



Western Australia

Health Act 1911

**Health (Temporary Sanitary Conveniences)
Regulations 1997**

As at 10 Jan 2017

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Health (Temporary Sanitary Conveniences) Regulations 1997

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Health Act 1911

Health (Temporary Sanitary Conveniences) Regulations 1997

Part 1 — Introductory

1. Citation

These regulations may be cited as the *Health (Temporary Sanitary Conveniences) Regulations 1997*¹.

2. Interpretation

In these regulations, unless the contrary intention appears —
temporary toilet means a toilet that is designed and constructed so that —

- (a) it may be connected to the sewerage system on a temporary basis; or
- (b) it is connected to a sewage storage tank.

Part 2 — Standard and construction of temporary toilets

3. Interpretation

In this Part —

approved form means a form approved by the Executive Director, Public Health.

4. Standard and construction of temporary toilets

For the purposes of section 107A of the Act, a temporary toilet is to be of a standard and construction —

- (a) that complies with the requirements of this Part; or
- (b) that is approved by the Executive Director, Public Health under regulation 5.

5. Approval by the Executive Director, Public Health

- (1) The Executive Director, Public Health may approve the standard and construction of a temporary toilet or type of temporary toilet that does not comply with the requirements of this Part.
- (2) A person may, in an approved form, apply to the Executive Director for an approval under subregulation (1).

6. Certification by the Executive Director, Public Health

- (1) The Executive Director, Public Health may certify a temporary toilet or type of temporary toilet as being of a standard and construction —
 - (a) that complies with the requirements of this Part; or
 - (b) that is approved by the Executive Director, Public Health under regulation 5.
- (2) The Executive Director may certify a temporary toilet under subregulation (1) for a particular area only.

- (3) A person may, in an approved form, apply to the Executive Director, Public Health for a certification under subregulation (1).

7. Construction of temporary toilets generally

- (1) The structural design of a temporary toilet is to comply with the requirements of the Building Code of Australia 1990, as from time to time amended and for the time being in force, issued by the Australian Uniform Building Regulations Coordinating Council.
- (2) Every part of a temporary toilet is to be constructed to a trade finish.
- (3) A temporary toilet is to be constructed so that no features can give rise to injury to a person or damage to clothing.

8. Construction of toilets for lifting

- (1) In this regulation —
the formula means the formula specified in clause 4.5.3.2(a) of the standard;
the standard means the standard designated AS 1418.1 — 1994, as from time to time amended and for the time being in force, published by the Standards Association of Australia².
- (2) A temporary toilet is to be able to safely withstand an increased weight during lifting of the toilet and all its equipment including any storage tank at full capacity.
- (3) Subject to subregulation (4), the increased weight during lifting of a toilet is to be calculated in accordance with the formula.
- (4) If the dynamic multiplier for hoisting referred to in the formula is determined under the standard to be a value less than 1.8, that value is taken to be 1.8.

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- (5) A temporary toilet is to be fitted with suitable lifting loops or points to facilitate the loading of the temporary toilet onto and off a delivery vehicle.

9. Walls

The walls of a temporary toilet are to be —

- (a) impact and corrosion resistant;
- (b) impervious;
- (c) smooth;
- (d) washable; and
- (e) opaque.

10. Floors

- (1) The floor of a temporary toilet is to be constructed of a material that is —
- (a) corrosion resistant;
 - (b) impervious;
 - (c) rigid; and
 - (d) washable.
- (2) The floor surface of a temporary toilet is to be unbroken and slip resistant.
- (3) The floor of a temporary toilet is to be raised above ground level and sloped to allow outward drainage.
- (4) A temporary toilet is to have a minimum useable floor area of 0.35 m².
- (5) The floor of a temporary toilet is to be capable of withstanding a working load of 1.8 kN, applied over an area of 100 mm x 100 mm in any location within the floor area, in addition to any equipment and floor dead loads.

11. Roofs

The roof of a temporary toilet is to be constructed of a material that is —

- (a) impact and corrosion resistant;
- (b) impervious; and
- (c) washable.

12. Doors

(1) The door of a temporary toilet is to be constructed of material that is —

- (a) impact and corrosion resistant;
- (b) impervious;
- (c) washable;
- (d) opaque; and
- (e) fitted to ensure privacy.

(2) A temporary toilet door is to be capable of being latched closed both internally and externally.

13. Height

A temporary toilet is to have a minimum, effective internal height of 1 900 mm, measured from the base of the floor area to the lowest part of the roof structure.

14. Ventilation

A temporary toilet is to have a minimum total of 320 cm² of fixed, cross ventilation.

15. Lighting

A temporary toilet is to be provided with natural lighting to a minimum of 350 lux service illuminance, measured on the floor when the door is in a closed position.

16. Toilet roll holder

A temporary toilet is to be fitted with a toilet roll holder.

17. Toilet bowl, seat and cover

- (1) A temporary toilet is to be fitted with a toilet bowl, seat and cover.
- (2) The toilet bowl, seat and cover are to be constructed of material that is —
 - (a) impact and corrosion resistant;
 - (b) impervious;
 - (c) smooth; and
 - (d) washable.
- (3) The toilet bowl is to be fitted with a water seal.

18. Flushing facility

A temporary toilet is to have a flushing mechanism which is —

- (a) effective;
- (b) watertight;
- (c) of durable quality; and
- (d) capable of —
 - (i) providing a minimum of 200 ml per flush; and
 - (ii) washing the entire bowl.

19. Hand basin and tap

- (1) A temporary toilet is to be fitted with a hand basin and a tap.
- (2) Where water supply is from a holding tank, the tap is to provide a minimum flow of water of 50 ml per action of the tap.
- (3) The hand basin is to be capable of holding water to facilitate hand washing.

- (4) The hand basin is to have a waste outlet which is suitably trapped.

20. Sewage storage tank

- (1) Where a temporary toilet is connected to a sewage storage tank, the tank is to be constructed and equipped in accordance with this regulation.
- (2) A sewage storage tank is to be moulded in one piece from material which is —
- (a) impact and corrosion resistant;
 - (b) impervious; and
 - (c) finished to provide a smooth surface both internally and externally.
- (3) A sewage storage tank is to be constructed so that it does not leak.
- (4) A sewage storage tank is to have a minimum useable capacity of 200 l.
- (5) A sewage storage tank is to be vented through the roof of the unit by a vent pipe that —
- (a) has a minimum diameter of 40 mm; and
 - (b) is fitted with a cowl.
- (6) A sewage storage tank is to be fitted with a draw off point for the emptying of the tank.
- (7) Where the draw off point for a sewage storage tank is situated externally —
- (a) it is to be fitted with a device to enable emptying of the tank without causing spillage; and
 - (b) it is to be capable of being secured so that it cannot be tampered with or opened by a person who is not authorised to do so.

Part 3 — Sanitary conveniences in relation to certain sites of works

Division 1 — General

21. Application

- (1) The regulations in this Part apply to all districts as if they were local laws made under the Act.
- (2) This Part applies to a site of works on the construction, erection, installation, alteration, repair, maintenance, cleaning, painting, renewal, removal, excavation, dismantling or demolition, of, or in addition to, any building or structure that does not exceed 3 storeys.
- (3) For the purposes of subregulation (2) —
storey includes any storey which is under the ground level.

Division 2 — Sanitary conveniences to be provided and maintained for the purposes of section 102 of the Act

22. Sanitary conveniences to be provided and maintained

For the purposes of section 102 of the Act, the number, situation, construction, dimensions and equipment of sanitary conveniences to be provided and maintained on a site of works are those specified in this Division.

23. Number of sanitary conveniences

One sanitary convenience is to be provided and maintained on a site of works, for the use of every 20 persons, or fraction of 20 persons, engaged on the work.

24. Situation of sanitary conveniences generally

A sanitary convenience on a site of works is to be situated within 90 m of the work place of the persons for whom it is required.

25. Contiguous sites of works

Where the same person undertakes work on contiguous sites of works, sanitary conveniences may be provided and maintained in relation to the sites as if the sites were one site.

26. Types of sanitary convenience

A sanitary convenience on a site of works is to be —

- (a) a temporary toilet; or
- (b) a bore hole privy, in the case where the relevant local government has approved the use of a bore hole privy on the site in accordance with regulation 27.

27. Local government may approve a bore hole privy

A local government may approve the use of a bore hole privy on a site of works in the district of the local government if it is of the opinion that by virtue of the remoteness or isolation of the site, it is not practicable for a temporary toilet to be provided on the site.

28. Temporary toilets

- (1) A temporary toilet on a site of works is to comply with the requirements of this regulation.
- (2) A temporary toilet is to be situated —
 - (a) on a level and stable site;
 - (b) in such a manner so that it is accessible at all times;
 - (c) at least 2 m from any property boundary; and
 - (d) in the case where the toilet is connected to a sewage storage tank, so as to allow collection of sewage from the tank.
- (3) A temporary toilet is to be of the standard and construction specified in Part 2.

Health (Temporary Sanitary Conveniences) Regulations 1997

Part 3 Sanitary conveniences in relation to certain sites of works

Division 2 Sanitary conveniences to be provided and maintained for the purposes of section 102 of the Act

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- (4) A temporary toilet is to be certified or of a type certified under regulation 6 for the relevant area.
- (5) A temporary toilet is to be equipped with a supply of toilet paper.
- (6) The bowl and any taps fitted in a temporary toilet are to be supplied with potable water from —
 - (a) a water supply service (as defined in the *Water Services Act 2012* section 3(1)) provided under a licence under that Act; or
 - (b) from a water supply holding tank having a capacity of not less than 50 l.
- (7) The design and construction of a water supply holding tank is to be such as to prevent contamination from any sewage storage tank.
- (8) The bowl and basin fitted in a temporary toilet are to discharge waste water —
 - (a) to the sewerage system; or
 - (b) to a sewage storage tank.
- (9) Where a temporary toilet is connected to a sewage storage tank, additives of the type and quantity approved by the Executive Director, Public Health are to be added to the tank.

[Regulation 28 amended in Gazette 14 Nov 2013 p. 5045.]

29. Bore hole privies

- (1) A bore hole privy on a site of works is to comply with the requirements of this regulation.
- (2) A bore hole privy is to be situated —
 - (a) at least 30 m from any underground water supply which is intended or available for human consumption; or
 - (b) at least 2 m from any property boundary.
- (3) The bore hole of a bore hole privy is to be —

-
- (a) not less than 1.2 m nor more than 2.4 m deep; and
 - (b) not less than 150 mm nor more than 205 mm in diameter.
- (4) A bore hole privy is to have an enclosure which is —
- (a) structurally sound;
 - (b) fitted with a lockable door;
 - (c) fly proof; and
 - (d) made of material which is —
 - (i) impact and corrosion resistant;
 - (ii) impervious;
 - (iii) smooth; and
 - (iv) washable.
- (5) A bore hole privy is to be constructed so that no feature poses a risk of injury to a person or damage to property.
- (6) A bore hole privy is to be fitted with the following equipment, namely —
- (a) a pedestal type pan, seat and cover constructed of material that is —
 - (i) impact and corrosion resistant;
 - (ii) impervious;
 - (iii) smooth; and
 - (iv) washable;
 - (b) a slab into which the pan fits; and
 - (c) a toilet roll holder and a supply of toilet paper.

30. Sanitary facilities for women

A sanitary convenience on a site of works is to include sanitary facilities that cater for the particular needs of women engaged on the work.

Division 3 — Maintenance and removal of sanitary conveniences

31. Interpretation

In this Division —

responsible person in relation to a sanitary convenience on a site of works means —

- (a) a person who undertakes work on the site; or
- (b) in the case where the sanitary convenience or any part of the sanitary convenience is hired —
 - (i) a person undertaking work on the site; or
 - (ii) the person from whom the toilet was hired.

32. Maintenance of a temporary toilet

- (1) A responsible person must ensure that a temporary toilet on a site of works is maintained in a clean and serviceable condition.
- (2) Without limiting subregulation (1), a responsible person must ensure that a temporary toilet on a site of works is serviced once in every 2 weeks, or in such shorter period as directed by an environmental health officer.
- (3) For the purposes of subregulation (2), a temporary toilet is serviced by —
 - (a) checking the operation of the toilet and replacing any damaged or broken parts;
 - (b) replenishing the toilet paper;
 - (c) effectively sanitizing the internal area of the toilet, including —
 - (i) the floor; and
 - (ii) the seat and bowl;
 - (d) in the case where the toilet is supplied with water from a holding tank, replenishing the water supply; and

- (e) in the case of a toilet connected to a sewage storage tank —
 - (i) emptying the sewage storage tank via a draw off point provided in accordance with regulation 20(6);
 - (ii) effectively and thoroughly washing out the sewage storage tank; and
 - (iii) adding to the sewage storage tank additives of the type and quantity approved by the Executive Director, Public Health.
- (4) If sewage is spilled during the emptying of a sewage storage tank under subregulation (3)(e)(i), a responsible person must ensure that the spilled sewage is cleaned up immediately.
- (5) A person undertaking work on a site must ensure that a temporary toilet on the site is securely locked during a time when it is not being used.
- (6) A responsible person must ensure that the draw off point on the sewage storage tank of a temporary toilet on a site of works is secured during a time when the sewage storage tank is not being emptied under subregulation (3)(e)(i).

33. Maintenance of a bore hole privy

- (1) A responsible person must ensure that a bore hole privy on the site is maintained in a clean and serviceable condition.
- (2) Without limiting subregulation (1), a responsible person must ensure that a bore hole privy on the site is serviced once in every 2 weeks, or in such shorter period as directed by an environmental health officer.
- (3) For the purposes of subregulation (2), a bore hole privy is serviced by —
 - (a) checking the bore hole privy and replacing or repairing any damaged or broken parts of the enclosure or equipment;

- (b) replenishing the toilet paper; and
- (c) effectively sanitizing the pan, seat, cover and slab of the bore hole privy.

34. Removal of a bore hole privy

- (1) A responsible person must remove a bore hole privy from the site immediately after the bore hole privy ceases to be required.
- (2) Where a bore hole privy is removed from a site of works, a responsible person must ensure that —
 - (a) the pan is thoroughly cleansed; and
 - (b) the bore hole is filled with clean earth.

35. Offences and penalties

A person who contravenes a provision of this Division commits an offence and is liable to —

- (a) a penalty which is not more than \$1 000 and not less than —
 - (i) in the case of a first offence, \$100;
 - (ii) in the case of a second offence, \$200; and
 - (iii) in the case of a third or subsequent offence, \$500;
- and
- (b) if that offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

Notes

¹ This is a compilation of the *Health (Temporary Sanitary Conveniences) Regulations 1997* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Health (Temporary Sanitary Conveniences) Regulations 1997</i>	1 Jul 1997 p. 3279-96	1 Jul 1997
Reprint 1: The Health (Temporary Sanitary Conveniences) Regulations 1997 as at 12 Mar 2004		
<i>Health (Temporary Sanitary Conveniences) Amendment Regulations 2013</i>	14 Nov 2013 p. 5045	r. 1 and 2: 14 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Nov 2013 (see r. 2(b) and <i>Gazette</i> 14 Nov 2013 p. 5027)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Health Regulations Amendment (Public Health) Regulations 2016 Pt. 23</i> ³	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)

² The Standards Association of Australia has changed its corporate status and its name. It is now known as Standards Australia International Limited (ACN 087 326 690). It also trades as Standards Australia.

³ On the date as at which this compilation was prepared, the *Health Regulations Amendment (Public Health) Regulations 2016 Pt. 23* had not come into operation. It reads as follows:

Part 23 — *Health (Temporary Sanitary Conveniences) Regulations 1997* amended

79. Regulations amended

This Part amends the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

80. Regulation 5 amended

In regulation 5(2) delete “Executive Director” and insert:

Chief Health Officer

81. Regulation 6 amended

In regulation 6(2) delete “Executive Director” and insert:

Chief Health Officer

82. Regulation 32 amended

In regulation 32(2) delete “environmental health officer.” and insert:

authorised officer.

83. Regulation 33 amended

In regulation 33(2) delete “environmental health officer.” and insert:

authorised officer.

84. Various references to “Executive Director, Public Health” amended

In the provisions listed in the Table delete “Executive Director, Public Health” and insert:

Chief Health Officer

Table

r. 3 def. of <i>approved form</i>	r. 4(b)
r. 5(1)	r. 6(1) and (3)
r. 28(9)	r. 32(3)(e)(iii)

Notes:

1. The heading to amended regulation 5 is to read:
Approval by the Chief Health Officer
2. The heading to amended regulation 6 is to read:
Certification by the Chief Health Officer

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
approved form.....	3
responsible person.....	31
storey	21(3)
temporary toilet.....	2
the formula.....	8(1)
the standard.....	8(1)