

Public Buildings Assessment Policy

Policy scope

This policy covers the process to determine the application of the *Health (Miscellaneous Provisions) Act 1911* (Health Act) and the *Health (Public Buildings) Regulations 1992* (Regulations), where there is uncertainty surrounding how the Act and Regulations apply to various activities.

Policy statement

This policy intends to clarify the status of certain activities under the Act and Regulations. The definition of 'public building' in the Health Act is broad and certainty is required to determine the extent of the Health Act's scope in relation to activities occurring within the City's authority.

Definitions and abbreviations

Chief Executive Officer – Act –	The Chief Executive Officer of the City of Fremantle The <i>Local Government Act 1995</i>
Health Act -	<i>Health (Miscellaneous Provisions) Act 1911</i>
Regulations -	<i>Health (Public Buildings) Regulations 1992</i>
Public Building –	<i>Has the same meaning as contained in the Regulations</i>
Private Event –	An event: <ol style="list-style-type: none">1. <i>that is held on private property;</i>2. <i>that is run by a private individual/s, not a corporation or incorporated organisation;</i>3. <i>for which money is not charged.</i>
Temporary Public Building	<i>–A public building that is operated for a period of time not exceeding 14 cumulative days in any one year</i>

1. Application of the Regulations

1.1. The Health Act provides the following definition of 'public building':

“public building means —

(a) a building or place or part of a building or place where persons may assemble for

(i) civic, theatrical, social, political or religious purposes; and

(ii) educational purposes; and

(iii) entertainment, recreational or sporting purposes; and

(iv) business purposes; and

(b) any building, structure, tent, gallery, enclosure, platform or other place or any part of a building, structure, tent, gallery, enclosure, platform or other place in or on which numbers of persons are usually or occasionally assembled, but does not include a hospital.”

“The general intent of Part VI of the [Health] Act is to assist in the protection of the health, safety and amenity of persons in and about buildings and places where, generally, large numbers of the public gather for the purposes set out in the definition.” (Department of Health 2002).

1.2. Public vs Private Events

Private Events are not considered to be captured by Part VI of the Health Act.

2. Application Requirements

2.1. Proponents proposing to create new public buildings must follow the process set out in Part VI of the Health Act;

2.2. An application for a temporary public building will not be required if the Environmental Health Section is satisfied, on the available evidence, that it would be assessed as low risk but guidance notes on operation will be provided.

3. Assessment of Public Buildings

3.1. Permanent Public Buildings – All new public buildings that are not temporary public buildings require approval by an Environmental Health Officer, in accordance with the Health Act;

3.2. Temporary Public Buildings

3.2.1. All temporary public buildings will have their risk assessed in accordance with the Public Health Event Risk Classification Tool contained in the Guidelines for concerts, events and organised gatherings (Department of Health 2009);

3.2.2. If the City’s Environmental Health Section assesses the risk of a temporary public building to be low risk guidance notes will be provided to the operator, but no formal approval is required;

3.2.3. All other public buildings require formal approval and must be granted a Certificate of Approval prior to operation.

4. Compliance & Enforcement

4.1. As per the Environmental Health Compliance Procedure

References:

- Department of Health, 2002 “Guidelines on the Application of the Health (Public Buildings) Regulations 1992” available online at <https://ww2.health.wa.gov.au/~media/Files/Corporate/general%20documents/Environmental%20health/Public%20Buildings%20Guidelines%20Final.ashx>
- Department of Health, 2009 “Guidelines for concerts, events and organised gatherings” available online at <https://ww2.health.wa.gov.au/~media/Files/Corporate/general-documents/Environmental-health/Concerts-and-Mass-Gathering-Guidelines.pdf>

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