



Government of **Western Australia**
Department of **Health**

Consultation Summary Report

**For the Discussion Paper - Managing sanitation provision
and maintenance at construction sites and mobile,
temporary or remote worksites under the
*Public Health Act 2016***

November 2018

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Executive Summary

Stakeholder consultation was undertaken by the Department of Health to obtain feedback and opinions from stakeholders on the future direction for the management of public health risks associated with sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites.

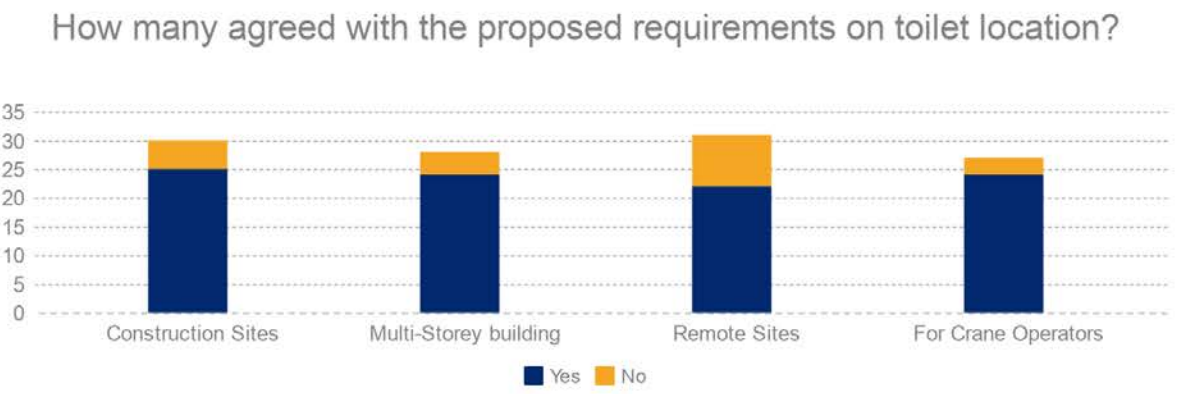
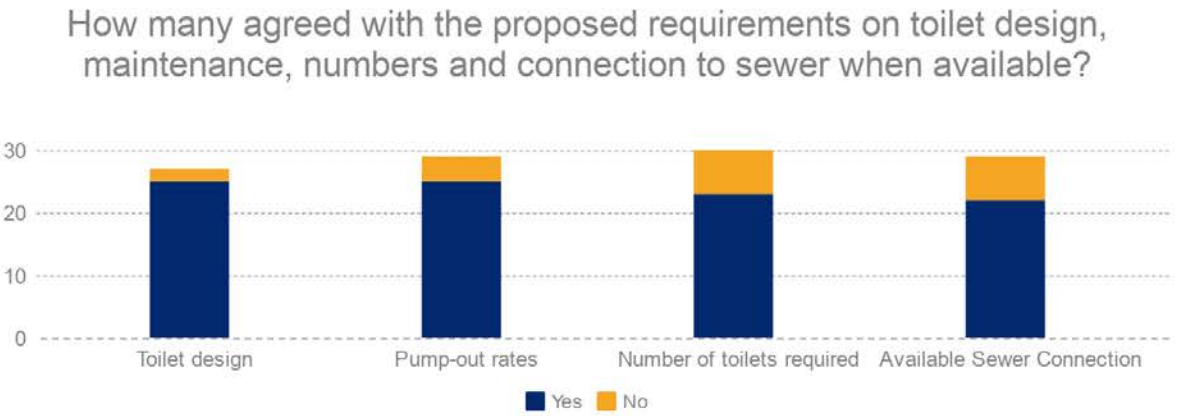
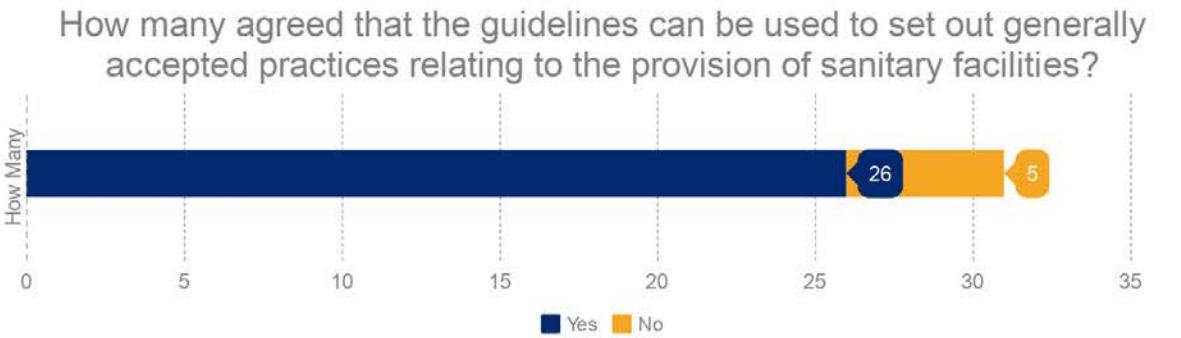
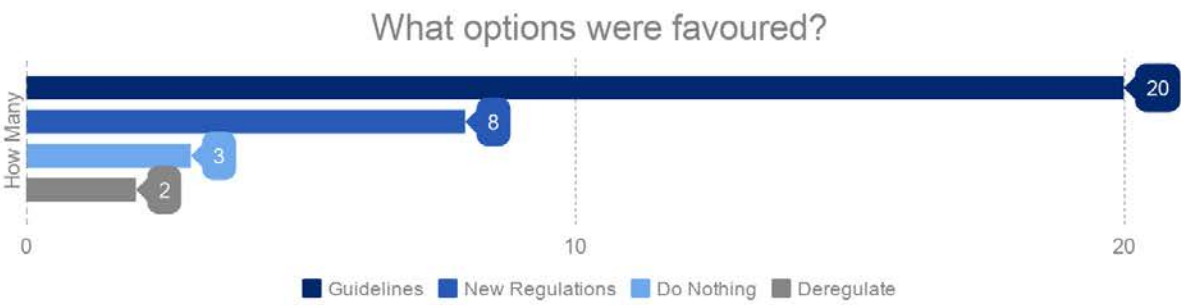
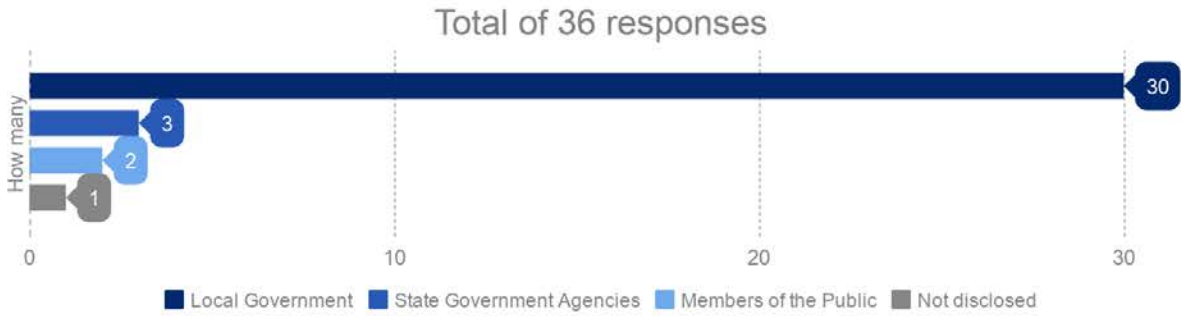
In a review conducted by the Department of Health, it was identified that the sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites is already partly regulated by legislation administered by Department of Mines, Industry Regulation and Safety and Worksafe WA. Accordingly, the Department of Health drafted the “*Sanitation provision and maintenance on construction sites and mobile, temporary or remote worksites in Western Australia*” guidelines and presented it in the consultation for feedback.

The majority of the respondents supported the proposal to repeal the current regulations and to create a public health guideline. In addition, all sections of the guidelines presented in the consultation were supported by the majority of respondents.

The enforcement of the sections within a guideline that address public health risks associated with sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites can be administered through general public health duty provisions of the *Public Health Act 2016*.

The guidelines will also provide more flexibility to both regulatory agencies and industry to account for the various situations / settings at construction sites and mobile, temporary or remote worksites where sanitation provision and maintenance is required.

Consultation Summary



Background

The discussion paper *Managing sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites under the Public Health Act 2016* was released in June 2018. The discussion paper presented a summary of the public health risks associated with sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites.

The discussion paper aimed to obtain feedback from stakeholders and to get a general understanding of their opinions on the possible future direction of regulation and management of sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites that will meet the future needs in WA.

Prior to the consultation, the Department of Health (DOH) reviewed all relevant legislation, standards and guidelines administered by the DOH and other state government agencies that are associated with the provision of sanitary facilities in construction sites and worksites and have undertaken a public health risk assessment on the subject. Based on existing legislation and the findings of the public health risk assessment, the DOH proposed the management option of a public health guideline. The draft "*Sanitation provision and maintenance on construction sites and mobile, temporary or remote worksites in Western Australia*" guideline (draft guideline) was presented in the consultation for feedback.

Current regulation associated with sanitation at construction sites and mobile, temporary or remote worksites

As the responsible agency for the *Health (Miscellaneous Provisions) Act 1911*, the DOH and its enforcement agencies are responsible for the implementation of *Health (Construction Work) Regulations 1973* and Part 3 of the *Health (Temporary Sanitary Conveniences) Regulations 1997*. These regulations are used to manage the public health risks relating to inadequate sanitation provision at construction sites.

These regulations will be repealed once the *Public Health Act 2016* (Public Health Act) has been fully implemented.

Health (Construction Work) Regulations 1973

The *Health (Construction Work) Regulations 1973* outline requirements in regard to the provision and maintenance of temporary sanitary facilities where construction work is being carried out on a structure that exceeds 3 storeys.

Part 3 of the Health (Temporary Sanitary Conveniences) Regulations 1997

Part 3 of the *Health (Temporary Sanitary Conveniences) Regulations 1997* deals with sanitary conveniences in relation to sites of work 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.

Other relevant legislation, standards and guidelines

In addition to the DOH regulations the following regulations, codes of practice and guidelines have provisions to account for the management of public health risks associated with the provision of sanitary facilities at construction sites.

Occupational Safety and Health Regulations 1996 (WA)

The Department of Mines, Industry Regulation and Safety (DMIRS - formerly the Department of Commerce) is the responsible agency for the *Occupational Safety and Health Regulations 1996* and WorkSafe WA enforces these regulations.

Regulation 3.20(2) requires the provision of reasonable sanitary facilities that can be conveniently accessed at the workplace for use of persons working at the workplace. As construction sites are captured by these regulations, there is crossover between these regulations and the DOH regulations. This indicates that on repeal of the DOH regulations, the risk of a sanitary facility not being provided on a construction site or mobile, temporary or remote worksites is low.

Mines Safety and Inspection Regulations 1995 (WA)

DMIRS is the responsible agency for the *Mines Safety and Inspection Regulations 1995*. Regulation 7.12 states that 'Each responsible person at a mine must ensure that suitable sanitation and hygiene facilities are provided at the mine and that those facilities are properly maintained'. Regulation 7.13 states that 'Each responsible person at a mine must ensure that appropriate toilet facilities are provided within a reasonable distance from each workplace at the mine'.

These regulations indicate that on repeal of the DOH regulations, the risk of sanitary facilities not being provided and associated public health risks on a mine site (as a mobile, temporary or remote worksite) is low.

WA Code of Practice for Workplace Amenities and Facilities 2002

The *Code of Practice for Workplace Amenities and Facilities* is an approved Code of Practice under the *Occupational Safety and Health Act 1984* (OSH Act). A code does not have the same legal force as an Act or a regulation and non-compliance with this code is not sufficient reason, of itself, for prosecution under the OSH Act. However, during a prosecution case, codes may be used by the courts as the accepted standard when assessing methods or practices used at a workplace.

This Code of Practice states that consideration needs to be given to how highly mobile workers who work away from a base location, such as bus and transport drivers, police, council and government inspectors and security personnel, can access toilets.

Reasonable access to sanitary facilities needs to be provided at temporary or outdoor work sites such as construction sites, workplaces away from base locations or remote areas where a sewer connection is not available. The code specifies that the structural design of a temporary toilet must comply with the *Building Code of Australia* and the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

Building Regulations 2012 (WA)

DMIRS is the responsible agency for the *Building Act 2012*. That Act and adopts the National Construction Code as the standard for how buildings should be constructed in WA. Regulation 41(4) requires any temporary sanitary facilities to be removed after the completion of the building work.

This indicates that on repeal of the DOH regulations, the risk of a temporary sanitary facilities remaining on site is low.

Hire and Rental Industry Association Ltd Portable Toilets Division Code of Practice – Guidelines for the provision of portable toilets on construction sites and at events where connection to a sewer is not practical 2015

This industry Code of Practice (HRIA COP) sets a minimum standard for portable toilets including manufacture, delivery and collection, on-site use and servicing. The HRIA COP places emphasis on hygiene and safety for public users and personnel who transport, service and maintain these units. The HRIA COP is widely accepted by the temporary toilet industry, with

the suggested numbers and pump out timeframes determined through industry consultation; however there is no consequence if providers fail to comply.

If the maintenance schedule within the HRIA COP is followed, on repeal of the DOH regulations the risk of inadequate maintenance of temporary toilets provided on construction sites is low.

Safe Work Australia: Model Work Health and Safety Laws

Safe Work Australia is an Australian Government statutory agency established in 2009. It is a national policy body, rather than a regulator of work health and safety. Safe Work Australia has created model work health and safety laws to provide options for a harmonised approach to work health and safety across Australia. The models include a Work Health and Safety Act, Work Health and Safety Regulations and Codes of Practice.

The Construction Work Code of Practice (Safe Work Australia, 2012) was created by Safe Work Australia as a model code of practice under the Council of Australian Governments' *Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety* for adoption by the Commonwealth, State and Territory governments.

In regards to the provision of sanitary facilities, the Codes of Practice requires adequate facilities for workers to be provided and maintained in good working order, are clean, safe and accessible. The Codes of Practice covers a number of public health risks identified by DOH.

WA has not adopted the code of practice; however it has been adopted by the Australian Capital Territory (ACT), New South Wales (NSW) and the Northern Territory (NT). Should this Code of Practice be endorsed by WorkSafe WA then on repeal of the current DOH regulations many of the public health risks would be mitigated.

Objectives of consultation

The key objective for the consultation is to gain better understanding of the perceptions and opinion of local government, industry, other government agencies and members of the public on the management of public health risks associated with sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites. Feedback was also sought on the draft guideline to gain a better understanding on the practicality and feasibility of the proposed public health risk management measures.

Methodology

Stakeholders were provided a link to the Department of Health's corporate website www.health.wa.gov.au directing the respondent to provide feedback by one of three methods:

1. Completing the questions on the online citizenspace survey;
2. Submitting a personalised response by emailing the publichealthact@health.wa.gov.au email address; and
3. Writing a letter addressed to the Environmental Health Directorate.

Profile of respondents

A total of 36 responses were received from various stakeholder groups.

Stakeholder group	Responses
Local government	30
State government agencies	3
Members of the public	2
Not disclosed	1
Total	36

Of the 36 responses received, four were in the form of formal correspondence (letters and emails) and the remaining 32 were submitted via the online citizenspace platform.

Based on the number of local governments, the number of responses is considered typical for an external online consultation which normally averages a response rate of around 10-15%. Although there were no responses received from industry, the responses and comments provided by the local governments, who are the principal administrators of the current Regulations, provided good insight into the practical considerations and operational needs for the management of sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites.

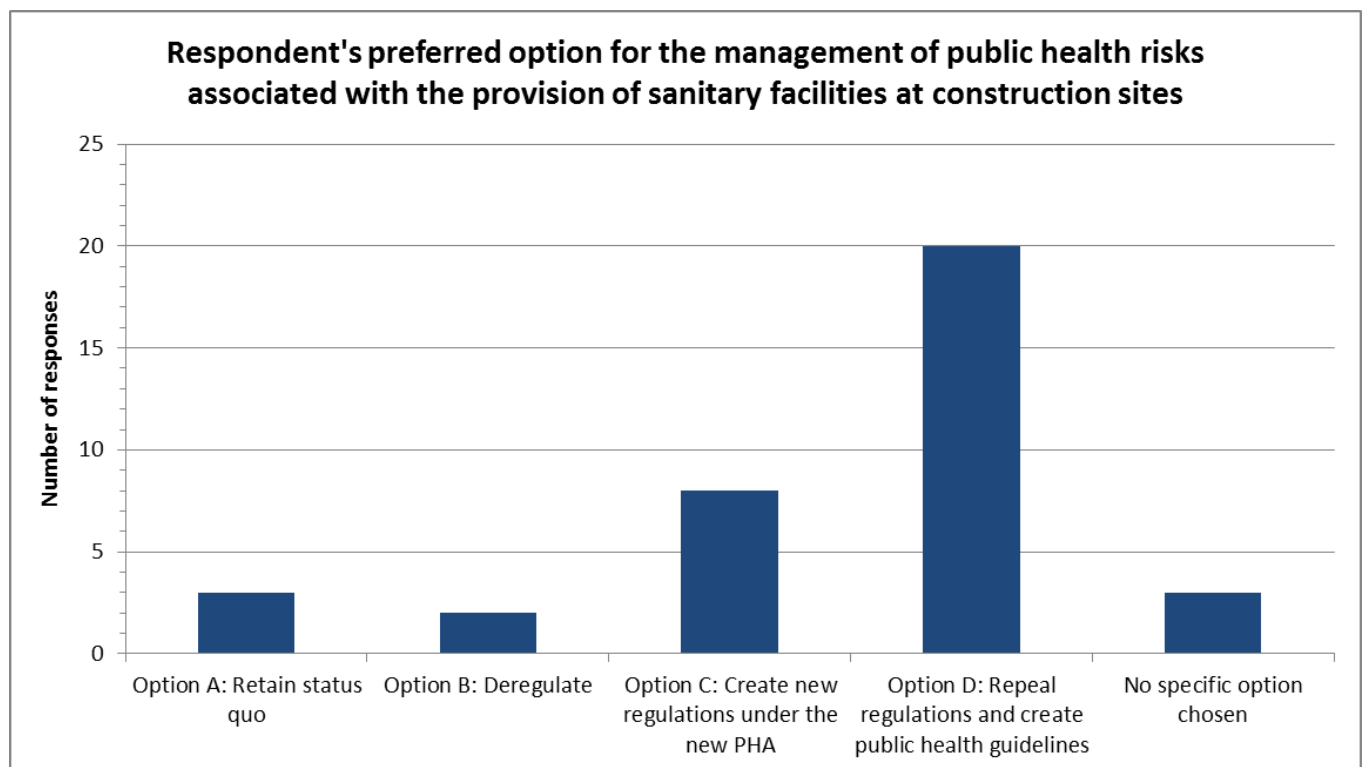
Legislative options

The discussion paper outlined several options for the future management of public health risks associated the provision of sanitary facilities at construction sites. The four options are:

- **Option A: Do nothing.** Retain status quo as far as practicable by replacing the current management system with the same or similar requirements under the *Public Health Act 2016*.
- **Option B: Repeal the current regulations with no replacements.** Deregulate the requirements for sanitation provision and maintenance by repealing the *Health (Construction Work) Regulations 1973* and *Part 3 of the Health (Temporary Sanitary Conveniences) Regulations 1997* without replacement.

- **Option C: Develop new regulations for sanitation provisions and maintenance at construction sites.** Repeal the *Health (Construction Work) Regulations 1973* and *Part 3 of the Health (Temporary Sanitary Conveniences) Regulations 1997* and create regulations under the *Public Health Act 2016*. Regulations would allow for enforceable DOH requirements for provision of sanitary facilities on construction sites and mobile, temporary or remote worksites which are not contained within other guidelines, codes or regulations.
- **Option D: Develop guidelines for sanitation provisions and maintenance at construction sites.** Repeal the *Health (Construction Work) Regulations 1973* and *Part 3 of the Health (Temporary Sanitary Conveniences) Regulations 1997* and replace with a public health guideline. A public health guideline will complement the general public health duty provisions of the *Public Health Act* and would enable DOH to provide guidance on how sanitation provisions and maintenance should be managed at construction sites and mobile, temporary or remote worksites.

From the consultation responses, 56% of the respondents were in support of DOH’s proposal to create a public health guideline for sanitary provision and management at construction sites and mobile, temporary or remote worksites. 22% of respondents were in support of the creation of new regulations under the *Public Health Act*, while 8% of respondents felt that the current regulations are adequate in managing the public health risk in this area. 6% of respondents felt that the sanitation provision and management at constructions sites should not be regulated. The remaining 8% of respondents did not choose any specific options.



Basis of respondent’s preference to create public health guidelines

There were two main reasons provided by respondents that were in support to create public health guidelines. Some of the respondents from this group felt that guidelines will provide more flexibility in managing the public health risk in this area and enables any changes and improvements to the guidelines to be made more easily. Guidelines were also perceived to be able to provide better guidance by addressing all the associated public health risks in a concise and simple manner.

It was also mentioned that there are current Occupational Safety and Health legislation and Codes that addresses this area and further health regulations will not be required. This will avoid crossovers between regulations and was seen as a positive direction to reduce the red tape.

Basis of respondent's preference to continue to have regulations under the Public Health Act

Most of the respondents that opted for formal regulations to be in place to regulate the provision of sanitation at construction sites felt that regulations are required to enforce the requirements needed to manage the public health risk in this area.

Some of the respondents were concerned that the enforcement of a public health guideline through the general provisions of the Public Health Act is still an untested mechanism and were doubtful if effective enforcement of the guidelines can be carried out.

Some respondents foresee difficulties in demonstrating that a person / entity has failed to comply with the general public health duty and will result in lengthy legal proceedings to deliberate for a resolution.

Feedback on public health risk management measures

Definition and inclusion criteria

It was proposed that a *"mobile, temporary or remote worksite"* is defined as "a non-permanent worksite that is not located in a town or city where there are no toilet facilities within: a 200 m radius of that site where workers only option to get the toilet is walking; OR a 2 km radius of that site where transportation vehicles that can be used to access the toilet are provided.

74% of respondents agreed with the proposed definition of a *"mobile, temporary or remote worksite"*. The respondents who disagreed raised the following points that require further consideration:

- The definition can be confused for worksites located in a town or city being not captured as a *"mobile, temporary or remote worksite"*.
- Not all workers have the ability to drive to the designated toilet location if the preferred option is to utilise a toilet that is further than 200 m away and only reachable by transport.
- Although there are toilets within the required range, the toilets might not be available for use. It was recommended to include the word "available" preceding "toilet facilities" in the definition.
- Instead of using distance as the measurement criteria, travel time should be used in preference.

80% of the respondents agreed with the list of examples of *"mobile, temporary or remote worksite"*. It was recommended by some respondents to include an exemption for work sites that will be in operation for a very short period of time (1-2 hours). A more exhaustive list of site was also recommended with the inclusion of sites listed in Worksafe's *Code of Practice - Workplace amenities and facilities*. 97% of the respondents agreed with the proposed list of exempted sites.

Provision of toilets and their design

Number of toilets

The number of toilets proposed in the draft guidelines is modelled on that provided by the *Safe Work Australia Construction Work Model Code*. 77% of respondents agreed with the calculation

method for the number of toilets proposed in the draft guidelines. The following points of consideration were raised by those who disagreed with the proposed number of toilets:

- An alternative number of male toilets when there is no intention to provide urinals.
- Permission for unisex toilets.

Toilet design

93% of respondents agreed that “Fresh Water Flush” and “Straight Drop” temporary toilets are to be used on construction sites and mobile, temporary or remote worksites where connection to a sewer is not practical.

89% of respondents agreed that site managers should consider the provision of accessible facilities for construction sites and mobile, temporary or remote worksites and provide accessible facilities where required. It was noted that the site manager can consider this when undertaking their workforce assessment to determine if any of the workers will require the accessible facilities. It was recommended that accessible facilities for people with disability are provided at worksites that are intended for public access and when workers constitute of volunteers where prior knowledge of their disability is not possible.

There were no objections to standard temporary toilets being provided on any construction site in line with the *Occupational Safety and Health Regulations 1996* and the *WA Code of Practice for Workplace Amenities and Facilities 2002*.

Ongoing maintenance of temporary toilets

There were no objections that toilets are to be maintained in a clean and serviceable condition. As part of ongoing maintenance for temporary toilets, pump outs will need to be undertaken on a regular basis. In the draft guidelines various pump out frequencies were proposed for the different temporary toilet designs. 86% of the respondents agreed with the proposed pump-out frequencies. Those who disagreed felt that flexibility should be allowed to account for situations where there are low usage rates and climatic conditions.

One effective measure to minimise overflows and unsanitary conditions in temporary toilets is to connect the toilet to connect the toilet to sewer. 76% of respondents agreed with the proposed requirement to connect a temporary toilet to sewer within two weeks of it becoming available. Majority of the disagreement with the requirement was in regards to the time frame for sewer connection. It was recommended that the remaining duration of use be taken into account and the time frame to carry to out the sewer connection works be extended for locations where there are low contractor availability.

97% of respondents agreed that it is the site manager’s responsibility to ensure the toilets provided will be able to withstand the conditions on site for the duration of work and to fix or replace the toilet as required. It was recommended that a timeline for remedial actions should be specified in the draft guideline.

97% of respondents agreed that site managers are to ensure the toilets are removed once construction is completed in accordance with the requirements of the *Building Regulations 2012*. It was recommended that a timeline for the removal of the toilet be included in the guidelines with the requirement to use a licensed controlled waste contractor to undertake the works.

Toilet locations

Toilet location in construction sites

The draft guidelines proposed toilets on construction sites to be located within 100 m of construction workers. 83% of respondents agreed with the proposed distance. Most of the

respondents who disagreed felt that a prescribed distance is too restrictive and will be not practicable in some situations. It was also mentioned that the draft guidelines were lacking in setback distances to neighbouring properties.

Where a construction site consists of multi-storey buildings, the draft guideline proposed a toilet to be located on every second floor. 86% of respondents agreed with the proposed requirement. Respondents who disagreed with this proposed requirement felt that toilets at ground level are sufficient and flexibility should be allowed for depending on the size of the building, the number of workers and practicality in the installation and maintenance of the toilets.

In construction sites where cranes are operated, additional arrangements need to be considered for crane operators to ensure that toilets are easily accessible. 89% of respondents agreed with the draft guideline to require site managers to provide a fast access option to crane operators, such as a construction hoist, to give operators quick access to toilets. In situation where this is not feasible, it was proposed that site managers should provide toilet breaks during a shift where the operators can leave the cab every 1-2 hours. Respondents who disagree with the proposed requirements felt that the requirements are not required and the crane operator should be able to descend the crane normally to access a toilet. Some also felt that the additional arrangements are not practical.

Toilet locations in mobile, temporary or remote worksites

There were two options that were proposed in the draft guidelines to specify the requirements for the provision of toilets in mobile, temporary or remote worksites. The first option is to provide a toilet within 200m walking distance when staff does not have a means of transport to travel to a toilet facility within 2 km of the site. The second option is to provide toilet facilities within 2 km of the main site of work when staff has access to a car or transport. More than 70% of respondents agree with the proposed options for the provision of toilet facilities in mobile, temporary or remote worksites.

There were around 30% of respondents that disagreed with the proposed options. The following reasons were given:

- 2 km travel distance and/or 200 m walking distance to a toilet is too far. The distance does not account for those who require the toilet urgently (eg. those who are sick or injured.)
- Not all staff has the ability to drive to the designated toilet location and might be reliant on their colleagues to access toilet facilities. Toilets facilities within walking distance of the work site should still be provided.
- Travel time should be used in preference to travelling distance as the requirement criteria,
- The use of local government / private toilet facilities (eg. shopping centres) for work purposes is an inequitable transference of cost.

Management of overflows and other health emergencies

While 97% of the respondents agreed that the site manager is to ensure that wastewater overflows or other health emergencies are dealt in a timely manner, the following additions to the draft guidelines were recommended:

- Further define the term “timely manner”.
- Reference to what is the accepted practice in dealing with wastewater overflows.
- Notification to local government authority / authorised officer.

Compliance with the general public health duty

In the consultation it was proposed that the guidelines are used to set out the generally accepted practices relating to the provision of sanitary facilities at construction sites and mobile, temporary or remote worksites which will be used to demonstrate that general public health duty has been fulfilled. 84% of respondent agreed with this proposal.

Of the respondents who disagreed, they felt that the general public health duty provisions of the Public Health Act is still an untested mechanism and were doubtful if effective enforcement of the guidelines can be carried out, while some recommended the use of Public Health Policies to formalise the requirements. Some of the respondents foresee Local Governments having difficulties to enforce the improvement notices and enforcement orders issued for non-compliances and will result in lengthy and costly legal proceedings. Further clarification has also been sought in the delineation of roles between Worksafe WA and the local government in the enforcement of the various aspects associated with the guideline requirements.

Key observations and discussion

The majority of the respondents were in support of the repeal of the current regulations and the creation of a public health guideline to manage the public health risks associated with sanitation provision and maintenance at construction sites and mobile, temporary or remote worksites.

The respondents who did not support the use of guidelines were concerned that the enforcement of the guideline requirements through the general provisions of the Public Health Act is still currently an untested mechanism. In comparison, formal regulations will be much easier to enforce and administer.

Although public health risks can be managed with regulations, the general public health duty provisions of the Public Health Act are able to achieve the same purpose and provide more flexibility to manage low public health risk activities. The general public health duty prescribed in the *Public Health Act 2016* requires that a person must take all reasonable and practicable steps to prevent or minimise any harm to public health that might foreseeably result from anything done or omitted to be done by the person. Under the *Public Health Act 2016* harm includes activities that may have adverse impacts and effects on a person's physical or psychological wellbeing, whether it is long term or an immediate impact.

The provisions in a guideline will set out the accepted practices relating to the provision of toilets and washbasins on construction sites and mobile, temporary or remote worksites. Under section 34(3) of the Public Health Act, a person will not be taken to be in breach of the general public health duty if they are acting in a manner that accord with generally accepted practices. Where a person fails to follow these generally accepted practices, this may be considered a failure to comply with the general public health duty. This may constitute grounds for action to be taken under the Public Health Act, including the issuing of an improvement notice or enforcement order. Local governments would also have the ability to prosecute under the Public Health Act when a breach of the general public health duty can be demonstrated and supported with evidence.

Recommendations have also been provided by the respondents on how the draft guidelines can be improved to provide more flexibility to cater for a broader range of settings. Sections that required further clarification were also identified from the respondent's feedback.

Next Steps

From the consultation, there is a preference to create a public health guideline for sanitary provision and management at construction sites and mobile, temporary or remote worksites. As the management of public health risks is achievable through the general public health duty provisions of the Public Health Act, it is recommended that the *Health (Construction Work) Regulations 1973* and Part 3 of the *Health (Temporary Sanitary Conveniences) Regulations 1997* be repealed at Stage 5 of the implementation of the Public Health Act and be replaced with the proposed guidelines.

The proposed “*Sanitation provision and maintenance on construction sites and mobile, temporary or remote worksites in Western Australia*” guidelines will be amended to incorporate the relevant feedback that was received from the consultation. Before formal adoption, the guideline will be released for another round of public consultation.

One of the main concerns that were raised during the consultation was the ability to enforce public health guidelines through the general public health duty provisions of the Public Health Act. To address this concern, further information and support will be provided to local governments on the administration and enforcement of the of the general public health duty provisions of the Public Health Act.

Appendix 1 – Stakeholder engagement list

The following stakeholders were targeted in communications designed to encourage a submission.

Local Government
138 local governments in WA
Western Australian Local Government Association WA
Industry groups and associations
Air Conditioning and Mechanical Contractors Association
Australian Constructors Association
Australian Hotels Association (WA)
Australian Institute of Building
Building Service Contractors Association of Australia - WA
CFMEU - WA
Construction Contractors Association of WA
Hire and Rental Industry Association of Australia
Master Builders Western Australia
Master Electricians WA
Master Painters and Decorators Association WA
Master Plumbers and Gasfitters Association WA
National Electrical Contractors Association WA
Property Council of Australia (WA)
Subcontractors WA Inc
State governments
Department of Local Government, Sport and Cultural Industries
Department of Mines, Industry Regulation and Safety
Worksafe WA

Appendix 2 – Online citizen space questionnaire

Stakeholder details

1. What is your name?
2. What is your email address?
3. Please indicate what organisation you represent. If you are a member of the public please write 'member of the public'

Assessing the public health risks

Workers at construction sites and mobile, temporary or remote worksites face the public health risks if the following are not managed correctly:

- Provision and maintenance of toilets
 - The types of toilets provided and their design
 - The numbers of toilets provided (including ratio of female/male facilities)
 - The locations of toilets provided
 - Wastewater overflows and other health emergencies
4. Are there other situations that the Department has not considered which may pose public health risks for workers or visitors?

Management options considered

5. Do you agree with the Department's preferred proposal to create a public health guideline for sanitary provision at construction sites and mobile, temporary or remote worksites?
6. If not, which of the other options do you prefer? Do you have a suggestion for an alternative option(s)?

Guideline related questions

7. Do you agree with the definition of mobile, temporary or remote worksites?

The draft guideline will apply to construction sites and mobile, temporary or remote worksites.

A mobile, temporary or remote worksite is a non-permanent worksite that is not located in a town or city where there are no toilet facilities within a 2 km radius of that site.

If you don't agree with the definition, please provide further information on why not and what amendments you believe are required.

8. Do you agree with the included mobile, temporary or remote worksites?

Mobile, temporary or remote worksites could include:

- Roadside clean up, road works or road maintenance works
- Tree planting or other natural resource management work
- Archaeological digs
- Geological surveys or other mining exploration related work
- Fruit picking/seasonal farm work.

If not, why not? Are there any types of worksites that have been missed?

The guideline would not apply to:

- Operational minesites (minesites under construction are classified as construction sites).
- A permanent worksite located in a remote area
- A worksite that involves multiple locations located more than 500m apart that will be visited by a worker at various times throughout the working day (e.g. groundwater sampling sites)
- Employer provided accommodation
- Remote construction sites (these are captured by the construction site definition)

Do you agree with sites that the guideline would not apply to?

Are there any types of worksites where the guidelines shouldn't apply that have been missed?

9. The guidelines require the numbers of toilets to be provided (below - based on the Safe Work Australia Construction Work Model Code of Practice)
- 1 toilet per 15 males (or fraction of)
 - 1 urinal per 20 males (or fraction of – where there are more than 10 employees)
 - 1 toilet per 10 females (or fraction of)

Do you agree with these proposed toilet numbers? If not, why not? Comments?

10. When a temporary toilet that is not connected to a sewer is provided, it is to be a Fresh Water Flush or Straight Drop Toilet (in line with the HRIA COP)

Do you agree that Fresh Water Flush and Straight Drop temporary toilets are to be used on construction sites and mobile, temporary or remote worksites where connection to a sewer is not practical? If not, why not? Comments?

11. Do you agree that site managers should consider the provision of accessible facilities for construction sites and mobile, temporary or remote worksite and provide accessible facilities where required? If not, why not? Comments?
12. Do you agree that site managers are to connect a temporary toilet to the sewer within two weeks of the sewer becoming available? If not, why not? Comments?
13. Do you agree that any toilet provided is to be maintained in a clean and serviceable condition? If not, why not? Comments?
14. Pump out rates as follows are recommended

Construction Site Toilet type	Best Practice	Acceptable
Fresh Water Flush	Weekly full pump and reset	Fortnightly pump and reset
Open Closer (straight drop)	Fortnightly pump and reset	Fortnightly pump and reset

Do you agree with the recommended pump-out rates? If not, why not? Comments?

15. Site managers are to ensure that toilets provided will be able to withstand the conditions on site for the duration of the work. When an issue arises due to the construction of the toilet the site manager is to fix or replace the toilet as required. Do you agree with this proposal? If not, why not? Comments?
16. Do you agree that Standard temporary toilets are to be provided on any construction site in line with the *Occupational Safety and Health Regulations 1996* and the WA Code of Practice for Workplace Amenities and Facilities 2002? If not – what should the DOH require in regards to standard temporary toilets?

17. Do you agree that toilets are to be located within 100 m of construction workers? If not, why not? Comments?
18. Do you agree that when a construction site is a multistorey building a toilet is to be located on every second floor? If not, why not? Comments?
19. Where a construction site has a tower crane, site managers are to consider providing a fast access option to crane operators, such as a construction hoist, to give operators quick access to toilets. In situations where this is not feasible, site managers should consider the provision of toilet breaks during a shift where they can leave the cab every 1 – 2 hours. Do you agree with this proposed standard for cranes? If not, why not? Comments?
20. A Standard Temporary Toilet is to be provided on a mobile, temporary or remote worksite where there is not a toilet facility within 2 km of the site or where the workers do not have access to a means of transport to travel to the toilet facility. Do you agree with this proposed standard for mobile, temporary or remote worksites? If not, why not? Comments?
21. Where staff do not have access to a car or transport, a toilet is to be provided within 200 m of the main site of work. If staff have access to a car or transport, a toilet is to be provided within 2 km of the main site of work. Do you agree with this proposed standard? If not, why not? Comments?
22. The guidelines propose the inclusion of the following 'Site managers are to remove the toilet once construction is completed in accordance with the requirements of the Building Regulations 2012.' Do you agree with this inclusion? If not, why not? Comments?
23. In situations where a wastewater overflow or other health emergency occurs, the site manager is to ensure that the wastewater overflow or other health emergency is dealt with in a timely manner. Do you agree with this inclusion? If not, why not? Comments?
24. This guideline sets out the generally accepted practices relating to the provision of toilets and washbasins on construction sites and mobile, temporary or remote worksites. Where a site manager or equivalent fails to follow these generally accepted practices, this may be considered a failure to comply with the general public health duty. This may constitute grounds for action to be taken under the Public Health Act, including the issue of an improvement notice or enforcement order. Do you agree with this inclusion? If not, why not? Comments?

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