



# NSW GOVERNMENT RESPONSE

**Inquiry into Public Toilets**

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## INTRODUCTION

The NSW Government acknowledges the important concerns raised by the Parliamentary Inquiry into Public Toilets, including the criticality of ensuring that public toilets are safe, accessible and inclusive for all members of the New South Wales community. As noted by the Committee, public toilets are an essential component of urban infrastructure.

The NSW Government is committed to improving public infrastructure, and with that access to public toilets, through existing frameworks, which include:

- Providing councils with guidance and best practice resources for the design and delivery of public toilets, including compliance with the National Construction Code.
- Maintaining partnerships with councils to promote safety and inclusivity through Crime Prevention Through Environmental Design (CPTED) principles.
- Enhancing data quality and accessibility through platforms such as the Digital NSW Spatial Digital Twin Explorer.
- Committing to review the Protocol for Homeless People in Public Places to explicitly include the right to sanitation and reduce discrimination against people experiencing homelessness.

Local councils together with relevant planning agencies remain best placed to manage public toilet facilities in line with their community's need. Councils have a unique understanding of local issues and priorities that enables them to deliver specific services and infrastructure for their community.

The NSW Government will continue to provide support through guidance, and collaboration with stakeholders, while respecting the autonomy of councils.

The responsibility for cleaning and maintaining public toilets rests with the facility owner. The facility owner plays a vital role in ensuring these amenities meet community expectations by tailoring service levels to usage patterns and infrastructure needs.

The NSW Government has carefully reviewed the Report's finding and recommendations and thanks the Committee for its detailed inquiry into this issue.

The NSW Government's response to the final report's recommendations is outlined in the following section.

## RESPONSE TO RECOMMENDATIONS

## RECOMMENDATION 1

That the NSW Government amend the *Public Health Act 2010* to require the provision of inclusive and accessible public toilets in New South Wales as a matter of public health. The revised legislation should:

- acknowledge access to sanitation as a human right
- embed the right of all people to public toilets that are accessible, safe and fit for purpose
- promote accessibility and inclusivity
- provide for minimum standards for the design, delivery, safety, maintenance, accessibility and sustainability of public toilets
- require a state public toilet strategy and local public toilet strategies for each Local Government Area developed in consultation with local communities
- clearly articulate the roles and responsibilities of state, local government and private owners in the provision and maintenance of public toilets.

<b>Position</b>	Not supported
<b>Response</b>	<p>Local councils and relevant planning agencies remain best placed to manage public toilet facilities in line with community needs.</p> <p>The National Construction Code provides for minimum design and building requirements for public toilets based on the class of building.</p> <p>NSW Government accepts the importance of accessible, inclusive and well-designed public toilets. The NSW Government does not accept amendments to the <i>Public Health Act 2010</i> are an appropriate mechanism to support minimum standards of design or to mandate a local public toilet strategy.</p>

## RECOMMENDATION 2

That the NSW Government nominate the Minister for Health and NSW Health as the minister and agency responsible for the oversight and management of public toilets in New South Wales. The Minister for Health and NSW Health should oversee and manage the implementation of public toilet legislation, regulations and strategies.

<b>Position</b>	Not supported
<b>Response</b>	<p>Refer to the response to recommendation 1.</p> <p>The Minister for Health and NSW Health is responsible for administering a sustainable public health system and formulating policies to promote, protect, develop, maintain and improve the health and well-being of the people of NSW.</p>

## RECOMMENDATION 3

That the NSW Government consider the use of State Environmental Planning Instruments to mandate minimum standards for the design, delivery, safety, maintenance, accessibility and sustainability of public toilets.

Position	Noted
<b>Response</b>	The Department of Planning, Housing and Infrastructure will consider the role of environmental planning instruments for these matters, noting issues like maintenance and safety are not generally planning matters.

## RECOMMENDATION 4

That:

- The NSW Government develop and implement a statewide public toilet strategy. The NSW Government should take note of the evidence received throughout the course of the inquiry when developing the statewide public toilet strategy. The policy should provide a benchmark for best practice, which local governments can build on to best suit the needs of their communities
- This strategy provide for the application of consistent language in respect of public toilets: the term 'gender' should be used instead of 'sex' and the term 'all-gender' should be used instead of 'unisex'; and further, mandate where feasible and practical the provision of modern, accessible, single-use cubicle all-gender public toilet facilities, utilising universal design principles, baby change areas and assistance animal relief areas.

Position	Noted
<b>Response</b>	<p>Local councils are well-placed to determine community needs and respond. Many councils already develop strategies voluntarily; a mandate could lead to compliance-driven documents rather than meaningful planning.</p> <p>Guidance is available to councils on designing and delivering public toilets, including:</p> <ul style="list-style-type: none"> <li>• A <a href="#">National Construction Code</a> that sets minimum requirements for the design, construction, and performance of public toilets</li> <li>• The <a href="#">Disability (Access to Premises – Buildings) Standards 2010</a> which governs accessibility for people with a disability.</li> <li>• <a href="#">Australian Standards – AS 1428.1:2021</a> is the primary Australian Standard for Design for Access and Mobility, and it sets detailed specifications for accessible public toilets.</li> <li>• <a href="#">Crime Prevention Through Environmental Design</a> (CPTED) is a key framework used by councils in NSW to improve safety and reduce crime in public spaces, including public toilets.</li> </ul>

## RECOMMENDATION 5

That the NSW Government advocate to the Australian Government to conduct a comprehensive review of the public toilet provisions in the National Construction Code to ensure that the Code meets modern community standards, needs and expectations.

Position	Noted
<b>Response</b>	<p>Building Ministers recently met and settled the content for the next edition of the National Construction Code (NCC) which is NCC 2025, to be published in 2026. Building Ministers have recently agreed a future work program for the Australian Building Codes Board that focuses on housing delivery.</p> <p>NSW has supported amendments to the NCC to increase the ratio of female toilets in certain public buildings, increase the provision of sanitary products in toilets in buildings, and provide all-gender toilets in public buildings.</p> <p>The next edition of the NCC is scheduled for 2029.</p>

## RECOMMENDATION 6

That the NSW Government advocate to the Australian Government for the amendment and improvement of the public toilet provisions in the National Construction Code in the following respects:

- application of consistent language: the term 'gender' should be used instead of 'sex' and the term 'all-gender' should be used instead of 'unisex'
- to mandate the provision of all-gender toilets (that must be in addition to accessible toilets, and may be instead of or in addition to gendered toilets, subject to Recommendation 13(5) and Finding 5).

Position	Noted
<b>Response</b>	Refer to the response to recommendation 5.

## RECOMMENDATION 7

That the NSW Government consider offering incentives and/or subsidies to private owners of commercial toilet facilities to encourage private owners to:

- provide public toilets in excess of the minimum standards
- make toilets available to the wider general public regardless of whether they are a customer or have an intention to purchase.

Position	Not supported
<b>Response</b>	The NSW Government acknowledges that there are multiple stakeholders involved in the delivery of public toilets and the importance of public toilets in maintaining public health. In many

cases, councils are responsible for the management of public toilets.

As noted in the response to recommendation 4, there is current guidance available to councils on designing and delivering public toilets in their communities.

## RECOMMENDATION 8

That the NSW Government require local councils to develop local public toilet strategies, co-designed with their communities, to articulate local community needs and expectations for the provision, design, delivery, safety, maintenance, accessibility and sustainability of public toilets.

Position	Noted
<b>Response</b>	Local councils are well-placed to determine their local priorities, resources, and community expectations. Many councils already develop strategies voluntarily; a mandate could lead to compliance driven documents rather than meaningful planning.

## RECOMMENDATION 9

That the NSW Government require local governments to conduct an audit of all existing public toilet facilities within each of their local government areas across New South Wales to inform the development of local public toilet strategies, with oversight and resourcing provided by the NSW Government to support councils with the completion of the audit.

Position	Not supported
<b>Response</b>	Many councils already audit public toilets through existing asset management systems and maintenance schedules. The Office of Local Government collects relevant service and infrastructure data through the Integrated Planning and Reporting framework, reducing the need for a separate mandated public toilet audit. Councils are best placed to determine when and how audits should be conducted, based on their local priorities, resources, and community expectations. Imposing a statewide audit requirement could create unnecessary administrative and financial pressure, particularly for smaller councils as emphasised in the NSW Parliamentary Inquiry into the <i>Ability of local governments to fund infrastructure and services</i> .

## RECOMMENDATION 10

That the NSW Government conduct an accessibility audit of existing public toilets to identify gaps in accessible toilet provision (for accessible toilets and Changing Places facilities) including those managed by state agencies.

<b>Position</b>	Not supported
<b>Response</b>	Accessibility audits are already undertaken by councils and state agencies as part of existing planning and compliance processes. A mandated statewide audit would duplicate existing efforts and impose significant resourcing demands without clear added value. Existing programs, such as the <a href="#">Commonwealth Government's Changing Places funding</a> , which partners with the Department of Communities and Justice and councils, provide funding to deliver accessible toilets for people with high support needs.

## RECOMMENDATION 11

That the NSW Government:

- consider allocating resources to improve the data quality of the National Public Toilet Map and to promote its use.
- advocate to the Australian Government Department of Health, Disability and Ageing (DHDA) to increase the accessibility and reliability of the National Public Toilet Map.

<b>Position</b>	Noted
<b>Response</b>	Public toilet infrastructure data has been added to the Department of Customer Services Spatial Services' Spatial Digital Twin Explorer National Public Toilet Map. Spatial Services will work with the Australian Government's Department of Health, Disability and Ageing to ensure datasets hosted in NSW remain current and accurate.

## RECOMMENDATION 12

That the NSW Government develop a funding model that:

- supports local government to implement necessary improvements to public toilet facilities as a result of the statewide audit
- allocates funding according to community need assists local government with on-going operational and maintenance costs, including the undertaking of regular audits to ensure maintenance and servicing standards are consistently met
- supports and incentivises the implementation of best practice design standards
- allocates funding for Changing Places facilities.

<b>Position</b>	Not supported
<b>Response</b>	Local councils are responsible for managing local assets and prioritising investment based on community needs. They are well-placed to determine their local priorities, resources, and community expectations  Many councils already undertake upgrades and maintenance through existing asset management plans and funding mechanisms.

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The development of a new, centralised funding model would require significant ongoing resources, administrative oversight and may duplicate existing programs.

Additionally, the Changing Places facilities funding is already supporting targeted Commonwealth and State funding initiatives to improve public toilet standards and accessibility.

The NSW Government will continue to support councils through existing frameworks, including existing funding programs, planning guidance, and best practice resources, allowing councils to respond flexibly to local priorities.

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### RECOMMENDATION 13

That the NSW Government mandate the following design and operational requirements for public toilets within the regulations underpinning or enacting the amended *Public Health Act 2010*:

- requirements for the number of public toilet facilities to be provided per square meterage of different urban environments (e.g. commercial areas, tourist areas, highways, remote areas, etc)
- an accessible toilet, to be used by those with a disability, impairment or those with specific needs, must be provided in all public toilet facilities
- minimum requirements for the provision of Accessible Adult Change facilities in different urban environments
- single-use cubicles should, where feasible and practical, be preferred over multi-stall public toilets where patrons share space inside the facility
- all-gender single-use cubicles must be provided, either instead of or in addition to gendered facilities. The accessible toilet and/or Accessible Adult Change facility may not be used to meet the requirement for all-gender facilities
- clear, consistent and inclusive signage and wayfinding
- a sharps disposal unit must be provided within an all-gender area of the public toilet facility, or where separate male, female and all-gender facilities are provided, in each of those facilities
- a baby change table must be provided within an all-gender area of the public toilet facility, or where separate male, female and all-gender facilities are provided, in each of those facilities
- minimum requirements for the provision of public toilet facilities with 24-hour access in different urban environments
- public toilets must be provided on all main highways and in all service stations
- requirements for assistance animal relief areas in different urban environments
- requirements for the provision of soap, toilet paper, hand dryers and menstrual products
- that when determining the design and format of public toilet facilities, the following must be taken into consideration:
  - the principles of universal design
  - Crime Prevention Through Environmental Design (CPTED) principles
  - safety, security and privacy
  - the location and accessibility of public toilet facilities within the wider public space
  - ease of cleaning and maintenance
  - airflow and ventilation

- the use of resilient and resistant materials
- visual amenity
- general design elements such as providing hooks and shelves, a drinking water facility, space to leave personal effects, prams and bikes and the ability to charge electronic devices.

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**Position** Not supported

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**Response** While accepting the importance of accessible, inclusive and well-designed public toilets the NSW Government does not accept that it is necessary to legislate to require minimum coverage or minimum standards of design.

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#### RECOMMENDATION 14

That the NSW Government require the provision of sunscreen at public toilet facilities located within outdoor recreational spaces, such as sporting facilities, parks and beaches.

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**Position** Not supported

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**Response** The provision of sunscreen at public toilet facilities is a local operational matter, and responsibility for public amenities in outdoor recreational spaces typically rests with local councils, facility owners or land managers.

The NSW Government will continue to promote sun safe behaviours, including the use of sunscreen, through health promotion campaigns.

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#### RECOMMENDATION 15

That the NSW Government mandate the following accessibility requirements for public toilets within the regulations underpinning or enacting the amended *Public Health Act 2010*:

- provision of sanitary disposal bins in all toilet cubicles
- that when determining the accessibility requirements of public toilet facilities, the following must be taken into consideration:
  - lighting and acoustics
  - use of inclusive language and signage
  - dementia-friendly design principles (such as the use of contrasting colours, simple layouts with consistent fittings and fixtures, clear signage and non-slip floors)
  - the need for auditory and tactile navigation aids to assist those with low vision or blindness
  - accessible relief areas for assistance animals
  - accessible emergency support systems.

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**Position** Not supported

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**Response** Refer to the response to Recommendation 1.

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#### RECOMMENDATION 16

That the NSW Government review the MLAK scheme to determine whether the scheme can be better utilised and promoted

<b>Position</b>	Not supported
<b>Response</b>	<p>The MLAK system is a national initiative developed and administered by the Master Locksmiths Association of Australasia, and its implementation is voluntary across councils and facility operators.</p> <p>Individual councils and facility managers determine whether to adopt and promote MLAK suitability based on local accessibility needs and operational arrangements. Many councils already incorporate MLAK into their accessible infrastructure planning where appropriate.</p>

## RECOMMENDATION 17

That the NSW Government establish a public education campaign to:

- address the value of universal design including all-gender single-use cubicles that are accessible and inclusive to all
- increase community awareness about the importance of reserving accessible facilities for people with specific accessibility needs including hidden disabilities

<b>Position</b>	Supported in principle
<b>Response</b>	<p>The NSW Government acknowledges the importance of ensuring publicly accessible toilet facilities are available to all members of the community, including people with disability.</p> <p>The NSW Government supports the principles outlined in the recommendation through existing frameworks and policy. All public sector departments and local councils should include accessible facilities, including accessible and ambulant toilets, and adult change facilities, in their Disability Inclusion Action Plans, consistent with the NSW Disability Inclusion Plan.</p> <p>The NSW Disability Inclusion Plan requires an improvement in community attitudes, and public authorities should consider how this can support communications and campaigns to remind community members of the importance of accessible facilities to people with disability.</p>

## RECOMMENDATION 18

That the NSW Government take steps to ensure that people experiencing homelessness are not discriminated against in relation to their access to and use of public toilets, and that their right to sanitation is unequivocally supported

<b>Position</b>	Supported in principle
<b>Response</b>	Homes NSW will be reviewing the Protocol for Homeless People in Public Places during 2026-27. The review will include reference to

the right to sanitation and the barriers and discrimination people experiencing homelessness can face in accessing public toilets. Homes NSW will promote the revised Protocol to stakeholders to raise awareness of the rights of homeless people in public places. The NSW Police Force will continue to support agencies such as councils, Homes NSW and assertive outreach teams to provide consistent practice across agencies, to reduce the incidence and impact of rough sleeping, and to maximise positive community outcomes for this vulnerable cohort in line with the NSW Protocol for Homeless People in Public Places, which includes public toilet facilities.

## RECOMMENDATION 19

That the NSW Government support the implementation of additional mandatory, ongoing training by the NSW Police Force with respect to the following:

- protecting and supporting the rights of people who are transgender and gender diverse by ensuring they are not discriminated against in relation to their access to and use of public toilets
- protecting and supporting the rights of people experiencing homelessness by ensuring they are not discriminated against in relation to their access to and use of public toilets.

Position	Noted
<b>Response</b>	<p>The NSW Police Force's Crime Prevention Command (CPC) will address this recommendation through current and future initiatives aligned with Sexuality, Gender Diversity and Ageing, Disability and Homelessness strategic objectives.</p> <p>The CPC is reviewing all police training and awareness courses related to homelessness to improve officers' capabilities when engaging with vulnerable communities. A learning component on homelessness, including homelessness in public spaces will be embedded into a specialist training course which will be part of the Crime Prevention Officers ongoing training.</p> <p>Guidance for engaging with homeless people will remain in the NSW Police Force Handbook, consistent with the NSW Protocol for Homeless People in Public Spaces.</p> <p>The NSW Police Force will continue partnering with stakeholders, councils, Homes NSW, assertive outreach teams and other service providers to deliver ongoing, locally tailored training and awareness at a command level, ensuring officers deliver an informed, empathetic, and equitable response when interacting with vulnerable communities in public spaces, including public toilets facilities.</p> <p>These partnerships also aim to promote consistent practice across agencies to reduce the incidence and impact of rough sleeping and maximise positive community outcomes for this vulnerable cohort, in line with the NSW Protocol for Homeless People in Public Spaces.</p> <p>The NSW Police Force has recently enhanced its Gender Diverse and LGBTQIA+ Liaison Officer specialist applied training, aimed at</p>

improving responses to the LGBTQIA+ community in areas such as public amenities and spaces.

Homes NSW is offering input into NSWPF training programs and handbooks on issues related to people experiencing homelessness and their access to public toilets. Homes NSW will be reviewing the Protocol for Homelessness People in Public Places during 2026-27. In this review, Homes NSW will include reference to the right to sanitation and explain the barriers and discrimination people experiencing homelessness can face in accessing public toilets.

## RECOMMENDATION 20

That the NSW Government require that landlords of premises leased by the Government ensure their buildings are certified under the Cleaning Accountability Framework, and engage with Cleaning Accountability Framework certified contractors in circumstances where their cleaners are not directly employed to clean premises

Position	Noted
<b>Response</b>	<p>Government leases primarily relate to office accommodation and do not generally involve public toilet facilities.</p> <p>Implementing this recommendation could negatively impact on lease procurement and agency accommodation outcomes due to several factors, including:</p> <ul style="list-style-type: none"> <li>• A limited number of Cleaning Accountability Framework (CAF) certified buildings</li> <li>• Limited availability of CAF prequalified contractors</li> <li>• A lack of a competitive market for CAF certified buildings in rural/regional areas</li> <li>• Potential lessor resistance due to additional compliance and cost burden</li> <li>• Concerns that this requirement may compete with other NSW Government core deliverables for optimising government office accommodation</li> <li>• Disadvantages for smaller or regional lessors and cleaning contractors.</li> </ul> <p>The proposed changes would duplicate existing government initiatives, including modern slavery reforms and the local content policy.</p> <p>Mandating certification may also create unintended consequences such as increased cost to suppliers, especially small and medium enterprises and new market entrants, of achieving accreditation. This may limit competition and reduce the potential supplier base and increase contract or lease costs.</p>

## RECOMMENDATION 21

That the NSW Government ensure that workers who clean and maintain public toilet facilities:

- have sufficient time to complete a cleaning or maintenance task to the standards required
- have safe working conditions and sufficient equipment to carry out each task as required
- receive fair compensation which reflects the complexity and specificity of the work.

Position	Noted
<b>Response</b>	<p>The matters raised are addressed under existing workplace laws and industrial instruments administered by the Australian Government and SafeWork NSW.</p> <p>Cleaning staff are covered by the Cleaning Services Award (MA000022), administered by the Australian Government's Fair Work Commission, which sets minimum pay, allowances, including toilet cleaning allowances, and conditions for cleaners across Australia. Additionally, SafeWork NSW enforces the Work Health and Safety Act 2011, which requires employers to provide safe working conditions, appropriate equipment, and adequate time to complete tasks.</p> <p>Councils and state government agencies are responsible for ensuring compliance with these laws, and many already have contract management frameworks and audit processes in place to monitor service standards and worker safety.</p>

## RECOMMENDATION 22

That the NSW Government set minimum standards with respect to the cleaning and maintenance of public toilets. The standards should include the following:

- that the standards and frequency of cleaning and maintenance should align with the level of use
- require regular audits to ensure maintenance and servicing standards are consistently met
- provide a reporting system to ensure that standards are enforced
- align with any employment and health and safety requirements
- audits should include monitoring of accessible toilets to ensure they are meeting relevant standards and requirements, including being undamaged, unlocked and not blocked or obstructed.

Position	Noted
<b>Response</b>	<p>The NSW Government acknowledges that public toilets should be regularly cleaned and maintained.</p> <p>Cleaning and maintenance of public toilets are the responsibility of the asset owners such as local councils and/or facility operators. They are best placed to determine appropriate service levels based on local usage patterns, infrastructure, and community expectations.</p> <p>Minimum standards for workplace safety and employment conditions are already governed by existing legislation, including the <i>Work Health and Safety Act 2011</i>, and relevant industrial awards</p>

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such as the Cleaning Services Award, which apply to both council staff and contracted providers.

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