

# ***Public Health Act 1997***

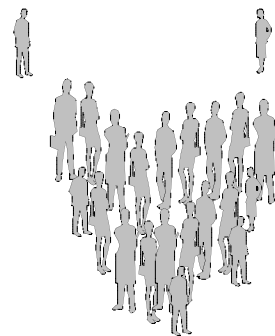
## **GUIDELINES FOR HEALTH AND SAFETY IN PUBLIC PLACES**

Department of Health and Human Services

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**Tasmania**  
DEPARTMENT of  
HEALTH and  
HUMAN SERVICES



Public and Environmental  
Health Service

# **GUIDELINES FOR HEALTH AND SAFETY IN PUBLIC PLACES**

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# CHAPTER 1

# GENERAL

## PART A INTRODUCTION AND DEFINITIONS

### 1 INTRODUCTION

- 1.1 The *Public Health Act 1997* (“the *Act*”) is an *Act* to protect and promote the health of Tasmanian communities and to reduce the incidence of preventable illness. The *Act* covers many matters which may affect *public health* including the health and safety of people gathered in places which are *places of assembly* and on premises to which the *public* have access.
- 1.2 These Guidelines set out health and safety requirements for *places of assembly* (Chapter 2) and at other premises to which the *public* has access (Chapter 3). These Guidelines are referred to as the *Guidelines for Health and Safety in Public Places*.
- 1.3 It is a legal requirement to comply with these Guidelines. Failure to do so may result in significant fines and cancellation of a *place of assembly* licence (if applicable). The maximum fine that may be imposed under the *Act* is \$5000.

### 2 SCOPE

- 2.1 The *Act* defines a *place of assembly* as:
- “*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 and recreational purposes; and
  - (c) any school or other place or area used for community or *public* purposes.
- 2.2 A person must obtain a licence issued under the *Public Health Act 1997* to lawfully use or lease a place as a place of assembly, unless exempted by order of the Director of Public Health (see Appendix 5).

## **GUIDELINES FOR HEALTH AND SAFETY IN PUBLIC PLACES**

- 2.3 A person who operates, uses or manages a *place of assembly* must comply with Chapter 2 of these Guidelines unless they have been exempted from compliance (see Appendix 5). Persons who must comply with Chapter 2 include all persons operating, using or managing premises in respect of which a special permit other than an *unlicensed club permit* under the *Liquor and Accommodation Act 1990* has been granted.
- 2.4 A person who operates, uses or manages certain premises which are required to be licensed under the *Liquor and Accommodation Act 1990* or who operates certain premises in respect of which an *unlicensed club permit* is required must comply with Chapter 3 of these Guidelines (for more detail see Chapter 3).
- 2.5 Copies of the Guidelines are available from the Printing Authority of Tasmania: 2 Salamanca Place, Hobart, phone: (03) 6233 3168; fax: (03) 6224 1617, free call: 1800 030 940, and online at <http://www.dchs.tas.gov.au/services/publichealth/pages/ligisl.html>.
- 2.6 Copies of the *Public Health Act 1997* are available from the Printing Authority of Tasmania, and online at <http://www.thelaw.tas.gov.au>.

### 3 COMPLIANCE WITH THE GUIDELINES IS LEGALLY ENFORCEABLE

- 3.1 The Guidelines contain both legally enforceable requirements and information which is intended to assist *persons* using the Guidelines. The legally enforceable requirements are clearly distinguished from those parts of the Guidelines which are provided for information purposes only.
- 3.2 **Requirements highlighted in bold text must be complied with. There are penalties under the *Public Health Act 1997* for failure to comply with these requirements.**
- 3.3 Text which is not highlighted in bold text is for information and guidance purposes only. Text which is in italics is defined in paragraph 4.1.
- 3.4 These Guidelines are concerned with the public health aspects of *places of assembly*; they do not affect the operation of other legislation which may be applicable to a particular *place of assembly*, including:
- *Local Government (Building and Miscellaneous Provisions) Act 1993*
  - *Food Act 1998*
  - *Land Use Planning and Approvals Act 1993*
  - *Environmental Management and Pollution Control Act 1994*
  - *General Fire Regulations 1975*

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- Commonwealth and State anti-discrimination legislation, particularly relating to access to premises by *persons* with disabilities.

### 4 DEFINITIONS

#### 4.1 In these Guidelines-

“**ABCB**” means the Australian Building Codes Board.

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

“**Alternative Solution**” means any means of complying with the provisions of Part F other than a *Deemed to Satisfy Solution*.

“**AS**” means an Australian Standard issued by Standards Australia.

“**assessment method**” means an *assessment method* set out in paragraph 20.1.

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

“**assembly ground**” means any place, open or enclosed, used for the assembly of people.

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

“**building surveyor**” means a *building surveyor* within the meaning of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

“**classroom**” means a room, enclosed place or area in a school which is intended for educational purposes.

“**Council**” means a *Council* as defined in the *Local Government Act 1993*.

“**Deemed to Satisfy Solution**” means a provision set out in Part F of these Guidelines described as a “*Deemed to Satisfy Solution*”.

“**entertainment**” includes a play, competition, dance, musical performance or other *public* performance or occasion.

“**expert assessment**” means an assessment completed by a *building surveyor*, or any other *person* approved in writing by a *Council* as having sufficient qualifications and expertise to conduct such an assessment.

“**expert judgment**” means the judgment of a *building surveyor* or *professional engineer*.

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“**flammability index**” means the index number as determined by Australian Standard 1530.2.

“**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*.

“**NATA**” means the National Association of Testing Authorities.

“**person**” includes any body of *persons*, corporate or unincorporate.

“**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 and recreational purposes; and
- (c) any school or other place or area used for community or *public* purposes.

“**practising**” means currently engaged in the relevant field of practice.

“**professional engineer**” means -

- (a) a Corporate Member of the Institution of Engineers, Australia; or
- (b) a *person* who is eligible to become a Corporate Member of the Institution of Engineers, Australia, and has appropriate experience in the relevant field.

“**public**” includes any *person* working in an enclosed public place.

“**public event**” means any performance, exhibition, spectacle, circus, festival, food festival, pageant, regatta, sports event, dance, publicly advertised lecture or other similar entertainment for the public.

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

“**public spa pool**” means a pool or other water-retaining structure for human use that incorporates, or is connected to equipment that is capable of heating any water contained in it and injecting air bubbles or water into it under pressure so as to cause general turbulence in the water, to which the general *public* has access (whether for payment of a fee or not) or which is for the general use of guests in *tourist accommodation*.

“**public swimming pool**” includes any waterslide, wave pool, hydrotherapy pool or other similar structure to which the general *public* has

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access (whether for payment of a fee or not) or which is for the general use of guests in *tourist accommodation*, other than:

- (a) a spa pool; or
- (b) a tidal pool or other similar structure where water flows in and out according to the operation of natural forces.

**“Registered Testing Authority”** means-

- (a) the National Building Technology Centre (NBTC); or
- (b) the CSIRO Division of Building, Construction and Engineering (CSIRO – DBC&E); or
- (c) an authority registered by the National Association of Testing Authorities (*NATA*) to test in the relevant field; or
- (d) an organisation outside Australia recognised by *NATA* through a mutual recognition agreement.

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

**“smoke developed index”** means the index number for smoke as determined by AS/NZS 1530.3 “Methods for fire tests on building materials, components and structures”.

**“spread of flame index”** means the index number for spread of flame as determined by AS/NZS 1530.3 “Methods for fire tests on building materials, components and structures”.

**“temporary structure”** means -

- (a) a tent or other temporary enclosure, which may or may not be, part of a permanent enclosure; or
- (b) a mobile structure.

**“tourist accommodation”** means “*tourist accommodation*” as defined in section 104 of the *Liquor and Accommodation Act 1990*.

**“transit place”** means a *public place* associated with the provision of transport services including a bus stop, bus shelter, bus interchange and ferry terminal.

**“unlicensed club permit”** means a special permit granted under the *Liquor and Accommodation Act 1990* to the class of club described in the guidelines issued by the Licensing Board of Tasmania dated 10 January 1996 as an “unlicensed club”.

**“verification method”** means a test, inspection, calculation or other method that determines whether an *Alternative Solution* complies with the relevant provisions of Part F.

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- 4.2 A word or phrase used in these Guidelines and defined in the *Act* has the same meaning in these Guidelines as in the *Act*.

## ENFORCEABLE REQUIREMENTS

# PART B INFORMATION FOR APPLICANTS AND COUNCILS

### 5 INFORMATION FOR APPLICANTS FOR A PLACE OF ASSEMBLY LICENCE

- 5.1 These Guidelines regulate health and safety in places to which the *public* has access.
- 5.2 The *Act* regulates the licensing, operation, use and management of all 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* unless exempted from this requirement.
- 5.3 Chapter 2 of these Guidelines sets out enforceable requirements which apply to certain *places of assembly*, including *public swimming pools* and *public spa pools*. The places regulated by Chapter 2 are also subject to the requirement to obtain a *place of assembly* licence (see paragraphs 12.2 and 12.3). Paragraph 13.2 and Appendix 5 contain details of the places which are subject to Chapter 2.
- 5.4 All premises in respect of which a special permit other than an *unlicensed club permit* has been granted under the *Liquor and Accommodation Act 1990* are dealt with in Chapter 2. These premises are not operating on a permanent basis and the health and safety aspects of their operation require assessment through the *place of assembly* licensing system. A *person* must obtain a licence to operate, use or manage such premises as a *place of assembly*.
- 5.5 Certain premises which are required to be licensed under the *Liquor and Accommodation Act 1990* or in respect of which an *unlicensed club permit* is required are dealt with in Chapter 3 of these Guidelines. A *person* is not required to obtain a *place of assembly* licence to operate, use or manage these places as a *place of assembly*.
- 5.6 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.
- 5.7 The *Public Health Act 1997* 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:

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

5.8 In determining whether a *person* should be granted a *place of assembly* licence, the *Council* must be satisfied that the *place of assembly* is capable of being operated, used or managed in accordance with these Guidelines.

5.9 In considering the protection of public health, *Councils* will consider whether the *place of assembly* will cause a risk to public health. *Councils* will consider the particular characteristics of the *place of assembly*, and may decide to impose conditions if there are special risks involved.

5.10 Section 79 of the *Act* prohibits the operation, use or management of a *place of assembly* that does not comply with relevant Guidelines or poses a threat to public health.

5.11 It may be necessary for a *person* intending to operate, use or manage a place which is a *place of assembly* to obtain permits or authorisations required by legislation other than the *Public Health Act 1997* and these Guidelines.

## 6 FURTHER INFORMATION

6.1 If applicants for a *place of assembly* licence have any queries about the application of these Guidelines, please contact the relevant *Council*.

## 7 INFORMATION FOR COUNCILS

### **The linkage of other public health issues to places of assembly**

7.1 The promotion and protection of public health requires a comprehensive and integrated approach which promotes the health and well-being of communities, the development of skills and the creation of environments which promote health.

7.2 *Places of assembly* constitute mainstream settings for community life, and are accessed by all population groups and community groups. Therefore in addition to the issues required to be addressed under State and Federal legislation, *Councils* are encouraged, in applying these Guidelines, to use the opportunity to promote other *public* and environmental health priorities that will increase the health and quality of life of their communities.

7.3 These environmental health priorities include among others:

## **ENFORCEABLE REQUIREMENTS**

- the promotion of healthy food choices
- recycling facilities for waste
- the use of shade areas for sun protection
- the use of ear plugs for hearing protection
- providing facilities for the safe disposal of needles and syringes in high risk areas
- the responsible serving of alcohol; and
- the encouragement of smoke free environments.

7.4 Whilst *Councils* have no formal responsibility for enforcing these issues, the provision of information and education on broader public health issues could potentially add considerable value to the *Councils* community leadership role and advance the promotion of *public* health in the community.

7.5 If a *person* who holds a *place of assembly* licence fails to comply with these Guidelines the relevant *Council* may cancel the licence under section 83 of the *Act* and/or the *person* may be prosecuted for an offence under section 79(a)(ii) or section 184(5) of the *Act*.

7.6 For information on how to conduct safer dance parties, the “National Protocols for Conducting Safer Dance Parties” is a useful reference. Copies of this document may be obtained from the State Alcohol and Drug Service of the Department of Health and Human Services (Tasmania).

## 8 ASSESSING A PLACE OF ASSEMBLY LICENCE APPLICATION

8.1 When determining an application for a *place of assembly* licence under section 77 of the *Public Health Act 1997*, a *Council* must satisfy itself that the relevant *place of assembly* is capable of complying with these Guidelines.

## 9 CONDITIONS ON LICENCES

9.1 When considering whether any conditions should be imposed on a *place of assembly* licence, *Councils* should consider the following principles of *risk assessment*, the requirements imposed under the *Public Health Act 1997* and these Guidelines.

9.2 The principles of *risk assessment* and risk management involve a systematic use of available information to determine how often events 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.

## **ENFORCEABLE REQUIREMENTS**

- 9.3 A basic risk analysis for a *places of assembly* should consider:
- (a) how likely is an event to happen; and
  - (b) what are the potential consequences and their magnitude.
- 9.4 To determine the appropriate conditions for a *place of assembly* licence, consider both the likelihood of the event occurring and the potential consequences. 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 4360: 1995 (Risk Management).
- 9.5 However while the *risk assessment* approach is useful, consideration should also be given to past compliance history of the applicant and *place of assembly* and *Councils'* knowledge and judgment in such matters.
- 9.6 The issue of overcrowding is likely to require consideration in relation to most *places of assembly*. Overcrowding may involve significant public health and safety risks. It is strongly recommended that when assessing an application for a *place of assembly* licence a *Council* carefully consider the number of people who could safely use the premises without a risk to public health, and where appropriate impose a capacity limit on the number of people who may be admitted to the *place of assembly* as a licence condition. Section 84 of the *Public Health Act 1997* 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. If no number limitation is imposed, this will restrict the powers available to *Councils* under section 84.
- 9.7 When considering the number of *persons* who can safely use a *place of assembly* which is a building or *temporary structure* without risk to *public health*, *Councils* may wish to refer to resources such as the *BCA* or, if the building was previously licensed as a place of public entertainment and its use and characteristics have not changed, the capacity limit that was then applied to the building. Alternatively, Appendix 7 sets out one method of calculating occupancy limits.

## 10 GRANTING A LICENCE FOR GENERAL PURPOSES

- 10.1 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. The Director of Public Health has issued an exemption order providing that a *person* is exempt from

## **ENFORCEABLE REQUIREMENTS**

having to obtain a separate *place of assembly* licence if the place is used with the permission of a *person* who has already been granted a *place of assembly* licence and that licence would authorise the licensee to use the place for that purpose. A copy of the exemption order is set out in Appendix 5.

- 10.2 Accordingly, it is important that when a *Council* grants a *place of assembly* licence for general purposes it endorses 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, musical performances etc. A licence for general purposes may require conditions relating to occupancy limits, noise limitations, traffic handling, crowd control, the types of activities permitted in the *place of assembly* and 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.
- 10.3 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 conditions imposed on the general purposes licence, the *person* must apply for a *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.

## 11 LICENCE APPLICATIONS FOR PARTICULAR CLASSES OF PLACES OF ASSEMBLY

### **Buildings used as places of assembly**

- 11.1 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) a certificate of occupancy and, if required, a certificate of completion issued under the *Building Regulations 1994*, for the use of the building.
  - (b) if more than 200 *persons* will be using the building simultaneously, a scheme of evacuation that is acceptable to the Tasmanian Fire Service prepared in accordance with the *General Fire Regulations 1975*.
  - (c) a certificate, licence, registration or permit if required, from a *functional control authority* who has control over the use of the building under another Act.

### **Temporary structures used as places of assembly**

## **ENFORCEABLE REQUIREMENTS**

- 11.2 When an application for a *place of assembly* licence relates to a *temporary structure*, the following documentation may assist a *Council* in its consideration of matters under section 77(2) of the *Act*:
- (a) a certificate issued by a *building surveyor* or other appropriately qualified *person* addressing compliance of the *temporary structure* with the requirements for *temporary structures* contained in these Guidelines.
  - (b) if more than 200 *persons* are using the *temporary structure* simultaneously, a scheme of evacuation that is acceptable to the Tasmanian Fire Service prepared in accordance with the *General Fire Regulations 1975*.
  - (c) a certificate, licence, registration or permit if required, from a *functional control authority* who has control over the use of the *temporary structure* under another *Act*.
- 11.3 Part F allows a *person* to comply with the outcomes by complying with an *Alternative Solution*. A choice to rely on an *Alternative Solution* requires the use of an *Assessment Method* to determine that the *Alternative Solution* complies with the relevant Part F outcome. As use of an *Alternative Solution* is optional, any documentation required by the *Assessment Method* under Part F must be provided by the applicant.
- 11.4 One of the *Assessment Methods* that can be used to demonstrate that an *Alternative Solution* complies with the relevant Part F outcome is a *Verification Method* that is acceptable to the relevant *Council*. This provision is intended to allow *Councils* flexibility to accept other means of demonstrating compliance where the *Council* considers it appropriate. However, there is no requirement for a *Council* to accept other means of demonstrating compliance. *Councils* may wish to simply rely on the existing *Assessment Methods* set out in paragraph 20. These policy issues are for the individual *Council* to determine.

### **Place of assembly licences for specific events**

- 11.5 In determining an application for a *place of assembly* licence for a specific event, *Councils* should use their knowledge of the local area and community when considering the requirements of section 77 (2) of the *Public Health Act 1997*.

### **Public swimming pools and public spa pools**

- 11.6 When determining an application for a *place of assembly* licence, a *Council* may wish to give consideration to the following matters:
- the need for personnel qualified and experienced in life saving and resuscitation to supervise high risk swimming pools;

## **ENFORCEABLE REQUIREMENTS**

- the need for qualified and experienced personnel to maintain pool water quality and operate plant and equipment in high risk swimming pools and spa facilities.
- 11.7 Although these Guidelines contain no requirements for the frequency of chemical monitoring of *public swimming pool* and *public spa pool* water, the recommended frequency for testing of *public swimming pool* and *public spa pool* water for various substances is set out in Appendix 4. Appendix 4 is included for information only and does not contain enforceable provisions.
- 11.8 Part 6 of the *Public Health Act 1997* sets out provisions relating to water quality which apply to water contained in *public swimming pools* and *public spa pools*. For the purpose of Part 6 of the *Act*, the *Guidelines for Health and Safety in Public Places* are the relevant Guidelines for swimming pools and *public spa pools*. For other water quality issues the relevant Guidelines are the *Guidelines for Water Quality*.

### **Fees**

- 11.9 *Councils* may wish to consider not imposing any fees or charging only a minimal fee per annum for a *place of assembly* licence for a not-for-profit organisation such as a church hall. This would ensure that registration of such premises is consistent with the need to protect *public* health, whilst also recognising the important community service role of such organisations.
- 11.10 *Councils* may implement a differential fee structure in respect of applications made under s. 76 of the *Act* which reflects the cost of administering the *places of assembly* licensing system.

### **Places where alcohol is consumed**

- 11.11 The Department of Health and Human Services and the Commissioner for Licensing will work in partnership to administer Chapter 3 of these Guidelines. Any queries about Chapter 3 should be directed to the Public and Environmental Health Service (tel: (03) 6233 3762 or email: [public.health@dchs.tas.gov.au](mailto:public.health@dchs.tas.gov.au)).

### **Further Information**

- 11.12 If *Councils* have any queries about interpretation of these Guidelines, or the information and explanatory material contained in Part B, please contact the Public and Environmental Health Service on (03) 6233 3762.

## ENFORCEABLE REQUIREMENTS

# CHAPTER 2 COMPLIANCE

## PLACES OF ASSEMBLY

### PART C ENFORCEABLE REQUIREMENTS - GENERAL

#### 12 INTRODUCTION

12.1 This Part contains the enforceable requirements that apply to *places of assembly*.

12.2 The Act regulates the licensing, operation, use and management of all 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*.

12.3 Pursuant to the Act, a licence holder of a *place of assembly* must comply with these Guidelines. Failure to do so may result in significant fines and cancellation of the licence. The maximum fine provided under the Act is \$5,000.00.

#### 13 PLACES OF ASSEMBLY SUBJECT TO THE LICENSING REQUIREMENT AND THESE GUIDELINES

13.1 The Director of Public Health is empowered under section 187 of the Act to exempt certain *places of assembly* from section 75 of the Act and to exempt certain persons from complying with the Guidelines otherwise applicable to the exempted *places of assembly*. The Director has issued an exemption order relating to *places of assembly* so that the licensing requirement and these Guidelines only cover those *places of assembly* that present significant public health risks. A copy of the Director's order to this effect is attached as Appendix 5.

## **ENFORCEABLE REQUIREMENTS**

13.2 *Places of assembly* which are NOT exempted from section 75 and which remain subject to the licensing requirement in section 75 and to these Guidelines include:

- *public swimming pools* and *public spa pools*;
- places of worship accommodating more than 150 *persons*;
- circuses;
- cinemas and theatres including open-air venues;
- *public* halls including *public* halls on school premises;
- places of worship used for *entertainment*;
- outdoor sporting facilities which accommodate more than 300 people and contain either (a) an enclosed area such as a fenced oval or (b) a seating structure such as a grandstand;
- gymnasiums and indoor sporting facilities accommodating more than 150 spectators;
- *temporary structures* used for *public events*.

13.3 *Places of assembly* including the following have been exempted from section 75 of the *Act*:

- restaurants registered under section 56 of the *Food Act 1998* unless primarily used for a *public event*;
- *public places* which are not used for *public events*;
- common areas in shopping centres and malls (unless containing a *temporary structure* used for a *public event*);
- places of worship used for worship accommodating less than 150 *persons*;
- *transit places*;
- school *classrooms* and administrative buildings not used for *public events*.

**Note:** The lists above are examples only. For the complete list of exemptions from the licensing requirement in section 75 of the *Act*, please refer to Appendix 5.

## **ENFORCEABLE REQUIREMENTS**

### 14 REQUIREMENTS FOR OPERATING AND MANAGING PLACES OF ASSEMBLY

**14.1 Outcome required: That a *place of assembly* is operated in a manner that does not pose a threat to *public* health or safety.**

#### **Hygiene and safety**

**14.2 A *place of assembly* must at all times be kept in a clean and sanitary condition.**

**14.3 Equipment, installations and components essential to the safety of the people using the *place of assembly* must be adequately maintained in a condition that ensures their proper performance.**

**14.4 Every stair, carpet and floor covering shall be firmly fastened to the stairs and floors shall be kept in good repair.**

#### **Exits**

**14.5 Whenever 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. Anything that would obstruct egress must not be fitted to an exit door.**

**14.6 An exit from a *place of assembly* must at all times be kept free from obstructions.**

**14.7 No part of an exit may be used as a cloakroom and no peg-rack, rail, or stand may be provided in an exit so as to reduce the effective width of the exit or form an obstruction of any kind.**

**14.8 No mirror or object with a reflecting surface shall be positioned so as to create a reflected image of an exit sign.**

#### **Display of Licence**

**14.9 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**

**(b) otherwise, 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.**

## **ENFORCEABLE REQUIREMENTS**

### **15 DOCUMENTATION AND COST RELATING TO LICENCE APPLICATIONS**

**15.1 The applicant for a *place of assembly* licence 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.**

## **ENFORCEABLE REQUIREMENTS**

### **PART D REQUIREMENTS FOR BUILDINGS**

- 16.1** Other than the general building requirements set out in Part C, there are no specific requirements for buildings used as *places of assembly* in these Guidelines. The *BCA* contains the requirements for the construction of buildings. However, Part B of these Guidelines contains information relevant to the use of buildings as *places of assembly*.

## ENFORCEABLE REQUIREMENTS

# PART E REQUIREMENTS FOR PLACES OF ASSEMBLY USED FOR SPECIFIC EVENTS

17.1 Outcome required: That *places of assembly* used for specific events are safe for *public* use and protect the health of the *public*.

### Sanitary Facilities

17.2 Sanitary facilities must be provided at a location convenient to the *place of assembly* event in accordance with Table 2 “Sanitary Facilities” set out below under header 30 SANITARY FACILITIES.

### Movement of the *public*

17.3 The operator must provide safe, equitable and dignified access and egress for people to, within and from the specific event.

17.4 Access must be provided to and within the *place of assembly* that enables safe, equitable and dignified movement of people. So that people can move safely to and within the structure, the *place of assembly* must have-

- (a) walking surfaces with safe gradients;
- (b) stairways and ramps with slip-resistant walking surfaces: and suitable handrails where necessary to assist and provide stability to people using a stairway or ramp;
- (c) appropriate and safe means of leaving the *place of assembly*; and
- (d) access for people with disabilities.

## ENFORCEABLE REQUIREMENTS

# PART F ENFORCEABLE REQUIREMENTS – TEMPORARY STRUCTURES

## 18 INTRODUCTION

- 18.1 The Building Code of Australia (*BCA*) establishes the technical standards for buildings in Australia. It normally applies to new buildings and new building work to existing buildings. It does not currently contain specific provisions for *temporary structures*.
- 18.2 The provisions included in these Guidelines have been developed with the assistance of the Building Standards and Regulation Branch of the Department of Infrastructure, Energy and Resources in a manner consistent with the *BCA* to enable transfer of these provisions to the Tasmanian Appendix of the *BCA* in the future, thus effecting the consolidation of building regulations.
- 18.3 The *BCA* is a performance based document. Therefore, Part F of these Guidelines has been written in performance-based terms with the intention that they be used in a manner similar to the *BCA* until such time as the requirements are incorporated into the *BCA*.

## 19 COMPLIANCE BY ALTERNATIVE SOLUTIONS

- 19.1 If an *Alternative Solution* is chosen as a means of compliance with any matter in Part F, the *Alternative Solution* must be assessed as compliant with the relevant provisions of Part F according to one or more of the *Assessment Methods* as provided below under header 20 *ASSESSMENT METHODS*.**

## 20 ASSESSMENT METHODS

- 20.1 The following *Assessment Methods*, or any combination of them, can be used to determine whether an *Alternative Solution* complies with Part F:**
- (a) Evidence that the use of a material, form or construction or design complies with Part F of a type specified below under header 21 *SUITABILITY*.
  - (b) *Verification Methods* being such *Verification Methods* as the *Council* where the *place of assembly* is situated accepts for determining compliance with Part F.
  - (c) *Expert judgment*.

## **ENFORCEABLE REQUIREMENTS**

**20.2** If *expert judgment* is used as an *Assessment Method*, a report must be obtained from the expert about how the proposed *Alternative Solution* complies with the relevant Part F provisions. The expert report must be provided with the application for a *place of assembly* licence and a copy must be available for inspection at the *place of assembly* while the *temporary structure* is used as a *place of assembly*.

### 21 SUITABILITY

**21.1** Evidence to support an assertion that the use of a material, form of construction or design complies with a Part F provision may be in the form of one or a combination of the following:

- (a) A report issued by a *Registered Testing Authority*, showing that the material or form of construction has been submitted to the tests listed in the report, and setting out the results of those tests and any other relevant information that demonstrates its suitability for use in the *temporary structure*.
- (b) A certificate from a *professional engineer or practising building surveyor* which:
  - i. certifies that a material, design or form of construction complies with the requirements of the Guidelines; and
  - ii. sets out the basis on which it is given and the extent to which relevant specifications, rules, codes of practice or other publications have been relied upon.
- (c) A current certificate issued by a product certification body that has been accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ)
- (d) A current Scientific Services Laboratory Product Listing Data Sheet and listing in the latest issue of the Scientific Services Laboratory Register of Accredited Products – Fire Protection Equipment.
- (e) Any other form of documentary evidence that correctly describes the properties and performance of the material or form of construction and adequately demonstrates its suitability for use in the *temporary structure*.

**21.2** Any copy of documentary evidence relied on to support the use of an *Alternative Solution* must be a complete copy of the original report or document.

### 22 STRUCTURE

**22.1** Outcome required - That a *temporary structure* used as a *place of assembly* withstands the combination of loads and other actions to which it may reasonably be subjected.

## **ENFORCEABLE REQUIREMENTS**

**22.2** A *temporary structure* used as a *place of assembly* must be capable of sustaining at an acceptable level of safety and serviceability the most adverse combination of loads and other actions to which it may reasonably be expected to be subjected.

**22.3** This must be achieved by either:

(a) Compliance with the following *Deemed to Satisfy Solution* -

*A place of assembly temporary structure* must be capable of resisting loads determined in accordance with the following:

- i. Dead and live loads and load combinations: AS 1170.1.
- ii. Wind loads: AS 1170.2

Materials and forms of construction used in a *place of assembly temporary structure* must comply with the relevant *Australian Standard*.

OR

(b) Compliance with an *Alternative Solution*.

## **23** FIRE RESISTING MATERIAL

**23.1** Outcome required - That any material used in a *temporary structure* used as a *place of assembly* resists the spread of fire so that occupants have time to evacuate safely without being overcome by the effect of the fire.

**23.2** The material used in a *temporary structure* must, to the degree necessary, be capable of resisting the spread of fire to limit the generation of smoke and heat, and any toxic gases likely to be produced, appropriate to-

- (a) the travel distances to exits;
- (b) the number, mobility and other characteristics of occupants;
- (c) the function or use of the structure; and
- (d) any active fire safety systems installed in, or near the structure.

## ENFORCEABLE REQUIREMENTS

23.3 This must be achieved by either:

(a) Compliance with the following *Deemed to Satisfy Solution* –

The coverings to the structure (including any lining or internal materials) have been tested by a *Registered Testing Authority* and the test results state that that the **Spread-of-Flame Index** and the **Smoke-Developed Index** are not more than the following values:

Component	Spread-of-Flame	Smoke-Developed Index
Roof covering (ceiling); or	6	3
Roof covering (ceiling) & walls; and	0	7
Walls (including lining material); or	6	5
Walls (including lining material)	0	7

NOTE: The *spread-of-flame* and *smoke-developed index* are interrelated. When reading the table, the *spread-of-flame index* for a component determines the *smoke-developed index* for the component. If the *spread-of-flame index* for components is zero, then a higher *smoke developed index* is permitted.

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OR

(b) Compliance with an *Alternative Solution*.

24 ACCESS

24.1 Outcome required - That a *temporary structure* used as a *place of assembly* is provided with safe, equitable and dignified access for all people using the structure.

24.2 Access must be provided that enables safe, equitable and dignified movement of people to and within the *temporary structure*. So that people can move safely to and within the structure, it must have-

- (a) walking surfaces with safe gradients;
- (b) stairways and ramps with slip-resistant walking surfaces; and
- (c) suitable handrails where necessary to assist and provide stability to people using a stairway or ramp.

24.3 This must be achieved by either:

(a) Compliance with the following *Deemed to Satisfy Solution* –

## **ENFORCEABLE REQUIREMENTS**

**Access for people with disabilities must be provided to and within the *temporary structure* by means of a continuous path of travel in accordance with AS 1428.1.**

**Access for people with disabilities must be provided:**

- i. to any sanitary facilities; and**
- ii. to all areas normally used by occupants of the *place of assembly*.**

**If fixed seating is provided, the following numbers of wheelchair spaces must be provided:**

- i. 1 wheelchair space for up to 100 *persons*;**
- ii. 2 wheelchair spaces for 100 – 200 *persons*;**
- iii. an additional space for each additional 200 *persons* or part thereof.**

**OR**

- (b) Compliance with an *Alternative Solution*.**

## **25 EXITS AND ENTRANCES**

**25.1 Outcome required - That a *temporary structure* used as a *place of assembly* is provided with means of evacuation which allow occupants time to evacuate safely without being overcome by the effects of an emergency.**

**25.2 Exits must be provided from the *temporary structure* capable of enabling the safe evacuation of all occupants, with their number, location and dimensions being appropriate to-**

- (a) the travel distance;**
- (b) the number, mobility and other characteristics of occupants;**  
**and**
- (c) the function or use of the structure.**

**25.3 So that occupants can safely evacuate the structure, paths of travel to exits must have dimensions appropriate to-**

- (a) the number, mobility and other characteristics of occupants;**  
**and**
- (b) the function or use of the structure.**

**25.4 This must be achieved by either:**

- (a) Compliance with the following *Deemed to Satisfy Solution* –**

## **ENFORCEABLE REQUIREMENTS**

- i. Exits are to be distributed as evenly as practicable around the *temporary structure* .
- ii. The number of exits to be provided for a temporary structure designed to accommodate a number of *persons* specified in Column 1 of the table set out in Appendix 1 must be not less than the number of exits specified in Column 2 of that table in respect of that number of *persons*.
- iii. The aggregate width of the exits to a *temporary structure* designed to accommodate a number of *persons* specified in Column 1 of the table set out in Appendix 1 must not be less than the width specified in Column 3 of that table in respect of that number of *persons*.
- iv. The maximum travel distance to an exit is to be no more than 40m.
- v. Every part of an entrance or exit must provide a minimum unobstructed height of 2000 mm and, where the entrance or exit is beneath a stepped seating platform, infilled risers or other approved overhead protection must be provided above the entrance or exit.
- vi. A flap or curtain used to cover an exit must be so designed that, when it is secured, it will not obstruct or impede egress.

**OR**

- (b) **Compliance with an *Alternative Solution*.**

## 26 BARRIERS

- 26.1 **Outcome required - That a *temporary structure* used as a *place of assembly* is provided with a safe and hazard free environment for the people using the structure.**
- 26.2 **Where a *person* could fall 1 m or more, due to a sudden change of level within or associated with a structure, a barrier must be provided which must be -**
  - (a) **continuous and extend for the full extent of the hazard;**
  - (b) **of a height to protect people from accidentally falling from the level;**
  - (c) **constructed to prevent people from falling through the barrier;**
  - (d) **capable of restricting the passage of children; and**
  - (e) **of strength and rigidity to withstand the foreseeable impact of people and where appropriate, the static pressure of people pressing against it.**

## **ENFORCEABLE REQUIREMENTS**

**26.3 This must be achieved by either:**

**(a) Compliance with the following *Deemed to Satisfy Solution* –**

**A rigid barrier must-**

- i. be provided at each end of a stepped or inclined platform, at least 1000 mm high above the floor of the platform, and must extend-**
  - I. in the case of a stepped platform, from the front of the first riser;**
  - II. in the case of an inclined platform, from the front of the first row of seating to the back of the highest platform and along the rear of that platform for its full width; and**
  - III. in the case of any other platform which is more than 1m above the surrounding surface, other than a performance stage, be provided to each side of the platform; and**
- ii. not obstruct any aisle, cross-over or exit.**

**OR**

**(b) Compliance with an *Alternative Solution*.**

## **27 EMERGENCY LIGHTING**

**27.1 Outcome required - That a *temporary structure* used as a *place of assembly* is provided with adequate lighting upon failure of normal artificial lighting during an emergency.**

**27.2 A level of illumination for safe evacuation in an emergency must be provided, to the degree necessary, appropriate to-**

- (a) the function or use of the structure;**
- (b) the size of the structure; and**
- (c) the distance of travel to an exit.**

**27.3 This must be achieved by either:**

**(a) Compliance with the following *Deemed-to-satisfy solution* –**

- i. An emergency lighting system must be installed in any enclosed area more than 300m<sup>2</sup> in area.**
- ii. An emergency lighting system must as far as practicable comply with AS 2293.1.**

**OR**

**(b) Compliance with an *Alternative Solution*.**

## **ENFORCEABLE REQUIREMENTS**

### 28 EXIT SIGNS

- 28.1 Outcome required - That a *temporary structure* used as a *place of assembly* is provided with adequate means for occupants to identify exits and paths of travel to an exit.**
- 28.2 To facilitate evacuation, suitable signs or other means of identification must, to the degree necessary-**
- (a) be provided to identify the location of exits**
  - (b) guide occupants to exits;**
  - (c) be clearly visible to occupants; and**
  - (d) operate in the event of power failure for sufficient time for occupants to safely evacuate.**
- 28.3 This must be achieved by either:**
- (a) Compliance with the following *Deemed to Satisfy Solution* –**  
  
**Exit signs must as far as practicable be provided above all exits and comply with AS 2293.1.**  
  
**OR**
  - (b) Compliance with an *Alternative Solution*.**

### 29 FIRE FIGHTING EQUIPMENT

- 29.1 Outcome required - That in a *temporary structure* used as a *place of assembly*, fire fighting equipment is available for occupants and the fire brigade to undertake fire-fighting operation if a fire occurs.**
- 29.2 Fire equipment must be installed to the degree necessary to allow occupants to undertake initial attack on a fire appropriate to-**
- (a) the function or use of the structure; and**
  - (b) the fire hazard.**
- 29.3 This must be achieved by either:**
- (a) Compliance with the following *Deemed to Satisfy Solution* –**  
  
**Portable fire extinguishers must be provided as listed in Table 1 below and must be selected, located and distributed in accordance with AS 2444.**  
  
**OR**
  - (b) Compliance with an *Alternative Solution*.**

## ENFORCEABLE REQUIREMENTS

TABLE 1

<i>Place of assembly use (as defined in AS 2444)</i>	<i>Risk class (as defined in AS 2444)</i>
Class 9b buildings and assembly grounds	(a) To cover Class A (E) or (E) Classification fire risks associated with emergency services switchboards. (b) To cover Class F fire risks involving cooking oils and fats in cooking areas. (c) To cover Class B fire risks in locations where flammable liquids in excess of 50 litres are stored or used (not including liquid held in fuel tanks of vehicles). (d) To cover Class A fire risks.

### 30 SANITARY FACILITIES

**30.1 Outcome required - That there are sanitary facilities for personal hygiene provided for people using a *temporary structure* as a *place of assembly*.**

**30.2 Sanitary facilities for personal hygiene must be provided in a convenient location associated with the structure, to the degree necessary, appropriate to-**

- (a) the function or use of the structure; and
- (b) the number and gender of the occupants; and
- (c) the disability or other particular needs of the occupants.

**30.3 This must be achieved by either:**

- (a) Compliance with the following *Deemed to Satisfy Solution* –

**Sanitary facilities must be provided within a 50 metre distance from a *place of assembly* according to the numbers set out in Table 2 below.**

**OR**

- (b) Compliance with an *Alternative Solution*.

## ENFORCEABLE REQUIREMENTS

<b>Table 2 Sanitary Facilities</b>									
Sanitary facilities to be provided	Closet Fixtures			Urinals			Washbasins		
	1	2	Each extra	1	2	Each extra	1	2	Each extra
Number of Males	100	300	200	50	100	50	50	200	200
Number of Females	25	50	50**				50	150	200
<p>* <i>Where the number of male patrons exceeds 250, not less than 5 urinals must be provided plus one additional urinal for every additional 100 males in excess of 250.</i></p> <p>** <i>Where the number of female patrons exceeds 250, not less than 6 closet fixtures must be provided plus one additional closet fixture for every 100 females in excess of 250.</i></p> <p><i>A unisex facility must be provided for people with disabilities and this facility must comply with AS 1428.1.</i></p>									

### 31 ARTIFICIAL LIGHTING

- 31.1 Outcome required – That a *temporary structure* used as a *place of assembly* is provided with artificial lighting which activates in the absence of suitable natural light to enable occupants safe use and movement.**
- 31.2 Artificial lighting must be installed to provide a level of illumination appropriate to the function or use of the structure to enable safe use and movement by occupants.**
- 31.3 This must be achieved by either:**
- (a) **Compliance with the following *Deemed to Satisfy Solution* –**
    - i. **Artificial lighting must be provided to all enclosed areas.**
    - ii. **The artificial lighting system must as far as practicable comply with the relevant provisions of AS 1680 Parts 1, 2.0, 2.1, 2.2 and 2.3.**
- OR**
- (b) **Compliance with an *Alternative Solution*.**

## **ENFORCEABLE REQUIREMENTS**

### **32 ELECTRICAL**

**32.1 Outcome required – That electrical services in or associated with a *temporary structure* used as a *place of assembly* are installed in a manner which provides adequate safety for occupants.**

**32.2 Electrical services must be installed to provide a level of safety appropriate to the environment and function or use of the structure by occupants.**

**32.3 This must be achieved by either:**

**(a) Compliance with the following *Deemed to Satisfy Solution* –**

**All electrical installations must be inspected and tested in accordance with AS 3760.**

**OR**

**(b) Compliance with an *Alternative Solution*.**

### **33 HEATING APPLIANCES**

**33.1 Outcome required – That heating appliances located in a *temporary structure* used as a *place of assembly* are installed in a way which reduces the likelihood of fire spreading beyond the appliance.**

**33.2 Where provided in a structure, a heating appliance and its associated components must be installed-**

- (a) to withstand the temperatures likely to be generated by the appliance;**
- (b) so that it does not raise the temperature of any structural element to a level that would adversely affect the element's physical or mechanical properties or function; and**
- (c) so that hot products of combustion will not escape through the walls of the associated components and discharge to a position that will cause fire to spread to nearby combustible materials.**

**33.3 This must be achieved by either:**

**(a) Compliance with the following *Deemed to Satisfy Solution* –**

**The installation of a stove, heater or similar appliance in a building must comply with the following standards:**

- i. Domestic oil-fired appliances – Installation: AS 1691.**
- ii. Domestic solid-fuel burning appliances – Installation : AS 2918**
- iii. Pressure equipment: AS/NZS 1200**

**OR**

## **ENFORCEABLE REQUIREMENTS**

### **(b) Compliance with an *Alternative Solution*.**

#### **34 SEATING**

**34.1 Outcome required - That temporary seating located in or associated with a *place of assembly* withstand the combination of loads and other actions to which they may reasonably be subjected to and provide a safe means of evacuation in an emergency.**

**34.2 Temporary tiered seating must be designed and constructed to provide for the safety of the occupants and orderly means of evacuation in an emergency.**

**34.3 This must be achieved by either:**

#### **(a) Compliance with the following *Deemed to Satisfy Solution* –**

**In a seating area the gradient of the floor surface must:**

- i. not be steeper than 1 in 8, or**
- ii. the floor must be stepped so that:**
  - I. a line joining the nosings of consecutive steps does not exceed an angle of 30 degrees to the horizontal;**
  - II. the height of each step in the stepped floor is not more than 600mm; and**
  - III. the height of any opening in such a step is not more than 125mm; and**
- iii. where an aisle divides the stepped floor:–**
  - I. if the difference in level between any two consecutive steps exceeds 230mm but not 400 mm – an intermediate step must be provided in the aisle;**
  - II. if the difference in level between any two consecutive steps exceeds 400mm – 2 equally spaced intermediate steps must be provided in the aisle; and**
  - III. the going of intermediate steps must not be less than 270 mm and must provide as nearly as practicable equal treads throughout the length of the aisle; and**
- iv. the clearance between rows of fixed seats used for viewing performing arts, sport or recreational activities must be not less than –**
  - I. 300 mm if the distance to an aisle is not more than 3.5 m; or**
  - II. 500 mm if the distance to an aisle is more than 3.5 m.**

**ENFORCEABLE REQUIREMENTS**

**OR**

**(b) Compliance with an *Alternative Solution*.**

35 VENTILATION

**35.1 Outcome required – That a *temporary structure* used as a *place of assembly* is provided with means of ventilation with outdoor air which will maintain adequate air quality.**

**35.2 Ventilation must be provided to a level appropriate to the function or use of the structure.**

**35.3 This must be achieved by either:**

**(a) Compliance with the following *Deemed to Satisfy Solution* –**

- i. Natural ventilation must be provided to all enclosed areas which consists of openings or devices which can be opened with an aggregate opening of not less than 5% of the floor area of the space to be ventilated; or**
- ii. An artificial ventilation system must be provided to all enclosed areas, which, as far as practicable complies with the relevant provisions of AS 1668.2.**

**OR**

**(b) Compliance with an *Alternative Solution*.**

## ENFORCEABLE REQUIREMENTS

# PART G – ENFORCEABLE REQUIREMENTS - POOLS

### 36 MANAGEMENT OF *PUBLIC SWIMMING POOLS* AND *PUBLIC SPA POOLS*

**36.1 Outcome required - That all *public swimming pools* and *public spa pools* are operated so as to protect the health and safety of those using the facility.**

**36.2 A notice must be displayed in a *public place* advising all pool users to consider the use of sanitary and shower facilities before entry into the pool.**

**36.3 A notice must be displayed in a prominent position near the pool prohibiting nose blowing, spitting and other bodily functions in the pool.**

**36.4 A Spa Pool Bather Warning Notice in accordance with Appendix 3 must be displayed in a prominent position near spa pools.**

**36.5 Compliance with the above notices must be monitored by the holder of the *place of assembly* licence relating to the pool.**

### 37 WATER QUALITY

**37.1 Outcome required - That *public swimming pool* water and *public spa pool* water is maintained in a condition that safe guards the health of those using the facility.**

**37.2 The microbiological water quality of all *public swimming pools* and *public spa pools* must be maintained in accordance with the Microbiological Water Quality criteria set out in Appendix 2.**

**37.3 Test methods must comply with the test methods set out in Appendix 2.**

### 38 MONITORING

**38.1 Outcome required - That all *public swimming pools* and *public spa pools* are monitored for positive health and safety outcomes in accordance with the following requirements.**

## **ENFORCEABLE REQUIREMENTS**

- 38.2** All *public swimming pools* and *public spa pools* must be tested for microbiological quality on a monthly basis or, if directed in writing by an Environmental Health Officer, more frequently.
- 38.3** *Public swimming pools* and *public spa pools* that do not comply with the microbiological criteria set out in Appendix 2 must be resampled as soon as practical after notification from the laboratory.
- 38.4** Microbiological samples must be collected from pools prior to complementary chemical parameter sampling.
- 38.5** Microbiological samples from pools must be collected in sterile containers containing sodium thiosulphate.
- 38.6** The licence holder of the *place of assembly* where any *public swimming pool* or *public spa pool* is situated must maintain a logbook which records:
- (a) water quality information; and
  - (b) the number of patrons using each pool on each day.
- 38.7** All microbiological samples from a *public swimming pool* or *public spa pool* are to be submitted to a *NATA* certified laboratory or to a laboratory operating according to standards approved by the Director for analysis and the records of analysis must be retained by licence holder of the *place of assembly* where the pool is situated.
- 38.8** Microbiological water samples from a *public swimming pool* or *public spa pool* must be collected at a depth of 300mm to 400mm below the water surface level and at the point furthest from the water inlets.

## **39** POOL CLOSURE

- 39.1** Outcome required - That all *public swimming pools* and *public spa pools* which do not comply with water quality requirements are closed before they cause a risk to public health.
- 39.2** A *public swimming pool* or *public spa pool* must be closed immediately if:
- (a) two consecutive microbiological samples from the pool have failed to comply with the standards contained in Appendix 2; or
  - (b) the Director of Public Health determines that there has been, or is likely to have been, an incident of infectious disease transfer amongst pool patrons.

## **ENFORCEABLE REQUIREMENTS**

### 40 POOL OPENING

- 40.1 Outcome required - All *public swimming pools* and *public spa pools* which have been closed because they do not comply with water quality requirements must remain closed until they are no longer a threat to public health.**
- 40.2 A *public swimming pool* or *public spa pool* must not be reopened unless:**
- (a) two consecutive microbiological samples from the pool satisfy the standards contained in Appendix 2 when sampled over a 2 day period; or**
  - (b) where the Director of Public Health has determined that there has been, or is likely to have been, an incident of infectious disease transfer amongst pool patrons, the Director of Public Health has approved the reopening of the pool.**
- 40.3 Any closed pool that is subsequently reopened or permitted to reopen must be subject to bacteriological sampling and analysis on a weekly basis for a period of 2 weeks.**

### 41 COMPLIANCE WITH PART 6 OF THE *PUBLIC HEALTH ACT 1997*

- 41.1 Part 6 of the *Public Health Act 1997* sets out provisions relating to water quality which apply to water contained in *public swimming pools* and *public spa pools*. For the purpose of Part 6 of the *Act*, the *Guidelines for Health and Safety in Public Places* are the relevant Guidelines for swimming pools and spa pools. For other water quality issues the relevant Guidelines are the *Guidelines for Water Quality*.**

## ENFORCEABLE REQUIREMENTS

# CHAPTER 3 COMPLIANCE - PLACES WHERE ALCOHOL IS CONSUMED

## PART H ENFORCEABLE REQUIREMENTS

### 42 INTRODUCTION

- 42.1 Section 127 of the *Public Health Act 1997* provides that the owner and occupier of any premises to which the *public* has access must comply with any relevant guidelines relating to the safeguards of the health of any *person* likely to use the premises. Some premises which are *places of assembly* have been exempted from the requirement for a *place of assembly* licence. However, some of those exempted premises to which the *public* has access still require regulation for public health and safety risks.
- 42.2 Premises which are required to be licensed under the *Liquor and Accommodation Act 1990* or in respect of which an “*unlicensed club permit*” is required are also *places of assembly*. (An “*unlicensed club permit*” means a special permit granted under the *Liquor and Accommodation Act 1990* to the class of club described in the Guidelines issued by the Licensing Board of Tasmania dated 10 January 1996 as an “*unlicensed club*”.) These places are already subject to a regulatory regime relating to the sale of liquor, and provide documentation about their premises to the Commissioner for Licensing.
- 42.3 Accordingly, *persons* operating, using or managing the above premises have been exempted from the requirement to obtain a *place of assembly* licence (with some exceptions which are discussed below). However, those *persons* must comply with this Chapter in respect of the premises specified in paragraph 43.1.
- 42.4 The places of assembly licensing exemption does NOT apply to persons operating, using or managing the following places:
- (a) premises which are the subject of a liquor licence under the *Liquor and Accommodation Act 1990* which are primarily being used for a public event; and

## **ENFORCEABLE REQUIREMENTS**

- (b) an unlicensed club which is the subject of a special permit authorising the sale of liquor under the *Liquor and Accommodation Act 1990* which is primarily being used for a public event;
- (c) places specifically referred to in subclause 4(2) of the exemption order (see Appendix 5) such as public swimming pools and public spa pools, cinemas or theatres and sporting facilities.

42.5 The term “primarily being used for a public event” is intended to distinguish between the ordinary operations of unlicensed clubs and premises which are required to be licensed under the *Liquor and Accommodation Act 1990* such as selling alcohol to patrons and providing entertainment, and public events which are outside the normal operations of the premises. For example, the licensing exemption is intended to apply to a person operating a hotel bar with a video jukebox but not if a festival is held on the same premises. For an unlicensed club, the licensing exemption is intended to apply to a person operating the club for patrons but not where the club holds public functions such as a fund-raising dance.

42.6 A person who operates, uses or manages any premises in respect of which a special permit other than an *unlicensed club permit* has been granted under the *Liquor and Accommodation Act 1990*, must comply with Chapter 2 of these Guidelines in respect of those premises.

42.7 The *Act* requires compliance with these Guidelines. Failure to comply may result in significant fines. The maximum fine provided under the *Act* is \$5,000.00.

### 43 APPLICATION/SCOPE OF PART 3

**43.1 The persons who must comply with this Chapter are:**

- (a) **a person who holds a liquor licence under the *Liquor and Accommodation Act 1990* in respect of premises which are operated, used or managed:**
  - (i) **as a nightclub; or**
  - (ii) **to provide live musical or theatrical *entertainment* or other performance for patrons;**
- (b) **a person who holds a special permit under the *Liquor and Accommodation Act 1990* in respect of premises which are an *unlicensed club* and which provide musical or theatrical entertainment on an occasional or regular basis to patrons.**

### 44 PROTECTION OF HEALTH AND SAFETY

**44.1 Outcome required - That places where alcohol is sold under a licence or *unlicensed club permit* issued pursuant to the *Liquor and Accommodation Act 1990* are operated in a way that does not present a risk to *public* health or safety.**

## **ENFORCEABLE REQUIREMENTS**

### **Occupancy limits**

- 44.2** A *person* referred to in paragraph 43.1 must as soon as practicable obtain an *expert assessment* of the number of *persons* who can safely occupy the premises.
- 44.3** A *person* referred to in paragraph 43.1 must ensure that the total number of *persons* admitted to the premises does not exceed the number determined by the *expert assessment*.
- 44.4** A *person* referred to in paragraph 43.1 must as soon as practicable after obtaining an *expert assessment* of the number of *persons* who can safely occupy the premises display the number limitation in a prominent place visible to the *public*:
- (a)** if the premises are a building, on a wall near the main entrance; or
  - (b)** otherwise, on the site of the premises in a position where it is visible to those members of the *public* present on the site.
- 44.5** A *person* referred to in paragraph 43.1 must ensure that the premises subject to the licence or permit complies with paragraphs 14.1 to 14.8 inclusive of these Guidelines.

**GUIDELINES FOR HEALTH AND SAFETY IN PUBLIC PLACES**

# APPENDICES

## APPENDIX 1

### Number of Exits and Widths

NUMBER OF EXITS AND WIDTHS		
Column 1 Accommodation Provided	Column 2 Number of Exits Required	Column 3 Aggregate Width of Exits
1-25 <i>persons</i>	1	1000mm
26-50 <i>persons</i>	1	1500mm
51- 75 <i>persons</i>	2	2000mm
76- 100 <i>persons</i>	2	2500mm
100- 200 <i>persons</i>	3	3000mm
201- 400 <i>persons</i>	3	4000mm
401 - 600 <i>persons</i>	4	6000mm
601 - 800 <i>persons</i>	5	8000mm
801 - 1000 <i>persons</i>	5	10 000mm
over 1000 <i>persons</i>	5 plus one additional exit for each additional 450 <i>persons</i> or part thereof.	9000 plus 500mm for each additional <i>persons</i> or part thereof
<b>Note</b>  (a) where only one exit is provided that exit must be at least 1000mm wide. (b) Where 2 exits are provided each must be at least 1000mm wide. (c) Width may be reduced by 250mm at doorways.		

**GUIDELINES FOR HEALTH AND SAFETY IN PUBLIC PLACES**

**APPENDIX 2**

**Microbiological Criteria for Pools and Spa Pools (paragraph 37.2)**

Type of Organism	Maximum Count Allowable
Heterotrophic Plate Count	100 Colony Forming Units (CFU) per ml.
Thermotolerant coliforms	Nil per 100ml
<i>Pseudomonas aeruginosa</i>	Nil per 100ml

**Test Methods for Microbiological Criteria (paragraph 37.3)**

Heterotrophic Colony Count	Pour plate method. Incubation for 48hrs at 35C in accordance with Australian Standard Method AS4276.3.1 – 1995
Thermotolerant coliforms	Australian Standard Method AS 4276.6 – 1995 (MPN Method) or AS 4276.7 – 1995 (Membrane Filtration Method).
<i>Pseudomonas aeruginosa</i>	Australian Standard Method AS 4276.12 – 1995 (MPN Method) or AS 4276.13 – 1995 (Membrane Filtration Method).

**GUIDELINES FOR HEALTH AND SAFETY IN PUBLIC PLACES**

**APPENDIX 3.**

**Spa Pool Bather Warning Notice (paragraph 36.4)**

**Spa Pool Bather Warning Notice**

- ◆ **DO NOT use the spa while under the influence of drugs or alcohol.**
- ◆ **DO NOT allow children to use the spa unsupervised.**
- ◆ **DO NOT swallow spa water.**
- ◆ **DO NOT use the spa if you have an open wound, feel unwell or are pregnant.**

**GUIDELINES FOR HEALTH AND SAFETY IN PUBLIC PLACES**

**APPENDIX 4**

**Suggested frequency of testing for swimming pools and spa pools**

<u>TEST</u>	<u>MINIMUM MANUAL TESTING FREQUENCY</u>
Continuous non - automatic control dosing <ul style="list-style-type: none"> <li>• Free Chlorine</li> <li>• Total Chlorine (Combined Chlorine)</li> <li>• Total pH</li> <li>• Polyhexamethylene biguanide</li> </ul>	Prior to opening and then every four hours during use.
Automatic control dosing <ul style="list-style-type: none"> <li>• Free Chlorine</li> <li>• Total Chlorine (Combined Chlorine)</li> <li>• Total Bromine</li> <li>• pH</li> <li>• Redox Potential</li> </ul>	Prior to opening and then once during the day to confirm automatic readings.  Note - Automatic readings should be logged every four hours.
Ozone Reserve (Total) Alkalinity	Daily
Isocyanuric Acid Clarity Water Balance Bromide (Sodium bromide systems) Bacteriological Sampling (first two weeks of pool opening)	Weekly
Bacteriological Sampling (after first two weeks of INITIAL pool opening) Dimethyldantoin (BCDMH systems)	Monthly

## GUIDELINES FOR HEALTH AND SAFETY IN PUBLIC PLACES

### APPENDIX 5

## PUBLIC HEALTH (EXEMPTION) ORDER 2000

The following text is a reproduction of the exemption order made by the Director of Public Health. The order can also be viewed at <http://www.thelaw.tas.gov.au> and official versions are available from the Printing Authority of Tasmania.

### TEXT OF THE ORDER

The following order has been made by the Director of Public Health under section 187 of the *Public Health Act 1997*.

#### Short title

1. This order may be cited as the *Public Health (Exemption) Order 2000*.

#### Commencement

2. This order takes effect on the day on which its making is notified in the *Gazette*.

#### Interpretation

3. (1) In this order –  
  
    “**Act**” means the *Public Health Act 1997*.  
  
    “**public event**” means any performance, exhibition, spectacle, circus, festival, food festival, pageant, regatta, sports event, dance, publicly advertised lecture or other similar entertainment for the public.  
  
(2) The *Acts Interpretation Act 1931* applies to the interpretation of this order as if it were by-laws.

#### Exemptions from section 75

4. (1) A person is exempt from section 75 of the Act in relation to any activity referred to in that section in respect of a public place.  
  
(2) Subclause (1) does not apply to a public place that –
  - (a) is a public swimming pool or public spa; or
  - (b) is a public hall, cinema or theatre; or
  - (c) is a place of worship that –

## **GUIDELINES FOR HEALTH AND SAFETY IN PUBLIC PLACES**

- (i) accommodates more than 150 people; or
- (ii) is being used for a public event; or
- (d) is an outdoor sporting facility that –
  - (i) accommodates more than 300 spectators; or
  - (ii) contains an enclosed area or seating area; or
- (e) is a gymnasium or indoor sporting facility that accommodates more than 150 spectators; or
- (f) is a school or premises used for educational purposes that is being used for a public event; or
- (g) is registered under section 56 of the *Food Act 1998* that is primarily being used for a public event; or
- (h) is the subject of a liquor licence under the *Liquor and Accommodation Act 1990* and is primarily being used for a public event; or
- (i) is an unlicensed club which is the subject of a special permit authorising the sale of liquor under the *Liquor and Accommodation Act 1990* and is primarily being used for a public event; or
- (j) contains a temporary structure that is being used for a public event; or
- (k) is an outdoor market not operated –
  - (i) by a council; or
  - (ii) under the *Local Government Act 1993*.

### **Exemption for certain other places**

5. A person who uses a place as a place of assembly with the permission of any person who has been granted a place of assembly licence for general purposes in respect of that place is exempt from section 75 of the Act if the person uses the place as a place of assembly in accordance with any condition of the licence.

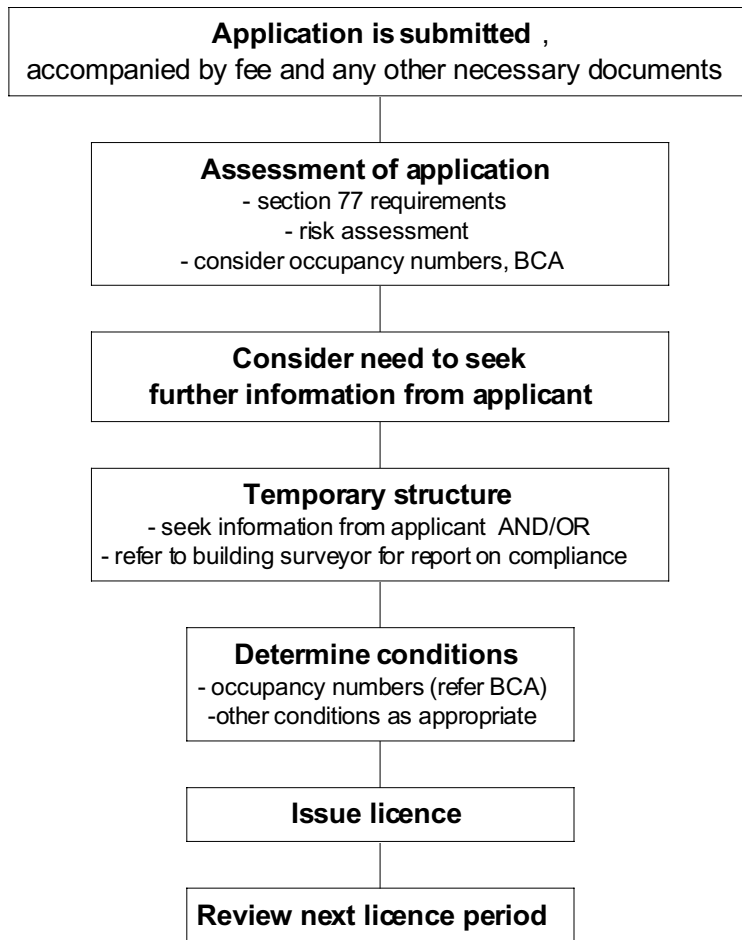
### **Exemption from guidelines**

6. A person exempt from section 75 of the Act under clause 4 is exempt from complying with any guidelines issued under the Act applicable to any public place referred to in that clause.

# GUIDELINES FOR HEALTH AND SAFETY IN PUBLIC PLACES

## APPENDIX 6

### Processing an application for a place of assembly licence



## GUIDELINES FOR HEALTH AND SAFETY IN PUBLIC PLACES

# APPENDIX 7

### CALCULATION OF OCCUPANCY LIMITS

<b>Name / Address</b>	
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Premises Use		Classification (BCA A3.2)	
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#### Assessment criteria

#### 1. FLOOR AREA PER PERSON (M<sup>2</sup>)

	Area (m <sup>2</sup> )	BCA m <sup>2</sup> /person (Table D1.13)	No. of persons
Space 1			
Space 2			
			1 = Total No. persons =

#### 2. SANITARY FACILITIES

	Number	BCA No. persons/sanitary facilities (BCA Table F2.3)	No. of persons
Male WC			
Male Urinal			
Male WHB			
Female WC			
Female WHB			
Note: Assume 50% Male/Female except special cases			2 = Number of persons = Lowest figure x 2 =

#### 3. EXITS

	Exit width/storey (m)	No. of persons/storey (BCA D1.6)
Storey		
Storey 1		
Storey 2		
		3 = Total number– all storeys =

#### 4. SEATING CAPACITY

Space or storey	Seating capacity
4 = Total seating capacity =	

Lowest of criteria 1, 2, 3, 4	Permitted maximum number of persons =
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Officer

Date