

Guidelines for Places of Assembly

Public Health Act 1997

TABLE OF CONTENTS

1. INTRODUCTION	1
2. DEFINITIONS	1
4. INFORMATION FOR APPLICANTS	2
5. ASSESSMENT OF LICENCE APPLICATION	3
6. GRANTING A LICENCE FOR GENERAL PURPOSES	4
7. LICENCE APPLICATIONS FOR BUILDINGS	4
8. LICENCE APPLICATIONS FOR TEMPORARY STRUCTURES	5
9. PUBLIC HEALTH MANAGEMENT	5
10. APPLICATION FEES	5
SCHEDULE 1	6
APPENDIX 1	7
APPENDIX 2	8

1. INTRODUCTION

The *Public Health Act 1997* (the Act) regulates the licensing, operation, use and management of places which are used as ‘places of assembly’. The Act requires that a person must obtain a licence to lawfully use or lease a place as a place of assembly.

These Guidelines set out health and safety requirements for places of assembly and other premises where the public congregates for special events, and are issued by the Director of Public Health under s.184 of the Act.

These Guidelines contain both legally enforceable requirements and information which is intended to assist persons using the Guidelines. Requirements in Schedule 1 must be complied with.

The Act requires that any Agency, public authority or person must comply with these Guidelines. Failure to comply with the Guidelines may result in significant fines and/or cancellation of a place of assembly licence (if applicable). The maximum fine that may be imposed for non-compliance is 50 penalty units.

2. DEFINITIONS

In these Guidelines-

“*Act*” means the *Public Health Act 1997*.

“*AS/NZS*” means an Australian New Zealand Standard issued by Standards Australia.

“*BCA*” means the Building Code of Australia.

“*building surveyor*” means a *building surveyor as defined in the Building Act 2000*

“*council*”- means a council as defined in the *Local Government Act 1993*

“*functional control authority*” means an authority which is required under an Act to:

(a) issue a certificate, licence, registration or permit for a function or operation within a place of assembly; or

(b) inspect or control a function or operation within a place of assembly.

“*nightclub*” means an assembly building where the public assemble for entertainment purposes and is defined as a class 9b building pursuant to the relevant provisions of the Building Code of Australia.

“**place of assembly**” includes –

(a) any place or area used for the entertainment of members of the public; and

(b) any place or area used for the assembly of members of the public for social or recreational purposes; and

(c) any school or other place or area used for community or public purposes.

“*public*” includes any person working in a defined public place.

“*public event*” means any performance, public gathering, exhibition, circus, festival, food festival, pageant, regatta, sports event, dance, publicly advertised lecture or other similar entertainment for the public. A public event does not include a religious service or ceremony, unless the functional control authority considers it is necessary to apply a specific event licensing requirement;

“*public place*” includes a place to which the public ordinarily has access, whether or not by payment or invitation.

“risk assessment” means a systematic use of available information to determine how often events may occur and the magnitude of their likely consequences.

“temporary structure” includes any-

- (a) booth, tent or other temporary enclosure, whether or not part of the booth, tent or enclosure is permanent; or
- (b) temporary seating structure; or
- (c) other prescribed structure.

Prescribed temporary structures include: (1) a mobile structure; (2) a temporary bridge; (3) a temporary stage; (4) a temporary platform, and (5) a temporary tower.

3. PLACES OF ASSEMBLY

Under section 75A of the Act, the Director of Public Health “may specify a place or a class of place as a place or class of place in respect of which a place of assembly licence is required”. The Director of Public Health has issued such a Notice (see Appendix 1).

4. INFORMATION FOR APPLICANTS

An application for a place of assembly licence is made to the relevant Council. In determining an application, a Council must consider whether the place of assembly is capable of being used, operated or managed in accordance with these Guidelines.

The Act provides that a Council may grant or refuse an application for a place of assembly licence. Councils are empowered to impose conditions on a place of assembly licence. When determining an application for a place of assembly licence, Councils must consider the matters set out in subsection 77(2) of the Act. These are:

- the maintenance of peace and good order;
- the prevention of noise, smell, pollution or other nuisances;
- the effect of traffic on highways;
- whether the place of assembly is capable of being operated, used or managed in accordance with any relevant Guidelines;
- the protection of public health.

In considering the protection of public health, Councils should consider whether the place of assembly will pose a risk to public health. Councils should also consider the particular characteristics of the place of assembly, and may decide to impose conditions if there are special risks associated with either the venue and/or proposed activities.

An applicant must provide at his/her own cost:

(a) Any further information required by an authorised officer relating to compliance of the place of assembly with these Guidelines; and

(b) Any inspection fees imposed by a Council for inspections of the place of assembly to assess compliance with these Guidelines.

Applicants should direct any queries about place of assembly licences to the relevant Council.

5. ASSESSMENT OF LICENCE APPLICATION

Approvals

When assessing an application for a place of assembly licence under section 77 of the Act, a Council must satisfy itself that the relevant place of assembly is capable of complying with these Guidelines.

Operational Assessments

In order to ensure ongoing compliance with these Guidelines and to ascertain that hazards are not introduced as a result of inappropriate operating procedures, Councils should conduct routine operational inspections of these premises in accordance with Schedule 1.

Assessments should include a check that the annual maintenance statement (as required by the *Building Act 2000*) is current and displayed. The frequency of assessments should be consistent with the level of risk associated with respective premises.

Risk Assessment

The principles of risk assessment and risk management involve a systematic use of available information to determine how often incidents may occur and the magnitude of their likely consequences. To analyse risks to public health and safety for places of assembly licences, it is first important to determine the existing controls on hazards and then analyse risks in terms of their likelihood and their consequence.

A basic risk analysis for a place of assembly should consider:

- (a) How likely is an incident to happen; and
- (b) What are the potential consequences and their magnitude?

This will produce an estimated level of risk and will help to determine appropriate licence conditions. To further consider the application of risk assessment techniques for helping to determine the conditions on places of assembly licences, a useful guide to risk assessment principles and methodology is the Australian/New Zealand Standard- AS/NZS 4360:2004 (Risk Management) -

<http://www.standards.org.au/cat.asp?catid=22>

While the risk assessment approach is useful, consideration should also be given to the past compliance history of the applicant.

Overcrowding

Section 84 of the Act also creates a specific offence relating to overcrowding where a number limitation has been imposed as a condition of a place of assembly licence and confers specific powers to close the doors, evacuate or cancel an event at a place of assembly in certain circumstances. The section 84 offence provision and some of the

powers to take action in relation to overcrowding rely on a number limitation being imposed as a condition of the place of assembly licence.

Determination of Occupancy Limit

The occupancy limit for buildings and temporary structures is determined by the Building Surveyor in accordance with the *Building Regulations 2004*.

6. GRANTING A LICENCE FOR GENERAL PURPOSES

Section 77(1) (a) of the Act provides that a Council may grant an application for a place of assembly licence for a specific event or for general purposes, subject to any conditions.

Accordingly, it is important that when a Council grants a place of assembly licence for general purposes it considers endorsing the licence with any conditions that are appropriate to the expected uses of the place of assembly by persons other than the licensee. For example, a public hall may be used for dances, parties, public functions, or musical performances. A licence for general purposes may require conditions relating to the type(s) of permitted activity, occupancy limits, noise limitations, traffic handling, crowd control and any other relevant issues. A Council may consider that a particular place of assembly is not appropriate for some purposes and therefore may include a suitable licence condition prohibiting certain activities.

If a person with a place of assembly licence for general purposes proposes to use the place of assembly for an activity which does not comply with the existing conditions imposed on the general purposes licence, the person must apply for an additional place of assembly licence for a specific event or for the place of assembly licence to be varied. This will allow the Council to assess the use of the place of assembly for that event and to impose appropriate conditions to protect public health and safety.

7. LICENCE APPLICATIONS FOR BUILDINGS

When an application for a place of assembly licence relates to a building, the following documentation may assist a Council in its consideration of matters under section 77(2) of the Act:

(a) Existing Building (existing use)

Existing buildings to be used as places of assembly need to be suitable for occupation as places of assembly.

In accordance with the *Building Regulations 2004*, a building used as a place of assembly and built prior to 2 November 1994 requires a new Occupancy Permit issued by a Building Surveyor. For a similar building built between 2 November 1994 and 1 July 2004, they should have a Certificate of Occupancy issued by a Council and for a building built after 1 July 2004 they should have an Occupancy Permit issued by a Building Surveyor under the *Building Act 2000*.

(b) Existing Building - temporarily used as a Place of Assembly

If an existing building is to be temporarily used as a place of assembly, then a Certificate of Suitability for Temporary Occupation issued by a Building Surveyor is required. An application can then be made to the council general manager for a temporary occupancy permit. Once the general manager grants a temporary occupancy permit, an application can be made to council for a place of assembly licence.

Note - if more than 200 persons will be using the building simultaneously, a scheme of evacuation that is acceptable to the Tasmanian Fire Service should be prepared in accordance with the *General Fire Regulations 1975*.

(c) New Buildings – to be used as a Place of Assembly

New buildings that are intended for use as a place of assembly must be issued with an occupancy permit by the Building Surveyor prior to consideration of the place of assembly licence.

Note: Appendix 2 provides a decision-making flow chart detailing the process for assessing regulatory compliance for a place of assembly with regard to existing buildings, new buildings and temporary structures.

8. LICENCE APPLICATIONS FOR TEMPORARY STRUCTURES

If a temporary structure is proposed to be used as a place of assembly, then a Certificate of Likely Compliance issued by a Building Surveyor is required. An application can then be made to the general manager of the relevant council for a temporary occupancy permit. Once a temporary occupancy permit is granted, an application may be made to council for a place of assembly licence.

9. PUBLIC HEALTH MANAGEMENT OF MASS GATHERINGS

The *Australian Emergency Manuals Series for Safe and Healthy Mass Gatherings* published by Emergency Management Australia is a useful resource for planning events and for identifying management issues. The series is available at: www.ema.gov.au .

10. APPLICATION FEES

Councils may implement a differential fee structure pursuant to s.185 of the Act in respect of applications made under s.76 of the Act, which should reflect the cost of administering the places of assembly licensing system.

SCHEDULE 1

ENVIRONMENTAL HEALTH REQUIREMENTS **FOR OPERATING AND MANAGING** **PLACES OF ASSEMBLY**

1. To prevent the transmission of disease, a place of assembly must at all times be kept in a clean and sanitary condition to the reasonable satisfaction of an Environmental Health Officer.
2. Equipment, installations and components essential to the safety of the people using the place of assembly must be maintained in accordance with the maintenance provisions of the *Building Act 2000*, the *Building Regulations 2004*, and the *Plumbing Regulations 2004*, so to ensure their proper performance in the event of an emergency.
3. When premises are being used as a place of assembly, exit doors must be able to be easily opened by the occupants from inside the premises to allow immediate exit.
4. No part of an exit may be obstructed during operation as a place of assembly.
5. No mirror or object with a reflecting surface shall be positioned during operation as a place of assembly so as to create a reflected image of an exit sign.
6. No place of assembly licence holder shall permit a person to light, operate or maintain a fire or flame producing apparatus of any kind during operation as a public of assembly without the approval of the Building Surveyor.
7. The licence for a place of assembly must be displayed in a prominent place visible to the public -
 - (a) if the place of assembly is a building, on a wall near the main entrance; or otherwise
 - (b) on the site of the place of assembly in a position where it is visible to those members of the public present on the site.

APPENDIX 1

NOTICE

Section 75A *Public Health Act 1997*

Places of Assembly

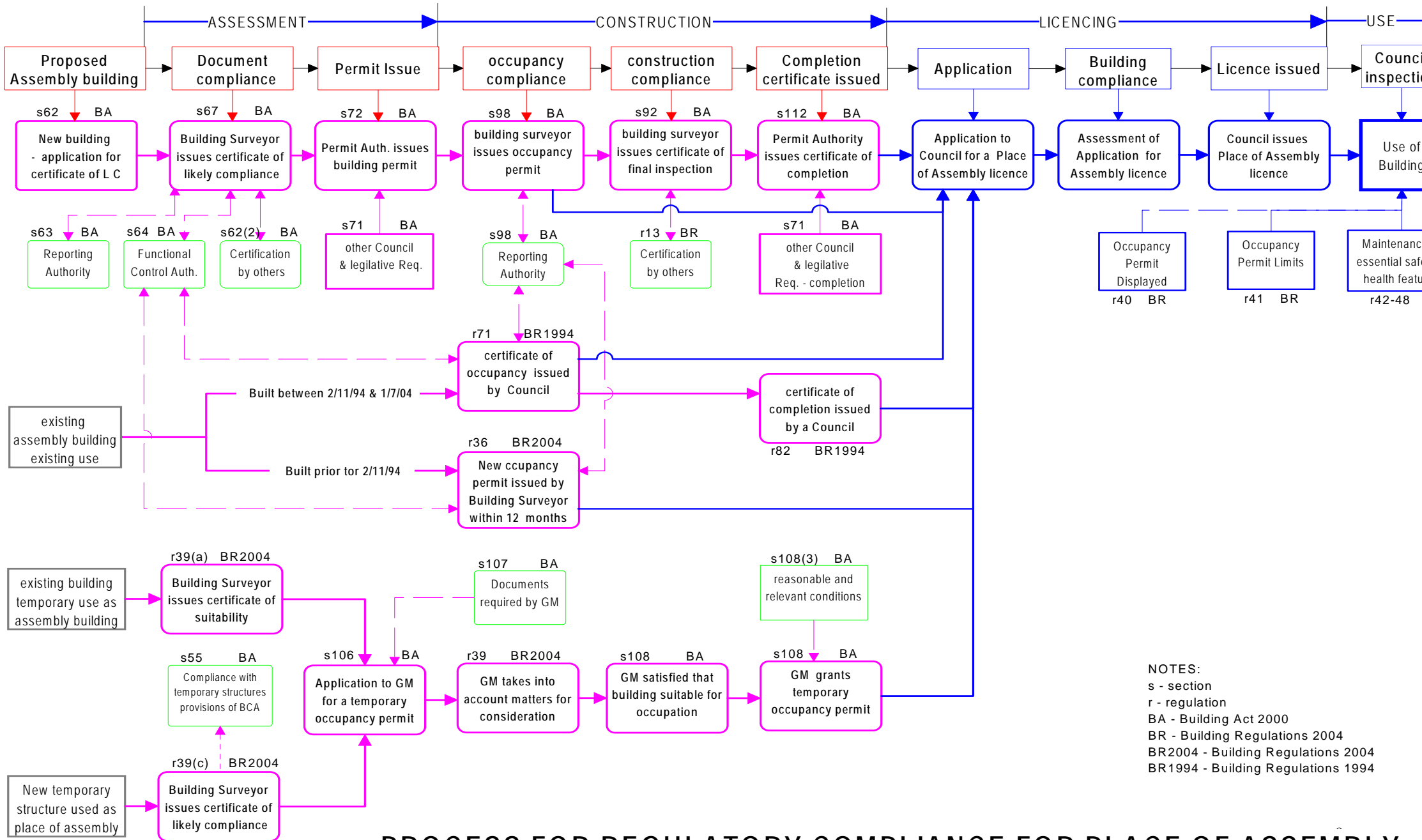
I, Dr Roscoe Taylor, Director of Public Health appointed pursuant to section 6 of the *Public Health Act 1997* (the Act), and acting pursuant to section 75A of the Act, specify the following classes of places as classes of places in respect of which a place of assembly licence is required:

1. public swimming pools;
2. public spa pools but not including spa pools in private rooms in paid accommodation;
3. public halls that are used for a public event;
4. cinemas and theatres;
5. nightclubs;
6. mass gatherings of the public in outdoor areas which are being used for a public event;
7. circuses;
8. places of worship that are used for a public event, but not when being used for religious services or ceremonies;
9. outdoor sporting facilities that are being used for a public event ;
10. gymnasias and indoor sporting facilities that are being used for a public event;
11. schools or premises used for educational purposes that are being used for a public event;
12. premises registered under the *Food Act 2003* that are being used for a public event;
13. unlicensed clubs which are the subject of a special permit authorising the sale of liquor under the *Liquor Licensing Act 1990* and which are being used for a public event;
14. premises which contain a temporary structure that is being used for a public event;
15. outdoor markets which are not operated by a council;
16. indoor markets where associated buildings are not usually licensed as a place of assembly.

In this notice "public event" includes any performance, exhibition, circus, festival, food festival, pageant, regatta, sports event, dance, publicly advertised lecture or other similar entertainment for the public. A public event does not include a religious service or ceremony, unless the functional control authority considers it necessary to apply a specific event licensing requirement.

Dr Roscoe Taylor
Director of Public Health
October 2008

APPENDIX 2



NOTES:
s - section
r - regulation
BA - Building Act 2000
BR - Building Regulations 2004
BR2004 - Building Regulations 2004
BR1994 - Building Regulations 1994

PROCESS FOR REGULATORY COMPLIANCE FOR PLACE OF ASSEMBLY v