



Queensland

# Work Health and Safety (Amenities for Construction Work) Amendment Regulation 2024

## Subordinate Legislation 2024 No. 203

made under the

*Work Health and Safety Act 2011*

## Contents

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		Page
1	Short title .....	3
2	Commencement .....	3
3	Regulation amended .....	3
4	Amendment of sch 5A, s 1 (Definitions) .....	3
5	Replacement of sch 5A, s 2 (Toilets) .....	3
	Division 1      Toilets to be reasonably available	
2	Deciding whether toilets are reasonably available ..	4
2A	Duty to ensure toilets are reasonably available .....	5
2B	Required minimum number of toilets .....	5
2C	Additional requirement about number and location of toilets for multilevel buildings .....	6
2D	Additional requirement about location of designated female toilets .....	7
2E	Requirements about accessibility of designated female toilets .....	8
	Division 2      Requirements about toilets	
6	Amendment of sch 5A, s 3 (When toilet must be connected toilet or portable toilet) .....	8
7	Amendment of sch 5A, s 4 (Privacy, ventilation and toilet paper)	9
8	Insertion of new sch 5A, s 4A .....	9

Contents

---

	4A	Other requirements . . . . .	10
9		Amendment of sch 5A, s 5 (Room, or sheltered area, to eat meals in) . . . . .	10
10		Amendment of sch 5A, s 6 (Hands and face washing facilities) .	10
11		Amendment of sch 5A, s 7 (Drinking water) . . . . .	11
12		Amendment of sch 19 (Dictionary) . . . . .	11

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**1 Short title**

This regulation may be cited as the *Work Health and Safety (Amenities for Construction Work) Amendment Regulation 2024*.

**2 Commencement**

This regulation commences on 1 January 2025.

**3 Regulation amended**

This regulation amends the *Work Health and Safety Regulation 2011*.

**4 Amendment of sch 5A, s 1 (Definitions)**

(1) Schedule 5A, section 1, definition *construction person*—  
*omit.*

(2) Schedule 5A, section 1—  
*insert—*

*construction person*, in relation to a construction project, means a principal contractor or worker who is performing construction work for the project.

*designated female toilet* means a toilet designated for use only by female construction persons.

*female construction person* means a construction person who is female or identifies as a female.

**5 Replacement of sch 5A, s 2 (Toilets)**

Schedule 5A, section 2—  
*omit, insert—*

**Division 1**

**Toilets to be reasonably available**

## 2 Deciding whether toilets are reasonably available

- (1) For section 1, definition *reasonably available*, whether a toilet is reasonably available to a construction person must be decided having regard to all relevant circumstances.

*Examples of toilets that, for section 1, definition reasonably available, paragraph (a), may be at a location reasonably convenient to the construction person—*

- 1 For construction persons working on a single level building, toilets are located within 100m of where the construction work is being performed.
  - 2 For construction persons working on a construction site for a road or a solar or wind farm, toilets are located within—
    - (a) 200m of where the construction work is being performed; or
    - (b) if the construction person has immediate access to a vehicle—a 2-kilometre trip by the vehicle from where the construction work is being performed.
- (2) Also, whether a designated female toilet is reasonably available to a female construction person must be decided with a view to ensuring the needs of female construction persons are met, having regard to the workplace and the work and composition of workers at the workplace.

*Example for subsection (2)—*

If a workplace is significantly large, or has a large proportion of female construction persons, the principal contractor may decide that additional designated female toilets must be provided to ensure there are enough designated female toilets at locations that are reasonably convenient to the female construction persons at the workplace.

- (3) Sections 2B, 2C, 2D and 2E state minimum requirements for complying with section 2A.
- (4) However, the principal contractor for a construction project does not necessarily comply with section 2A only because the principal

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contractor has complied with sections 2B, 2C, 2D and 2E.

## **2A Duty to ensure toilets are reasonably available**

The principal contractor for a construction project must ensure that toilets complying with division 2 are reasonably available to each construction person.

Maximum penalty—20 penalty units.

## **2B Required minimum number of toilets**

- (1) There must be at least 1 toilet for each 15, or part of 15, construction persons.
- (2) For a large construction project, there must be at least 1 designated female toilet, in addition to the toilets mentioned in subsection (1), for each 100, or part of 100, construction persons.

*Examples of minimum number of toilets for large construction projects—*

- 1 If there are 1 to 15 construction persons for the large construction project, there must be—
  - (a) at least 1 toilet; and
  - (b) at least 1 designated female toilet in addition to the toilet mentioned in paragraph (a).
- 2 If there are 120 construction persons for the large construction project, there must be—
  - (a) at least 8 toilets; and
  - (b) at least 2 designated female toilets in addition to the toilets mentioned in paragraph (a).
- (3) For a small construction project with more than 15 construction persons, there must be at least 1 designated female toilet, in addition to the toilets mentioned in subsection (1), for each 100, or part of 100, construction persons.

[s 5]

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*Examples of minimum number of toilets for small construction projects—*

- 1 If there are 1 to 15 construction persons for the small construction project—
    - (a) there must be at least 1 toilet; and
    - (b) no designated female toilet is required.
  - 2 If there are 20 construction persons for the small construction project, there must be—
    - (a) at least 2 toilets; and
    - (b) at least 1 designated female toilet in addition to the toilets mentioned in paragraph (a).
- (4) In this section—

***large construction project*** means a construction project where the cost of the construction work is \$7.5m or more.

***small construction project*** means a construction project where the cost of the construction work is less than \$7.5m.

## **2C Additional requirement about number and location of toilets for multilevel buildings**

- (1) This section applies if the workplace for a construction project includes at least 4 levels of a structure that is a building (not counting ground level).
- (2) There must be at least 1 toilet and 1 designated female toilet on at least each of the following levels of the building—
  - (a) ground level;
  - (b) the fourth level above ground (not counting ground level);
  - (c) each third level after the fourth level mentioned in paragraph (b);
  - (d) the fourth level below ground (not counting ground level);

- (e) each third level below the fourth level mentioned in paragraph (d).

*Example—*

If the workplace for a construction project includes levels 1 to 4 below ground, ground level and levels 1 to 10 above ground of a structure that is a building, there must be at least 1 toilet and 1 designated female toilet on level 4 below ground, ground level and levels 4, 7 and 10 above ground.

- (3) Subsection (2)—
- (a) applies even if the minimum number of toilets or designated female toilets required under that subsection is higher than the minimum number of toilets or designated female toilets required under section 2B; and
- (b) does not otherwise affect the minimum number of toilets or designated female toilets required under section 2B.

## **2D Additional requirement about location of designated female toilets**

- (1) A standalone designated female toilet must, so far as is reasonably practicable, be located in close proximity to a standalone non-designated toilet.
- (2) A block or room of designated female toilets must, so far as is reasonably practicable, be located in close proximity to a block or room of non-designated toilets.
- (3) In this section—

*non-designated toilet* means a toilet other than a designated female toilet.

*standalone*, for a toilet, means a toilet that is not in a block or room.

## **2E Requirements about accessibility of designated female toilets**

- (1) A designated female toilet must have a sign attached to the block, room or cubicle in which the toilet is located identifying the toilet as a designated female toilet.
- (2) Access to a designated female toilet must be restricted so that the toilet can only be used by female construction persons.

*Example for subsection (2)—*

A designated female toilet may be fitted with a lock that opens with a code that is given to female construction persons but is not given to other construction persons.

## **Division 2 Requirements about toilets**

### **6 Amendment of sch 5A, s 3 (When toilet must be connected toilet or portable toilet)**

- (1) Schedule 5A, section 3(1), ‘the’—  
*omit, insert—*  
each
- (2) Schedule 5A, section 3(3) and (4), ‘part’—  
*omit, insert—*  
division
- (3) Schedule 5A, section 3—  
*insert—*
  - (4A) A portable toilet made available under this section must be—
    - (a) located in a secure place with safe access; and
    - (b) installed so that the toilet can not fall over or become unstable.



- (4) Schedule 5A, section 3(4A) and (5)—  
*renumber* as schedule 5A, section 3(5) and (6).

## 7 **Amendment of sch 5A, s 4 (Privacy, ventilation and toilet paper)**

- (1) Schedule 5A, section 4(2) and (3)—  
*omit, insert*—
- (2) Each toilet made available to a female construction person must—
- (a) be accessible by the female construction person without entering a block or room with a cubicle or urinal that may be used by a male construction person; and
  - (b) have facilities complying with section 6 for washing the hands and face—
    - (i) inside the block, room or cubicle in which the toilet is located; or
    - (ii) immediately adjacent to the block, room or cubicle; and
  - (c) have a sanitary bin immediately adjacent to the toilet.
- (2) Schedule 5A, section 4—  
*insert*—
- (5) In this section—  
***sanitary bin*** means a facility designed for the purpose of disposing of sanitary items for females.
- (3) Schedule 5A, section 4(4) and (5)—  
*renumber* as schedule 5A, section 4(3) and (4).

## 8 **Insertion of new sch 5A, s 4A**

Schedule 5A—

[s 9]

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*insert—*

#### **4A Other requirements**

Each toilet must—

- (a) have a hinged seat and lid; and
- (b) have appropriate natural or other lighting; and
- (c) be in a block, room or cubicle that can be accessed in an emergency.

### **9 Amendment of sch 5A, s 5 (Room, or sheltered area, to eat meals in)**

Schedule 5A, section 5(1), ‘construction work’—

*omit, insert—*

a construction project

### **10 Amendment of sch 5A, s 6 (Hands and face washing facilities)**

(1) Schedule 5A, section 6(1), ‘construction work’—

*omit, insert—*

a construction project

(2) Schedule 5A, section 6(1)(a), after ‘adequate’—

*insert—*

soap and

(3) Schedule 5A, section 6(1)(b), examples, first dot point, ‘hose’—

*omit, insert—*

tap

(4) Schedule 5A, section 6(1)—

*insert—*

(c) an appropriate way for drying the hands;

*Examples of an appropriate way—*

a hand dryer, paper towels

(d) a bin.

(5) Schedule 5A, section 6(2)—

*omit.*

## 11 Amendment of sch 5A, s 7 (Drinking water)

(1) Schedule 5A, section 7(1), ‘construction work’—

*omit, insert—*

a construction project

(2) Schedule 5A, section 7(2), from ‘in toilets’, including example—

*omit, insert—*

in a block, room or cubicle in which a toilet is located.

## 12 Amendment of sch 19 (Dictionary)

(1) Schedule 19—

*insert—*

***designated female toilet***, for schedule 5A, see section 1 of the schedule.

***female construction person***, for schedule 5A, see section 1 of the schedule.

(2) Schedule 19, definition *construction person*, ‘, for schedule 5A, part 1,’—

*omit, insert—*

, in relation to a construction project, for schedule 5A,

(3) Schedule 19, definition *reasonably available*, ‘part 1,’—

*omit.*

Endnotes

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ENDNOTES

- 1 Made by the Governor in Council on 11 September 2024.
- 2 Notified on the Queensland legislation website on 13 September 2024.
- 3 The administering agency is the Department of State Development and Infrastructure.

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