

Health Act 1911

## Health (Public Buildings) Amendment Regulations 2001

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Health (Public Buildings) Amendment Regulations 2001*.

**2. The regulations amended**

The amendments in these regulations are to the *Health (Public Buildings) Regulations 1992\**.

[\* *Published in Gazette 1 April 1992, p. 1427-58.*

*For amendments to 3 July 2001 see 2000 Index to Legislation of Western Australia, Table 4, p. 161.]*

**3. Regulation 3 amended**

Regulation 3(1) is amended as follows:

- (a) by inserting before the definition of “cinema” the following definitions —

“

“**AS/NZS 2293**” means Australian/New Zealand Standard AS/NZ 2293 — Emergency Evacuation Lighting in Buildings;

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“**AS/NZS 4360**” means Australian/New Zealand Standard AS/NZS 4360:1999 – Risk Management;

”;

- (b) by deleting the definition of “nightclub” and inserting the following definition instead —

“

“**licensed premises**” means —

- (a) premises in respect of which a cabaret licence as defined by the *Liquor Licensing Act 1988* has been granted under that Act;
- (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 Licensing Act 1988* 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 Licensing Act 1988* has been granted under that Act; and
  - (ii) in respect of which paragraph (a) or (b) does not apply;

”;

- (c) by deleting the definition of “supply authority” and inserting the following definition instead —

“

“**supply authority**” means a supply authority as defined in the *Electricity Act 1945* and includes the Western Power Corporation established under the *Electricity Corporation Act 1994*;

”;

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- (d) in the definition of “the Building Regulations” by deleting “*Local Government Act 1960*” and inserting instead —

“

*Local Government (Miscellaneous Provisions)  
Act 1960*

”.

**4. Regulation 4 amended**

- (1) Regulation 4 is amended by inserting before “An” the subregulation designation “(1)”.
- (2) At the end of regulation 4 the following subregulation is inserted —

“

- (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 5000 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.

”.

**5. Regulation 7 amended**

- (1) The Table to regulation 7(1) is amended as follows:
- (a) by deleting “Bar, cafe,” and inserting instead —  
“ Cafe, ”;
- (b) by inserting after the item commencing “Library” the following item —

“

Licensed premises (subject to r. 9A)	0.85
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- (c) by deleting the item commencing “Night Club”;
- (d) in the item commencing “Spectator stand”, by deleting “0.3” and inserting instead —  
“ 0.5 ”.

- (2) Regulation 7(4)(c) is amended by inserting after “staff areas” —  
“ , including staff areas behind counters, ”.
- (3) Regulation 7(5) is amended by inserting after “issued” —  
“ or varied ”.

**6. Regulation 9 amended**

- (1) Regulation 9 is amended by inserting after “Schedule 2” —  
“  
and on payment of the fee calculated in accordance  
with Schedule 1  
”.
- (2) Regulations 9(b) is amended by inserting before “the maximum” —  
“ subject to regulation 9A, ”.

**7. Regulations 9A and 9B inserted**

After regulation 9 the following regulations are inserted —

“

**9A. Variation of maximum numbers of persons at licensed premises**

- (1) The occupier of licensed premises may apply under regulation 9(b) for approval to use a measurement unit between and including  $0.5\text{m}^2$  and  $0.849\text{m}^2$  per person instead of the measurement unit of  $0.85\text{m}^2$  per person to increase the maximum number of persons that the licensed premises, or a specified part of the licensed premises, can accommodate.

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**r. 7**

- (2) An application referred to in subregulation (1) shall be accompanied by —
- (a) a risk management plan that has been developed in accordance with AS/NZS 4360;
  - (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.

**9B. Requirements for licensed premises using an approved measurement unit**

- (1) This regulation applies to licensed premises or a specified part of licensed premises the certificate of approval in respect of which has been varied under regulation 9(b) so that a measurement unit of  $0.5\text{m}^2$  or between  $0.5\text{m}^2$  and  $0.849\text{m}^2$  per person is used to calculate the maximum number of persons that can be accommodated in the licensed premises or the specified part of the licensed premises.
- (2) The occupier of the licensed premises shall ensure, if the number counting system that is approved on the application referred to in regulation 9A(1) is not already installed, that the system is installed at the licensed premises or in the specified part of the licensed premises as soon as practicable after the certificate is varied.

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- (3) Each movable item, other than chairs, in the licensed premises or the specified part of the licensed premises —
- (a) shall be assigned a Person Equivalent Number (“PEN”) where each PEN equates to  $0.7\text{m}^2$  of floor area; and
  - (b) shall have 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 respect of the licensed premises or the specified part of the licensed premises as follows:
- the number of persons allowed under the approved  $0.5\text{m}^2$  —  $0.849\text{m}^2$  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 number up or down to the nearest whole number.

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**r. 8****8. Regulation 10 amended**

Regulation 10 is amended by deleting “*Electricity Act 1947*” and inserting instead —

“ *Electricity Act 1945* ”.

**9. Regulation 11 amended**

- (1) Regulation 11(1) is amended by deleting “lengths of not less than 2 700 mm.” and inserting instead —

“ groups of not less than 4 seats. ”.

- (2) Regulation 11(2) is repealed and the following subregulation is inserted instead —

“

- (2) Where seats are arranged in regular rows of 10 to 42 seats aisles shall be provided on both sides of each row.

”.

**10. Regulation 14 amended**

- (1) Regulation 14(3)(a) is amended by deleting “nightclub” and inserting instead —

“ licensed premises ”.

- (2) After regulation 14(4) the following subregulation is inserted —

“

- (5) The occupier of a public building that has an occupancy exceeding 50 persons shall ensure that the building has more than one exit unless the local government otherwise approves.

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**11. Regulation 15 amended**

Regulation 15(1)(b) is amended by deleting “door,” and inserting instead —

“ door or gate in an exit path, ”.

**12. Regulation 16 amended**

Regulation 16(1) is repealed and the following subregulation is inserted instead —

“

- (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.

”.

**13. Regulation 20 amended**

After regulation 20(4) the following subregulations are inserted —

“

- (5) Sanitary conveniences provided for a public building are to be illuminated with a minimum illuminance of 80 lux.
- (6) Where temporary sanitary conveniences are provided for a public building for use after dark each unit shall have its own artificial light source.

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**r. 14****14. Regulation 22 amended**

Regulation 22(1) is repealed and the following subregulation is inserted instead —

“

- (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.

”.

**15. Regulation 23 amended**

Regulation 23(2) is amended by deleting “*Building Regulations 1989* shall be made of non-toxic” and inserting instead —

“

Building Regulations shall be made of non-toxic fire retardant

”.

**16. Regulation 25 amended**

- (1) Regulation 25(1) is amended by deleting the subregulation designation “(1)”.
- (2) Regulation 25(2) is repealed.

**17. Regulation 26 amended**

- (1) Regulation 26(1) is amended by deleting “nightclub” and inserting instead —

“ licensed premises ”.

- (2) After regulation 26(1) the following subregulation is inserted —

“

- (1a) An emergency plan shall —
  - (a) satisfy the relevant requirements of Australian Standard AS 3745:1995 — Emergency Control Organization and Procedures for Buildings; and

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- (b) incorporate a risk management plan that has been developed in accordance with AS/NZS 4360.

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**18. Regulation 26A inserted**

After regulation 26 the following regulation is inserted in Part 3 —

“

**26A. Risk management plans**

The occupier of a public building that is the subject of an application referred to in regulation 4(2) or 9A(1) shall ensure that there is compliance with the risk management plan approved on the application.

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**19. Regulation 32 amended**

- (1) Regulation 32(1) is amended by deleting “Australian Standard 2293 — “Emergency Evacuation Lighting in Buildings” Parts 1 and 2.” and inserting instead —

“ AS/NZS 2293. ”.

- (2) Regulation 32(2) is amended by deleting “Australian Standard 2293. - Emergency Evacuation Parts 1 and 2.” and inserting instead —

“ AS/NZS 2293. ”.

- (3) Regulation 32(4) is repealed.

**20. Regulation 37 amended**

Regulation 37 is amended by deleting “nightclubs,” and inserting instead —

“ licensed premises, ”.

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Regulation 62 is amended by deleting “Australian Standard 2293 — Emergency Evacuation Lighting in Buildings Part 2 — Maintenance Procedures.” and inserting instead —

“ AS/NZS 2293. ”.

**22. Schedule 1 amended**

Schedule 1 is amended as follows:

- (a) by deleting “Reg. 4” and inserting the following shoulder clause instead —  
“ (r. 4 and 9) ”;
- (b) by inserting after “Act” —  
“ or regulation 9 ”.

**23. Various references to “local authority” to be replaced by “local government”**

The regulations set out in the Table to this regulation are amended by deleting “authority” and inserting instead —

“ government ”.

**Table**

r. 4	r. 23(2)
r. 7(2)	r. 25(2)
r. 7(3)	r. 26(1) (in both places)
r. 9 (in each place)	r. 26(2)
r. 11(1)	r. 26(3)
r. 13(2)	r. 26(4)
r. 14(1)	r. 30(1)
r. 14(2)	Sch. 1
r. 14 (3)(b)(iv)	Form 5
r. 20(1)	

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.