



Western Australia

## **Health (Construction Work) Regulations 1973**

Compare between:

[10 Jan 2017, 01-b0-00] and [24 Jan 2017, 01-c0-02]



## Health (Construction Work) Regulations 1973

### 1. Citation

These regulations may be cited as the *Health (Construction Work) Regulations 1973*<sup>1</sup>.

### 2. Interpretation

In these regulations, unless the context otherwise indicates —  
**construction work** means any work in connection with the erection, installation or demolition of a building or structure that exceeds 3 storeys;

**main contractor** means —

- (a) a person who has contracted with the owner of work to which this Act applies, to undertake or carry out such work;
- (b) if there is no such person as is referred to in paragraph (a), in relation to the work, an owner —
  - (i) who undertakes or carries out such work; or
  - (ii) who contracts with more than one person to undertake or carry out such work;

**site** means the place on which construction work is carried out or is to be carried out;

**storey** includes any storey which is under the ground level;

**temporary sanitary facilities** means such of the facilities as under regulation 4 are required by the circumstances prescribed in these regulations;

**workman** means any person performing construction work for reward, whether as employee, employer, main contractor or subcontractor.

**3. No commencement or continuation of construction work**

A main contractor —

- (a) shall not commence construction work on a site unless and until he has erected on the site temporary sanitary facilities that conform to these regulations; and
- (b) shall during the course of construction work erect and maintain temporary sanitary facilities that conform to these regulations.

**4. Temporary sanitary facilities**

- (1) The temporary sanitary facilities to be erected and maintained on a site by a main contractor are as follows —

<b>Number of Workmen</b>	<b>Temporary Sanitary Facility</b>
For each 20, or fraction of 20	1 water or chemical closet and 1 handbasin.
Where there are 12 or more, for each 30 or fraction of 30	1 urinal stall.

- (2) Where a site is served by a system for the disposal of sewage the temporary sanitary facilities other than the temporary sanitary facilities of a chemical closet type shall be connected to that system.
- (3) Where on a site the system for the disposal of sewage consists of an impervious tank system the contents of the system shall be regularly removed by a contractor who is approved by a local authority.

- (4) Where —
- (a) the site is not served by a system for the disposal of sewage; or
  - (b) it is necessary to comply with regulation 5,
- a main contractor shall install a temporary sanitary facility of the chemical closet type that —
- (c) has a capacity of not less than 60 flushes without servicing; and
  - (d) has been approved by the ~~Executive Director,~~ ~~Public~~ ~~Chief~~ Health ~~Officer~~ or the local authority.

*[Regulation 4 amended in: Gazette 29 Jun 1984 p. 1782; 10 Jan 2017 p. 264.]*

**5. Maximum distance of temporary sanitary facilities**

Temporary sanitary facilities shall be installed at a distance from a work place that does not exceed —

- (a) 90 metres; or
- (b) the height of 2 storeys,

whichever is the lesser.

**6. Removal of temporary sanitary facilities**

A main contractor shall remove the temporary sanitary facilities prescribed under these regulations as soon as possible after permanent sanitary facilities in the building or structure —

- (a) are installed within the distance prescribed under regulation 5; and
- (b) are approved for use by the local authority.

**7. Offences and penalties**

- (1) A main contractor who contravenes a provision of the regulations specified in the Table to this subregulation commits an offence.

**Table**  
Regulations 3 and 6

- (2) A main contractor who commits an offence under subregulation (1) 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.

*[Regulation 7 inserted ~~in~~ Gazette 14 Oct 1988 p. 4162.]*

**Notes**

<sup>1</sup> This is a compilation of the *Health (Construction Work) Regulations 1973* and includes the amendments made by the other written laws referred to in the following table.<sup>1a</sup> The table also contains information about any reprint.

**Compilation table**

Citation	Gazettal	Commencement
<i>Health (Construction Work) Regulations 1973</i>	25 Jan 1974 p. 191-2	25 Jan 1974
<i>Health Legislation Amendment Regulations 1984</i> r. 4	29 Jun 1984 p. 1780-4	1 Jul 1984 (see r. 2)
<i>Health (Offences and Penalties) Amendment Regulations 1988</i> Pt. 10	14 Oct 1988 p. 4160-3	14 Oct 1988

**Reprint of the *Health (Construction Work) Regulations 1973* as at 11 Jan 2002**  
(includes amendments listed above)

<sup>1a</sup> ~~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</i> Pt. 12. <sup>2</sup>	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)

<sup>2</sup> ~~On the date as at which this compilation was prepared, the *Health Regulations Amendment (Public Health) Regulations 2016* Pt. 12 had not come into operation. It reads as follows:~~

~~**Part 12 — *Health (Construction Work) Regulations 1973* amended**~~

~~**42. — Regulations amended**~~

~~— This Part amends the *Health (Construction Work) Regulations 1973*.~~

**43. ~~Regulation 4 amended~~**

~~In regulation 4(4)(d) delete “Executive Director, Public Health”  
and insert:~~

~~Chief Health Officer~~