regulations, the Building Regulations and the *Electricity (Licensing) Regulations 1991*.

*[Regulation 10 amended in Gazette 3 Aug 2001 p. 3961
(disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002
p. 2728.]*

Part 3 — Miscellaneous requirements

11. Seats, fixing requirements for

- (1) Except with the approval of the local government but subject to subregulation (2), all seats used for seating audiences in a public building shall be securely fixed to the floor unless fastened together in groups of not less than 4 seats.
- (2) Where seats are arranged in regular rows of 10 to 42 seats aisles shall be provided on both sides of each row.

[Regulation 11 amended in Gazette 3 Aug 2001 p. 3961 and 3965 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2728 and 2731.]

12. Aisles

- (1) Every aisle shall have direct access to an exit.
- (2) Any transverse aisle —
 - (a) shall be of uniform width; and
 - (b) shall be on the same level and free from steps or obstructions.

13. Steps and landings

- (1) Every raised area of tiered seating and any change in level which may present a hazard shall be provided with an enclosing wall or guard rail.
- (2) Steps and landings shall be provided with hand rails on each side that is not stepped unless the local government otherwise approves.
- (3) Steps shall have treads not less than 280 mm wide and risers not exceeding 180 mm in height.

[Regulation 13 amended in Gazette 3 Aug 2001 p. 3965 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2731.]

14. Exit doors

- (1) Except where automatic sliding doors are provided exit doors shall be constructed to open in the direction of egress unless the local government otherwise approves.
 - (2) Notwithstanding subregulation (1), where the maximum occupancy of a public building does not exceed 50 persons the local government may approve of manually operated sliding exit doors for the public building.
 - (3) Except where sliding exit doors are provided exit doors in —
 - (a) a cinema, theatre or any public building that is intended to accommodate 400 persons or more shall be fitted with —
 - (i) automatic panic bolts; or
 - (ii) where the exit doors are double leafed, a rim lock or other type of lock on the second leaf so that when the panic bolt is released on the first leaf both leaves open freely; or
 - (iii) such fittings as are approved by the Executive Director, Public Health;
 - (b) a public building other than a public building referred to in paragraph (a) shall be fitted with —
 - (i) espagnolette central handle bolts; or
 - (ii) automatic panic bolts; or
 - (iii) strap bolts; or
 - (iv) other fittings approved by the local government.
 - (4) Exit doors in a public building shall not be fitted with barrel bolts.
 - (5) The occupier of a public building that has an occupancy exceeding 50 persons shall ensure that the building has more than one exit door.

[Regulation 14 amended in Gazette 3 Aug 2001 p. 3961 and 3965 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2728 and 2731]

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15. Exits to be unobstructed

- (1) A person shall not while a public building is in use as a public building —
 - (a) obstruct any lobby, exit, door, gate, corridor, passage, aisle, stairway or gangway; or
 - (b) lock any exit door or gate in an exit path, of the public building.
- (2) The occupier of a public building shall ensure that while a public building is in use as a public building —
 - (a) every lobby, exit, door, gate, corridor, passage, aisle, stairway or gangway, of the public building is not obstructed; and
 - (b) every exit door of the public building that is required to be used is not locked.
- (3) A person shall not —
 - (a) park a vehicle; or
 - (b) place any other thing,

in an area abutting on any exit of a public building so as to obstruct the free passage of persons or vehicles to or from the exit.

*[Regulation 15 amended in Gazette 3 Aug 2001 p. 3962
(disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002
p. 2728.]*

16. Exit signs etc. and lighting

- (1) Subject to this regulation, where under the Building Regulations a public building is required to have an exit sign, the occupier of the building shall ensure that the sign conforms with AS/NZS 2293.
- (2) Where an exit or passage does not provide a clear means of egress from a public building the exit or passage shall be

marked with a "NO ESCAPE" sign in letters not less than 100 mm high and 12 mm wide.

- (3) The occupier of, or person in charge of, a public building shall ensure that while a public building is open to the public —
 - (a) all “EXIT” signs are kept visible and illuminated; and
 - (b) all “NO ESCAPE” signs are kept visible.
 - (4) The outside of every public building exit that abuts on a road, thoroughfare, lane, passageway or right-of-way shall be fitted with an “EMERGENCY EXIT” sign in letters not less than 100 mm high and 12 mm wide.
 - (5) Where a pathway or thoroughfare from a public building entrance or exit that is intended to be used by the public during the hours of darkness does not abut directly on a public thoroughfare the pathway or thoroughfare shall be illuminated to a minimum horizontal illuminance of 1 lux during the time that the public building is open to the public during the hours of darkness.

[Regulation 16 amended in Gazette 3 Aug 2001 p. 3962 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2728.]

17. Ventilation

- (1) Subject to this regulation where a public building is naturally ventilated the relevant provisions of the Building Regulations apply.
 - (2) Where natural ventilation is borrowed within the meaning of that term in the Building Regulations the ventilation openings shall be permanently opened to the area for which it is borrowed.
 - (3) Where ventilation for a public building is provided by mechanical means the system shall be designed and installed so as to conform with the requirements of Australian Standard 1668

Part 2 entitled “Mechanical Ventilation for Acceptable indoor Air Quality”.

- (4) Where the ventilation of an occupied space in a public building is provided by an air conditioning system, the system shall be designed and installed so as to —
- (a) maintain the dry bulb temperature of air in the occupied space —
 - (i) if a function of the system is to cool air, at not more than 27° Celsius; and
 - (ii) if a function of the system is to heat air, at not less than 19° Celsius;
 - and
 - (b) maintain the dew point temperature of air in the occupied space at not more than 17° Celsius; and
 - (c) distribute air evenly throughout the occupied space at any speed not exceeding 0.25 metres per second.
- (5) In this regulation —
- (a) a reference to an air conditioning system is a reference to equipment —
 - (i) for the purpose of controlling; or
 - (ii) for purposes including the control of, the temperature of air in an occupied space, but is not a reference to evaporative cooling equipment; and
 - (b) a reference to an occupied space in a public building is a reference to any area usually occupied by people when the building is in use that is between a floor, 180 cm above the floor, 60 cm from walls adjacent to the floor and 60 cm from fixed equipment that is, or forms part of, an air conditioning system.

[Regulation 17 amended in Gazette 25 Nov 1994 p. 5914.]

18. Electric fans

- (1) An electric fan, other than ceiling fans, in any area of a public building to which members of the public have access shall be installed in a permanent position and so that the blades of the fan are —
 - (a) not less than 2 000 mm above floor level; and
 - (b) protected by a robust guard.
 - (2) A ceiling fan in a public building shall be installed so that the blades are not less than 2 400 mm above the floor level unless the blades are protected by guards that prevent accidental contact with them.

19. Heaters

- (1) A radiant electrical heater provided in a public area of a public building shall be installed in a fixed position and so every part of the heating element is not less than 2 100 mm from the level of the floor and not less than 600 mm from any ceiling that is made of a combustible material.
 - (2) Any oil, fuel or electrical fan type heater shall be fitted with over temperature protection.

20. Sanitary facilities

- (1) Every public building, shall, unless exempted in writing by the local government, be provided with a water carriage system for sewage disposal and sanitary conveniences in accordance with the Building Regulations or as approved by the local government.
 - (2) All rooms containing sanitary conveniences shall be provided with appropriate signs to indicate gender.
 - (3) The signs required by subregulation (2) shall be illuminated during darkness.

r. 21

- (4) Where sanitary conveniences provided for a public building are situated externally to the public building the area providing access to the sanitary conveniences shall be illuminated in a manner that conforms with these regulations.
- (5) Permanent sanitary conveniences provided for a public building are to be illuminated with a minimum illuminance of 80 lux.
- (6) Temporary sanitary conveniences provided for a public building are to be illuminated with a minimum illuminance of 40 lux.

[Regulation 20 amended in Gazette 3 Aug 2001 p. 3962 and 3965 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2728-9 and 2731.]

21. General maintenance

An occupier of a public building shall ensure that all materials, fittings, seating, appliances and other things installed or used in a public building are maintained in a proper state of repair and in fit sanitary condition.

22. Fires

- (1) A person shall not light, operate or maintain a fire or an open heating apparatus of any kind in a public building without the written approval of the local government.
- (2) A person shall not store within a public building any materials of a flammable nature that are not required for the purpose of the usual activities carried out in the public building.

[Regulation 22 amended in Gazette 3 Aug 2001 p. 3963 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2729.]

23. Stage curtains

- (1) Stage curtains in a public building shall be made of non-toxic fire retarding materials or shall be made fire retarded by a method approved by the Executive Director, Public Health.

- (2) Decorative treatments in a public building that are not referred to in the Building Regulations shall be made of non-toxic fire retardant materials unless the local government otherwise approves.
- (3) In subregulations (1) and (2) **non-toxic** includes non-toxic in any circumstances specified by the Executive Director, Public Health.

[Regulation 23 amended in Gazette 3 Aug 2001 p. 3963 and 3965 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2729 and 2731.]

24. Smoking

- (1) A person shall not while a public building is open to the public smoke in any auditorium, wings or stage of any roofed theatre, concert hall or cinema.
- (2) Subregulation (1) does not apply to an actor, artist or performer while performing.

25. Fire precautions and smoke control devices

The occupier of a public building shall ensure that all fire alarms, hydrants, telephones and other fittings and appliances necessary for the prevention or extinguishment of fires are maintained in efficient working order.

[Regulation 25 amended in Gazette 3 Aug 2001 p. 3963 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2729.]

26. Evacuation plans

- (1) The occupier of a cinema, licensed premises or any other public building specified for the purposes of this regulation by the local government, shall within the time specified in writing by the local government formulate written arrangements (an **emergency plan**) for the emergency evacuation of the public building.

r. 26A

- (1a) An emergency plan shall —
 - (a) satisfy the relevant requirements of Australian Standard AS 3745:1995 — Emergency Control Organization and Procedures for Buildings; and
 - (b) incorporate a risk management plan that has been developed in accordance with AS/NZS 4360.
- (2) An occupier shall submit an emergency plan for approval by the local government.
- (3) Where the local government so directs an emergency plan shall be amended in accordance with the directions so given.
- (4) An occupier of a public building shall at such intervals as are specified by the local government carry out rehearsals of the emergency plan approved in relation to the public building.

[Regulation 26 amended in Gazette 3 Aug 2001 p. 3963-4 and 3965 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2729 and 2731.]

26A. Risk management plans

The occupier of a public building that is the subject of an application referred to in regulation 4(2) or 9(3) shall ensure that there is compliance with the risk management plan approved on the application.

[Regulation 26A inserted in Gazette 7 Jun 2002 p. 2730.]

Part 4 — Lighting

Division 1 — General

27. Artificial lighting to be provided

Artificial lighting for a public building shall be provided by electric lighting.

28. General lighting for public building

- (1) A general lighting system, separate from any theatrical, stage or special effects lighting system, shall be provided throughout the inside of a public building.
- (2) The general lighting system referred to in subregulation (1) shall provide a minimum illuminance of 40 lux with a general colour rendering of not less than Ra = 40 at floor level.

29. Position of luminaires

Luminaires installed less than 2 400 mm from floor or ground level on which persons normally stand shall be so constructed that —

- (a) bare lamps are not exposed; and
- (b) protection is provided against contact and accidental damage.

30. Switches

- (1) Unless otherwise approved by the local government, switches controlling lighting in areas accessible to the public shall be located or protected so that they cannot be operated by the public.
- (2) Where automatic control of lighting is provided a separate manual “ON” switch that overrides all automatic controls shall be provided.

*[Regulation 30 amended in Gazette 3 Aug 2001 p. 3965
(disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002
p. 2731.]*

31. External lighting

- (1) Subject to these regulations, the external areas of a public building shall be illuminated with a minimum illuminance of 1 lux at ground level.
- (2) External lighting systems shall be connected to circuits separate from those supplying lighting for foyers, entry porches, emergency escape passages or areas providing entry or egress to the public building.
- (3) Where 2 or more lights are required to illuminate external stairs or exit paths, luminaires shall be connected over at least 2 circuits and so arranged that all sections remain illuminated if one circuit fails.
- (4) Switches controlling external lighting shall not be located so as to be accessible to the public unless the Executive Director, Public Health, approves.

32. Emergency lighting

- (1) Subject to this regulation, emergency lighting shall be provided in a public building in accordance with Building Regulations and AS/NZS 2293.
- (2) An emergency lighting system shall be maintained in accordance with AS/NZS 2293.
- (3) Where an emergency lighting system operates through contactors or is remotely operated through a control system, provisions which are “fail safe” shall be made to automatically provide energy for the emergency luminaires in the event of a fault that extinguishes the general lighting required to be provided under these regulations.

[Regulation 32 amended in Gazette 3 Aug 2001 p. 3964 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2730.]

33. Batteries

Any room or enclosure in which batteries with a stored capacity exceeding 1 kWh or with a floating voltage exceeding 115 shall conform to the installation requirements of Australian Standard 2676 — Installation and Maintenance of Batteries in Buildings.

34. Generating equipment

- (1) An electricity generator in a public building shall be placed under the control of a competent person.
- (2) Any room in which an electricity generator is installed shall not be used for the storage of combustible materials other than those directly required for the generator.
- (3) The fuel facilities for an electricity generator shall conform to the requirements of Australian Standard AS 1940 — “Storage and Handling of Flammable and Combustible Liquids” unless otherwise provided by a written law.
- (4) Any room holding an electricity generator shall be ventilated so that —
 - (a) exhaust gases of the plant are conducted to outside air in such a manner as to prevent contamination of any air intake systems of the public building; and
 - (b) explosive concentration of gas or vapour or both cannot occur.
- (5) Where ventilation for a room housing an electricity generator is provided by mechanical means the ventilator shall not be turned off while the electricity generator is operating.

Part 5 — Special provisions

Division 1 — General

35. Effect of this Part

Nothing in this Part derogates from any of the other provisions of these regulations.

36. Wiring requirements

- (1) Any equipment intended for use for a continuous period exceeding 90 days shall be connected by fixed wiring.
- (2) Temporary wiring shall not be—
 - (a) laid on the floor; or
 - (b) accessible to the public unless adequately protected; or
 - (c) positioned in such a manner as to be a hazard.

Division 2 — Public buildings used for entertainment

37. Application of Division

This Division applies to theatres, cinemas, stadiums, halls, lecture theatres, gymnasiums, discotheques and other public buildings in which a number of persons assemble or may assemble for the purposes of entertainment.

Regulation 37 amended in Gazette 3 Aug 2001 p. 3964 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2730.]

38. Lighting generally

- (1) General lighting inside an auditorium shall be provided with overriding manual “ON” switches located near the main entrance.
- (2) Switches controlling lighting for an area exceeding 100 m² that is used by the public shall be located in a position that is accessible to authorised persons but not accessible to the public.

- (3) Energy for general lighting public areas shall be provided through not less than 2 circuits so that general lighting is maintained in case of failure in one of the circuits.
- (4) Any light installed in a seat frame shall be supplied at extra low voltage.

39. Safety lighting

- (1) Permanent effective safety lighting shall be provided for —
 - (a) foyers and passages;
 - (b) floors that are ramped at an inclination steeper than 1 in 12;
 - (c) main aisles between blocks of fixed seats;
 - (d) the tread of each step,of any public building or any area of a public building open to the public when normal lighting is dimmed or extinguished.
- (2) Energy for safety lighting shall not be provided from any emergency power supply.
- (3) Safety lighting shall not be dimmed or modulated.
- (4) The circuits of the safety lighting system and the emergency lighting system shall be so aligned that in any case of failure in the safety lighting system the emergency lighting system in the area of the failure is automatically energized.

40. Luminaires, construction of etc.

Luminaires associated with theatrical effects such as batteries, flood lights and projectors —

- (a) shall be constructed of heat resistant materials; and
- (b) shall be properly ventilated and supported in position; and
- (c) shall be so placed, guarded and arranged that they do not create a fire hazard.

41. Emergency lighting

Except where the Executive Director, Public Health, otherwise approves, an emergency lighting system that conforms to these regulations shall be provided.

42. Stage equipment

- (1) Lamps, appliances and other apparatus shall be so fixed or arranged that they —
 - (a) do not cause a fire hazard; or
 - (b) become liable to damage by the movement of the proscenium curtain or proscenium opening safety screen.
- (2) Suspended stage battens, grids and other equipment shall be in good repair, anchored to prevent swaying and sufficiently supported according to the load being carried so as to prevent danger to persons below.
- (3) Where a suspended stage batten, grid or other equipment is required to be lowered the fittings shall be so designed that the ropes pass over the pulleys and shall be controlled by approved ratchet or self sustaining type winches.
- (4) Any stage or effects lighting fittings suspended over any area to which the public has access shall be secured by means of safety chains to adequate supports to ensure that the fittings are held if the primary means of support fails.
- (5) Curtain motors fitted with sliprings or commutators that can cause arcing when in operation shall be of a totally enclosed type or enclosed in an outer metal case that has ventilation openings protected by wire screens.
- (6) The Executive Director, Public Health may in special cases on application made by the occupier approve of fittings that are not prescribed in this regulation but any such approval applies only to the fittings specified in the approval.

43. Cinematograph equipment

- (1) Where a cinematograph machine includes a Xenon type lamp unit, the lamphouse shall be locked while the machine is in operation and for a period after operation to allow the machine to cool.
- (2) Where a cinematograph machine contains a carbon arc type lamp unit, a metal receptacle shall be provided for any carbon ends removed from the lamp.
- (3) A carbon arc type cinematographic machine shall be so constructed that heated carbon does not come into contact with a projection booth or its fittings when the receptacle is overturned.

44. Switchboards

- (1) Auditorium safety lighting, emergency lighting or general lighting final subcircuits, shall not be supplied from a switchboard supplying cinematograph equipment or stage theatrical effects.
- (2) Circuit protection devices on switchboards supplying cinematograph or stage theatrical effects shall be arranged so that they fully discriminate to prevent disruption of the power supply to any other part of the installation.
- (3) Lighting dimmers shall be connected in the active conductors and an isolating switch shall be provided for each dimmer bank installed and where a resistive type dimmer is used the isolating switch shall be on the line side of the dimmer.

Division 3 — Drive-ins

45. Application of Division

This Division applies to drive-ins.

46. Lighting

- (1) Every vehicle exit or entry point shall provide for the public and the perimeter of all vehicle parking areas shall be illuminated to

a minimum horizontal illuminance of 1 lux during the period the drive-in is open to the public.

- (2) Flood lighting shall be provided to illuminate the whole of the parking ramp area to a minimum horizontal level of 3 lux within 1 second from the switch being turned to “ON”.

47. Speaker pedestals and speaker standards

- (1) The power supply to speaker pedestals shall be operated at extra low voltage or protected by residual current devices that have a rated tripping current not exceeding 30 mA and conform to Australian Standard 3190 — Approval and Test Specification for Current Operated (Core — Balance) Earth Leakage Devices.
- (2) The minimum distance to be provided between speaker standards not on the same ramp is 11.5 m and the minimum distance to be provided between speaker standards on the same ramp is 5 m.

48. Exits

- (1) A drive-in shall be provided with not less than 2 exits.
- (2) Every drive-in entrance or exit shall be so designed and maintained as to facilitate the orderly flow of motor vehicles into and out of the drive-in.

49. Sanitary conveniences

For the purposes of calculating the number of sanitary conveniences to be provided at a drive-in for the purposes of conforming with the Building Regulations the number of persons attending the drive-in shall be calculated in accordance with the following formula —

$$P = V \times 2.5$$

where —

P represents the number of persons attending the drive-in;
and

V represents the number of motor vehicles that may be accommodated under the certificate of approval issued in relation to the drive-in.

Division 4 — Schools and other places of public instruction

50. Lighting in classrooms etc.

- (1) Every classroom, lecture theatre, drawing room, laboratory, manual training room, assembly hall or any other teaching area shall be provided with an artificial lighting system capable of providing the illumination recommended in relation to such an area under Australian Standard 1680 — Code of Practice for Interior Lighting and the Visual Environment.
- (2) Luminaires in gymnasiums shall be so designed and placed to provide protection against damage from normal activities in such an area.

51. Workrooms

- (1) Without affecting anything in these regulations, every electrical installation in a workroom as defined in Australian Standard 1485 — Safety and Health in Workrooms in Educational Establishments shall conform with requirements of that standard.
- (2) Cover plates of all electrical accessories shall be fixed by a method that requires a tool for their removal.
- (3) Where machinery is installed mushroomhead emergency stop buttons shall be spaced at intervals along the appropriate walls so that ready access is available to them.
- (4) An emergency stop button referred to in subregulation (2) shall be so designed as to disconnect power at the instant the button is pressed and shall require key access to restore the power supply.

52. Electric power outlets in classrooms etc., residual current devices for

Every general purpose electrical power outlet in a classroom, workroom or other teaching area shall be protected by a residual current device that has a rated tripping current not exceeding 30mA and conforms with Australian Standard 3190 — Approval and Test Specification for Current Operated (Core Balance) Earth-Leakage Devices.

Division 5 — Circuses, travelling shows, tents and similar temporary structures

53. Application of Division

This Division applies to circuses, travelling shows, tents and similar temporary structures.

54. Electricity supply

- (1) Without affecting anything in these regulations by electrical installation in any area normally accessible to the public shall conform with Australian Standard 3002 — Electrical Installations — shows and carnivals.
- (2) Any switchboard or area used in connection with generating electricity shall not be accessible to the public.

55. Lighting generally

- (1) Where provision is made for dimming of general lighting or for general lighting to be switched “OFF” an override switch to switch “ON” instantaneously shall be provided in a position readily accessible to a person authorised by the occupier.
- (2) Any luminaire within reach of the public shall be protected from accidental damage or shall be an extra low voltage type robust for the purpose for which it is used.

56. Emergency lighting

- (1) Lighting from a central system supply shall be provided for any emergency lights and for exit signs.
- (2) Self contained luminaires shall not be used to provide emergency lighting.

57. Testing of electrical devices

Testing of flexible cords, extension sets, portable outlet devices and residual current devices shall be undertaken in accordance with clause 13 of Australian Standard 3012 — Electrical Installations — Construction and Demolition Sites.

Part 6 — General electrical requirements

58. Switches and wiring

Switches and wiring in public buildings shall conform to Australian Standards.

59. Electricity supply to public buildings

- (1) Where the electricity supply to a public building is not connected directly to the supply authority's mains the following provisions apply —
 - (a) where electricity is supplied through sub-mains, the main switchboard of the public building shall be connected directly to the sub-main; and
 - (b) where electricity is supplied by means of a rising main, every tee-off from the rising main shall have a separate over current circuit protection device.
- (2) Where a public building sub-main is one of a number of sub-mains supplied from a supply authority's mains all those sub-mains and the over current protection devices provided in connection with the sub-mains and tee-offs from rising mains shall be co-ordinated so that effective discrimination is achieved.

60. Switchboards

- (1) The electricity supply to a public building shall be connected to a main switchboard within the public building.
- (2) Any distribution boards required within a public building shall be connected directly to the public building main switchboard.
- (3) A switchboard in a public building —
 - (a) shall not be located at or near an emergency exit or any passage leading from an emergency exit;
 - (b) shall be located in an area that is properly illuminated;

- (c) shall not be accessible to the public but shall otherwise be readily accessible to persons authorised by the owner or occupier of the public building.
- (4) A switchboard in a public building shall be so designed and constructed that all wiring is enclosed in an approved case or surround and so that there is no exposure of live parts.
- (5) A switchboard in a public building shall be provided with schedules or labels to indicate clearly the function of each item of equipment mounted in the switchboard so as to define the appliance or area controlled by each subcircuit in the switchboard.
- (6) Protection devices provided in a switchboard for lighting final subcircuits, should be grouped in the switchboard separately from protection devices provided for other final subcircuits.
- (7) Where a protection device is a high rupturing capacity fuse 3 spare serviceable cartridges for each rating and for each type of fuse shall be kept at or adjacent to the switchboard in special clips or racks for ready identification and use.

Part 7 — Maintenance

61. Electrical devices, testing and maintenance of

- (1) All electrical installations shall be inspected and tested in conformity with Australian Standard 3760.
- (2) All residual current devices shall be tested in conformity with Australian Standard 3760.

62. Emergency lighting, maintenance of

Emergency lighting systems and exit signs shall be maintained in accordance with AS/NZS 2293.

*[Regulation 62 amended in Gazette 3 Aug 2001 p. 3965
(disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002
p. 2730.]*

Part 8 — Miscellaneous

63. Offences

- (1) Where a matter or thing in relation to a public building is required under these regulations or a condition imposed in relation to a variation of a certificate of approval or is required to conform to any requirement specified in these regulations or such a condition and is omitted or does not conform to the requirements so specified then unless these regulations otherwise provide the owner or occupier of the public building is guilty of an offence.
 - (2) Where an act is required to be done or is forbidden to be done under these regulations or a condition imposed in relation to a variation of a certificate of approval and is omitted to be done or is done in contravention of these regulations or such a condition then unless these regulations otherwise provide the occupier of the public building is guilty of an offence.

[Regulation 63 amended in Gazette 7 Jun 2002 p. 2730-1.]

64. Penalties

A person who commits an offence against these regulations is liable on conviction to a penalty not exceeding \$1 000 and not less than —

- (a) in the case of a first offence, \$100; and
 - (b) in the case of a second offence, \$200; and
 - (c) in the case of a third or subsequent offence, \$500.

and if the offence is a continuing offence to a daily penalty not exceeding \$100 and not less than \$50.

[65. Omitted under the Reprints Act 1984 s. 7(4)(f).]

Schedule 1

(r. 4 and 9)

Fees

The fees to be paid in relation to an application under section 176 of the Act or regulation 9 shall be such amount as is in the opinion of the local government equal to the cost of considering the application but shall not exceed \$832.

[Schedule 1 amended in Gazette 3 Aug 2001 p. 3965 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2731; 25 Jun 2004 p. 2238; 31 May 2005 p. 2410; 2 May 2006 p. 1701; 18 May 2007 p. 2254; 4 Apr 2008 p. 1310; 15 May 2009 p. 1630; 13 Aug 2010 p. 3979; 29 Apr 2011 p. 1530.]

Schedule 2

FORM 1

[Reg. 4]

HEALTH ACT 1911

HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992

**APPLICATION TO CONSTRUCT, EXTEND OR ALTER
A PUBLIC BUILDING**

I being the owner/agent hereby apply under section 176 of the Health Act to construct alter or extend a public building:

PREMISES DETAILS

NAME OF

LOCATION NO. STREET

TOWN/SUBURB

NEAREST CROSS STREET

INTENTIONS FOR USE

.....

In support of this application I hereby submit plans and detail as required together with the prescribed fee.

ANY OF THE FOLLOWING MAY SIGN THIS NOTICE:

The owner, occupier, manager, trustee or other person by whose authority such public building is intended to be built created or converted thereto.

SIGNED:

OWNER/AGENT:

ADDRESS:

TELEPHONE:

FAX:

FORM 2

[Reg. 5]

HEALTH ACT 1911

HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992

APPLICATION FOR CERTIFICATE OF APPROVAL

I being the owner/agent hereby apply for a certificate of approval in respect of:

PREMISES DETAILS

NAME OF

LOCATION NO. STREET

TOWN/SUBURB

NEAREST CROSS STREET

Construction/extension/alteration of which was completed on
in accordance with your approval given on

SIGNED:

OWNER/AGENT:

ADDRESS:

TELEPHONE:

FAX:

FORM 3

[Reg. 9]

HEALTH ACT 1911

HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992

APPLICATION FOR VARIATION OF CERTIFICATE OF APPROVAL

I being the owner/agent hereby apply for a variation of certificate of approval in respect to:

PREMISES DETAILS

NAME OF

LOCATION NO. STREET

TOWN/SUBURB

NEAREST CROSS STREET

Reason for this variation from the existing certificate of approval is

.....

.....

In support of the application I tender the following details as required.....

.....

.....

SIGNED:

OWNER/AGENT:

ADDRESS:

TELEPHONE:

FAX:

FORM 4

[Reg. 6]

HEALTH ACT 1911

HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992

CERTIFICATE OF APPROVAL

This certificate is issued in accordance with section 178(1) of the Health Act in respect to the public building located at:

.....
known as:

-
1. Purpose for which the public building is used.
2. Maximum no. of persons permitted for each purpose.

Public Building Area	Type of Use	Maximum Accommodation

SIGNED BY:

FOR THE SHIRE/TOWN/CITY OF:

FORM 5

[Reg. 10]

HEALTH ACT 1911

HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992

CERTIFICATE OF ELECTRICAL COMPLIANCE

To the City/Town/Shire of:

_____ Date

I hereby certify that the electric light and/or power — installation, alteration, addition — at the undermentioned premises has been carried out in accordance with the *Health (Public Buildings) Regulations 1992*.

NAME & INITIAL OF OCCUPIER _____

DETAILS OF BUILDING:

Name: _____

No _____ Street _____

Suburb/Town _____ P/Code _____

Particulars of Installation

Describe any electrical work for which you are not responsible in these premises.

Signature of licensed electrical contractor or electrical worker authorised to sign on behalf of the electrical contractor/in-house electrical installer.

_____ (Signature)

Contractor's/in-house electrical installer's Business Name: _____

Contractor's/in-house electrical installer's Registration No: _____

Contractor's/in-house electrical installer's Address: _____

Contractor's/in-house electrical installer's Telephone No: _____

This form to be forwarded to the Local Government when work is completed.

[Form 5 amended in Gazette 3 Aug 2001 p. 3965 (disallowed in Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2731.]

Notes

- ¹ This reprint is a compilation as at 6 January 2012 of the *Health (Public Buildings) Regulations 1992* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Health (Public Buildings) Regulations 1992</i>	1 Apr 1992 p. 1429-56	1 Apr 1992 (see r. 2)
<i>Health (Public Buildings) Amendment Regulations 1994</i>	25 Nov 1994 p. 5914	25 Nov 1994
<i>Health (Public Buildings) Amendment Regulations 2001</i>	3 Aug 2001 p. 3953-65 (disallowed 13 Nov 2001 see <i>Gazette</i> 20 Nov 2001 p. 6012)	3 Aug 2001
<i>Health (Public Buildings) Amendment Regulations 2002</i>	7 Jun 2002 p. 2721-31	7 Jun 2002
Reprint 1: The <i>Health (Public Buildings) Regulations 1992</i> as at 1 Aug 2003 (includes amendments listed above)		
<i>Health (Public Buildings) Amendment Regulations 2004</i>	11 Feb 2004 p. 533	11 Feb 2004
<i>Health (Public Buildings) Amendment Regulations (No. 2) 2004</i>	25 Jun 2004 p. 2237-8	1 Jul 2004 (see r. 2)
<i>Health (Public Buildings) Amendment Regulations 2005</i>	31 May 2005 p. 2410	1 Jul 2005 (see r. 2)
<i>Electricity Corporations (Consequential Amendments) Regulations 2006</i> r. 81	31 Mar 2006 p. 1299-357	1 Apr 2006 (see r. 2)
<i>Health (Public Buildings) Amendment Regulations 2006</i>	2 May 2006 p. 1701	1 Jul 2006 (see r. 2)
Reprint 2: The <i>Health (Public Buildings) Regulations 1992</i> as at 25 Aug 2006 (includes amendments listed above)		
<i>Health (Public Buildings) Amendment Regulations 2007</i>	18 May 2007 p. 2254	1 Jul 2007 (see r. 2)

Citation	Gazettal	Commencement
<i>Health (Public Buildings) Amendment Regulations 2008</i>	4 Apr 2008 p. 1310	r. 1 and 2: 4 Apr 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
<i>Health (Public Building) Amendment Regulations 2009</i>	15 May 2009 p. 1630	r. 1 and 2: 15 May 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
<i>Health (Public Buildings) Amendment Regulations 2010</i>	13 Aug 2010 p. 3978-9	r. 1 and 2: 13 Aug 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Aug 2010 (see r. 2(b))
<i>Health (Public Buildings) Amendment Regulations 2011</i>	29 Apr 2011 p. 1529-30	r. 1 and 2: 29 Apr 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))

Reprint 3: The *Health (Public Buildings) Regulations 1992* as at 6 Jan 2012 (includes amendments listed above)

² Formerly referred to the *Liquor Licensing Act 1988* the short title of which was changed to the *Liquor Control Act 1988* by the *Liquor and Gaming Legislation Amendment Act 2006* s. 4. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
AS/NZS 2293.....	3(1)
AS/NZS 4360.....	3(1)
Building Regulations	3(1)
cinema.....	3(1)
drive-in.....	3(1)
electrical installation	3(2)
electrical work.....	3(2)
emergency lighting system.....	3(1)
emergency plan	26(1)
large licensed premises	3(1)
lecture theatre.....	3(1)
licensed premises	3(1)
new maximum number.....	7(5)
non-toxic	23(3)
PEN	9B(3)(a)
supply authority	3(1)
theatre.....	3(1)