



Western Australia

Health Act 1911

Health (Construction Work) Regulations 1973

As at 11 Jan 2002

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Health (Construction Work) Regulations 1973

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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;

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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

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