Western Australia

Health Act 1911

Health (Construction Work) Regulations 1973

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Western Australia

Health Act 1911

Health (Construction Work) Regulations 1973

##### 1. Citation

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

##### 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 —

|  |  |
| --- | --- |
| **Number of Workmen** | **Temporary Sanitary Facility** |
| 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 Health or the local authority.

 [Regulation 4 amended in Gazette 29 Jun 1984 p. 1782.]

##### 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

1 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.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Health (Construction Work) Regulations 1973* | 25 Jan 1974 p. 191‑2 | 25 Jan 1974 |
| *Health Legislation Amendment Regulations 1984* r. 4 | 29 Jun 1984 p. 1780-4 | 1 Jul 1984 (see r. 2) |
| *Health (Offences and Penalties) Amendment Regulations 1988* 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) |

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)**

construction work 2

main contractor 2

site 2

storey 2

temporary sanitary facilities 2

workman 2