



Western Australia

Health (Miscellaneous Provisions) Act 1911

Health (Public Buildings) Regulations 1992

Health (Public Buildings) Regulations 1992

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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 ISO 31000:2009** means Australian/New Zealand Standard AS/NZS ISO 31000:2009 - Risk Management - Principles and Guidelines;
- Building Regulations** means the *Building Regulations 2012*;
- 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;

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: Gazette 3 Aug 2001 p. 3955-7 (disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2721-2; 31 Mar 2006 p. 1350; 30 Jul 2013 p. 3486; 24 Jan 2017 p. 742.]

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 1 000 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 ISO 31000:2009.

[Regulation 4 amended: Gazette 3 Aug 2001 p. 3957 and 3965 (disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2722 and 2731; 24 Jan 2017 p. 742.]

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: 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 — m² 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

- (2) The Chief Health Officer, 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 Chief Health Officer 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: Gazette 3 Aug 2001 p. 3957-8 and 3965 (disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2723-4 and 2731; 11 Feb 2004 p. 533; 10 Jan 2017 p. 277.]

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: 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: Gazette 7 Jun 2002 p. 2724-5.]

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: 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.

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- (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 ISO 31000:2009; 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 Chief Health Officer;
- 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: Gazette 7 Jun 2002 p. 2725-6;
amended: Gazette 24 Jan 2017 p. 742.]*

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.

- (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: 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 m² 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 m² 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 m² 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: Gazette 7 Jun 2002 p. 2727; amended: Gazette 10 Jan 2017 p. 277.]

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: Gazette 3 Aug 2001 p. 3961 (disallowed: 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: Gazette 3 Aug 2001 p. 3961 and 3965 (disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2728 and 2731.]

[12. Deleted: Gazette 24 Jan 2017 p. 742.]

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: Gazette 3 Aug 2001 p. 3965 (disallowed: 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.

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- (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 Chief Health Officer.

[(b) deleted]

- (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 unless the local government otherwise approves.

[Regulation 14 amended: Gazette 3 Aug 2001 p. 3961 and 3965 (disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2728 and 2731; 10 Jan 2017 p. 277; 24 Jan 2017 p. 743.]

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: Gazette 3 Aug 2001 p. 3962
(disallowed: 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

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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: Gazette 3 Aug 2001 p. 3962 (disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2728.]

[17. Deleted: Gazette 24 Jan 2017 p. 743.]

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) An 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.

[Regulation 19 amended: Gazette 24 Jan 2017 p. 743.]

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.
- (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: Gazette 3 Aug 2001 p. 3962 and 3965 (disallowed: 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: Gazette 3 Aug 2001 p. 3963 (disallowed: 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 Chief Health Officer.
- (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 Chief Health Officer.

[Regulation 23 amended: Gazette 3 Aug 2001 p. 3963 and 3965 (disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2729 and 2731; 10 Jan 2017 p. 277.]

[24. Deleted: Gazette 24 Jan 2017 p. 743.]

25. Fire precautions and smoke control devices

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

*[Regulation 25 amended: Gazette 3 Aug 2001 p. 3963
(disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002
p. 2729; 24 Jan 2017 p. 743.]*

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.
- (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 ISO 31000:2009.
- (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: Gazette 3 Aug 2001 p. 3963-4 and 3965 (disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2729 and 2731; 24 Jan 2017 p. 743.]

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.

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[Regulation 26A inserted: 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 $R_a = 40$ 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. Deleted: Gazette 24 Jan 2017 p. 743.]

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 Chief Health Officer, approves.

[Regulation 31 amended: Gazette 10 Jan 2017 p. 277.]

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: Gazette 3 Aug 2001 p. 3964
(disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002
p. 2730.]*

[33. Deleted: Gazette 24 Jan 2017 p. 743.]

[34. Deleted: Gazette 24 Jan 2017 p. 743.]

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: Gazette 3 Aug 2001 p. 3964 (disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2730.]

[38. Deleted: Gazette 24 Jan 2017 p. 743.]

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. Deleted: Gazette 24 Jan 2017 p. 744.]

41. Emergency lighting

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

[Regulation 41 amended: Gazette 10 Jan 2017 p. 277.]

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 Chief Health Officer 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.

[Regulation 42 amended: Gazette 10 Jan 2017 p. 277.]

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 (r. 50-52) deleted: Gazette 24 Jan 2017 p. 744.]

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, an 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.

[Regulation 54 amended: Gazette 19 Sep 2017 p. 4885.]

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. Deleted: Gazette 24 Jan 2017 p. 744.]

[Part 6 (r. 58-60) deleted: Gazette 24 Jan 2017 p. 744.]

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: Gazette 3 Aug 2001 p. 3965
(disallowed: 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: 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 \$871.

[Schedule 1 amended: Gazette 3 Aug 2001 p. 3965 (disallowed: 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; 8 Apr 2014 p. 918.]

Schedule 2

FORM 1

[Reg. 4]

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911

HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992

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

I being the owner/agent hereby apply under the *Health (Miscellaneous Provisions) Act 1911* section 176 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 1 amended: Gazette 10 Jan 2017 p. 276.]

FORM 2

[Reg. 5]

HEALTH (MISCELLANEOUS PROVISIONS) 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 2 amended: Gazette 10 Jan 2017 p. 276.]

FORM 3

[Reg. 9]

HEALTH (MISCELLANEOUS PROVISIONS) 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 3 amended: Gazette 10 Jan 2017 p. 276.]

FORM 4

[Reg. 6]

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911

HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992

CERTIFICATE OF APPROVAL

This certificate is issued in accordance with the *Health (Miscellaneous Provisions) Act 1911* section 178(1) 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 4 amended: Gazette 10 Jan 2017 p. 276.]

FORM 5

[Reg. 10]

HEALTH (MISCELLANEOUS PROVISIONS) 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: Gazette 3 Aug 2001 p. 3965 (disallowed: Gazette 20 Nov 2001 p. 6012); 7 Jun 2002 p. 2731; 10 Jan 2017 p. 277.]

Notes

- ¹ This is a compilation 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 Health (Public Buildings) Regulations 1992 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 Health (Public Buildings) Regulations 1992 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)

Health (Public Buildings) Regulations 1992

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)		
<i>Health (Public Buildings) Amendment Regulations 2013</i>	30 Jul 2013 p. 3486	r. 1 and 2: 30 Jul 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Jul 2013 (see r. 2(b))
<i>Health (Public Buildings) Amendment Regulations 2014</i>	8 Apr 2014 p. 918	r. 1 and 2: 8 Apr 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
<i>Health Regulations Amendment (Public Health) Regulations 2016 Pt. 19</i>	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)
<i>Health (Public Buildings) Amendment Regulations 2017</i>	24 Jan 2017 p. 741-4	r. 1 and 2: 24 Jan 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Jan 2017 (see r. 2(b))
<i>Health Regulations Amendment (Public Health Consequential Amendments) Regulations 2017 Pt. 5</i>	19 Sep 2017 p. 4883-5	20 Sep 2017 (see r. 2(b) and <i>Gazette</i> 19 Sep 2017 p. 4880)

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

[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 ISO 31000:2009	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)
theatre	3(1)