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# Events Regulation Review

## Overview

The key focus of this review is to obtain stakeholder feedback on the most effective option for the management of public health risks at events in Western Australia.

Please read the discussion paper entitled **Managing public health risks at events in WA** before completing this survey.

The discussion paper outlines a number of options and recommendations for managing public health risks associated with events in WA.

These options include:

- **Option 1 – Take no action (repeal without replacement):** In this option the DOH would repeal the existing regulations without replacement. Event managers would become responsible for self-regulating.
- **Option 2 – Retain status quo:** In this option the DOH would attempt to replicate the current regulatory requirements as far as practicable.
- **Option 3 – Provide new events regulations under the *Public Health Act 2016* with an updated guideline:** In this option the DOH would progress the development of new regulations for the management of risks at events.

The feedback will be presented to the Department of Treasury's Better Regulation Unit to support the Department of Health's proposals for future management of events.

The survey should take approximately 40 minutes to complete. There are 22 questions. You don't have to comment on all the questions, and can focus only on those areas that are important to you.

Unless marked as confidential, all correspondence will be regarded as public. Documents may be made available on the Department of Health website or viewed by members of the public on request. If you wish for your response to remain confidential please check the box at the beginning of the survey.

If you would like to view the questions in full before beginning the survey, you can **view the questions in PDF form here**.

## Why we are consulting

In WA, public buildings and events are required to comply with the *Health (Public Buildings) Regulations 1992*, enforced by the local government. The Department of Health is currently undertaking a review of these regulations ahead of stage five of implementation of the *Public Health Act 2016*, when existing regulations under the *Health (Miscellaneous Provisions) Act 1911* will be repealed. The review must determine whether public health risks at events should be regulated under the framework provided by the *Public Health Act 2016*, or whether they should be managed through an alternative approach.

You are welcome to provide additional feedback that may not be related to any of the questions, or options which have not been proposed in this review.

Please explain the reasons behind your suggestions and where possible, evidence to support your views, estimates of any costs that may relate to the proposal, and examples of solutions.

## Introductory text

Please read the discussion paper '*Managing public health risks at events in Western Australia*' before attempting to answer these questions.

You must complete the mandatory questions in the *Introduction* and *Future management options* sections. However, for the rest of the survey you do not have to comment on all of the questions and can focus on the areas that are important to you.

When you complete each section, you will be returned to this page. Once you have completed at least one section, a submit button will appear.

**Please make sure that you click the 'Submit' button at the bottom of this page in order to send your answers.**

## Introduction

Would you like this response to be confidential?

(Required)

*Please select only one item*

Yes  No

What is your name?

Name

## What is your email address?

Please enter your email address (Required)

## Please indicate who you represent

(Required)

*Please select only one item*

- Local government    State government    Industry representative  
 Member of the public    Other

What is the name of the organisation you represent? If you are a member of the public please type 'public'.

## Future management options

Options for the management of public buildings are detailed in section 6 of the discussion paper (page 21 - 26).

Please remember when commenting that public buildings and events have been decoupled and will no longer be regulated together. This paper is focussed on events which do not take place in public buildings. Public buildings have been subject to a separate consultation - for updates on the status of this process please check the **Regulation review program page on the Department of Health website** <<https://ww2.health.wa.gov.au/Improving-WA-Health/Public-health/Public-Health-Act/Regulation-review-program>> .

The options examined are:

### **Option A: Take no action (repeal without replacement)**

With the implementation of the *Public Health Act 2016*, the existing regulations must be repealed. Option A means they would not be replaced by regulation, and the event industry would become responsible for self-regulation. The Department of Health could issue non-mandatory guidance documents and authorised officers could use the general public health duty if any issues arose.

### **Option B: Retain the status quo**

This option would involve the repeal of the existing regulations and the development of new regulations which would mirror as closely as possible the current Public Buildings Regulations, including prescriptive construction requirements and risk management plans to be provided for events of more than 1,000 people.

### **Option C: Provide new, updated regulations under the *Public Health Act 2016***

This option would involve the development of new regulations under the *Public Health Act 2016*, which would be enforced by authorised officers as is current practice. Proposals for what these regulations could look like are detailed in the discussion paper.

**1 Do you support the adoption of Option A: Repeal without replacement?**

(Required)

*Please select only one item*

Yes  No  Unsure

Why or why not?

**2 Can you identify any further advantages or disadvantages of Option A?**

Please explain.

### 3 Do you support the adoption of Option B: Retain status quo?

(Required)

*Please select only one item*

Yes  No  Unsure

Why or why not?

### 4 Can you identify any further advantages or disadvantages of Option B?

Please explain.

**5 Do you support the adoption of Option C: Provide new events regulations under the Public Health Act 2016 with an updated guideline?**

(Required)

*Please select only one item*

Yes  No  Unsure

Why or why not?

**6 Can you identify any further advantages or disadvantages of Option C?**

Please explain.

**7 Do you have any suggestions for alternative options that have not been considered?**

Where possible please explain your ideas by providing examples of complaints, case studies, data or other evidence.

## 8 Can you identify any potential gaps or overlaps between the proposed public buildings regulations and the proposed events regulations?

Do you have any suggestions for ways of preventing these?

### Proposal 1 - Registration of events with the local government

*Proposal 1 - Registration of events with the local government* is detailed in section 7.1 (page 27 - 29) of the discussion paper.

It is proposed that events be prescribed as a public health risk activity that must be registered with the local government. This would simply mean a transition from the current 'certificate of approval' process over to a registration process, in order to align with the *Public Health Act 2016*.

It is proposed that the certificate of registration should include:

- the name and address of the applicant
- the approved maximum capacity for the event
- the type of event, or a brief summary/description
- the approved operating date(s) and time(s)
- any conditions to which the application is subject.

It is also proposed that local governments continue approving events up to a density of 0.5m<sup>2</sup> per person, with the Chief Health Officer to advise for densities higher than this.



**9** Do you support the replacement of the certificate of approval process with the certificate of registration process? Please detail the positive and negative impacts on you or your organisation.

*Please select only one item*

Yes  No  Unsure

Comments

**10** Do you believe any further information should be provided on the certificate of registration?

Comments

## Proposal 2 - Provisions for risk management plans

*Proposal 2 - Provisions for risk management plans* is detailed in section 7.2 (page 29 - 31) of the discussion paper.

At present, a risk management plan (RMP) is required for events with more than 1,000 people. This does not accurately reflect all events that require risk management planning, as it does not consider other risk factors such as location, likelihood of alcohol or other drugs or the type of event.

It is proposed that risk management planning documentation should:

- be provided at the application stage, with a final version provided to the authorised officer prior to the issue of the final approval for the event and
- be proportional to the risk level of the event, instead of its capacity. Please note that the determination of an event's risk level is separate from the RMP process itself, and would be based on the risk matrix on page 42 of the discussion paper.

As a guide, it is likely that the following scale would be adopted in the guidelines:

- for high risk events, a full risk management plan in compliance with ISO 31000
- for medium risk events, a risk register and
- for low risk events, no formal requirement under the *Public Health Act 2016*

It is proposed that RMP's continue to be developed in accordance with the current version of Australian/New Zealand Standard ISO 31000, and that they should include consideration of emergency management.

The DOH is also seeking comment on whether the proposed new event regulations should require organisers to provide evidence of public liability insurance.

### 11 Do you believe that the requirement to provide adequate public liability insurance should be part of the proposed new regulations?

Why or why not?

**12** Do you support the requirement to provide a RMP based on risk rather than capacity? Please detail the positive and negative impacts on you or your organisation.

*Please select only one item*

Yes  No  Unsure

Comments

**13** Do you support the requirement to provide a RMP at the application stage and provide a final version prior to approval? Alternatively do you support a different timeline for the submission of documents?

*Please select only one item*

Yes  No  Unsure

Please detail.

**14** For authorised officers - What type of additional assistance would you or your local government require in assessing RMPs?

Please detail.

## Proposal 3 - Provisions for temporary structures

*Proposal 3 - Provisions for temporary structures* is detailed in section 7.3 (page 31 - 34) of the discussion paper.

The approval process for temporary structures such as tents, marquees, tiered seating and enclosures can vary widely between local governments. The proposed requirements aim to bring more consistency to the process, while allowing flexibility to meet the outcomes.

It is proposed that the requirements for temporary structures would include:

- a general provision requiring them to be safely erected and maintained
- thresholds for their sign off and
- general provisions for their construction.

### General provision

It is proposed that temporary structures should be required to be safely erected and maintained throughout the operation of the event.

### Sign off requirements

The following sign off requirements are proposed:

Structures up to 9m<sup>2</sup>: No sign off required.

Structures between 9m<sup>2</sup>– 55m<sup>2</sup>: A competent person/installer is required to sign off. Competent person will likely take the definition of that described under the Model Work Health and Safety laws, with further information to be provided in the guidelines.

Structures over 55m<sup>2</sup>: A structural engineer is required to sign off, or where one is not available (such as in regional areas), a building surveyor.

### Construction requirements

Once the current Public Buildings Regulations are repealed, there will be no construction requirements in place that will apply to temporary structures under health legislation. In order to ensure authorised officers have the ability to keep temporary structures safe, it is proposed that the following requirements are also adopted:

- All seating must be secured in such a way so as not to form a trip hazard or an obstacle to egress
- Where a temporary structure includes steps, goings and risers must be consistent throughout the flight and comply with Table 5.1.3 of the ABCB Standard for Temporary Structures.
- Any raised area of tiered seating or change in level which may present a hazard shall be provided with an enclosing wall or guard rail

The guidelines would provide further information on the requirements for temporary structures.

**15** In regards to temporary structures, do you support the proposed requirements for: a) structures to be safely erected and maintained?

*Please select only one item*

Yes  No  Unsure

b) prescribed thresholds?

*Please select only one item*

Yes  No  Unsure

c) seating?

*Please select only one item*

Yes  No  Unsure

d) steps?

*Please select only one item*

Yes  No  Unsure

e) changes in level?

*Please select only one item*

Yes  No  Unsure

Please detail the positive and negative impacts on you or your organisation.

## Proposal 4 - Provisions for first aid planning

*Proposal 4 - Provisions for first aid planning* is detailed in section 7.4 (page 35 - 36) of the discussion paper.

Most local governments already require some consideration of first aid in their event applications, however it is not a legislative requirement. Adequate first aid provision is an important matter of public health and safety for events.

It is proposed that event organisers be required to provide evidence of consideration of first aid requirements to the local government, and that this should be proportional to the risk level of the event.

**16** Do you support the proposed first aid requirements? Please detail the positive and negative impacts on you or your organisation.

*Please select only one item*

Yes  No  Unsure

Comments

## Proposal 5 - Provisions for exits

*Proposal 5 - Provisions for exits* is detailed in section 7.5 (page 36) of the discussion paper.

Ensuring that paths of egress and exits are suitable and able to be effectively used in emergencies of all kinds is a key role of authorised officers. This is currently enforced at events using the Public Buildings Regulations.

It is proposed that a general requirement for exits is adopted, requiring sufficient exit capacity to be provided and maintained at all times during which the public has access to the event site to allow for egress at an acceptable rate. It is also proposed that the following existing requirements should be adopted into regulation:

- all exits, paths to an exit and areas abutting an exit must remain unobstructed and unlocked while the public have access to the venue
- all events accommodating more than 50 people must have more than one exit and
- all exits must open in the direction of egress or open space.

It is also proposed that all exits, exit paths and paths of egress should be required to be adequately signposted (including lighting).

The guidelines would provide further information on exit requirements.

### 17 Do you support the proposed exit requirements? Please detail the positive and negative impacts on you or your organisation.

*Please select only one item*

Yes  No  Unsure

Comments



## Proposal 6 - Provisions for equipment and facilities

*Proposal 6 - Provisions for equipment and facilities* is detailed in section 7.6 (page 37 - 39) of the discussion paper.

It is important that requirements for facilities (such as toilets) and equipment (such as fire extinguishers) be retained in regulation, but with the flexibility to be adapted to the unique circumstances of the event.

A number of general provisions are proposed based on current requirements in the Public Buildings Regulations, with further information (including on the term 'adequate') to be provided in the guidelines:

- All equipment, fittings, appliances etc. are required to be maintained in good working order and fit sanitary condition
- Adequate fire protection equipment must be provided in good working order and serviced in accordance with AS 1851 Routine service of fire protection systems and equipment
- All electrical work must not be hazardous, and must comply with the *Electricity (Licensing) Regulations 1991*
- Adequate general and safety lighting must be provided, and emergency lighting capable of giving sufficient light for people to leave safely
- Adequate sanitary facilities (including facilities for people with disability) must be provided.

### 18 Do you support the proposed requirements for: a) general maintenance?

Please select only one item

Yes  No  Unsure

### b) fire preparedness?

Please select only one item

Yes  No  Unsure

### c) electrical safety?

Please select only one item

Yes  No  Unsure

### d) lighting?

Please select only one item

Yes  No  Unsure

### e) sanitary facilities?

Please select only one item

Yes  No  Unsure

### Further comments and stakeholder impacts

**19** Do you believe there would be any additional impact on any stakeholder group that are not listed in section 8 of the paper, or that you have not detailed in your previous answers?

Please explain.

**20** Are there any other issues that you believe should be captured under regulation in addition to those outlined in the proposals?

Please explain.

**21** Do you have any further suggestions on ways to improve the consistency of event regulation across local government areas, or any other comments?

Please explain.

## Proposed risk matrix

A proposed risk matrix is detailed in Appendix 1 (page 42-43 of the discussion paper. This risk matrix would be part of the guidelines (not the regulations), and used to classify events into low, medium and high risk categories. This would then be used by the authorised officer to determine the applicable management requirements.

**22** Do you support the inclusion of the matrix (Appendix 1) in the guidelines to assist with assessing events?

*Please select only one item*

- Yes    No    Unsure

Please detail the positive and negative impacts on you or your organisation.