

Section 3 of Building Act 1993:

'place of public entertainment' means-

- (a) a prescribed building or building in a prescribed class of buildings which is used or intended to be used for the purpose of providing public entertainment; or
- (b) a prescribed place or place in a prescribed class of places-
 - (i) which is enclosed or substantially enclosed; or
 - (ii) to which admission can be gained by payment of money or the giving of other consideration and which is used or intended to be used for the purpose of providing public entertainment.

'conduct', in relation to a public entertainment, means to have a direct pecuniary interest in the proceeds or profits of the entertainment.

'public entertainment' means an entertainment or meeting to which admission may ordinarily be gained by members of the public.

Regulation 206 of Building Regulations 2018

Prescribed classes

For the purposes of the definition of **'place of public entertainment'** in section 3 of the Act

- (a) Class 9b buildings having an area greater than 500 m² and prescribed temporary structures are prescribed classes of buildings; and
- (b) places having an area greater than 500 m² are a prescribed class of places.

Regulation 197 of Building Regulations 2018

An owner of a building or place of public entertainment must take all reasonable steps to ensure that a copy of any current occupancy permit in respect of that building or place is displayed and kept displayed at an approved location within the building or place.

Penalty: 10 penalty units.

Legislative responsibilities (sections of Building Act 1993)

49. Public entertainment not to be conducted at place without occupancy permit

A person must not conduct a public entertainment in a place of public entertainment unless an occupancy permit has been issued under this division which permits its use for the entertainment.

Penalty: 100 penalty units, in the case of a natural person. 500 penalty units, in the case of a body corporate.

50. Place not to be used for public entertainment without occupancy permit

The owner or occupier of a place of public entertainment must not, for fee or reward, permit the place to be used for the purpose of providing public entertainment unless an occupancy permit has been issued under this division which permits its use for the entertainment.

Penalty: 100 penalty units, in the case of a natural person. 500 penalty units, in the case of a body corporate.

51. Use of place of public entertainment must be in accordance with permit

The owner or occupier of a place of public entertainment (other than a prescribed temporary structure) must not permit the place to be used for the purpose of providing public entertainment in contravention of the occupancy permit permitting its use for the entertainment.

Penalty: 100 penalty units, in the case of a natural person. 500 penalty units, in the case of a body corporate.

52. Use of prescribed temporary structure must be in accordance with permit

The owner, occupier, lessee or a hirer of a prescribed temporary structure must not permit the structure to be used for the purpose of providing public entertainment in contravention of the occupancy permit permitting its use for the entertainment.

Penalty: 100 penalty units, in the case of a natural person. 500 penalty units, in the case of a body corporate.

61. Owner to notify others of occupancy permit

(1) The owner of a building (other than a prescribed temporary structure) must notify an occupier of the building, within seven days after the occupier first enters into occupation of the building or within seven days after an occupancy permit is issued in respect of the building (whichever is the later), of any occupancy permit in force under this division in respect of the building.

Penalty: 10 penalty units.

(2) The owner of a prescribed temporary structure must notify the occupier, lessee or hirer of the structure within seven days after the occupier, lessee or hirer enters into occupation of, or leases or hires the temporary structure or within seven days after an occupancy permit is issued in respect of the structure (whichever is the later), of any occupancy permit in force under this division in respect of the structure.

Penalty: 10 penalty units.