



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 8

Public toilets

8



Report 4

October 2025

www.parliament.nsw.gov.au

Portfolio Committee No. 8 - Customer Service

Public toilets

Published on 16 October 2025

New South Wales. Parliament. Legislative Council. Portfolio Committee No. 8 - Customer Service. Report no. 4.

Public toilets

"October 2025"

Chair: Dr Amanda Cohn MLC



A catalogue record for this
book is available from the
National Library of Australia

ISBN: 978-1-922960-97-9

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Terms of reference

That Portfolio Committee No. 8 – Customer Service inquire into and report on public toilets, and in particular:

- (a) the provision, design, accessibility and inclusivity of public toilets across New South Wales, including toilets provided in public places and toilets provided for the use of members of the public in private premises accessed by the public,
- (b) state, national and international best practice for the provision and maintenance of public toilets,
- (c) the regulation of, and funding for, public toilets in New South Wales and whether new standards, guidelines, funding models, legislation or other forms of regulation are warranted,
- (d) the employment arrangements and conditions of cleaners who clean public toilets in both public and private premises; and
- (e) any other related matters.

The terms of reference for the inquiry were self-referred by the committee on 15 August 2024.¹

¹ *Minutes*, NSW Legislative Council, 15 August 2024, item 34; amended *Minutes*, NSW Legislative Council, 15 October 2024, item 29.

Committee details

Committee members

Dr Amanda Cohn MLC*	The Greens	<i>Chair</i>
Hon Aileen MacDonald MLC**	Liberal Party	<i>Deputy Chair</i>
Hon Anthony D'Adam***	Australian Labor Party	
Ms Abigail Boyd MLC****	The Greens	
Hon Stephen Lawrence MLC*****	Australian Labor Party	
Hon Natasha Maclaren-Jones MLC*****	Liberal Party	
Hon Peter Primrose MLC	Australian Labor Party	

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- * Dr Amanda Cohn MLC elected as Chair of Portfolio Committee No. 8 - Customer Service from 27 August 2024 for the duration of the inquiry.
- ** The Hon Aileen MacDonald MLC elected as Deputy Chair of Portfolio Committee No. 8 - Customer Service from 27 August 2024 for the duration of the inquiry.
- *** The Hon Anthony D'Adam MLC substituted for the Hon Emily Suvaal MLC from 3 September 2024 for the duration of the inquiry.
- **** Ms Abigail Boyd MLC substituted for the Hon Emma Hurst MLC from 20 August 2024 for the duration of the inquiry.
- ***** The Hon Stephen Lawrence MLC substituted for the Hon Mark Buttigieg MLC from 21 August 2024 for the duration of the inquiry.
- ***** The Hon Natasha Maclaren-Jones MLC substituted for the Hon Bronnie Taylor MLC from 23 August 2024 until 16 September 2024. The Hon Natasha Maclaren-Jones MLC substituted for the Hon Scott Barrett MLC from 24 September 2024 for the duration of the inquiry.

Secretariat

Alice Wood, Principal Council Officer
 Margaret Pollard, Senior Council Officer
 Gareth Perkins, Council Officer
 Arizona Hart, Director

Chair's foreword

Public toilets are an essential component of urban infrastructure. In addition to their critical role in public health and hygiene, access to public toilets can make or break whether a significant number of people are able to fully participate in community life.

This ground-breaking inquiry conducted a comprehensive review of public toilets in this state, including an examination of the provision, design, accessibility and inclusivity of public toilets. We also focused on best practice for the provision and maintenance of public toilets, the regulation of, and funding for public toilets, and the employment arrangements and conditions of those who clean and maintain them.

It is clear that the current regulatory framework for public toilets is not fit for purpose. People from all walks of life across the state informed the committee how inadequate access to public toilets impacts their well-being. We found that certain groups are disproportionately impacted, including those with impaired mobility, people living with low vision or blindness, people with neurological, cognitive and psychosocial disabilities, people who experience incontinence, people who menstruate, LGBTQIA+ communities, people experiencing homelessness, First Nations people, and those who live in rural and remote communities.

The impacts of inadequate public toilet provision and a lack of access to public toilets are significant. The consistent provision of public toilets that are accessible and inclusive means that all sectors of the community would be able to fully participate in community life through inclusion in and enjoyment of public spaces, recreation spaces and key cultural and civic institutions. The comprehensive recommendations of this report are intended to achieve this.

We have recommended a significant overhaul of the way public toilets are regulated in New South Wales, including through amendment to the *Public Health Act 2010*, designation of NSW Health as the agency responsible for the oversight and management of public toilets in New South Wales, and the development of a statewide public toilets strategy. We have determined what the benchmark standard should be in terms of public toilet provision, what best practice design looks like and what factors need to be considered when designing, building and maintaining public toilets, including co-design with local communities. We have also made several recommendations to address the specific needs of different groups.

The inquiry received 71 submissions and heard from 60 witnesses over the course of five public hearings. Participants offered a wide array of perspectives and insights, informed by varied personal, professional and cultural backgrounds. These insights were invaluable and aided the committee in forming the six findings and 22 recommendations made within this report. On behalf of the committee, I extend our deepest gratitude to all who contributed to this inquiry.

I would like to thank committee members for their considered engagement throughout the inquiry and their genuine commitment to approaching this important topic in a constructive and non-partisan way. I also extend my thanks to the committee secretariat and Hansard for their professional support.

Dr Amanda Cohn MLC

Findings

- Finding 1** 45
That public toilets are an essential component of urban infrastructure, playing a crucial role in fostering community participation and ensuring public health and hygiene.
- Finding 2** 45
That the impacts of inadequate public toilet provision and a lack of access to public toilets are significant.
- Finding 3** 46
That the current legislative and regulatory frameworks for the provision of public toilets are inadequate.
- Finding 4** 49
That there is a lack of centralised data about the current provision of public toilets.
- Finding 5** 83
That single-use cubicles with internal amenities that open directly onto public space, as opposed to multi-stall gendered toilet blocks, are the preferred design, including for a broad range of people such as parents of young children, people with neurodiversity, psychosocial and other “hidden” disabilities, people who are transgender or gender diverse, and those with additional needs relating to privacy and safety.
- Finding 6** 128
That inadequate public toilet provision can significantly and disproportionately affect certain groups, including those experiencing ill health, homelessness, those living with a disability, and transgender and gender diverse people.

Recommendations

Recommendation 1

46

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.

Recommendation 2

46

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.

Recommendation 3

46

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.

Recommendation 4

47

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.

Recommendation 5

48

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.

Recommendation 6**48**

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).

Recommendation 7**48**

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.

Recommendation 8**49**

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.

Recommendation 9**49**

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.

Recommendation 10**49**

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.

Recommendation 11**50**

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.

Recommendation 12**50**

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.

Recommendation 13**85**

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.

Recommendation 14**86**

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.

Recommendation 15**129**

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.

Recommendation 16**129**

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

Recommendation 17**130**

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.

Recommendation 18**130**

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.

Recommendation 19**131**

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.

Recommendation 20**139**

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.

Recommendation 21**139**

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.

Recommendation 22**140**

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.

Conduct of inquiry

The terms of reference for the inquiry were self-referred by the committee on 15 August 2024.

The committee received 71 submissions.

The committee held five public hearings at Parliament House in Sydney.

The committee also conducted one site visit to a Changing Places facility in Sydney.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents, answers to supplementary questions and answers to questions on notice.

Chapter 1 Background

This chapter provides an overview of public toilet provisions in New South Wales. Initially, the chapter details the value and benefits of public toilets for individuals and the broader community. It then covers the impacts of poor design and inaccessibility on individuals, which include barriers to participation and considerable mental and physical health impacts. This is followed by a comprehensive review of how public toilets are currently managed in New South Wales under current legislation and by a network made up of national initiatives and regulations, state and local government, and private owners. The chapter concludes by providing a summary of how other countries such as the United States, Germany, the United Kingdom and Singapore approach public toilets in each of their jurisdictions.

Value and benefits of public toilets

- 1.1 Public toilets refer to any toilet located outside of the home.² Public toilets are often either provided by local and state government (these are generally located in parks, at the beach, within a public building or public space), or by privately owned businesses for customer and visitor use (such as shopping centres).³
- 1.2 Public toilets were introduced in the late nineteenth century due to public health concerns, to increase the level and quality of sanitation.⁴ Public toilets are considered an essential component of urban infrastructure, playing a crucial role in fostering community participation and ensuring public health and hygiene.⁵
- 1.3 Aside from providing a functional space for urination and defecation, public toilets can also provide space for a range of personal activities, such as managing menstruation, administering medication, resting, accessing drinking water, cleaning bodies and clothing, socialising, checking physical appearance, and prayer.⁶
- 1.4 As well as supporting individual activities and public health benefits, the provision of public toilets may also contribute to the following:
 - **facilitating community engagement** – increasing participation in public spaces such as parks, shopping areas and community centres.
 - **supporting economic activity** – well-maintained public toilets can contribute to city-wide economic development ambitions by supporting visitation to commercial areas and facilitating the night-time economy and tourism.
 - **enhancing social inclusion** – accessible toilets promote inclusivity and reduce the risk of discrimination.

² Submission 62, Placemaking NSW, Attachment 1, p 7.

³ Submission 62, Placemaking NSW, Attachment 1, p 7.

⁴ Submission 62, Placemaking NSW, Attachment 1, p 7.

⁵ Submission 8, Mr Gokulan Gopal, p 1; Submission 14, Katherine Webber, p 1.

⁶ Submission 14, Katherine Webber, p 1.

- **environmental benefits** - proper waste management through public toilets helps protect the environment by reducing pollution and maintaining the cleanliness of public spaces.⁷

Impact of poor design and inaccessibility

- 1.5** Public amenities are a key contributor to participation in public life, through inclusion in and enjoyment of public spaces, recreation spaces and key cultural and civic institutions.⁸ Inadequate public toilet provision can significantly and disproportionately affect certain demographics, including those experiencing ill health, homelessness, those living with a disability, and transgender and gender diverse people.⁹ These impacts are further examined in chapter 4.
- 1.6** Poor design and inaccessibility can similarly cause barriers to participation and impact an individual's mental and physical health.

Barriers to participation

- 1.7** Poor design, or lack of accessible toilet facilities, can influence where and how people travel, which can lead them to restrict their movement to known places which then limits their full involvement in economic, social and health activities.¹⁰
- 1.8** Even in areas where there are several public toilets, there may be accessibility and/or functional issues which limit the amount and diversity of people who are able to use them.¹¹ The below figure illustrates the way in which a lack of coordination in public toilet provision can result in increased barriers for users.

⁷ Submission 8, Mr Gokulan Gopal, p 1; Submission 14, Katherine Webber, p 2.

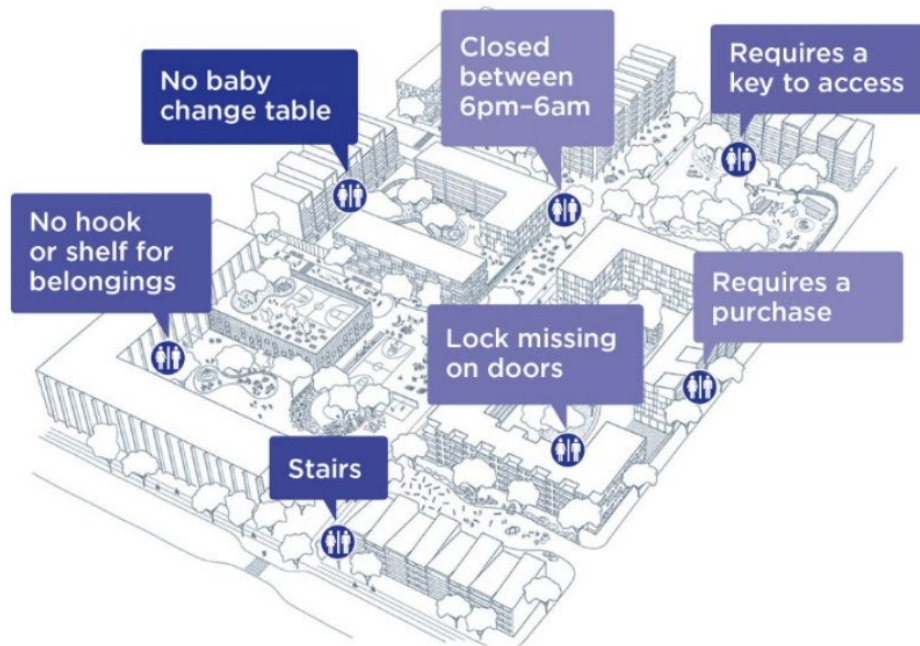
⁸ Submission 14, Katherine Webber, p 1.

⁹ Submission 62, Placemaking NSW, Attachment 1, p 14.

¹⁰ Submission 62, Placemaking NSW, Attachment 1, p 14.

¹¹ Submission 62, Placemaking NSW, Attachment 1, p 14.

Figure 1 How a lack of coordination in public toilet provision can result in increased barriers for users¹²



- 1.9** Throughout the course of the inquiry, stakeholders discussed the extra lengths that some individuals need to go to, to make sure that there is a suitable, accessible toilet facility available to them when visiting a new location. Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, stated that 'it is one of the checks that I have to do if I'm going to any sort of public venue or a venue of any form. I will always make sure that [the toilet facilities] meet accessibility requirements, whether that's through searching online, or utilising the [National Public Toilet Map] app'.¹³
- 1.10** Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, stated that from the conversations she has had with others and from her research, 'if people are unsure if they're going to be able to find a public toilet safely, or in the time that they need it, some people won't leave the house. The first self-limiting behaviour is not participating in work, in education, in recreational activities; staying at home'.¹⁴
- 1.11** Public toilets that are poorly designed or inaccessible can cause barriers to participation in relation to the following:

¹² Submission 62, Placemaking NSW, Attachment 1, p 15.

¹³ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 7.

¹⁴ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 4.

- **employment opportunities:** a lack of accessible toilet facilities can impact an individual's access to employment and employment opportunities. This includes positions where an employee may be required to travel to new locations and sites for work.¹⁵
- **inclusion in recreational activities and events:** a lack of accessible toilet facilities may result in an individual being unable to participate in sports and other recreational activities.¹⁶
- **education:** access to education may be impacted where there is a lack of accessible toilet facilities. This includes educational institutions but also extends to places such as libraries, museums, zoos and other educational sites.¹⁷
- **community events and celebrations:** people may restrict their movements to places where they know there is an accessible toilet available. They may only travel to a few known locations, which may limit their participation in community events and celebrations.¹⁸

1.12 In evidence, Mx Megan Spindler-Smith explained the impact that a lack of accessible public toilet facilities can have on their access to employment and employment opportunities: 'as a part of my job, I have to go to many different places, but if I can't utilise a bathroom when I am in those places, it means that I cannot go there without having some form of backup or without having to put things in place that are very cost inhibitive for myself'.¹⁹

1.13 Mx Megan Spindler-Smith also added that another example of a barrier to participation is that 'for many children with disability, trying to access sports or recreational activities, especially in regional and rural areas, when there is not an accessible bathroom for them ... means that they are not able to participate in the same sports or recreational activities as their non-disabled counterparts, friends or family'.²⁰

Mental health impacts

1.14 The barriers to participation, discussed above, can have a significant impact on an individual's mental health.²¹ Many individuals need to plan their activities and schedules around toileting, such as those who have to drive long distances for work, seniors, those with a health condition

¹⁵ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 7; Submission 65, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney, p 7.

¹⁶ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, pp 7-8.

¹⁷ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, pp 7-8; Submission 36, Spinal Cord Injuries Australia, p 5.

¹⁸ Evidence, Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 4.

¹⁹ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 7.

²⁰ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 7.

²¹ Submission 19, Access Institute, p 5.

or those with small children.²² As discussed above, individuals may restrict their movements, and if they are unsure as to whether they will be able to locate an accessible toilet, they may choose to stay at home. This can impact an individual's social and emotional wellbeing and may affect their relationships with family and friends.²³

1.15 According to The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney, a considerable number of studies suggest that lack of safe and inclusive access to toilets is associated with increased risk of poor mental health and wellbeing, including:

- increased risk of contemplating and attempting suicide
- increased feelings of depression, anxiety and psychological distress
- increased risk of sexual assault
- increased risk of posttraumatic stress
- increased risk of self-harm and substance abuse
- reduced quality of life
- lower levels of self-esteem and resilience
- lower work productivity and academic achievement.²⁴

1.16 In addition to causing poor mental health and wellbeing, a lack of accessible toilet facilities can impact an individual's physical health.²⁵

Physical health impacts

1.17 As discussed above at paragraph 1.11, as a response to a lack of access to public toilets, some individuals may be forced to undertake a range of self-limiting behaviours such as planning their day around public toilets, avoiding some locations, limiting their movement or time away from home, or restricting their food and drink.²⁶ The following self-limiting behaviours and impacts of those behaviours on physical health were identified by stakeholders:

- **decreased involvement in physical activity:** as discussed above at paragraph 1.11, a lack of access to public toilets may prevent individuals from engaging in sports and other recreational activities. This in turn can impact an individual's physical health. Dr Brendon Radford, Director of Policy and Research, National Seniors Australia, stated that it is important that 'people are getting out there in the community, that they're interacting with

²² Submission 31, Continence Foundation of Australia, p 3.

²³ Submission 31, Continence Foundation of Australia, p 3.

²⁴ Submission 65, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney, p 4.

²⁵ Submission 19, Access Institute, p 5.

²⁶ Submission 14, Katherine Webber, p 4.

other people, that they are getting access to physical activity. It's important for their cognitive and physical health going forward'.²⁷

- **delaying urination:** due to a lack of access to public toilets, many individuals will delay toileting, until they are able to locate a suitable toilet that meets their needs.²⁸ This can lead to health issues such as urinary tract infections, skin problems, kidney infections and other kidney related problems due to delayed urination or reliance on incontinence products.²⁹
- **avoiding and limiting liquid and food intake:** some individuals may limit their food and liquid intake to reduce the need to go to the toilet.³⁰ The restriction of fluids can have a significant impact on an individual's physical health and can lead to dehydration, kidney problems, bladder problems and constipation.³¹

Provision of public toilets in New South Wales

- 1.18** This section provides a comprehensive review of how public toilets are currently managed in New South Wales under current legislation and by a network made up of national initiatives and regulations, state and local government and private owners.

Relevant regulations and legislation

- 1.19** The following legislative frameworks play an important role in shaping public toilet accessibility in New South Wales:
- ***Disability Discrimination Act 1992 (Cth)*:** prohibits discrimination against individuals with disabilities and ensures equal access to public facilities, including toilets. It also guarantees the right for people with disabilities to be accompanied by their Assistance Animals in all public spaces.³²
 - ***Disability Inclusion Act 2014*:** promotes an inclusive environment for people with disabilities in New South Wales and emphasises the importance of community consultation in developing policies that affect accessibility.³³
 - ***Companion Animals Act 1998*:** protects the rights of Assistance Animals in public areas, so people with low vision or blindness can use public facilities with their Guide Dogs.³⁴

²⁷ Evidence, Dr Brendon Radford, Director of Policy and Research, National Seniors Australia, 31 March 2025, p 26.

²⁸ Submission 17, Dr Lorraine Dickson, p 1.

²⁹ Submission 19, Access Institute, p 5; Submission 31, Continence Foundation of Australia, p 6.

³⁰ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 4.

³¹ Submission 17, Dr Lorraine Dickson, p 7; Submission 65, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney, p 3.

³² Submission 67, Guide Dogs NSW, p 4.

³³ Submission 67, Guide Dogs NSW, p 4.

³⁴ Submission 67, Guide Dogs NSW, p 4.

- *Anti-Discrimination Act 1977*: supports fair treatment for people with disabilities and can be interpreted to support access to public facilities, including toilets.³⁵
- *Sex Discrimination Act 1984 (Cth)*: prohibits discrimination against persons on the ground of sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy and breastfeeding.³⁶

Network of public toilets in New South Wales

1.20 Public toilets in New South Wales are planned, designed, delivered and managed by a network of different authorities including:

- **Local Government:** Public toilets facilities are provided on council managed public land such as libraries, parks, sportsgrounds, and central business districts.
- **NSW Government:** Toilets at key locations like train stations, bus interchanges, ferry terminals, national parks, beaches, highways, rest areas, and tourist attractions are typically managed by the NSW Government.
- **Private Owners:** Publicly accessible toilets are available on private premises such as shopping centres, retail precincts and service centres.³⁷

1.21 While there is no legislative requirement for local councils to provide public toilet facilities, community expectation is that councils provide public toilets on the community land they manage.³⁸

National regulations and initiatives

The National Construction Code

1.22 The National Construction Code (NCC) is Australia's primary set of technical design and construction provisions for buildings.³⁹ The NCC sets the minimum required level for the safety, health, amenity, accessibility and sustainability of buildings in Australia and is maintained by the Australian Building Codes Board.⁴⁰

³⁵ Submission 67, Guide Dogs NSW, p 4.

³⁶ Submission 25, Anti-Discrimination New South Wales, p 6.

³⁷ Submission 54, Australian Institute of Landscape Architects (AILA), p 2; Submission 59, Local Government NSW, p 4.

³⁸ Correspondence from the Hon Ron Hoenig MP, Minister for Local Government to Chair, 16 October 2024.

³⁹ National Construction Code, Introduction to the National Construction Code (NCC) <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/preface/introduction-national-construction-code-ncc>.

⁴⁰ Submission 25, Anti-Discrimination New South Wales, p 7.

- 1.23** The NCC sets the minimum design and building requirements for public toilets based on the class of building.⁴¹ However, it does not apply to toilets in public spaces such as parks or high streets.⁴²
- 1.24** The NCC provides that sanitary facilities for personal hygiene must be conveniently located either inside or near a building. The number, type and accessibility of these facilities must be suitable for the building's purpose, the number and gender of its occupants, and must meet any disability or other particular needs required by its occupants.⁴³ These requirements have been used as a standard for tribunals to determine if a facility meets the necessary accessibility requirements.⁴⁴
- 1.25** As of May 2019, the NCC specified that 'Accessible Adult Change Facilities' or 'Changing Places' are to be included in the design of public buildings such as shopping centres, stadiums, swimming pools, theatres, museums, and airports.⁴⁵
- 1.26** A comprehensive overview of the National Construction Code is included in chapter 2 of this report.

Australian Standards

- 1.27** The Australian Standards are a broader set of voluntary technical specifications and guidelines developed by Standards Australia and apply to public toilets in some circumstances.⁴⁶ Compliance with the Australian Standards is not generally mandatory, unless the standards are embedded within legislation or within the NCC.⁴⁷
- 1.28** More information about the Australian Standards and how they apply to the provision of public toilets is provided in chapter 2 of this report.

National Public Toilets Map

- 1.29** At a national level, the Department of Health, Disability and Ageing (DHDA) manages the National Continence Program which supports the prevention and management of incontinence.⁴⁸
- 1.30** One element of the program is the National Public Toilets Map, a free website and App that allows users to find and locate a toilet. The map allows users to plan a trip by providing

⁴¹ Submission 59, Local Government NSW, p 10.

⁴² Submission 14, Katherine Webber, p 6; Submission 59, Local Government NSW, p 10.

⁴³ Submission 25, Anti-Discrimination New South Wales, p 7.

⁴⁴ Submission 25, Anti-Discrimination New South Wales, p 7.

⁴⁵ Submission 62, Placemaking NSW, p 5.

⁴⁶ Standards Australia, What is a Standard, (2025) <https://www.standards.org.au/standards-development/what-is-standard>.

⁴⁷ Standards Australia, What is a Standard, (2025) <https://www.standards.org.au/standards-development/what-is-standard>.

⁴⁸ Australian Government Department of Health, Disability and Ageing (DHDA), National Continence Program (2 June 2023), <https://www.health.gov.au/our-work/national-continence-program-ncp>.

information relating to accessibility, opening hours and type of facilities, such as Changing Places, of over 22,000 public and publicly accessible toilets across Australia.⁴⁹

- 1.31** While the National Toilet Map identifies where toilets are, it does not indicate whether there are enough public toilets, nor how well the pattern of distribution meets the needs of the local population, including their availability, cleanliness, maintenance, design and other uses of public toilets.⁵⁰

Changing Places facilities

- 1.32** Changing Places or Accessible Adult Change facilities provide suitable facilities for people who are not accommodated by standard accessible toilets.⁵¹ Changing Places facilities are larger than standard accessible toilets and have extra features to meet the needs of people with disability and their carers.⁵²

- 1.33** Originating in the United Kingdom in 2006, they were introduced in Australia in 2014 and there are currently over 50 certified facilities across the country.⁵³ A free website allows members of the public to find and locate Changing Places facilities across Australia.⁵⁴

- 1.34** Features of Changing Places facilities include:

- a height-adjustable adult-sized change table
- a constant-charging ceiling track hoist system
- a centrally-located peninsula toilet
- more circulation space than standard accessible toilets
- an automatic door with a clear opening of 950mm at minimum
- a privacy screen.⁵⁵

- 1.35** As of May 2019, the NCC specified that Changing Places are to be included in the design of public buildings such as shopping centres, stadiums, swimming pools, theatres, museums, and airports.⁵⁶

⁴⁹ Continence Foundation of Australia, The National Public Toilet Map, (8 February 2024) <https://www.continence.org.au/national-public-toilet-map>.

⁵⁰ Correspondence from the Hon Jodie Harrison MP, Minister for Women, Seniors and for the Prevention of Domestic Violence and Sexual Assault to Chair, 15 October 2024.

⁵¹ Australian Government Department of Health, Disability and Ageing (DHDA), National Continence Program (2 June 2023), <https://www.health.gov.au/our-work/national-continence-program-ncp>.

⁵² Australian Government Department of Social Services, Changing Places (25 November 2024) <https://www.dss.gov.au/disability-support-services/changing-places>.

⁵³ Submission 62, Placemaking NSW, Attachment 1, p 17.

⁵⁴ Australian Government, The National Public Toilet Map, <https://toiletmap.gov.au>.

⁵⁵ Australian Government Department of Social Services, Changing Places (25 November 2024) <https://www.dss.gov.au/disability-support-services/changing-places>.

⁵⁶ Submission 62, Placemaking NSW, p 5.

1.36 Under the 2022-23 October Budget, the Australian Government is investing \$32.2 million from 2022 to 2026 to provide up to half of the funding required to build Changing Places facilities in Local Government Areas (LGAs) across Australia.⁵⁷

1.37 Further information with respect to Changing Places facilities can be found in chapter 4 of this report.

Master Locksmiths Access Key Scheme

1.38 The Master Locksmiths Access Key (MLAK) Scheme provides a standardised key that grants access to locked public toilets and other facilities equipped with MLAK locks.⁵⁸ The scheme provides reliable access to essential, dedicated facilities that are clean and safe, for those who have disabilities or who may have other specific needs.⁵⁹ These facilities are not usually accessible to the wider general public, which helps to reduce the misuse of accessible toilets.⁶⁰

1.39 Eligibility is restricted to people who have a disability, or have written authority from a doctor, a disability organisation, a community health centre, or who is the owner or management of a building with an accessible toilet.⁶¹

International obligations

1.40 Accessible and inclusive public toilets are essential for ensuring that Australia meets its international human right obligations. These obligations include the right to water and sanitation, as well as obligations under the United Nations Convention on the Rights of Persons with Disabilities.

Access to water and sanitation

1.41 Access to water and sanitation are recognised by the United Nations as human rights. The right to water entitles everyone to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use.⁶² The right to sanitation entitles everyone to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, and socially and culturally acceptable, and that provides privacy and ensures dignity.⁶³ Access to sanitation in public spaces outside of the home are essential for realising the human right to sanitation for all.⁶⁴

⁵⁷ Australian Government Department of Social Services, Changing Places (25 November 2024) <https://www.dss.gov.au/disability-support-services/changing-places>.

⁵⁸ Submission 22, Disability Council NSW, p 1.

⁵⁹ Submission 22, Disability Council NSW, p 1.

⁶⁰ Submission 22, Disability Council NSW, p 1.

⁶¹ Submission 56, Bathurst Regional Access Committee, p 8.

⁶² United Nations, UN Water, Human Rights to Water and Sanitation, <https://www.unwater.org/water-facts/human-rights-water-and-sanitation>.

⁶³ United Nations, United Nations Human Rights Office of the High Commissioner, About water and sanitation, <https://www.ohchr.org/en/water-and-sanitation/about-water-and-sanitation>.

⁶⁴ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 2.

The Convention on the Rights of Persons with Disabilities

- 1.42** The United Nations Convention on the Rights of Persons with Disabilities (CRPD) is an international human rights treaty. Its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity.⁶⁵
- 1.43** Australia is a signatory to the CRPD and ratified the convention in 2008.⁶⁶ Article 9 of the CRPD provides an obligation for governments to provide access to the physical environment and other facilities. This means that people with a disability must be able to access the physical environment on an equal basis with everybody else.⁶⁷
- 1.44** In evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, stated that 'to actually be able to engage in the physical environment, people with disability would need access to public toilets. So ... if we're not doing that, if we're not providing the very means which enable the access to that environment on an equal basis, as Article 9 says, then we would be in breach of our obligations'.⁶⁸

Universal design

- 1.45** Article 4 of the CRPD provides a list of obligations that parties to the CRPD need to meet to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.⁶⁹
- 1.46** There is an obligation on parties to the CRPD to undertake or promote the research and development of universally designed goods, services, equipment and facilities, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities.⁷⁰ There is also the obligation to promote their availability and use, and to promote universal design in the development of standards and guidelines.⁷¹

⁶⁵ United Nations, United Nations Human Rights Office of the High Commissioner, Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

⁶⁶ Australian Government, Department of Social Services, International Disability Rights, <https://www.dss.gov.au/international-disability-rights>.

⁶⁷ Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 4.

⁶⁸ Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 4.

⁶⁹ United Nations, United Nations Human Rights Office of the High Commissioner, Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

⁷⁰ United Nations, United Nations Human Rights Office of the High Commissioner, Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

⁷¹ United Nations, United Nations Human Rights Office of the High Commissioner, Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>; Answers to supplementary questions, People with Disability Australia, 8 March 2025, p 2.

1.47 Article 2 of the CRPD defines 'Universal Design' as the following:

Universal design means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.⁷²

1.48 The key principles of universal design are discussed in chapter 3 of this report.

Approach in other jurisdictions

1.49 This section provides a summary of approaches to public toilets in a sample of places in other countries, including in the United States, Germany, the United Kingdom and Singapore.

Portland, Oregon, United States of America

1.50 In Portland, Oregon, the community worked with a local manufacturer and the local council to design the 'Portland Loo'.⁷³ The Portland Loo was developed to address Portland's need for durable, safe, clean and accessible public restrooms in both urban and rural areas.⁷⁴

1.51 Key features of the Portland Loo include the following:

- **open design:** promotes ventilation and visibility, allowing first responders and maintenance to monitor and ensure safe and clean facilities for users
 - **durability:** the structure is made of high grade 304 or 316 stainless steel and designed to withstand vandalism, extreme weather conditions and corrosive marine air
 - **privacy with visibility:** the design incorporates strategic low visibility features that allow for subtle monitoring by authorities, first responders and maintenance workers, whilst providing users with privacy
 - **accessibility:** offers accessibility for individuals with all types of disabilities
- easy cleaning features:** designed with features that help maintain cleanliness, such as a grated floor to allow water to drain away and discourage people from sleeping inside. The enhanced anti-graffiti powder coating adds durability to the stainless-steel structure while maintaining an easy clean surface.⁷⁵

⁷² United Nations, United Nations Human Rights Office of the High Commissioner, Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

⁷³ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 2.

⁷⁴ The Portland Loo, (2025), <https://portlandloo.com/the-loo>.

⁷⁵ The Portland Loo, (2025), <https://portlandloo.com/the-loo>.

Figure 2 Photographs of the Portland Loo:⁷⁶



- 1.52** The Portland Loo is now in situ in countries around the world and is an example of how a community can engage with local councils, manufacturers and planners to produce a design that meets the needs of a community.⁷⁷

⁷⁶ The Portland Loo, (2025), <https://portlandloo.com/the-loo>.

⁷⁷ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 2.

Berlin, Germany

- 1.53** Berlin has adopted a public-private partnership, whereby a private company has been contracted to manage all public toilets.⁷⁸ The local government there conducted network planning across the city, looking at both residential and tourist areas to see what the needs were.⁷⁹ The Berliner toilet was designed to meet these needs.⁸⁰
- 1.54** A fee is charged to users to access the public toilets.⁸¹ The fee charged is usually between one to two euros, and some have started allowing eftpos card payments.⁸² The rationalisation for the decision to charge users was in the hope that it may help to reduce vandalism to the facilities.⁸³
- 1.55** Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, raised concerns with respect to a fee being charged for access to a public toilet. She stated that 'as a tourist, I guess that's part of the cost of travelling. You have a euro or a couple of euros—every now and then you need to go. I think for residents, for people who need to use toilets more frequently, that could get expensive. I think also for people who are unhoused, that's a real challenge'.⁸⁴
- 1.56** Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, noted his experience in Germany and advised that some public toilets are very difficult to access and that just because a fee is charged it does not guarantee that the facilities or service will be of a better quality:

Some [public toilets] are really hard to get in. They've got turnstiles. They're very hard to enter. You need change, you need money, to actually get in. Some have machines on the door where you have to drop in a coin in order to unlock the lock to go in. It does not necessarily mean that they are of a higher standard, cleaner or better maintained. It just means that they're better secured, and access is restricted, which then deflects people into nearby parks or other environments to do what they need to do. There's not a guarantee that if you pay for it, you get better service.⁸⁵

⁷⁸ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 3.

⁷⁹ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 3.

⁸⁰ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 3.

⁸¹ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 7.

⁸² Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 7.

⁸³ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 7.

⁸⁴ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 7.

⁸⁵ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 12.

United Kingdom (UK)

- 1.57** A notable example of a policy framework that strategically evaluates and meets local needs while ensuring accountability can be found in Wales.⁸⁶ Section 8 of the *Public Health (Wales) Act (2017)* was introduced to address the issue of reduced access resulting from the closure of public toilets by local authorities in Wales.⁸⁷
- 1.58** The legislation seeks to ensure that the local government assesses the needs of its community and then takes a strategic and transparent approach to best meet that need.⁸⁸ According to Katherine Webber and Deanna Grant-Smith in their article 'Addressing sanitation injustice through local government public toilet strategies', 'this approach centres on identifying community needs and meeting these with a network of public toilets delivered and maintained through a range of provision and partnership options'.⁸⁹
- 1.59** The UK has also launched its Campaign for Public Infrastructure, which advocates for better public toilet facilities by urging local councils to increase visibility, extend opening hours and leverage planning laws to fund new toilets.⁹⁰ The campaign also proposes initiatives such as adding a small levy to public transport transactions to fund toilet maintenance and the Community Toilet Schemes.⁹¹
- 1.60** The Community Toilet Schemes allow local councils to collaborate with private business owners to offer funding and to provide incentives to encourage private owners to make their toilets available to non-customers.⁹²

Singapore

- 1.61** Singapore launched its Happy Toilet Programme on 1 July 2003.⁹³ The programme is a star-grading initiative for public toilets which focuses on five main areas: design, cleanliness, effectiveness, maintenance and user satisfaction.⁹⁴
- 1.62** According to Dr Christian Tietz, the following five key factors contribute towards Singapore's success in the public toilet space:
- strict regulations – fines for unclean toilets (up to \$2,000 SGD for repeat offenders)

⁸⁶ Tabled document, Katherine Webber and Deanna Grant-Smith, *Addressing Sanitation Injustice Through Local Government Public Toilet Strategies*, Centre for Justice – Briefing Paper Series, December 2024, p 1.

⁸⁷ Tabled document, Katherine Webber and Deanna Grant-Smith, *Addressing Sanitation Injustice Through Local Government Public Toilet Strategies*, Centre for Justice – Briefing Paper Series, December 2024, p 1.

⁸⁸ Tabled document, Katherine Webber and Deanna Grant-Smith, *Addressing Sanitation Injustice Through Local Government Public Toilet Strategies*, Centre for Justice – Briefing Paper Series, December 2024, p 1.

⁸⁹ Tabled document, Katherine Webber and Deanna Grant-Smith, *Addressing Sanitation Injustice Through Local Government Public Toilet Strategies*, Centre for Justice – Briefing Paper Series, December 2024, p 2.

⁹⁰ Submission 31, Continence Foundation of Australia, p 7.

⁹¹ Submission 31, Continence Foundation of Australia, p 7.

⁹² Submission 31, Continence Foundation of Australia, p 7.

⁹³ Restroom Association Singapore, Happy Toilet Programme, <https://www.toilet.org.sg/happytoilets>.

⁹⁴ Restroom Association Singapore, Happy Toilet Programme, <https://www.toilet.org.sg/happytoilets>.

- tech integration – sensors for soap/paper levels
- community ownership – 'Happy Toilet Ambassador' training programmes
- universal design – have enforced Singapore Standard SS 634 for accessibility compliance
- public-private partnerships – for example sponsorship for the supply of disinfectant.⁹⁵

1.63 In evidence, Dr Tietz praised the public toilets in Singapore Changi Airport stating that 'if I wash my hands, I'm looking at greenery. When I go into the cubicle, it's spacious. It's got shelving, it's got hooks. I can walk in, if I have a bag or a wheelie case or whatever it might be, and it feels comfortable. ... It's about this feeling of, as a citizen, being appreciated and respected in the environment that we're in'.⁹⁶

⁹⁵ Answers to questions on notice, Dr Christian Tietz, 24 April 2025, p 3.

⁹⁶ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 11.

Chapter 2 Regulatory framework

This chapter provides a comprehensive summary of the regulatory framework of public toilets in New South Wales. It begins by outlining existing design and accessibility legislation and standards, including the National Construction Code and the Australian Standards, and addresses the absence of a statewide public toilet strategy. This chapter then conveys the proposed recommendations for reform made by stakeholders and the impacts of those recommendations, if enacted, on state government, local government and private owners of commercial toilet facilities. This chapter also addresses the allocation of funding for public toilets. It provides an overview of the costs associated with the construction and maintenance of public toilets, and an analysis of existing arrangements, and innovative funding models. To conclude this chapter outlines the committee's recommendations for reform.

Design and accessibility legislation and standards

- 2.1** This section provides a comprehensive overview of current design and accessibility legislation and standards in relation to public toilets. Specifically, it addresses the current regulatory framework of public toilets, the National Construction Code, the Australian Standards, and the absence of a statewide public toilet strategy.

The current regulatory framework of public toilets

- 2.2** Although some overarching legislation and piecemeal regulations apply, there is no specific statewide legislation, standard or policy dedicated to the provision, design, placement, or maintenance of public toilets.⁹⁷ Stakeholders recommended that the provision of public toilets be legislated for (either in new legislation, or added to existing legislation), or be included within state planning instruments.⁹⁸ Stakeholders also commented on the importance of design and maintenance standards.⁹⁹
- 2.3** As discussed in chapter 1 of this report, public toilets are planned, designed, delivered and managed by a network of different authorities including:

⁹⁷ Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 3; Submission 54, Australian Institute of Landscape Architects (AILA), pp 2 and 4; Submission 61, City of Newcastle, p 2; Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, pp 2 and 6; Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 3; Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 2; Submission 15, Mr Greg Peak, p 3; Submission 8, Mr Gokulan Gopal, p 2.

⁹⁸ Evidence, Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia, 31 March 2025, p 32; Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, p 38; Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 3; Submission 61, City of Newcastle, p 2; Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 3.

⁹⁹ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 2; Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 3; Answers to questions on notice, Australian Institute of Landscape Architects, 5 May 2025, p 3.

- **Federal Government:** anti-discrimination legislation such as the *Disability Discrimination Act 1992* (Cth) and the *Sex Discrimination Act 1984* (Cth) applies to public toilets. Public toilets within certain buildings must also comply with the mandatory requirements provided under the National Construction Code.¹⁰⁰
- **NSW Government:** toilets at key locations like train stations, bus interchanges, ferry terminals, national parks, beaches, highways, rest areas, and tourist attractions are typically managed by the NSW Government.¹⁰¹
- **Local Government:** public toilets facilities are provided on council managed public land such as libraries, parks, sportsgrounds, and central business districts. There is no legislative requirement for local councils to provide public toilet facilities, however there is a community expectation that local governments provide public toilets for the community.¹⁰²
- **Private Owners:** publicly accessible toilets are available on private premises such as shopping centres, retail precincts and service centres.¹⁰³

2.4 The following provides a brief summary of the existing regulatory framework in relation to public toilets:

- **Legislation:** provides mandatory, legally binding requirements. Current legislation goes some way to prevent discrimination and to broadly address accessibility requirements. Legislation is discussed further in paragraph 2.5.
- **National Construction Code:** many of the prescriptive requirements provided within legislation are embedded within the National Construction Code.¹⁰⁴ The National Construction Code contains the Building Codes of Australia¹⁰⁵
- **Australian Standards:** provides a broader set of voluntary technical specifications and guidelines.¹⁰⁶

Legislation

2.5 As discussed in chapter 1 of this report, the following legislative frameworks play an important role in shaping public toilet accessibility in New South Wales:

- *Disability Discrimination Act 1992* (Cth)

¹⁰⁰ Submission 67, Guide Dogs NSW, p 4.

¹⁰¹ Submission 59, Local Government NSW, p 4.

¹⁰² Correspondence from the Hon Ron Hoenig MP, Minister for Local Government to Chair, 16 October 2024.

¹⁰³ Submission 54, Australian Institute of Landscape Architects (AILA), p 2; Submission 59, Local Government NSW, p 4.

¹⁰⁴ Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 44.

¹⁰⁵ National Construction Code, Introduction to the National Construction Code, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-three/preface/introduction-national-construction-code-ncc>.

¹⁰⁶ Standards Australia, What is a Standard, (2025) <https://www.standards.org.au/standards-development/what-is-standard>.

- *Disability Inclusion Act 2014*
- *Companion Animals Act 1998*
- *Anti-Discrimination Act 1977*
- *Sex Discrimination Act 1984* (Cth).¹⁰⁷

- 2.6** The legislation listed above primarily stipulates the obligations on federal and state governments to prevent discrimination and goes some way to broadly address accessibility requirements. However, none of the above legislation contains any explicit reference to the provision or maintenance of public toilets.
- 2.7** Throughout the course of the inquiry, stakeholders addressed the lack of dedicated legislation for the provision and maintenance of public toilets across New South Wales.¹⁰⁸ The Australian Institute of Landscape Architects stated that 'legislation should include provision and access to public toilets as a human right, promoting inclusion and dignity for all'.¹⁰⁹
- 2.8** The City of Newcastle argued that 'statewide minimum standards for the design, maintenance, accessibility and safety of public toilets would ensure consistency and reliability'.¹¹⁰ They proposed legislation 'to mandate public toilets in new developments, including private premises like shopping centres and service stations, with enforceable compliance standards for design and maintenance'.¹¹¹
- 2.9** In evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, was asked whether public toilet legislation should be included within the *Public Health Act 2010*, or in the *Local Government Act 1993*, to obligate local governments to provide public toilets in accordance with certain principles. Ms Webber responded with 'that would facilitate the right to sanitation out of the home by having that legislative requirement'.¹¹² Ms Webber also added that 'having local government as the level of government that does that community provision, requiring them to assess the needs across their community and then create a plan for access on implementation would be important'.¹¹³
- 2.10** The objects of the *Public Health Act 2010* are:
- to promote, protect and improve public health,
 - to control the risks to public health,

¹⁰⁷ Submission 67, Guide Dogs NSW, p 4; Submission 25, Anti-Discrimination New South Wales, p 6.

¹⁰⁸ Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 3; Submission 54, Australian Institute of Landscape Architects (AILA), p 2; Submission 61, City of Newcastle, p 2.

¹⁰⁹ Submission 54, Australian Institute of Landscape Architects (AILA), p 2.

¹¹⁰ Submission 61, City of Newcastle, p 2.

¹¹¹ Submission 61, City of Newcastle, p 2.

¹¹² Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 6.

¹¹³ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 6.

- to promote the control of infectious diseases,
- to prevent the spread of infectious diseases,
- to recognise the role of local government in protecting public health,
- to monitor diseases and conditions affecting public health.¹¹⁴

- 2.11** Dr Stephen Conaty, Director, Environmental Health Branch, Health Protection NSW, NSW Health, explained that the objects 'are reasonably broad, but I think that the main objective is a focus on real and serious risks to public health'.¹¹⁵ Local governments may participate with NSW Health in implementing the *Public Health Act 2010*.¹¹⁶ When asked if a regulatory regime for public toilets could be embedded within the *Public Health Act 2010*, Dr Conaty responded with 'It wouldn't be at odds with the current framework'.¹¹⁷
- 2.12** Dr Conaty advised that 'the main problem, ... with the administration of the *Public Health Act* is that local government is constrained in what it can particularly do and so there are some local governments that are not able to always fulfil all of those joint regulatory functions under the *Public Health Act*'.¹¹⁸ Dr Conaty added that 'if there was to be another layer that was added, of course there would need to be a significant consultation with local government'.¹¹⁹
- 2.13** The majority of stakeholders claimed they would support the introduction of new legislation that casts an obligation on particular levels of government to provide public toilets to a certain standard.¹²⁰
- 2.14** When asked if a single piece of legislation should be introduced, for example a public toilet act, Ms Liz Webster, Associate, SGS Economics and Planning, advised the current issues are wideranging such as 'design, accessibility, inclusivity, hygiene and human rights,' and that these could certainly be addressed by a single piece of legislation, however, alternatively, they could also be addressed 'through existing legislation, amendments and the development of guidelines'.¹²¹

¹¹⁴ Evidence, Dr Stephen Conaty, Director, Environmental Health Branch, Health Protection NSW, NSW Health, 29 April 2025, pp 3-4; *Public Health Act 2010*, s 3.

¹¹⁵ Evidence, Dr Stephen Conaty, Director, Environmental Health Branch, Health Protection NSW, NSW Health, 29 April 2025, p 4.

¹¹⁶ Evidence, Dr Stephen Conaty, Director, Environmental Health Branch, Health Protection NSW, NSW Health, 29 April 2025, p 4.

¹¹⁷ Evidence, Dr Stephen Conaty, Director, Environmental Health Branch, Health Protection NSW, NSW Health, 29 April 2025, p 4.

¹¹⁸ Evidence, Dr Stephen Conaty, Director, Environmental Health Branch, Health Protection NSW, NSW Health, 29 April 2025, p 4.

¹¹⁹ Evidence, Dr Stephen Conaty, Director, Environmental Health Branch, Health Protection NSW, NSW Health, 29 April 2025, p 4.

¹²⁰ Evidence, Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia, 31 March 2025, p 32; Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, 31 March 2025, p 38; Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 3; Submission 54, Australian Institute of Landscape Architects (AILA), p 2; Submission 61, City of Newcastle, p 2.

¹²¹ Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 7.

- 2.15** The Australian Institute of Landscape Architects also raised the possibility of provisions for public toilets being incorporated within State Environmental Planning Policies.¹²²

State Environmental Planning Policies

- 2.16** State Environmental Planning Policies (SEPP) provide state-level planning controls on matters of regional or state significance or for certain areas of the state and allow for a consistent approach to state planning issues.¹²³ A SEPP is a form of delegated legislation under the *Environmental Planning and Assessment Act 1979*.¹²⁴
- 2.17** Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, explained that local government is a key stakeholder that can assist in delivering public toilets, however, they currently receive no guidance from the State and Federal government.¹²⁵ Ms Shasidharan suggested that the government could assist local councils by 'providing the economic valuation, demand analysis ... the meaning of equitable access, design principles, ... maintenance standards, how to do work on community engagement and what is the ongoing monitoring and evaluation' and that this guidance could be provided within a state planning instrument.¹²⁶
- 2.18** Ms Shasidharan advised that 'at the moment, our SEPP doesn't talk about the importance of public facilities. Even for new precinct planning ... public toilets are not considered to be essential infrastructure'.¹²⁷ Under the current planning system, local councils are able to apply for levy contributions towards the purchasing of land, but not towards the design and construction of public toilets.¹²⁸
- 2.19** Ms Shasidharan explained that local councils could be required to provide public toilet facilities in a certain way and to a certain extent under a SEPP.¹²⁹ Recognising public toilets as essential community infrastructure under SEPPs could enable local councils to access funding for their maintenance and management.¹³⁰

¹²² Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 3.

¹²³ NSW Government, *Community Guide to Planning*, (July 2023), p 14.

¹²⁴ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 6.

¹²⁵ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 3.

¹²⁶ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 3.

¹²⁷ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 3.

¹²⁸ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 6.

¹²⁹ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 7.

¹³⁰ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 7.

Public toilet design and delivery

- 2.20** It was widely accepted by stakeholders that there is a lack of regulations and policy guidelines regarding the design and delivery of public toilets.¹³¹
- 2.21** The National Construction Code (NCC), which is discussed in greater detail from paragraph 2.27, sets the minimum design and building requirements for public toilets based on the class of building.¹³² Buildings covered by the NCC include office buildings, community buildings, shopping centres and other classes of public buildings.¹³³ However, under the NCC there is nothing that mandates the provision of toilets within open spaces (such as parks and beaches), plazas at major tourist destinations, or standalone public toilet buildings.¹³⁴
- 2.22** Ms Webber confirmed that there is currently nothing at a state level that provides guidance on the provision and design of these types of public toilets.¹³⁵ Ms Webber explained that there is a lack of legislation and guidelines, because when we leave buildings, the NCC no longer applies.¹³⁶
- 2.23** The Australian Institute of Landscape Architects addressed the need for statewide guidance:
- To ensure consistent, inclusive and well-planned public toilet facilities across NSW, there is a clear need for statewide guidance that goes beyond technical design and construction. A coordinated policy framework should address not only how toilets are built, but also where and how many are provided - ensuring fair and equitable access for all members of the NSW community.¹³⁷
- 2.24** In addition to the lack of guidelines and regulations regarding public toilet design and delivery, many stakeholders also identified a lack of maintenance standards and regulations in relation to public toilets.¹³⁸

¹³¹ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 2; Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 3; Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, p 3; Submission 54, Australian Institute of Landscape Architects (AILA), pp 2-3; Submission 12, Country Women's Association of NSW, p 2; Submission 15, Mr Greg Peak, p 3; Submission 59, Local Government NSW, p 10; Submission 44, Bega Valley Shire Council, p 2; Submission 61, City of Newcastle, p 2.

¹³² Submission 59, Local Government NSW, p 10.

¹³³ National Construction Code, Building classifications, <https://ncc.abcb.gov.au/ncc-navigator/building-classifications>.

¹³⁴ Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 3; Submission 59, Local Government NSW, p 10.

¹³⁵ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 2.

¹³⁶ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 2.

¹³⁷ Answers to questions on notice, Australian Institute of Landscape Architects, 5 May 2025, p 3.

¹³⁸ Evidence, Ms Liz Webster, Associate SGS Economics and Planning, 7 April 2025, p 6; Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 2; Submission 15, Mr Greg Peak, p 3; Submission 61, City of Newcastle, p 2; Submission 8, Mr Gokulan Gopal, p 2; Submission 54, Australian Institute of Landscape Architects (AILA), p 4.

Maintenance standards

- 2.25** A key issue identified by stakeholders was the absence of statewide maintenance standards.¹³⁹ According to Mr Greg Peak, public toilets are 'often subject to poor maintenance and cleanliness, leading to unsanitary conditions that deter their use and pose public health risks' and that 'inconsistent cleaning schedules, vandalism, and insufficient supplies (e.g. toilet paper, soap) are common complaints from users'.¹⁴⁰ Mr Greg Peak advised that the maintenance of public toilets by local councils contributes to inconsistencies across different regions.¹⁴¹
- 2.26** In their submission, Dr Paul Recher noted that the ongoing maintenance of public toilets is 'critical'.¹⁴² Many stakeholders endorsed the need for clear policies and strategic planning to ensure the consistent provision and maintenance of public toilets across New South Wales.¹⁴³ A comprehensive analysis of operational and maintenance challenges is provided in chapter 5 of this report.

The National Construction Code

- 2.27** As discussed above at paragraph 2.21, the National Construction Code (NCC) sets the minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings.¹⁴⁴ The National Construction Code is produced and maintained by the Australian Building Codes Board on behalf of the Australian Government.¹⁴⁵
- 2.28** Throughout the course of the inquiry, stakeholders referred to both the NCC and the Building Code of Australia (BCA), and sometimes both were used interchangeably. It is important to note how they differ:
- the NCC is the overarching code that sets the minimum requirements for design, construction and performance of buildings. The NCC consists of three volumes, volume one and two set out the Building Code of Australia, the third covers the Plumbing Code of Australia
 - the Building Code of Australia is a part of the NCC, specifically volumes one and two, and focusses on the technical aspects of building construction.¹⁴⁶

¹³⁹ Evidence, Ms Liz Webster, Associate SGS Economics and Planning, 7 April 2025, p 6; Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 2; Submission 15, Mr Greg Peak, p 3; Submission 61, City of Newcastle, p 2; Submission 8, Mr Gokulan Gopal, p 2; Submission 54, Australian Institute of Landscape Architects (AILA), p 4.

¹⁴⁰ Submission 15, Mr Greg Peak, p 2.

¹⁴¹ Submission 15, Mr Greg Peak, p 3.

¹⁴² Submission 45, Dr Paul Recher, p 1.

¹⁴³ Submission 8, Mr Gokulan Gopal, p 2; Submission 15, Mr Greg Peak, p 3; Submission 61, City of Newcastle, p 2; Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 2.

¹⁴⁴ Submission 59, Local Government NSW, p 10.

¹⁴⁵ National Construction Code, <https://ncc.abcb.gov.au>.

¹⁴⁶ National Construction Code, Introduction to the National Construction Code, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-three/preface/introduction-national-construction-code-ncc>.

Current requirements and obligations

2.29 The NCC sets out the minimum technical requirements for new buildings (and new building work in existing buildings) in Australia.¹⁴⁷ In doing so, it groups buildings by their use. The NCC applies to buildings that fall within the following building classifications:

- **Class 1 buildings:** typically, standalone single dwellings of a domestic or residential nature.
- **Class 2 buildings:** multi-unit residential units, such as apartment blocks
- **Class 3 buildings:** place of long term or transient living for a number of unrelated people, for example boarding houses, hostels or backpackers
- **Class 4 buildings:** part of a building is a sole dwelling or residence within a building of a non-residential nature
- **Class 5 buildings:** office buildings used for professional or commercial purposes
- **Class 6 buildings:** places for the sale of retail goods or supply services, such as shopping centres, restaurants, cafés and service stations
- **Class 7 building:** storage-type buildings such as carpark and warehouses
- **Class 8 buildings:** a building in which a process (or handicraft) is carried out for trade, sale, or gain, such as a factory or mechanics
- **Class 9 buildings:** buildings of a public nature, where people may gather for social, theatrical, political, religious or civil purposes. This includes health-care buildings, schools, universities, childcare centres, sporting facilities, night clubs, or public transport buildings
- **Class 10 buildings:** non-habitable buildings or structures.¹⁴⁸

2.30 A building may have parts with different uses and therefore in these circumstances, more than one classification may be assigned to a building.¹⁴⁹

2.31 Part F4 of the NCC focuses on reducing the risk of illness and loss of amenity due to inadequate toilets and bathrooms.¹⁵⁰ Section F4PI details the performance requirements for personal hygiene facilities:

Personal hygiene facilities

Suitable sanitary facilities for personal hygiene must be provided in a convenient location within or associated with a building, to the degree necessary, appropriate to –
(a) the function or use of the building; and

¹⁴⁷ National Construction Code, Building Classifications, <https://ncc.abcb.gov.au/ncc-navigator/building-classifications>.

¹⁴⁸ National Construction Code, Building Classifications, <https://ncc.abcb.gov.au/ncc-navigator/building-classifications>.

¹⁴⁹ National Construction Code, <https://ncc.abcb.gov.au>.

¹⁵⁰ National Construction Code 2022, Volume one – Building Code of Australia Class 2 to 9 buildings, Section F, Part F4, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/f-health-and-amenity/part-f4-sanitary-and-other-facilities>.

- (b) the number and gender of the occupants; and
- (c) the disability or other particular needs of the occupants.¹⁵¹

2.32 The following sections of Part F4 under the NCC are of particular relevance to the inquiry:

- **Facilities in Class 3 to 9 buildings** – requirements for sanitary facilities in class 3 to 9 buildings are listed under Part F4D4. Under the section, except where permitted, separate facilities for males and females must be provided.¹⁵² The disposal of sanitary products must also be provided in female sanitary facilities.¹⁵³ Under this section there are specific requirements for health-care buildings and early childhood centres.
- **Accessible sanitary facilities** – Part F4D5 stipulates the requirements a building has to meet to be considered accessible.¹⁵⁴ 'Accessible' is defined as having features to enable use by people with a disability.¹⁵⁵
- **Accessible adult change facilities** – Under Part F4D12, one accessible adult change facility must be provided in an accessible part of a:
 - Class 6 building that is a shopping centre having a design occupancy of not less than 3,500 people
 - Class 9b sports venue that has a design occupancy of not less than 35,000 spectators, or contains a swimming pool that has a perimeter of not less than 70m
 - museum, art gallery or the like having a design occupancy of not less than 1,500 patrons
 - theatre or the like having a design occupancy of not less than 1,500 patrons; and
 - passenger use area of an airport terminal.¹⁵⁶

2.33 To summarise, the NCC includes mandated requirements for the following sanitary facilities based on the classification and occupancy of a building:

- male
- female
- ambulant male

¹⁵¹ National Construction Code 2022, Volume one – Building Code of Australia Class 2 to 9 buildings, Section F, Part F4PI, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/f-health-and-amenity/part-f4-sanitary-and-other-facilities>. Under Part F4D4 (3), if not more than 10 people are employed, a unisex facility may be provided instead of separate facilities for each sex.

¹⁵² National Construction Code 2022, Volume one – Building Code of Australia Class 2 to 9 buildings, Section F, Part F4D4, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/f-health-and-amenity/part-f4-sanitary-and-other-facilities>.

¹⁵³ National Construction Code 2022, Volume one – Building Code of Australia Class 2 to 9 buildings, Section F, Part F4D4, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/f-health-and-amenity/part-f4-sanitary-and-other-facilities>.

¹⁵⁴ National Construction Code 2022, Volume one – Building Code of Australia Class 2 to 9 buildings, Section F, Part F4D5, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/f-health-and-amenity/part-f4-sanitary-and-other-facilities>.

¹⁵⁵ National Construction Code 2022, Volume one – Building Code of Australia Class 2 to 9 buildings, Section F, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/f-health-and-amenity/part-f4-sanitary-and-other-facilities>.

¹⁵⁶ National Construction Code 2022, Volume one – Building Code of Australia Class 2 to 9 buildings, Section F, Part F4D12, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/f-health-and-amenity/part-f4-sanitary-and-other-facilities>.

- ambulant female
- unisex accessible
- Accessible Adult Change Facilities.¹⁵⁷

2.34 There are two pathways to compliance under the NCC:

- **Performance based:** requires a facility to be able to perform to a certain standard. For example, the standard may be that everyone that needs to use the facility, can use the facility. If there is a way that the facility can perform in this way, that is equal to or greater than the deemed to satisfy provisions, then this can be a pathway to compliance.¹⁵⁸
- **Deemed to satisfy:** deemed to satisfy provisions are technical requirements, that if met, the facility is deemed to satisfy the provisions of the NCC.¹⁵⁹ These are usually technical aspects such as the amount required, placement, how high, wide or long something needs to be.¹⁶⁰

Changes to the National Construction Code and considerations

2.35 There have been some upgrades to the NCC over the past few years in relation to the provision of toilets, particularly in relation to accessible toilets and ambulant toilets. In May 2019 changes were made to the NCC to require the provision of ambulant toilets (both separate male and female ambulant toilets) in commercial and community facilities to support people with a disability who are ambulant and do not require the extra space that is provided by accessible toilets.¹⁶¹ Commercial and community facilities are required to provide ambulant toilets (this includes shopping centres, stadiums, swimming pools, theatres, museums, and airports).¹⁶²

2.36 The Australian Building Codes Board is currently considering proposed changes to the NCC to provide equitable toilet facilities to women including increasing the number of toilets for women in single auditoriums and cinemas and requiring dispensers for sanitary products in toilet facilities for women in commercial buildings.¹⁶³ These changes are intended to reduced queuing times for people using female toilet facilities at venues having single auditoriums, theatres and cinemas as well as improve the accessibility and support for menstrual hygiene management in public places.¹⁶⁴

2.37 The Australian Building Codes Board is also currently considering the inclusion of all-gender toilets under the NCC. The proposition at this stage is to incorporate a voluntary provision for all-gender toilets.¹⁶⁵ There are also considerations regarding the language used within the NCC

¹⁵⁷ Submission 19, Access Institute, p 6.

¹⁵⁸ Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 16.

¹⁵⁹ Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 16.

¹⁶⁰ Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 16.

¹⁶¹ Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 12.

¹⁶² Submission 62, Placemaking NSW, p 5.

¹⁶³ Correspondence from the Hon Jodie Harrison MP, Minister for Women, Seniors and for the Prevention of Domestic Violence and Sexual Assault to Chair, 15 October 2024.

¹⁶⁴ Australian Building Codes Board, PCD 2025- Adequate toilets for women (1 May 2024), <https://www.abcb.gov.au/pcd/pcd-2025-adequate-toilets-women#what-are-the-proposed-changes>.

¹⁶⁵ Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 12.

and the proposal to use the term 'gender' instead of 'sex' and to use the term 'accessible' instead of 'unisex' throughout the NCC.¹⁶⁶ The Australian Building Codes Board believe that 'modernising and standardising the language and incorporating all-gender bathrooms into the NCC is a progressive step towards building a more inclusive and equitable society'.¹⁶⁷ Many stakeholders supported these proposed changes.¹⁶⁸

Scope and limitations

- 2.38** In evidence, stakeholders addressed the scope and limitations of the NCC. Issues raised included the fact that the NCC does not apply to some types of public toilets, there are significant gaps within the NCC, it is based on outdated data, and that the NCC cannot be applied retrospectively to existing facilities.¹⁶⁹
- 2.39** A significant issue raised was that while the NCC provides for minimum design and building requirements for public toilets based on the class of building, it does not apply to toilets in open public spaces such as parks and recreation areas, and standalone toilets in high streets.¹⁷⁰ This was raised by many stakeholders throughout the course of the inquiry.¹⁷¹ Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, advised 'when you've got a building, the Building Code applies... When we leave buildings, there is a lack of legislation or guidelines about where they need to be provided, who provides them and how many there need to be'.¹⁷²
- 2.40** Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, did note that in some situations a standalone toilet block may fall under a class 10 building classification.¹⁷³ Mr Bromley advised that if a building falls under a specific building classification under the NCC, then the NCC will state what facilities need to be provided depending on the amount of patronage or occupancy of the building, however the NCC does not state how these facilities need to be provided.¹⁷⁴

¹⁶⁶ Australian Building Codes Board, All-gender sanitary facilities, <https://consultation.abcb.gov.au/engagement/all-gender-sanitary-facilities>.

¹⁶⁷ Australian Building Codes Board, All-gender sanitary facilities, <https://consultation.abcb.gov.au/engagement/all-gender-sanitary-facilities>.

¹⁶⁸ Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 12; Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 12; Evidence, Miss Sasha Bailey, Trans Health Researcher, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney, 1 April 2025, p 12; Submission 70, City of Sydney, p 8.

¹⁶⁹ Submission 59, Local Government NSW, pp 5 and 10; Submission 19, Access Institute, p 6; Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 12.

¹⁷⁰ Submission 59, Local Government NSW, p 10.

¹⁷¹ Evidence Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 2; Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 3; Submission 59, Local Government NSW, p 10.

¹⁷² Evidence Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 2.

¹⁷³ Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 44.

¹⁷⁴ Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 44.

- 2.41** The Country Women's Association of NSW also advised that while the NCC mandates the inclusion of Accessible Adult Change facilities in certain classes of public buildings, 'there remains an urgent need to extend this requirement to a broader range of public spaces, including parks, recreation areas, and regional towns where these facilities are not yet available'.¹⁷⁵
- 2.42** Access Institute also raised the issue that the NCC has considerable gaps and advised that currently there is no mandate under the NCC for all-gender facilities, baby change areas and assistance animal relief areas.¹⁷⁶ Ms Joe Manton, Director, Access Institute, advised that 'what tends to happen is people put baby change tables in unisex accessible toilets and ... they actually block use of the unisex accessible toilets for a person with a disability'.¹⁷⁷ Other stakeholders also voiced their support for specific baby changing facilities and parent's rooms.¹⁷⁸
- 2.43** Ms Manton also raised the fact that the anthropometric data that the NCC is based on was developed in 1983, and that the data has not yet been renewed since then.¹⁷⁹ Ms Manton added 'we have not seriously considered the changing needs of the community for a long time. I think it's really, really important to do some research around the needs of people' and that 'if we have better data, that is going to provide a better benchmark for the NCC'.¹⁸⁰
- 2.44** Ms Webber stated in evidence that the requirements under the NCC should be viewed as the bare minimum and that we should strive to go beyond the minimum of what is required:
- [T]he building codes [under the NCC] are the bare minimum of what should be provided. They're standards that at a point in time say this is what is needed, but those accessibility standards or the inclusions in the Building Code aren't necessarily going to meet the needs of everybody. I think the building codes are the minimum, but there's the opportunity to strive for more than the minimum.¹⁸¹
- 2.45** This opinion was shared by other stakeholders.¹⁸²
- 2.46** As discussed above, the NCC sets out the minimum technical requirements for new buildings (and new building work in existing buildings) in Australia.¹⁸³ Therefore, as a general rule, the NCC does not apply retrospectively to existing buildings, unless work is voluntarily undertaken to update the facilities. Stakeholders raised the issue that due to this, there are many older, non-

¹⁷⁵ Submission 12, Country Women's Association of NSW, p 1.

¹⁷⁶ Submission 19, Access Institute, p 6.

¹⁷⁷ Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 12.

¹⁷⁸ Submission 59, Local Government NSW, p 5; Submission 58, Cr Paige Johnson, p 4; Submission 33, Australian Feminists for Women's Rights (AF4WR), p 4.

¹⁷⁹ Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 14.

¹⁸⁰ Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 16.

¹⁸¹ Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 9.

¹⁸² Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 16; Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 11.

¹⁸³ National Construction Code, Building Classifications, <https://ncc.abcb.gov.au/ncc-navigator/building-classifications>.

compliant public toilets.¹⁸⁴ Local Government NSW stated that 'while modern toilet facilities might be more accessible and inclusive, local governments own older assets that are non-compliant with current standards and community expectations'.¹⁸⁵

Australian Standards

2.47 The Australian Standards are closely related to the NCC. While the NCC is a set of nationally consistent building codes that are statutory, the Australian Standards are a broader set of voluntary technical specifications and guidelines developed by Standards Australia.¹⁸⁶ Compliance with the Australian Standards is not generally mandatory, unless the standards are embedded within legislation or within the NCC.¹⁸⁷ The NCC therefore takes precedence.

2.48 Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, explained how changes and updates to the Australian Standards are managed:

[T]he Australian Standards are managed by SAI Global. They'll have a committee of interested parties, so there'll be access consultants, there'll be building surveyors, members from the Property Council, all sitting on that group talking about the changes, updates, what needs to happen and how we can move the legislation forward. They put the updates together. It goes out for public consultation. Once everyone's happy with it, it then gets adopted into the Building Code.¹⁸⁸

2.49 Standard AS1248.1 provides voluntary standards for the design for access and mobility.¹⁸⁹ Mr Bromley advised that he expects AS1248.1 to be referred to within the National Construction Code at some point between May and August 2025. Mr Bromley advised that 'until it's referenced by the Building Code, it's not adopted' and therefore it remains unenforceable.¹⁹⁰

Absence of a statewide public toilet strategy

2.50 At present, there is no overarching strategy for the design, maintenance and equitable distribution of public toilets in New South Wales.¹⁹¹ As a result, many councils such as City of

¹⁸⁴ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 7; Submission 59, Local Government NSW, p 5.

¹⁸⁵ Submission 59, Local Government NSW, p 5.

¹⁸⁶ Standards Australia, What is a Standard, (2025), <https://www.standards.org.au/standards-development/what-is-standard>.

¹⁸⁷ Standards Australia, What is a Standard, (2025), <https://www.standards.org.au/standards-development/what-is-standard>.

¹⁸⁸ Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 45.

¹⁸⁹ Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 43.

¹⁹⁰ Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 45.

¹⁹¹ Submission 54, Australian Institute of Landscape Architects (AILA), p 3.

Sydney, Albury City Council, Inner West Council and Eurobodalla Council have developed their own public toilet strategies.¹⁹²

- 2.51** SGS Economics and Planning stated that due to the absence of a statewide public toilet strategy, many local governments have had to develop their own strategies, which has placed a significant resource burden on local councils:

[W]here local governments do prepare a public toilet strategy/plan, they are doing so in the absence of national or state standards that set out how public toilets should be provided and managed. This places a significant resource burden on each individual Council, necessitating that they seek out the proper expertise and conduct their own research, essentially ‘starting from scratch’. This is one reason why many simply don’t undertake this work at all.¹⁹³

- 2.52** Many stakeholders agreed that there is currently no guidance on key issues such as the importance of public toilets, their economic value, demand analysis, design principles, maintenance standards and ongoing monitoring and evaluation, and that this is needed to ensure consistency in the availability, accessibility and service delivery of public toilets across New South Wales.¹⁹⁴

Recommendations for reform

- 2.53** This section of the chapter addresses the recommendations for reform to legislative and regulatory frameworks proposed by stakeholders.

State Government

- 2.54** This section presents the recommendations for reform made by stakeholders in relation to the state government. The recommendations highlighted the following key issues:
- the need for an authoritative body to provide oversight
 - the need for mechanisms to support good design and enforce minimum standards
 - the importance of a statewide public toilet strategy
 - the need for a statewide audit of existing public toilet facilities
 - the consistency and reliability of the National Public Toilet Map.

¹⁹² Submission 54, Australian Institute of Landscape Architects (AILA), p 3; Submission 70, City of Sydney, p 4; Submission 21, Albury City Council, p 1.

¹⁹³ Submission 39, SGS Economics and Planning, p 2.

¹⁹⁴ Submission 54, Australian Institute of Landscape Architects (AILA), p 3; Evidence, Mr Scott Greenow, Executive Director, Freight, Transport for NSW, 7 April 2025, p 37; Submission 39, SGS Economics and Planning, p 2.

The need for an authoritative body: oversight and responsibility

2.55 Many stakeholders were concerned with the lack of oversight of public toilets.¹⁹⁵ Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, stated that 'what's needed is that oversight body. What's needed is ... some kind of coordinating or support authority that is able to coordinate such a vital human right as sanitation and public health'.¹⁹⁶

2.56 Mr Laurens noted that it would be reasonable to expect NSW Health to provide oversight and to hold responsibility for all public toilets in the state:

[I]ve spent all this time looking at it, going, "I can't see any requirement that NSW Health is meant to be supervising the cleanliness of public toilets." It's a bit of a misnomer. They've got a policy directive saying, "We internally have a policy on how we're meant to maintain public toilets in New South Wales public health buildings," but it doesn't actually extend to anyone else.¹⁹⁷

2.57 When asked if there is an existing body that could provide oversight, or whether a new specific body would need to be established, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, suggested that NSW Health could provide that. They also advised that Anti-Discrimination NSW is well placed, but 'they would need additional resourcing'.¹⁹⁸

Mechanisms to support good design and enforce minimum standards

2.58 The following mechanisms to support good design and enforce minimum standards were raised by stakeholders:

- legislation
- regulations
- pattern books
- grants and/or funding.¹⁹⁹

¹⁹⁵ Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 5; Submission 59, Local Government NSW, p 10; Submission 12, Country Women's Association of NSW, p 2.

¹⁹⁶ Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 5.

¹⁹⁷ Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 5.

¹⁹⁸ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 6.

¹⁹⁹ Evidence, Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia, 31 March 2025, p 32; Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, p 38; Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 3; Submission 54, Australian Institute of Landscape Architects (AILA), p 2; Submission 61, City of Newcastle, p 2; Submission 52, Dubbo Regional Council, p 4.

- 2.59** As discussed above at paragraph 2.13, stakeholders supported the introduction of new legislation that casts an obligation on particular levels of government to provide public toilets to a certain standard.²⁰⁰
- 2.60** Dubbo Regional Council advised that the development and adoption of a 'Public Amenity Pattern Book' should be considered (similar to that of the Minister for Planning's NSW House Pattern Book).²⁰¹ The pattern book could provide a 'stimulus lever such as easier access to grants or complying DA [Development Application] approvals, but not a restriction on how a council can individually address community needs through a locally driven place-based solution'.²⁰²

Formation and implementation of a statewide public toilet strategy

- 2.61** As discussed above at paragraph 2.50, there is no overarching strategy for the design, maintenance and equitable distribution of public toilets in New South Wales.²⁰³ Many stakeholders addressed the need for a statewide public toilet strategy.²⁰⁴ Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, agreed that 'there has to be guidance at a State level' and that it is the state government's 'responsibility to lead and provide that direction, guidance...'.²⁰⁵
- 2.62** When asked if a statewide public toilet strategy would support consistency and service delivery, Mr Scott Greenow, Executive Director, Freight, Transport for NSW, stated 'the existence of a statewide strategy, or the approach to do that, is probably a matter for government to consider. However, benefits of that—consistency and provision of a consistent service—would be of value'.²⁰⁶
- 2.63** Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, agreed if 'there was an option for local government to actually pick something up and utilise it, that is standard, that would be an improvement' however, noted the importance of flexibility for local government to be able build upon the standards, to develop a tailored approach for each of their communities.²⁰⁷

²⁰⁰ Evidence, Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia, 31 March 2025, p 32; Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, p 38; Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 3; Submission 54, Australian Institute of Landscape Architects (AILA), p 2; Submission 61, City of Newcastle, p 2.

²⁰¹ Submission 52, Dubbo Regional Council, p 4.

²⁰² Submission 52, Dubbo Regional Council, p 4.

²⁰³ Submission 54, Australian Institute of Landscape Architects (AILA), p 3.

²⁰⁴ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 4; Evidence, Mr Scott Greenow, Executive Director, Freight, Transport for NSW, 7 April 2025, p 37; Evidence, Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, 7 April 2025, p 13.

²⁰⁵ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 4.

²⁰⁶ Evidence, Mr Scott Greenow, Executive Director, Freight, Transport for NSW, 7 April 2025, p 37.

²⁰⁷ Evidence, Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, 7 April 2025, p 13.

Audit of existing public toilets in New South Wales

- 2.64 Many public toilets do not meet community expectations for accessibility and inclusivity, design or maintenance. Several stakeholders recommended that a statewide audit be conducted to assess the safety, cleanliness and accessibility of existing public toilets, and to identify any priority areas or gaps.²⁰⁸
- 2.65 Ms Alannah Daly, Policy Officer, Justice and Equity Centre, stated in evidence 'I guess an audit would allow a fuller picture of where are the toilets and what standard are they in? Do they need improving? Do we have gaps in areas, like you said, about having a certain amount in a particular distance?'²⁰⁹ The Justice and Equity Centre recommended that the results of the audit be used to increase the number of safe, clean and accessible public toilets.²¹⁰
- 2.66 When asked if they know of any sorts of bodies that might be well equipped to complete a statewide audit, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, advised that Access Consultants Association is the governing body for access consultants nationally and that they have the required experience to conduct the audit.²¹¹ Mr Bromley added that building surveyors could be used, however they would likely look at it from 'a black-and-white position rather than looking at it from a usability position'.²¹²

Improving the National Toilet Map

- 2.67 As discussed in chapter 1 of this report, the National Toilet Map serves as a key resource, funded by the Australian Department of Health, Disability and Ageing (DHDA), as a part of the National Continence Program.²¹³ The map is 'used extensively by many people, and many people who experience toileting issues rely on it when planning trips away from their homes'.²¹⁴ Placemaking NSW called for greater consistency in New South Wales between online resources available and federally funded resources.²¹⁵
- 2.68 The following recommendations to improve the National Toilet Map (and the National Toilet Map App) were made by stakeholders throughout the inquiry:
- **real-time location services:** the app should use GPS and/or link to Google Maps to show the nearest available public toilets²¹⁶

²⁰⁸ Submission 12, Country Women's Association of NSW, p 2; Submission 19, Access Institute, p 12; Submission 20, Justice and Equity Centre, p 2; Submission 22, Disability Council NSW, p 1; Evidence, Ms Alannah Daly, Policy Officer, Justice and Equity Centre, 17 March 2025, p 42.

²⁰⁹ Evidence, Ms Alannah Daly, Policy Officer, Justice and Equity Centre, 17 March 2025, p 42.

²¹⁰ Submission 19, Access Institute, p 12; Submission 20, Justice and Equity Centre, p 2

²¹¹ Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 46.

²¹² Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 46.

²¹³ Submission 62, Placemaking NSW, p 4.

²¹⁴ Submission 17, Dr Lorraine Dickson, p 2.

²¹⁵ Submission 62, Placemaking NSW, p 4.

²¹⁶ Submission 15, Mr Greg Peak, p 4; Submission 17, Dr Lorraine Dickson, p 8; Submission 62, Placemaking NSW, p 4.

- **feedback and maintenance integration:** integrate real-time maintenance updates and allow users to provide feedback to help authorities identify maintenance needs and ensure quality²¹⁷
- **comprehensive filters:** include filters for accessible, gender-neutral, and family-friendly facilities, helping users find toilets that meet their specific needs²¹⁸
- **offline access:** ensure the app functions offline so that users in areas with poor network coverage or those without data can still locate nearby toilet facilities.²¹⁹

2.69 National Seniors Australia also recommended that the state government allocate resources to improve the data quality of the National Public Toilet Map and to promote its use.²²⁰

Local Government

2.70 This section presents the recommendations for reform made by stakeholders in relation to local government. The recommendations highlighted the following key issues:

- the importance of local councils to be able to build upon a statewide public toilet strategy to create individualised local public toilet strategies that best suit the needs of their communities
- the need for community consultation
- the need for ongoing regular audits and reporting requirements.

Developing upon the minimum standards set

2.71 Upon the development and completion of the statewide public toilet strategy and/or the adoption of public toilet legislation, local councils agreed that local government should be able to build upon the standards provided, and tailor an approach to public toilets that best suits the needs of their individual communities.²²¹

2.72 In evidence, local councils expressed the need for a statewide public toilet strategy.²²² Bega Valley Shire Council stated that 'a clear provision framework and design guidelines would assist and provide much improved consistency throughout the state'.²²³

2.73 However, stakeholders also addressed the need for flexibility and an ability to meet changing philosophies in the design of public amenities.²²⁴ Dubbo Regional Council explained that a

²¹⁷ Submission 15, Mr Greg Peak, p 5.

²¹⁸ Submission 15, Mr Greg Peak, p 5.

²¹⁹ Submission 15, Mr Greg Peak, p 5.

²²⁰ Submission 63, National Seniors Australia, p 1.

²²¹ Submission 44, Bega Valley Shire Council, p 2; Submission 52, Dubbo Regional Council, p 4; Submission 59, Local Government NSW, p 10.

²²² Submission 44, Bega Valley Shire Council, p 2; Submission 52, Dubbo Regional Council, p 4; Submission 59, Local Government NSW, p 10.

²²³ Submission 44, Bega Valley Shire Council, p 1.

²²⁴ Submission 52, Dubbo Regional Council, p 4.

'central government led approach would not be nimble enough to learn those very localised issues' and any recommendations must allow flexibility for local government 'to respond to local conditions'.²²⁵ Other stakeholders endorsed the need for flexibility.²²⁶

Community consultation

- 2.74** Many stakeholders addressed the importance of community consultation in the provision and design of public toilets.²²⁷ Ms Katherine Webber advised that 'one design will not meet all needs' and was in support of community consultation in the provisions and design of public toilets 'to ensure toilets are accessible and inclusive for all community members'.²²⁸
- 2.75** In their submission, Guide Dogs NSW explained that the *Disability Inclusion Act 2014* 'promotes an inclusive environment for people with disabilities' and 'emphasises the importance of community consultation in developing policies that affect accessibility'.²²⁹
- 2.76** Guide Dogs NSW advised that a lack of community consultation often leads to design outcomes that fail to include fundamental accessibility features:
- [O]ften, the voices of people with disabilities are excluded from design decisions, which can lead to important accessibility features being overlooked. By engaging the low vision and blindness community in planning and design, the New South Wales Government can create spaces that truly meet their needs.²³⁰
- 2.77** The Continence Foundation of Australia was also in support of local governments undertaking community consultation: 'engaging communities in the design and location of public toilets ensures they meet local needs. Community dialogue can build empathy and support inclusive practices'.²³¹
- 2.78** Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, argued that involving the local community in the design of facilities can significantly reduce vandalism by fostering a sense of pride and ownership, which in turn encourages care and protection of the space.²³²

²²⁵ Submission 52, Dubbo Regional Council, p 5.

²²⁶ Submission 44, Bega Valley Shire Council, p 2; Submission 52, Dubbo Regional Council, p 4; Submission 59, Local Government NSW, p 10.

²²⁷ Submission 14, Ms Katherine Webber, p 3; Submission 67, Guide Dogs NSW, p 7; Submission 31, Continence Foundation of Australia, p 3; Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 14; Submission 52, Dubbo Regional Council, p 5; Submission 59, Local Government NSW, p 8.

²²⁸ Submission 14, Ms Katherine Webber, p 3.

²²⁹ Submission 67, Guide Dogs NSW, p 4.

²³⁰ Submission 67, Guide Dogs NSW, p 7.

²³¹ Submission 31, Continence Foundation of Australia, p 3.

²³² Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 14.

Monitoring and reporting requirements

- 2.79** Throughout the course of the inquiry, stakeholders addressed the need for local councils to conduct regular audits of public toilets within their local government areas.²³³ Mr David Darlington strongly suggested that an audit system be introduced 'so that standards can be set and monitored'.²³⁴
- 2.80** The City of Newcastle were in support of 'integrating technology to monitor usage, cleanliness, and supply levels in real-time, alongside regular audits to meet community needs'.²³⁵ Ms Liz Webster, Associate, SGS Economics and Planning, also noted the use of technology to monitor and report on cleaning and maintenance issues:
- One useful thing that we see is newer systems around community's ability to report cleaning and maintenance issues, and things like QR codes and other solutions that are onsite, where communities can actually report that cleaning is needed to improve the ongoing level of hygiene at individual sites.²³⁶
- 2.81** Ms Lynda Newnam recommended implementing 'feedback systems' to give users an avenue to report public toilets that fail to meet required maintenance standards.²³⁷
- 2.82** Guide Dogs NSW endorsed the implementation of the requirement for local councils to perform regular accessibility checks on public toilets stating that 'routine feedback and audits, ... help keep facilities current and ensure they continue to meet the community's evolving needs'.²³⁸
- 2.83** Ms Dianne Thompson argued that both random inspections and audits of public toilets should occur, and that 'remedial action [should be] undertaken if standards are not met'.²³⁹

Private owners

- 2.84** This section presents the recommendations for reform made by stakeholders in relation to private owners of commercial public toilet facilities. The evidence received highlighted the key issues in relation to the regulation of public toilets in service stations and shopping centres.

²³³ Submission 34, Mr David Darlington, p 2; Submission 61, City of Newcastle, p 2; Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 6; Submission 67, Guide Dogs NSW, p 14; Submission 16, Ms Dianne Thompson, p 2.

²³⁴ Submission 34, Mr David Darlington, p 2.

²³⁵ Submission 61, City of Newcastle, p 2.

²³⁶ Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 6.

²³⁷ Submission 23, Ms Lynda Newnam, p 10.

²³⁸ Submission 67, Guide Dogs NSW, p 14.

²³⁹ Submission 16, Ms Dianne Thompson, p 2.

Regulation of public toilets in service stations

- 2.85** Service stations are categorised as Class 6 buildings under the NCC.²⁴⁰ Under the NCC, 'sanitary facilities need not be provided for patrons if the total number of patrons accommodated in the building is not more than 20' for Class 6 buildings.²⁴¹ There is also the issue (addressed above at paragraph 2.46), that the NCC is generally only applied to new buildings and to work in existing buildings.
- 2.86** In evidence, when asked if planning law should require service stations to have public toilets, Dr Lorraine Dickson, Nurse Practitioner, Continence, responded with 'I think it would be really good ... I think years ago they used to do that. Now they've made some of the service stations only a small, little cafeteria-type thing, and there's nothing'.²⁴²
- 2.87** This was also supported by City of Newcastle. They explained that 'legislation should mandate public toilets in new developments, including private premises like shopping centres and service stations, with enforceable compliance standards for design and maintenance'.²⁴³
- 2.88** The Australian College of Road Safety noted the importance of highway rest areas for light and heavy vehicle drivers.²⁴⁴ They recommended that in addition to highway rest areas, service stations and food outlets should provide an avenue for drivers to access privately-owned public toilets.²⁴⁵
- 2.89** Bathurst Regional Access Committee was also in support of this and stated that due to the lack of public toilets along major highways, 'service stations should be required to provide public toilets to all customers'.²⁴⁶ Bathurst Regional Access Committee also added that there should be a requirement for all service stations to provide an accessible toilet and for those toilets to be maintained.²⁴⁷
- 2.90** Mr Dan Hayes also acknowledged this issue, stating that 'people with disability should not have to increase the time of their trip to get off the highways and go through towns to utilise the bathrooms while the rest of us can stop, fill up the car, have a feed, and use the toilet at service centres'.²⁴⁸

²⁴⁰ National Construction Code, Building Classifications, <https://ncc.abcb.gov.au/ncc-navigator/building-classifications>.

²⁴¹ National Construction Code 2022, Volume one – Building Code of Australia Class 2 to 9 buildings, Section F, Part F4D4, Table F4D4d, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/f-health-and-amenity/part-f4-sanitary-and-other-facilities>.

²⁴² Evidence, Dr Lorraine Dickson, Nurse Practitioner, Continence, 31 March 2025, p 22.

²⁴³ Submission 61, City of Newcastle, p 2.

²⁴⁴ Submission 18, Australasian College of Road Safety, p 2.

²⁴⁵ Submission 18, Australasian College of Road Safety, p 2.

²⁴⁶ Submission 56, Bathurst Regional Access Committee, p 9.

²⁴⁷ Submission 56, Bathurst Regional Access Committee, p 9.

²⁴⁸ Submission 1, Mr Dan Hayes, p 1.

Regulation of public toilets in shopping centres

- 2.91** Shopping centres are also categorised as Class 6 buildings under the NCC.²⁴⁹ Two key issues were raised by stakeholders about the regulation of public toilets in shopping centres. The first was that private owners of shopping centres need to ensure that accessible toilets remain accessible (that they are not locked or used as a storage space).²⁵⁰ The second issue was that public toilets in shopping centres need to be accessible by all regardless of whether an individual is a customer or has an intention to purchase.²⁵¹
- 2.92** In relation to the first issue, Spinal Cord Injuries Australia stated that 'members frequently report finding items stored in accessible toilets in private premises accessed by the public, such as shopping centres'.²⁵² They added that 'in some cases, this may be a folded-out change table rather than a wall mounted one which makes access for people with disability impossible'.²⁵³
- 2.93** Spinal Cord Injuries Australia also added that 'the issue of locked public toilets is complex. It is understood that in certain areas bathrooms need to be locked for safety, security and hygiene reasons, however this should only be used when required'.²⁵⁴ They insisted that 'toilets in private premises accessed by the public, such as shopping centres should never be locked'.²⁵⁵
- 2.94** When discussing the regulatory framework and how it applies to situations where a public toilet is locked, or where public works have blocked access, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia stated 'there's realistically ... very little regulation around this. There's no legislation, overall, governing how these things operate'.²⁵⁶
- 2.95** Mr Laurens also addressed the two different types of public toilets, and how across both types, little guidance is provided on how they are to be regulated:

The other issue here is that there are actually two levels of public toilets. You have the ones that are on public space and are run by local governments, but you also have the ones that are in businesses, shopping centres and so on. Do they come under the same regulations? We don't quite know. Technically, they do. Obviously, things like the DDA [*Disability Discrimination Act 1992*] are meant to apply across the board, but it's a grey area how these places are meant to be regulated.²⁵⁷

²⁴⁹ National Construction Code, Building Classifications, <https://ncc.abcb.gov.au/ncc-navigator/building-classifications>.

²⁵⁰ Submission 36, Spinal Cord Injuries Australia, p 4; Submission 13, Ms Fiona Davies, p 1; Submission 35, Name suppressed, p 1.

²⁵¹ Evidence, Ms Roxanna Kalnins, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 31; Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 43.

²⁵² Submission 36, Spinal Cord Injuries Australia, p 4.

²⁵³ Submission 36, Spinal Cord Injuries Australia, p 4.

²⁵⁴ Submission 36, Spinal Cord Injuries Australia, p 4.

²⁵⁵ Submission 36, Spinal Cord Injuries Australia, p 6.

²⁵⁶ Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 3.

²⁵⁷ Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 3.

- 2.96** In relation to the second issue, Ms Roxanna Kalnins, Member, StreetCare, Justice and Equity Centre, stated in evidence that 'many vulnerable members of our society may be refused access to toilets in shops, restaurants [and] shopping centres' due to the fact that they are not a paying customer.²⁵⁸
- 2.97** When asked whether funding should be provided to private owners to encourage them to make their toilet facilities available to all, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, stated 'If you do, ... they've got to police it, because you've got people who will say, "Yes, I'll do it", but they'll take the funding, but they won't let—the store will treat you the way they did before'.²⁵⁹

Allocation of funding for public toilets

- 2.98** This section provides an overview of the current costs of building and maintaining public toilets. It also outlines existing funding arrangements, funding challenges in relation to compliance and addresses the various innovative funding models proposed by stakeholders.

Costs of building and maintaining public toilets

- 2.99** The following compliance costs were provided by local councils:
- **Development of new public toilet building:** the cost of a new building is subject to its size and the provision of facilities within the building.²⁶⁰ Costs are estimated to range from \$80,000 to over \$200,000.²⁶¹ According to Local Government NSW, Central Coast Council's estimates the cost of a single accessible unisex toilet cubicle to be between \$280,000 and \$310,000.²⁶² Large public toilet buildings (five or more cubicles), with an adult change facility, ambulant toilet, and parents room are estimated to cost between \$560,000 to \$620,000.²⁶³
 - **Addition of a standalone Changing Places facility:** costs for a new standalone Changing Places facility (accessible adult change facility) is estimated between \$180,000 and \$230,000.²⁶⁴
 - **Retrofit of existing facility:** Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, advised that where there is an established space and it's purely a fit-out, the estimated costs to fit a Changing Places facility is between \$120,000 and \$150,000.²⁶⁵

²⁵⁸ Evidence, Ms Roxanna Kalnins, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 31.

²⁵⁹ Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 43.

²⁶⁰ Submission 59, Local Government NSW, p 9.

²⁶¹ Submission 59, Local Government NSW, p 9.

²⁶² Submission 59, Local Government NSW, p 9.

²⁶³ Submission 59, Local Government NSW, p 9. Estimated costs exclude GST.

²⁶⁴ Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 48.

²⁶⁵ Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 48.

- **Annual maintenance costs:** Mr Paul Belz, Director, City Assets, Blacktown City Council, informed the committee that for Blacktown City Council, annual operational expenditure is approximately \$15 million for cleaning, maintenance and sanitary services.²⁶⁶ According to Local Government NSW, Bega Valley Shire Council identified 'on average it costs about \$13,000 to clean and maintain a typical public toilet building each year'.²⁶⁷ In addition Narrabri Shire Council advised that for the ongoing care and maintenance of 16 public toilets, it costs approximately \$300,000 per annum.²⁶⁸

2.100 In evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, wanted to acknowledge the importance of calculating the cost per use:

[W]hile we've got the costings from councils about what it costs to operate these facilities, we don't have the numbers of users that use them. So, while they gather the data about operating expenses, we don't know how many people are benefiting by that.²⁶⁹

2.101 Using the \$15 million per year figure provided by Blacktown City Council, and the number of toilets they currently manage (216), Dr Tietz calculated the cost at \$8 per hour (if each toilet was open 24 hours).²⁷⁰ Dr Tietz stated 'that is not a high cost to provide 216 facilities. If ... there [is] five or 10 people using them in one hour, then the cost, that seems to be the issue, can suddenly appear rather minor'.²⁷¹

Existing funding arrangements

2.102 Many stakeholders advised that there is currently no dedicated funding or grant funding model at local, state or federal levels to ensure public toilets are provided, well-designed and maintained.²⁷² Local councils explained that public toilets are typically funded through existing local government budgets and grants.²⁷³ Mr Paul Belz, Director, City Assets, Blacktown City Council, advised that Blacktown City Council receives approximately \$250 million in rates annually and that additional grants can help towards the capital costs, but there is nothing currently in place to assist with the ongoing operational costs.²⁷⁴

²⁶⁶ Evidence, Mr Paul Belz, Director, City Assets, Blacktown City Council, 7 April 2025, p 21.

²⁶⁷ Submission 59, Local Government NSW, p 9.

²⁶⁸ Submission 26, Narrabri Shire Council, p 4.

²⁶⁹ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 19.

²⁷⁰ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 19.

²⁷¹ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 19.

²⁷² Submission 54, Australian Institute of Landscape Architects (AILA), p 3; Submission 15, Mr Greg Peak, p 3; Submission 59, Local Government NSW, p 10; Submission 39, SGS Economics and Planning, p 3.

²⁷³ Evidence, Mr Paul Belz, Director, City Assets, Blacktown City Council, 7 April 2025, p 22; Evidence, Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, 7 April 2025, p 11.

²⁷⁴ Evidence, Mr Paul Belz, Director, City Assets, Blacktown City Council, 7 April 2025, p 22.

- 2.103** Mr Greg Peak raised concerns about inadequate funding: 'public toilet provision and maintenance are currently governed by local councils ... inadequate funding, particularly in rural areas, has resulted in a lack of accessible and well-maintained public toilets'.²⁷⁵ Mr Peak recommended that a sustainable funding model that involves both public and private sector contributions be created to support the provision and maintenance of public toilets.²⁷⁶
- 2.104** Local Government NSW were also in support of this, stating that due to the lack of legislation around public toilets, 'there is no government agency responsible for providing guidance or funding'.²⁷⁷ Local Government NSW advised that they have been a long-term advocate for reform of the current funding model for local government in NSW.²⁷⁸ They added that 'most councils are reporting a deterioration in their financial position and many fear that they are financially unsustainable or approaching unsustainability'.²⁷⁹
- 2.105** Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, advised that some local governments have used the Local Roads and Community Infrastructure (LRCI) Program to apply for federal funding.²⁸⁰ Ms Webber noted that whilst the program did not specifically identify public toilets as an eligible project, some councils were able to use that funding towards public toilets.²⁸¹
- 2.106** Albury City Council adopted their own public toilet strategy in August 2020.²⁸² They advised that by having an adopted strategy for improving public toilets they were well placed to successfully apply for Federal Grant Funding under the LRCI Program.²⁸³ Albury City Council stated that the program had been 'invaluable for local councils ... to fund the provision of quality community infrastructure'.²⁸⁴
- 2.107** In their submission, Equal Access Group confirmed that the Australian Government has announced funding for the delivery of Changing Places (Accessible Adult Change Facilities) nationally to state and territory governments via Federation Funding Agreements.²⁸⁵ In regard to fixed Changing Places the 'Australian Government will provide up to 50 per cent of funding for the facility's building cost'. In relation to portable Changing Places, 'the Australian Government will provide up to 100 per cent of the total build cost'.²⁸⁶

²⁷⁵ Submission 15, Mr Greg Peak, p 3.

²⁷⁶ Submission 15, Mr Greg Peak, p 3.

²⁷⁷ Submission 59, Local Government NSW, p 10.

²⁷⁸ Submission 59, Local Government NSW, p 10.

²⁷⁹ Submission 59, Local Government NSW, pp 10-11.

²⁸⁰ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 6.

²⁸¹ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 6.

²⁸² Submission 21, Albury City Council, p 1.

²⁸³ Submission 21, Albury City Council, p 2.

²⁸⁴ Submission 21, Albury City Council, p 3.

²⁸⁵ Submission 69, Equal Access Group, p 5.

²⁸⁶ Submission 69, Equal Access Group, p 5.

Funding challenges: complying with minimum standards

- 2.108** Many stakeholders addressed the need for dedicated funding.²⁸⁷ Bega Valley Council stated, 'any investment by local government to comply with legislation or regulation would also require a significant contribution from state and federal counterparts'.²⁸⁸
- 2.109** Local Government NSW supported this and acknowledged that 'councils are currently absorbing \$1.36 billion per year in cost shifting and are unable to raise sufficient revenue due to rate pegging and funding arrangements that are no longer fit for purpose'.²⁸⁹ They explained that 'increasing community needs and expectations of councils cannot be met within the available funding. Councils may not have access to sufficient funds to upgrade, build or maintain public toilet facilities to best practice standards'.²⁹⁰
- 2.110** This sentiment was also shared by Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council: 'at the moment, we are very limited for any sort of funding source unless we apply for other competitive grant programs that are related but not directly associated with toilets...'.²⁹¹
- 2.111** When discussing what the financial contribution might look like, Mr McMahon said 'our preference would always be some sort of recurring funding'.²⁹² He explained 'that could be relative to the number of assets that we are required to have to cater for the demand in our areas, but even anything along the lines of recurring capital renewal funding that takes up some of that financial burden would be of benefit'.²⁹³

Funding to assist with ongoing maintenance

- 2.112** Local Government NSW advised that funding is not just required to assist councils with the development of new facilities and the refurbishment of existing facilities, but it also required to assist with ongoing maintenance and operational costs.²⁹⁴ In their submission, Local Government NSW stated that in the past some local councils have applied for grants towards vital community infrastructure for public toilets.²⁹⁵ However, 'some councils are not

²⁸⁷ Submission 44, Bega Valley Shire Council, p 2; Submission 59, Local Government NSW, p 11; Evidence, Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, 7 April 2025, p 11; Submission 61, City of Newcastle, p 2; Submission 62, Placemaking NSW, p 4; Submission 54, Australian Institute of Landscape Architects (AILA), p 3; Submission 56, Bathurst Regional Access Committee, p 8.

²⁸⁸ Submission 44, Bega Valley Shire Council, p 2.

²⁸⁹ Submission 59, Local Government NSW, p 11.

²⁹⁰ Submission 59, Local Government NSW, p 11.

²⁹¹ Evidence, Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, 7 April 2025, p 11.

²⁹² Evidence, Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, 7 April 2025, p 11.

²⁹³ Evidence, Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, 7 April 2025, p 11.

²⁹⁴ Submission 59, Local Government NSW, p 10.

²⁹⁵ Submission 59, Local Government NSW, p 10.

participating in these programmes as they cannot support the ongoing maintenance costs or resource the application and reporting process of the grants themselves'.²⁹⁶

- 2.113** Mr Paul Belz, Director, City Assets, Blacktown City Council, also emphasised this point: 'grants help us for the capital, but then we've got the ongoing operating costs ... with such massive growth in our area it's an ongoing challenge as to how we fund that operating cost going forward'.²⁹⁷ Mr Belz explained that 'some sort of state-based subsidy program for public toilets is probably the best' to assist local councils with the costs of ongoing maintenance.²⁹⁸

Innovative funding models

- 2.114** SGS Economics and Planning provided a list of potential innovative funding models to help offset the costs of public toilets:

- **Advertising space:** the option to use vacant space on the side of public toilet buildings and/or within public toilet buildings for static and digital advertising
- **User-pays systems:** users have to pay a small fee to use the public toilet
- **Community toilet schemes:** partnerships between government and local private businesses whereby the government provides financial contributions towards supplies (such as soap and toilet paper) and/or maintenance and cleaning costs in exchange for the private toilets being made available to non-customers during business hours.²⁹⁹

Advertising space

- 2.115** When asked if they use public toilets for advertising space, or if that would be useful, Mr Paul Belz, Director, City Assets, Blacktown City Council, explained 'we certainly use it for bus stops ... we haven't thought about it though, for public toilets yet [...] I presume or assume that councils treat it as a service to the community and that's basically the way it's approached. But it may be an opportunity going forward'.³⁰⁰

User-pays systems

- 2.116** With respect to the implementation of user-pays systems, stakeholders raised the following two issues:
- it restricts access to only those who can afford to use it. It could become expensive to residents, and prevent people from lower socio-economic backgrounds and those experiencing homelessness from using the facilities³⁰¹

²⁹⁶ Submission 59, Local Government NSW, p 10.

²⁹⁷ Evidence, Mr Paul Belz, Director, City Assets, Blacktown City Council, 7 April 2025, p 22.

²⁹⁸ Evidence, Mr Paul Belz, Director, City Assets, Blacktown City Council, 7 April 2025, p 22.

²⁹⁹ Submission 39, SGS Economics and Planning, p 3.

³⁰⁰ Evidence, Mr Paul Belz, Director, City Assets, Blacktown City Council, 7 April 2025, p 25.

³⁰¹ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 3.

- charging for use does not necessarily guarantee that the facilities or services will be of a better quality.³⁰²

Community toilet schemes

- 2.117** In relation to partnerships between government and private owners of commercial toilet facilities, Ms Liz Webster, Associate, SGS Economics and Planning, explained how these types of partnerships currently operate in Australia:

I'm aware of many examples in Australian communities where this is kind of operating under an informal agreement or where it's just kind of a longstanding expectation that, say, a shopping centre provides public toilets to the users of the shopping centre, but users of the nearby park also access that...

[...]

I think, like any good public-private partnership, there should be a more formalised agreement in place that is amenable to both sides. What this looks like under something like a community toilet scheme is that there are incentives, usually, whether that comes in the form of tax breaks or support—in that the local council, for example, pays for some of the maintenance costs or the cleaning costs for that privately owned facility, or they supply soap or other materials to support its higher level of use that's not just from a customer base, and there's also signage to make clear that that toilet is for public use; it's not only for paying customers.³⁰³

- 2.118** Other stakeholders were in support of this.³⁰⁴
- 2.119** When asked about the current partnerships between Transport for NSW and private providers of roadside facilities, Mr Scott Greenow, Executive Director, Freight, Transport for NSW, explained that 'the agreements are primarily around highway service centres ... to ensure there are adequate services for heavy vehicle drivers'.³⁰⁵ Services can include the supply of fuel, food, and bathrooms.³⁰⁶
- 2.120** Transport for NSW further explained that 'Highway Service Centres that are built on Transport for NSW-owned land have specific design requirements that the successful developer or operator is required to provide'.³⁰⁷ They advised that 'while Transport for NSW provides a lease over the land, the developer or operator bears responsibility for design and construction costs'.³⁰⁸ They added that Transport for NSW 'collects a percentage of revenue generated from the site' and at the end of the lease the 'buildings, and any other improvements are returned to Transport for NSW'.³⁰⁹

³⁰² Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 12.

³⁰³ Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 4.

³⁰⁴ Submission 61, City of Newcastle, p 2; Submission 15, Mr Greg Peak, p 1.

³⁰⁵ Evidence, Mr Scott Greenow, Executive Director, Freight, Transport for NSW, 7 April 2025, p 40.

³⁰⁶ Evidence, Mr Scott Greenow, Executive Director, Freight, Transport for NSW, 7 April 2025, p 40.

³⁰⁷ Answers to questions on notice, Transport for NSW, 8 May 2025, p 7.

³⁰⁸ Answers to questions on notice, Transport for NSW, 8 May 2025, p 7.

³⁰⁹ Answers to questions on notice, Transport for NSW, 8 May 2025, p 7.

- 2.121** As discussed above at paragraph 2.97 some stakeholders had concerns regarding how the agreements would be monitored and how the government would ensure that private owners would keep their facilities open for all.³¹⁰

Committee comment

- 2.122** The committee was surprised by the lack of legislation, regulations and standards with respect to the provision of public toilets. The evidence received throughout the inquiry highlighted the importance of public toilets, and the value they add to public life. It is important that public toilets are recognised as essential public infrastructure.

Finding 1

That public toilets are an essential component of urban infrastructure, playing a crucial role in fostering community participation and ensuring public health and hygiene.

Finding 2

That the impacts of inadequate public toilet provision and a lack of access to public toilets are significant.

- 2.123** According to the evidence, it is apparent that there are significant gaps in the current regulatory framework. The absence of mandatory minimum standards has caused inconsistencies in the design, delivery, safety, maintenance, accessibility and sustainability of public toilets across New South Wales.
- 2.124** The committee agrees that legislation should be introduced to:
- acknowledge access to sanitation as a human right
 - 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.
- 2.125** In consideration of the evidence, we are of the view that legislation that provides for the design, delivery, safety, maintenance, accessibility and sustainability of public toilets across New South Wales would be most effective if incorporated within the existing *Public Health Act 2010*.

³¹⁰ Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 43.

Finding 3

That the current legislative and regulatory frameworks for the provision of public toilets are inadequate.

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.
-

- 2.126** The committee acknowledges the importance of having an agency to provide oversight, bear responsibility and manage public toilets in New South Wales. In light of the evidence, and due to the importance of public toilets for public health, the Minister for Health and NSW Health would be best placed to take on this role.
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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.

- 2.127** The potential to use State Environmental Planning Instruments to mandate minimum standards for the design, delivery, safety, maintenance, accessibility and sustainability of public toilets, was raised by stakeholders during the inquiry. The committee agrees that the NSW Government should consider this as an additional avenue to provide consistency in the provision of accessible and inclusive public toilets in New South Wales.
-

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.

- 2.128** The committee believes that inconsistencies in the provision of public toilets can be mitigated by the development and implementation of a statewide public toilet strategy. The strategy should provide a benchmark for best practice, which should provide greater guidance and support to local councils and providers of public toilets. The committee recommends that the NSW Government should take note of the evidence received throughout the course of the inquiry when developing the statewide public toilet strategy.
- 2.129** The committee acknowledges the immense workload and pressure that local councils are placed under and therefore does not wish to burden them with stringent requirements and compliance. We recognise the importance of flexibility and agree that local councils should retain the ability to build upon the standards set, so that public toilet facilities can be tailored to best suit the needs of their individual communities.
- 2.130** The committee agrees that the statewide strategy should provide for the application of consistent language in respect of public toilets and 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.

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.
-

- 2.131** The committee acknowledges the evidence provided in relation to the National Construction Code and notes the remarks made by stakeholders; that the public toilet provisions within the National Construction Code need to be updated to reflect modern needs and expectations.
- 2.132** In light of the evidence, the committee agrees that the National Construction Code should be amended so that it consistently uses inclusive language such as use of the term 'gender' instead of 'sex' and the term 'all-gender' instead of 'unisex.' The committee also notes that there is currently no provision for modern, accessible, single-use cubicle all-gender public toilet facilities utilising universal design principles, baby change areas and assistance animal relief areas under the National Construction Code.

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.

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).
-

2.133 The committee acknowledges the issues raised with respect to privately owned commercial public toilet facilities. The committee agrees that in some circumstances, particularly in service stations and shopping centres, the provision of public toilet facilities, including accessible public toilet facilities, should be mandatory and available to be used by all, regardless of whether they are a customer or have an intention to purchase.

2.134 We therefore recommend 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.
-

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.
-

2.135 The issues associated with the current provision of public toilets are wide-ranging and it was well understood by the committee that public toilets impact many different people in many different ways. The committee recognises the importance of community consultation and the need for co-design when determining the design, delivery, safety, maintenance, accessibility and sustainability of public toilets.

2.136 We therefore encourage the NSW Government to 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.

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.

- 2.137** Many stakeholders endorsed the need for a statewide audit of all existing public toilet facilities across New South Wales. An audit of all existing facilities would help to provide the full picture, identify any problem areas, and identify facilities that desperately need updating. The committee agrees that the NSW Government should require local governments to conduct an audit of all existing 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.
- 2.138** Stakeholders also addressed the need for regular audits of accessible toilets and Changing Places facilities, stating that many existing accessible facilities are insufficiently maintained, poorly equipped and often used for storage. We therefore support the need for regular audits of accessible facilities to ensure that they are maintained and adequately equipped.
-

Finding 4

That there is a lack of centralised data about the current provision of public toilets.

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.

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.

- 2.139** According to the evidence, the National Public Toilet Map is a useful resource, which many people rely on for their toileting needs; to plan ahead and to locate public toilets when in unfamiliar environments. The committee therefore recommends that the NSW Government consider allocating resources to improve the data quality of the National Public Toilet Map and to promote its use. The committee also advocates to the Australian Government Department
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of Health, Disability and Ageing (DHDA) to increase the accessibility and reliability of the National Public Toilet Map.

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.
-

2.140 The committee acknowledges the concerns raised by local councils in relation to funding. The committee further acknowledges the costs associated with the planning, construction and ongoing maintenance of public toilets and understands the need for the implementation of 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.
-

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.
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Chapter 3 Design and planning considerations

This chapter begins by providing an overview of public toilet design principles. It provides a summary of the two design options utilised in relation to the configuration, style and format of public toilets. It addresses the considerations raised by stakeholders in regard to the configuration, style and format of public toilets such as the multi-stall design option versus the single-use cubicle, the provision of all-gender facilities versus the provision of gender segregated facilities, general design aspects, and materials used in the construction of public toilets. This chapter also highlights the importance of clear and consistent signage and wayfinding. To conclude, this chapter provides a summary of how the provision of public toilets is approached in heritage buildings.

Overview of design principles

- 3.1 During the inquiry, stakeholders referred to specific design principles they believe should be taken into account when planning for the design and provision of public toilets. This section provides a summary of the 12 national public toilet principles proposed by Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, and provides an overview of the principles of universal design.

Proposed national public toilet principles

- 3.2 According to Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, the 'adoption of national public toilet principles can prioritise the planning, design and maintenance of public toilets in public spaces across cities and suburbs in Australia'.³¹¹ The following national public toilet principles were proposed by Ms Webber:

- **The value of public toilets:** recognise that access to toilets promotes inclusion and participation, while also enabling positive outcomes and benefits such as physical activity, economic growth, and tourism
- **Public health and hygiene:** the provision and maintenance of public toilets increases the level of public health and hygiene
- **Safety and privacy:** recognise that safety and both audible and visual privacy is important to users
- **Functionality:** toilet design must facilitate a range of activities that support physical and mental health and hygiene
- **Accessibility:** design must meet the specific needs of the user and include minimum standards for physical accessibility
- **Inclusion:** design that meets the needs of all populations. This includes a preference for single-use cubicles with internal amenities, signage that reflects all bodies and the enforcement of anti-discrimination policies

³¹¹ Submission 14, Ms Katherine Webber, Attachment 1, p 1.

- **Location and availability:** toilets should be easy to find and available in sufficient numbers to meet user demand. This also involves taking into account the distance people must travel to reach them
- **Attractiveness:** the aesthetics and ambiance of a space can help to make people feel welcome and comfortable
- **Ease of maintenance:** materials used in the construction of public toilets need to allow for easy cleaning, resistance to vandalism and be durable while still being functional and welcoming
- **Sustainability:** when planning for the design and maintenance of public toilets, the use of resources such as electricity and water should be considered
- **Communication:** toilets need to be easy to find via signage or apps and include relevant information about operating hours and maintenance requests
- **Consultation:** community consultation and engagement in toilet design and placement is essential to ensure that local community needs are identified and met.³¹²

3.3 Ms Webber proposed these principles in hope that they can be 'adopted and used to guide legislation, planning, design and management of public toilets to ensure adequate, accessible and inclusive toilets for all'.³¹³

3.4 In addition to the national public toilet principles proposed by Ms Webber, other stakeholders also addressed the need to consider and incorporate the principles of universal design when planning for the design and provision of public toilets.

Universal design

3.5 Universal design is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability.³¹⁴ Universal design is recognised as an inclusive design thinking process that can be applied to all things designed such as buildings, services, policies, and processes.³¹⁵

3.6 The seven principles of universal design are as follows:

- **Equitable use:** the design is useful to people with diverse abilities
- **Flexibility in use:** the design accommodates a wide range of individual preferences and abilities
- **Simple and intuitive to use:** the design is simple and can be understood by all regardless of the user's experience, knowledge, language skills, or current concentration level

³¹² Submission 14, Ms Katherine Webber, Attachment 1, p 1.

³¹³ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 2.

³¹⁴ Centre for Universal Design Australia, 7 Principles of Universal Design, <https://universaldesignaustralia.net.au/7-principles-of-universal-design>.

³¹⁵ Centre for Universal Design Australia, 7 Principles of Universal Design, <https://universaldesignaustralia.net.au/7-principles-of-universal-design>.

- **Perceptible information:** the design communicates necessary information effectively to the user
- **Tolerance for error:** the design minimises hazards and the adverse consequences of accidental or unintended action
- **Low physical effort:** the design can be used efficiently and comfortably
- **Size and space for approach and use:** appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.³¹⁶

3.7 The principles of universal design were supported by many stakeholders.³¹⁷ In their submission, Access Institute addressed the importance of appropriate toilet design, and endorsed utilising the principles of universal design in the provision of public toilets:

[A]ppropriate toilet design is critical in addressing the vast array of issues related to safe, hygienic, equitable and dignified toilet use. Utilising the principles of Universal Design in the provision of toilets has the potential to greatly enhance outcomes.³¹⁸

3.8 As discussed in chapter 1 of this report, the Convention on the Rights of Persons with Disabilities (CRPD) requires parties to undertake or promote the research and development of universally designed goods, services, equipment and facilities.³¹⁹ Under the CRPD, universal design is defined as 'the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design'.³²⁰

3.9 Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, discussed the intention of universal design under the CRPD, and explained how a 'curb-cut effect' is achieved: 'This concept called the curb-cut effect ... what that is, if you design for people with disability, you actually design for all'.³²¹ Mx Spindler-Smith provided Changing Places facilities as an example of this stating that the adult changing bed can be used by adults with disabilities, but a parent with a small child can also utilise the bed if they require support

³¹⁶ Centre for Universal Design Australia, 7 Principles of Universal Design, <https://universaldesignaustralia.net.au/7-principles-of-universal-design>.

³¹⁷ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 4; Evidence, Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance, 1 April 2025, p 18; Submission 19, Access Institute, p 14; Submission 59, Local Government NSW, p 10; Submission 67, Guide Dogs NSW, p 9; Submission 15, Mr Greg Peak, p 2; Submission 25, Anti-Discrimination New South Wales, p 7; Submission 27, Lake Macquarie City Council, p 1; Submission 58, Cr Paige Johnson, p 1.

³¹⁸ Submission 19, Access Institute, p 14.

³¹⁹ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 4.

³²⁰ United Nations, United Nations Human Rights Office of the High Commissioner, Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

³²¹ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 4.

with changing.³²² Ms Fiona Davies, Chief Executive Officer, Australian Medical Association (NSW), also addressed the impact of the curb-cut effect.³²³

- 3.10** In support of this view, Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance, advised that toilet facilities need to be all-gender and usable by people of all abilities, 'whether that be people who have physical disabilities, the vision impaired, the mobility impaired, the elderly, or those with chronic illnesses'.³²⁴ Dr Toyer stated that this is the premise of universal design: that facilities are accessible to everyone regardless of gender or ability.³²⁵

Configuration, style and format options

- 3.11** The following three design options concerning the configuration, style and format of public toilets were primarily referred to by stakeholders throughout the course of the inquiry:
- gender segregated toilet blocks with stalls and common area (traditional configuration)
 - single-use cubicles that open into a shared washing area
 - single-use cubicles with internal amenities.

Gender segregated toilet blocks with stalls and common area (traditional configuration)

- 3.12** Gender segregated toilet blocks with stalls and common area design were referred to in evidence by witnesses as a 'traditional' or 'older' public toilet design.³²⁶ The design consists of separate male and female facilities. As per the below diagram, the designated male facilities usually contain at least one toilet stall, urinals, and a common area to wash and dry hands. In the female-designated section, there is often multiple toilet stalls and a common area to wash and dry hands.

³²² Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 4.

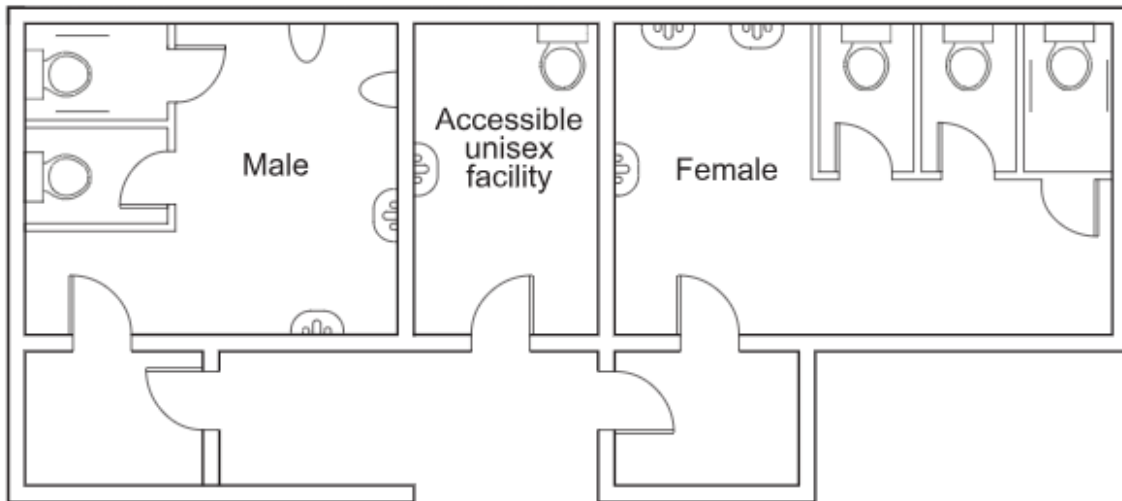
³²³ Evidence, Ms Fiona Davies, Chief Executive Officer, Australian Medical Association (NSW), 1 April 2025, p 2.

³²⁴ Evidence, Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance, 1 April 2025, p 18.

³²⁵ Evidence, Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance, 1 April 2025, p 18.

³²⁶ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 7; Evidence, Ms Marcia Morley, Executive Manager, Infrastructure Delivery, City of Sydney, 7 April 2025, p 26; Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 32; Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 5; Evidence, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, 31 March 2025, p 36; Evidence, Mr Matthew Hayes, Hidden Disability Advocate, 1 April 2025, p 3.

Figure 3 Diagram of gender segregated public toilet blocks with stalls and common area³²⁷



3.13 Some stakeholders provided the following reasons in support of this design:

- female designated facilities can make women feel safer and provide a communal place of refuge for women³²⁸
- some women from a range of religious and cultural groups need to use gender segregated toilet facilities³²⁹

3.14 In contrast, other stakeholders were unsupportive of this particular design and raised the following concerns:

- the design hinders carers and parents from accompanying a child or individual of the opposite sex to the toilet³³⁰
- there is reduced privacy, and exposure to noises and smells.³³¹

³²⁷ National Construction Code, Part F4 Sanitary and other facilities, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/f-health-and-amenity/part-f4-sanitary-and-other-facilities>.

³²⁸ Submission 33, Australian Feminists for Women's Rights (AF4WR), p 2; Submission 19, Access Institute, p 7.

³²⁹ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, pp 30-31; Submission 19, Access Institute, p 5; Submission 27, Lake Macquarie City Council, p 2; Submission 56, Bathurst Regional Access Committee, p 8.

³³⁰ Submission 55, Trans Justice Project and Sydney Bi Plus Network, p 6; Submission 12, Country Women's Association of NSW, p 2; Evidence, Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance, 1 April 2025, p 17; Submission 71, Dementia Australia, p 3.

³³¹ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 13.

- the design is not inclusive and excludes those who are transgender, non-binary, intersex or gender diverse³³²
- the design can cause discomfort, conflict, and increase the risk of harassment or violence to those who are transgender or gender diverse³³³
- there is reduced visibility of the hidden common area, reducing safety.

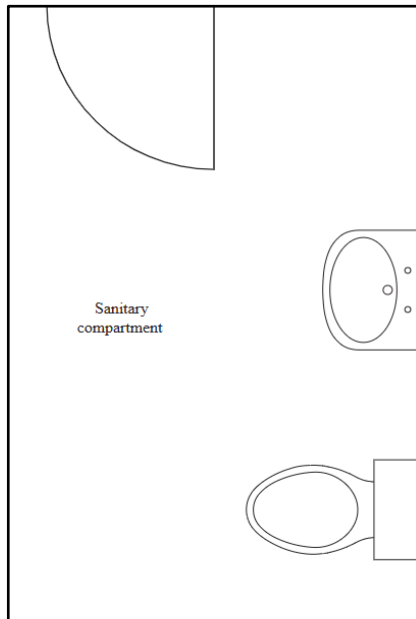
3.15 These considerations, both in support of and against this particular design option, are addressed further in paragraph 3.19 of this chapter.

Single-use cubicles with internal amenities

3.16 A single-use cubicle usually consists of four floor-to-ceiling walls, a door that provides access from a public space, and includes a toilet, an internal wash basin and hand drying amenities. Some single-use cubicles may also include shower facilities as depicted in the diagram below:

³³² Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 11; Submission 19, Access Institute, p 11; Submission 27, Lake Macquarie City Council, p 1; Submission 55, Trans Justice Project and Sydney Bi+ Network, pp 6-7.

³³³ Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 11.

Figure 4 Diagram of single-use cubicle with internal amenities³³⁴

3.17 This design option was most preferred by stakeholders as it was widely accepted that this design option provides the greatest amount of privacy.³³⁵ This is further addressed in paragraph 3.21 of this chapter. The following demographics supported the single-use cubicle design with internal amenities:

- people who are neurodiverse³³⁶
- people who menstruate³³⁷
- people who are transgender or gender diverse³³⁸
- people experiencing homelessness.³³⁹

3.18 The needs of each of these demographics and their support for single-use cubicles is addressed in chapter 4 of this report.

³³⁴ National Construction Code, Volume 1, Section F, Part F401, Figure 6a, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/f-health-and-amenity/part-f4-sanitary-and-other-facilities>.

³³⁵ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 13; Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, pp 9 and 11; Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 13; Evidence, Mr Matthew Hayes, Hidden Disability Advocate, 1 April 2025, p 7; Submission 19, Access Institute, p 5; Submission 53, Exeloo, p 1; Submission 28, Inner City Legal Centre, p 2.

³³⁶ Submission 57, Mr Matthew Hayes, p 1.

³³⁷ Evidence, Miss Brittney Edwards, Advocacy and Communications Specialist, Share the Dignity, 17 March 2025, p 29; Submission 19, Access Institute, p 5.

³³⁸ Submission 28, Inner City Legal Centre, p 6; Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 9.

³³⁹ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 33.

Configuration, style and format considerations

- 3.19** Various considerations with respect to the configuration, style and format of public toilets were raised by stakeholders. This section addresses the concerns raised with respect to the multi-stall block design versus single-use cubicles and the provision of all-gender facilities versus the provision of designated male and female facilities.

Multi-stall block (traditional configuration) vs. single-use cubicles

- 3.20** During the inquiry, stakeholders compared the multi-stall block (traditional configuration) design to the single-use cubicle design. Stakeholders predominantly endorsed the single-use cubicle design, noting that it provides a greater amount of privacy.³⁴⁰ However, some participants raised concerns about the potential challenges of transitioning all toilet facilities to the single-use cubicle design, noting cost and space as inhibitive factors.

Privacy

- 3.21** Many stakeholders agreed that one of the primary benefits of single-use cubicles, especially those with internal amenities, is that they provide the greatest amount of privacy.³⁴¹
- 3.22** When asked about the main advantages of the single-use cubicle, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, responded with 'it provides more of a private space. While I'm in there, I feel more private. That would be the benefit that I see in that. I might also use it for respite—to get away, to take a break...'³⁴² Dr Tietz added that depending on the fixtures and fittings provided within the cubicle, a single-use cubicle provides a safe, private space where exposure to other sounds and smells is significantly reduced.³⁴³
- 3.23** In support of this, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, agreed that there is a range of benefits to having fully private cubicles, stating 'it's an issue not just for trans and gender diverse people or LGBTQ people but also for people with disabilities who have sensory issues. I think everybody would like complete privacy when using a toilet'.³⁴⁴

³⁴⁰ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 13; Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, pp 9 and 11; Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 13; Evidence, Mr Matthew Hayes, Hidden Disability Advocate, 1 April 2025, p 7; Submission 19, Access Institute, p 5; Submission 53, Exeloo, p 1; Submission 28, Inner City Legal Centre, p 2.

³⁴¹ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 13; Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 9; Submission 19, Access Institute, p 5.

³⁴² Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 13.

³⁴³ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, p 13.

³⁴⁴ Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 9.

3.24 Mr Richard Tassicker was also in support single-use spaces, stating 'toilets should always have the stall doors opening to the outside, rather than people having to walk inside a 'restroom' first. This seems to be the modern way of public toilet installation, which I believe provides greater security'.³⁴⁵

3.25 In evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, supported the single-use cubicle design, however when asked if there are any circumstances where the multi-stall (traditional configuration) design may be appropriate, Ms Webber stated that it largely depends on the specific needs of each community and the function of that designated space:

I guess this is when it comes back down to what the community wants. I think if it is attached to a change room, if it is in a sporting area for swimming, or fields, and there's those other activities occurring, that could be more beneficial. I know in some venues, like entertainment venues, having that space where people can check their clothing, wash their hands, have a little bit of privacy, but also have some of that communal space can be really valued as well ... I think it's worth an area of conversation about what are the benefits of having both designs.³⁴⁶

3.26 Some stakeholders, particularly local government, addressed the importance of crime and vandalism prevention and the principles of Crime Prevention Through Environmental Design.

Crime and vandalism prevention

3.27 Local Government NSW stated that there is 'a range of actual and perceived safety risks to person and property that may be encountered at public toilets'.³⁴⁷ They advised that there 'have been instances of serious offences committed in public toilets to members of the public, including children'.³⁴⁸

3.28 Local councils play an important role in developing crime prevention strategies tailored to their communities and ensuring that public spaces are safe.³⁴⁹ Many councils develop Community Safety Plans which identify the main safety concerns within their area and outline strategies and actions to address them.³⁵⁰ Local Government NSW advised that these plans provide an 'avenue for councils to ask their local community of specific facilities or spaces they feel unsafe, and what strategies can be implemented to increase feelings of safety'.³⁵¹

3.29 Dubbo Regional Council advised that their Community Safety and Crime Prevention Plan, which is not specific to public toilets but applies in a general sense, has recently been endorsed

³⁴⁵ Submission 7, Mr Richard Tassicker, p 1.

³⁴⁶ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 5.

³⁴⁷ Submission 59, Local Government NSW, p 6.

³⁴⁸ Submission 59, Local Government NSW, p 6.

³⁴⁹ Submission 59, Local Government NSW, p 6.

³⁵⁰ Submission 59, Local Government NSW, p 6.

³⁵¹ Submission 59, Local Government NSW, p 6.

by Council for public exhibition.³⁵² The plan is a culmination of 18 months of consultation with various stakeholder groups about community safety concerns.³⁵³

3.30 Dubbo Regional Council advised that 'the top three concerns for safety centred around: experiencing anti-social behaviour in general, feeling unsafe after dark and a noticeable contribution from women and girls'.³⁵⁴ The council also advised that 'the top 3 interventions recommended from the public were CCTV improvements, lighting improvements, maintenance and upkeep'.³⁵⁵ These findings formed the focus of the actions detailed with their Community Safety and Crime Prevention Plan.³⁵⁶

3.31 Dubbo Regional Council also commented on the issue of vandalism: 'vandalism remains an ever-present problem. Council can expect to budget between \$20k-\$30k annually to respond to vandalism across the public amenity network'.³⁵⁷ They highlighted the amenities that are most targeted and receive the most amount of vandalism in public toilet facilities:

Where present, the 'Parents Room' attracts a disproportionate amount of vandalism attention. The folding tables hinged from the wall are especially vulnerable. This is unfortunate as 'Parents Room' do appear to be a popular response from community feedback. Similarly, disability swings are easy targets, as they have moving parts and hinges.³⁵⁸

3.32 Cr Paige Johnson, Councillor for Newcastle, stated that 'staff have raised with me challenges with respect to antisocial behaviour and vandalism hindering providing facilities such as soap dispensers, free menstrual products and other minimum amenities'.³⁵⁹ Cr Johnson recommended 'fitting existing facilities with features such as foaming soap dispensers to minimise theft, reflective metallic mirror surfaces as opposed to glass, stainless steel fixtures that are concealed to reduce ... opportunities for vandalism'.³⁶⁰

3.33 Some stakeholders advised that the risk of vandalism or other anti-social behaviour is often managed by closing public toilets at night.³⁶¹ Other stakeholders mentioned using the Master Locksmith Access Key (MLAK) system to secure facilities after hours to alleviate the risk of vandalism, while providing 24-hour access to facilities for people with a disability.³⁶²

³⁵² Submission 52, Dubbo Regional Council, p 8.

³⁵³ Submission 52, Dubbo Regional Council, p 8.

³⁵⁴ Submission 52, Dubbo Regional Council, p 8.

³⁵⁵ Submission 52, Dubbo Regional Council, p 8.

³⁵⁶ Submission 52, Dubbo Regional Council, p 7.

³⁵⁷ Submission 52, Dubbo Regional Council, p 7.

³⁵⁸ Submission 52, Dubbo Regional Council, p 7.

³⁵⁹ Submission 58, Cr Paige Johnson, p 2.

³⁶⁰ Submission 58, Cr Paige Johnson, p 2.

³⁶¹ Submission 2, Ms Cath Blakey, p 1; Submission 36, Spinal Cord Injuries Australia, p 4; Submission 54, Australian Institute of Landscape Architects (AILA), p 4; Submission 35, Name Suppressed, p 1.

³⁶² Submission 22, Disability Council NSW, p 1; Submission 56, Bathurst Regional Access Committee, p 8.

Crime Prevention Through Environmental Design

- 3.34** In April 2001, the NSW Department of Infrastructure, Planning and Natural Resources introduced Crime Prevention Legislative Guidelines to section 4.15 of the Environmental Planning and Assessment Act 1979.³⁶³ The guidelines require consent authorities to apply the principles of Crime Prevention Through Environmental Design (CPTED) to ensure that development provides safety and security to users and the community.³⁶⁴
- 3.35** Crime Prevention Through Environmental Design (CPTED) seeks to influence the design of buildings and places by:
- increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture
 - increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended
 - reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'
 - removing conditions that create confusion about required norms of behaviour.³⁶⁵
- 3.36** The principles of CPTED are as follows:
- **Surveillance:** the attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical
 - **Access control:** physical and symbolic barriers can be used to attract, channel or restrict the movement of people
 - **Territorial reinforcement:** people often feel comfortable in, and are more likely to visit, places which feel owned and cared for. Well-used places also reduce opportunities for crime and increase risk to criminals
 - **Space management:** ensures that space is appropriately utilised, maintained and well cared for.³⁶⁶

³⁶³ NSW Government, NSW Police Force, Safer By Design, https://www.police.nsw.gov.au/safety_and_prevention/policing_in_the_community/safer_by_design.

³⁶⁴ NSW Government, Department of Urban Affairs and Planning, Crime Prevention and the Assessment of Development Applications, *Guidelines under section 79C of the Environmental Planning and Assessment Act 1979*, April 2001, https://www.police.nsw.gov.au/__data/assets/pdf_file/0003/9390/duapguide_s79c.pdf, p 1.

³⁶⁵ NSW Government, Department of Urban Affairs and Planning, Crime Prevention and the Assessment of Development Applications, *Guidelines under section 79C of the Environmental Planning and Assessment Act 1979*, April 2001, https://www.police.nsw.gov.au/__data/assets/pdf_file/0003/9390/duapguide_s79c.pdf, p 1.

³⁶⁶ NSW Government, Department of Urban Affairs and Planning, Crime Prevention and the Assessment of Development Applications, *Guidelines under section 79C of the Environmental Planning and Assessment Act 1979*, April 2001, https://www.police.nsw.gov.au/__data/assets/pdf_file/0003/9390/duapguide_s79c.pdf, pp 4-5.

- 3.37** To improve safety and reduce the risks of crime, some local councils develop public toilets in line with the principles of Crime Prevention Through Environmental Design.³⁶⁷
- 3.38** In evidence, Ms Olivia Hyde, Director, Design Excellence, NSW Department of Planning, Housing and Infrastructure, advised the committee that the department is working to update the CPTED guidelines, and that the addition of a fifth principle is currently being considered:
- They have four principles at the moment that are very much to do with protection. The conversation that's underway at the moment is about introducing a new principle around perceptions of safety ... Obviously, you need a place to be safe, but it's true that, as you say, oftentimes systems that are put in place to create safety can actually give one the perception of it not being safe. Extremely bright lighting, for example, can lead to areas immediately adjacent that feel dark and poorly lit. When you have high contrast, that can actually lead to a sense of lack of safety.³⁶⁸
- 3.39** Some stakeholders noted that there are many public toilets that do not align with the principles of CPTED, and therefore many are closed at night to prevent crime and reduce the risk of vandalism.³⁶⁹ Ms Cath Blakey explained 'this means that the toilets aren't available of an evening or night, often when people still need them' and added that this can lead to public urination and defecation which negatively impacts the amenity and poses public health risks.³⁷⁰
- 3.40** While stakeholders were generally in support of single-use cubicles, some participants raised that a transition to single-use cubicles state-wide could pose some challenges, particularly in regard to costs and utilisation of space.

Cost and utilisation of space

- 3.41** The issue of space was identified by Mr Hayden Donoghue, Executive Director, Suburban Services, Sydney Trains, Transport for NSW.³⁷¹ Mr Donoghue stated that several train stations may have the older multi-stall female and male block of toilets rather than the modern single-use cubicles due 'to the original toilets being located within existing heritage buildings, or a limited ability to construct new bathroom buildings/facilities within the current building/space available'.³⁷²
- 3.42** Ms Annie Tennant, Director, Design and Place, Placemaking NSW, advised that when the intention is to include a single-use male, female, accessible and all-gender cubicle there can be complications when there is not enough space to do this.³⁷³ When asked if there is any reason as to why all single-use cubicles should not be all-gender, Ms Tennant advised that 'it's cost. It's

³⁶⁷ Submission 52, Dubbo Regional Council, pp 7-8; Submission 59, Local Government NSW, p 6; Submission 70, City of Sydney, p 5.

³⁶⁸ Evidence, Ms Olivia Hyde, Director, Design Excellence, NSW Department of Planning, Housing and Infrastructure, 7 April 2025, p 30.

³⁶⁹ Submission 2, Ms Cath Blakey, p 1; Submission 59, Local Government NSW, p 6.

³⁷⁰ Submission 2, Ms Cath Blakey, p 1.

³⁷¹ Evidence, Mr Hayden Donoghue, Executive Director, Suburban Services, Sydney Trains, Transport for NSW, 7 April 2025, p 41.

³⁷² Evidence, Mr Hayden Donoghue, Executive Director, Suburban Services, Sydney Trains, Transport for NSW, 7 April 2025, p 41; Answers to questions on notice, 8 May 2025, p 9.

³⁷³ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 34.

the space that it takes up to have an individual basin with the toilet and what you need to provide for the numbers under the [National Construction Code]'.³⁷⁴ This issue of what needs to be provided under the NCC is explained further in paragraph 3.45.

All-gender facilities vs. designated male and female facilities

- 3.43** Inclusive design is an approach that takes into consideration everyone's right to comfort, safety and dignity in the accessibility of public toilets.³⁷⁵ During the inquiry, many stakeholders raised the importance of inclusive design and specifically addressed the need for all-gender toilet facilities.³⁷⁶ Stakeholders provided the following reasons in support of all-gender facilities:
- all-gender facilities are inclusive
 - all-gender facilities can be used by carers and parents when accompanying a child or individual of the opposite sex to the toilet
 - reduction of wait times to use the toilet due to the fact that all toilets are usable by all, regardless of gender.
- 3.44** Others argued the need to retain gender segregated facilities.³⁷⁷ Stakeholders provided the following reasons in support of gender segregated facilities:
- some women may feel safer in female-designated facilities, and some men may feel more comfortable in male-designated facilities
 - women from some religious and cultural groups must use gender segregated toilet facilities
 - people who tend to use female-designated facilities often use toilets in ways that require additional privacy (managing menstruation, pregnancy, miscarriages, and breastfeeding)
 - cleanliness.
- 3.45** It is important to note that currently under the NCC, except where permitted, separate facilities for males and females must be provided.³⁷⁸ The NCC sets the number of toilet facilities that

³⁷⁴ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 34.

³⁷⁵ Submission 24, MHA Design, p 4.

³⁷⁶ Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 11; Submission 28, Inner City Legal Centre (ICLC), p 3; Submission 19, Access Institute, p 11; Submission 27, Lake Macquarie City Council, p 1; Submission 55, Trans Justice Project and Sydney Bi+ Network, pp 6-7; Evidence, Miss Sasha Bailey, Trans Health Researcher, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney, 1 April 2025, p 10; Evidence, Dr Rory Gillard, Volunteer, Trans Justice Project and Sydney Bi+ Network, 1 April 2025, p 17; Evidence, Ms Barabara Taylor, Parent Representative, Parents for Trans Youth Equity, 1 April 2025, p 16.

³⁷⁷ Submission 33, Australian Feminists for Women's Rights (AF4WR), pp 1-2; Submission 19, Access Institute, p 7; Submission 48, Name Suppressed, p 1; Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, pp 30-31.

³⁷⁸ National Construction Code 2022, Volume one – Building Code of Australia Class 2 to 9 buildings, Section F, Part F4D4, <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/f-health-and-amenity/part-f4-sanitary-and-other-facilities>.

need to be provided for both males and females, depending on the classification, size and occupancy of a building.³⁷⁹ Ms Olivia Hyde, Director, Design Excellence, NSW Department of Planning, Housing and Infrastructure, stated 'at the moment, if you want to provide an all-gender cubicle, that needs to be in addition to the numbers for men and women'.³⁸⁰

People who are trans and gender diverse

- 3.46** Most public bathrooms in New South Wales are gender segregated.³⁸¹ Inner City Legal Centre explained that 'for trans and gender diverse people, as well as cisgender people who do not conform with gender expectations ... these divisions can lead to discomfort, conflict, and even the risk of harassment or violence...'.³⁸²
- 3.47** Ms Niamh Joyce, Solicitor, Inner City Legal Centre, stated 'looking at other kinds of cases and the clients that we've talked to, the single-use toilets I would say is the better option, and having, where possible, only all-gender bathrooms'.³⁸³ Ms Joyce added 'if it's only a single-use toilet, you're going to be in there by yourself. I can't really see a reason for having it be gendered'.³⁸⁴
- 3.48** Other stakeholders also shared this sentiment and highlighted the need for inclusive, all-gender facilities:
- Gendered bathrooms are exclusionary and discomfoting for transgender, non-binary, intersex, and other gender diverse people. All-gender bathrooms create safer spaces that are inclusive to individuals of all gender identities. This fosters an environment that respects and affirms the dignity of all people, regardless of their gender identity.³⁸⁵
 - There is growing recognition of the need for public toilets to cater to diverse gender identities. Introducing more inclusive, gender-neutral facilities would help make public spaces more welcoming for transgender and non-binary individuals.³⁸⁶
 - Gendering individual stall bathrooms is illogical, creates unnecessary queues for people to access toilets and can also fail to accommodate non-binary people by providing no all-gender bathroom option.³⁸⁷
- 3.49** According to ACON, 'all-gender facilities can be easily incorporated into the design of public toilets'.³⁸⁸ They noted that single occupancy toilets can operate as all-gender facilities, and 'larger toilet blocks can be designed to provide a mix of designated gender, all-gender, ambulant and disability accessible bathrooms to meet the needs of all users'.³⁸⁹

³⁷⁹ Submission 19, Access Institute, p 6.

³⁸⁰ Evidence, Ms Olivia Hyde, Director, Design Excellence, NSW Department of Planning, Housing and Infrastructure, 7 April 2025, p 34.

³⁸¹ Submission 28, Inner City Legal Centre (ICLC), p 3.

³⁸² Submission 28, Inner City Legal Centre (ICLC), p 3.

³⁸³ Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 11.

³⁸⁴ Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 11.

³⁸⁵ Submission 19, Access Institute, p 11.

³⁸⁶ Submission 27, Lake Macquarie City Council, p 1.

³⁸⁷ Submission 55, Trans Justice Project and Sydney Bi+ Network, pp 6-7.

³⁸⁸ Submission 32, ACON, p 3.

³⁸⁹ Submission 32, ACON, p 3.

3.50 The Trans Justice Project and Sydney Bi+ Network explained that 'creating all-gender bathroom options does not need to entail the construction of new bathrooms or waiting until facilities are renovated'.³⁹⁰ They stated that male and female multi-stall bathrooms can simply become all-gender by using appropriate all-gender signage.³⁹¹ They suggested that where there is a strong preference for a women's multi-stall toilet option, the designated female bathrooms could be kept as is, and the male bathrooms could be changed to all-gender.³⁹²

3.51 Some stakeholders advised that where all-gender toilets are not provided, some individuals who are gender diverse will use an accessible toilet if possible.³⁹³ The Inner City Legal Centre stated that 'all-gender toilets should not be exclusively co-located with accessible or ambulatory toilets'.³⁹⁴ In evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, elaborated on this issue and explained the importance of providing a separate all-gender toilet, in addition to an all-gender accessibility toilet:

[T]here is a need for non-disability, all-gender, single-use cubicles for trans and gender diverse people who don't have a disability. It's awkward or not appropriate to be using the disability bathroom or the accessible bathroom when that is specifically allocated for people who have access needs. It's not appropriate, and there should be separate all-gender bathrooms.³⁹⁵

3.52 This issue was also raised by Ms Lannen Donnelly, Founding Director, Parents for Trans Youth Equity, who also argued for the provision of all-gender facilities, stating that this option provides a space for individuals who are non-binary, so that they do not have to use the accessible toilet:

[W]here there is a gender-neutral option for bathrooms, single-use or multi-stall, it means that people like my child that are non-binary don't have to feel guilt in using a disabled toilet and taking it away, potentially, from a disabled person. So, there are so many multifaceted positives to having all-gender bathrooms.³⁹⁶

3.53 Further evidence about accessibility considerations for people who are transgender or gender diverse is provided in chapter 4 of this report.

Carers and parents

3.54 The Trans Justice Project and Sydney Bi+ Network explained that providing all-gender bathrooms is not just beneficial for the safety and wellbeing of those who are gender diverse but that 'it is also beneficial for parents and carers who might have a different gender to their child or the person they are caring for, whom they need to accompany to public restrooms'.³⁹⁷

³⁹⁰ Submission 55, Trans Justice Project and Sydney Bi+ Network, p 5.

³⁹¹ Submission 55, Trans Justice Project and Sydney Bi+ Network, p 5.

³⁹² Submission 55, Trans Justice Project and Sydney Bi+ Network, pp 5-6.

³⁹³ Submission 19, Access Institute, pp 8-9; Evidence, Miss Katherine Wolfgramme, Community and Advocacy Officer, BlaQ Aboriginal Corporation, 29 April 2025, p 15; Evidence, Ms Elster Cook, Volunteer, Trans Justice Project, 1 April 2025, p 17.

³⁹⁴ Submission 28, Inner City Legal Centre (ICLC), p 2.

³⁹⁵ Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 12.

³⁹⁶ Evidence, Ms Lannen Donnelly, Founding Director, Parents for Trans Youth Equity, 1 April 2025, p 22.

³⁹⁷ Submission 55, Trans Justice Project and Sydney Bi Plus Network, p 6.

- 3.55** The Country Women's Association of NSW stated that 'public toilets should be safe and accessible for all users, including parents and guardians accompanying children of the opposite sex'.³⁹⁸ They noted that 'the current lack of suitable facilities poses significant challenges for parents, particularly fathers or male guardians, who may face legal or social stigma when attempting to take their daughters to the bathroom'.³⁹⁹
- 3.56** Mrs Heidi Mortimer, Member, Dunedoo Branch, Country Women's Association of NSW, explained that in some cases a man may have to ask a woman, who is a stranger, to look after his daughter in the female bathroom.⁴⁰⁰ Mortimer advised that this puts a 'whole different level of safety perspective onto this discussion and the decisions that parents are having to make, simply around toileting. Whereas if we had more inclusive bathrooms in that sense, or a parents space or the single-use, that would eliminate that as a problem'.⁴⁰¹
- 3.57** In evidence, Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance, added that they had personally experienced this challenge as a parent needing to accompany their child to a public bathroom when only gender segregated facilities are provided:
- I transitioned between my second and third child, my second child being a daughter and my third child being a son. I transitioned between the two of them being toddlers, and I was faced with the situation where my second child was a young girl and I was in public taking her—we were going shopping. I was in the awkward situation where I had to either take her into the men's restroom which, obviously, was an uncomfortable situation. Clearly, I did not wish to be entering an exclusively women's restroom.
- The situation ended up being reversed for me with my third child when I was presenting female—I had transitioned—as I do today. He felt incredibly uncomfortable, particularly as he started to become a little older, entering the women's restroom. Yet for me to enter an exclusive men's restroom was an uncomfortable situation for myself. I think that speaks to the universality of all-gendered bathrooms, particularly universally accessibly designed all-gendered bathrooms. They are very much beneficial for everyone.⁴⁰²
- 3.58** Other stakeholders also supported the need for facilities that enable parents or guardians to take their children of the opposite sex to public toilets.⁴⁰³

³⁹⁸ Submission 12, Country Women's Association of NSW, p 2.

³⁹⁹ Submission 12, Country Women's Association of NSW, p 2.

⁴⁰⁰ Evidence, Mrs Heidi Mortimer, Member, Dunedoo Branch, Country Women's Association of NSW, 17 March 2025, p 24.

⁴⁰¹ Evidence, Mrs Heidi Mortimer, Member, Dunedoo Branch, Country Women's Association of NSW, 17 March 2025, p 24.

⁴⁰² Evidence, Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance, 1 April 2025, p 17.

⁴⁰³ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 5; Submission 55, Trans Justice Project and Sydney Bi+ Network, p 6; Submission 12, Country Women's Association of NSW, p 2; Submission 52, Dubbo Regional Council, p 6; Submission 59, Local Government NSW, p 5; Submission 71, Dementia Australia, p 3.

Cultural and religious considerations

- 3.59** Some stakeholders acknowledged the importance of retaining designated toilets for both male and female genders for cultural reasons.⁴⁰⁴
- 3.60** In evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, stated that from their research and observations, it is important to provide male, female and all-gender bathrooms, as well as a separate inclusive accessible bathroom.⁴⁰⁵ Ms Tennant noted that 'there's a lot of evidence that's now showing that if you make all bathrooms all-gender ... there are some people from cultural groups or older women who do not feel safe or don't feel comfortable using those bathrooms...'⁴⁰⁶
- 3.61** Access Institute also raised the issue in their submission, stating that 'sharing toilets can be a significant cultural issue. Women from a range of religious and cultural groups are not able to use all-gender toilets'.⁴⁰⁷ They explained that 'modesty, including separation of male and females is an important consideration for groups such as Muslim and Orthodox Jewish communities as well as some Australian Indigenous communities'.⁴⁰⁸

Safety

- 3.62** The Australian Feminists for Women's Rights stated that 'women and girls deserve to have access to a single-sex space for refuge as well as sanitary activities' and that 'facilities that are not deemed for the exclusive use for women and girls provide an increased risk of violence, including sexual violence, perpetrated by men'.⁴⁰⁹
- 3.63** The Australian Feminists for Women's Rights added that the 'use of sanitary facilities includes experiences that are specific to female bodies, including pregnancy, miscarriage, breastfeeding and menstruation'.⁴¹⁰ They added that 'enabling access to single-sex sanitary facilities recognises the particular needs of women and girls and provides them with dignity'.⁴¹¹
- 3.64** Mr Gerard Calilhanna stated that 'the preservation of male and female toilets for biological males and females respectively is paramount, especially in the case of preserving sex-based safe spaces for women in particular' and that this 'upholds privacy, sensitivity and safety considerations'.⁴¹²

⁴⁰⁴ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, pp 30-31; Submission 19, Access Institute, p 5; Submission 27, Lake Macquarie City Council, p 2; Submission 56, Bathurst Regional Access Committee, p 8.

⁴⁰⁵ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, pp 30-31.

⁴⁰⁶ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, pp 30-31.

⁴⁰⁷ Submission 19, Access Institute, p 5.

⁴⁰⁸ Submission 19, Access Institute, p 5.

⁴⁰⁹ Submission 33, Australian Feminists for Women's Rights (AF4WR), p 2.

⁴¹⁰ Submission 33, Australian Feminists for Women's Rights (AF4WR), p 2.

⁴¹¹ Submission 33, Australian Feminists for Women's Rights (AF4WR), p 2.

⁴¹² Submission 42, Gerard Calilhanna, p 1.

- 3.65** Access Institute also addressed why some public toilet providers may need to retain gender segregated toilets.⁴¹³ They agreed that 'female toilets can provide a safe space for women' and that this can include situations where a woman may feel 'harassed or subjected to the unwanted advances, coercion, control or attention of a man'.⁴¹⁴
- 3.66** Access Institute also highlighted the rise and expansion of social media, the implications of this, and why in certain situations the provision of gender segregated facilities may be necessary:
- [W]here people meet for the first time online, and then subsequently may meet face to face in public, there are increasing situations where 'escape' options are very limited should things not progress well during the meeting ... Female toilets are often used as a refuge where a phone call for help can be made or plans for escape can be developed, often in conjunction with other women for support.⁴¹⁵
- 3.67** Access Institute detailed in their submission that 'one in four pregnancies result in miscarriage. These occurrences create high level stress situations, particularly if they occur in a public toilet space'.⁴¹⁶ They explained that there is 'not only health and hygiene issues associated with these events but also a significant need for privacy'.⁴¹⁷ Access Institute also added that 'women often feel uncomfortable about grooming in front of men, which would potentially be the only option in a shared gender facility'.⁴¹⁸
- 3.68** In evidence Ms Joe Manton, Director, Access Institute also discussed the impacts that all-gender facilities may have on men and advised that some men feel uncomfortable about using all-gender facilities with women:
- [T]hey feel a bit nervous ... [they] try to make sure that they're keeping their distance from women in all-gender facilities, because people feel as though they might be accused of doing something inappropriate, and so that creates toilet anxiety.⁴¹⁹
- 3.69** Other stakeholders were in support of the provision of designated separate male and female facilities.⁴²⁰
- 3.70** To provide another perspective on the issue, Dr Rory Gillard, Volunteer, Trans Justice Project and Sydney Bi+ Network, stated that an important thing to note is that 'all-gender bathrooms aren't the cause of violence against women. For instance, it's patriarchy, it's misogyny, it's gender inequality, and those are things that need to be addressed'.⁴²¹ Dr Gillard added 'there's this

⁴¹³ Submission 19, Access Institute, p 7.

⁴¹⁴ Submission 19, Access Institute, p 7.

⁴¹⁵ Submission 19, Access Institute, p 7.

⁴¹⁶ Submission 33, Australian Feminists for Women's Rights (AF4WR), p 2.

⁴¹⁷ Submission 19, Access Institute, p 5.

⁴¹⁸ Submission 19, Access Institute, p 7.

⁴¹⁹ Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 13.

⁴²⁰ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, pp 30-31; Evidence, Mr Stephen Weatherstone, Retired Engineer, 31 March 2025, p 23; Evidence, Dr Lorraine Dickson, Nurse Practitioner, Continence, 31 March 2025, p 23; Submission 42, Mr Gerard Calilhanna, p 1.

⁴²¹ Evidence, Dr Rory Gillard, Volunteer, Trans Justice Project and Sydney Bi + Network, 1 April 2025, p 19.

notion that, for instance, all-gender bathrooms can hide violence. One of our primary concerns about that is there's a lack of empirical data that shows that in Australia and internationally'.⁴²²

- 3.71** Concerns regarding the need for public toilets to provide adequate levels of safety to protect transgender and gender diverse people is addressed in paragraph 4.124 of this report.

Cleanliness

- 3.72** Some submissions from individuals suggested that cleanliness is an issue relating to all-gender toilet facilities.⁴²³
- 3.73** Access Institute stated that 'there is a significant difference in how men, women and members of the gender diverse community use toilets' and that this can have an impact on the cleanliness of toilets.⁴²⁴ They elaborated on this point to say that 'due to the nature of urination by men when standing, it is not uncommon for toilets to become wet and unclean'.⁴²⁵
- 3.74** Similarly, Dr Lorraine Dickson, Nurse Practitioner, Continence, advised that 'many women complain that, if the toilets are unisex, males often wet the floor in front of the toilet and on the seat, so they have to be careful when they pull down their pants or try to sit on the toilet'.⁴²⁶
- 3.75** The need for additional female toilets to reduce wait times for those who tend to use female-designated facilities was also addressed during the inquiry.

Allocation of female toilets

- 3.76** Some stakeholders raised that females tend to use toilets for a longer period of time and need to use a toilet more frequently compared to males.⁴²⁷ As a result of this, females tend to experience greater queuing times to use a public toilet.⁴²⁸
- 3.77** The Australian Feminists for Women's Rights stated, 'on average, women take longer to use the toilet than men and use the toilet more often, as evidenced by the ubiquitous long queues at airports, theatres, and sports venues'.⁴²⁹ They provided the following reasons for this:
- menstruation
 - pregnancy

⁴²² Evidence, Dr Rory Gillard, Volunteer, Trans Justice Project and Sydney Bi + Network, 1 April 2025, p 19.

⁴²³ Submission 16, Ms Dianne Thompson, p 1; Submission 17, Dr Lorraine Dickson, pp 2 and 7; Submission 48, Name Suppressed, p 1; Submission 34, Mr David Darlington, p 1

⁴²⁴ Submission 19, Access Institute, p 5.

⁴²⁵ Submission 19, Access Institute, p 5.

⁴²⁶ Submission 17, Dr Lorraine Dickson, p 7.

⁴²⁷ Submission 33, Australian Feminists for Women's Rights (AF4WR), p 2; Submission 19, Access Institute, p 6; Submission 8, Mr Gokulan Gopal, p 3; Submission 16, Ms Dianne Thompson, p 1.

⁴²⁸ Evidence, Mr Jeramy Hope, Member, Disability Council NSW, 31 March 2025, p 41; Submission 16, Ms Dianne Thompson, p 1; Submission 33, Australian Feminists for Women's Rights (AF4WR), p 2; Submission 19, Access Institute, p 6; Submission 8, Mr Gokulan Gopal, p 3; Submission 59, Local Government NSW, p 10; Submission 31, Continence Foundation of Australia, p 5.

⁴²⁹ Submission 33, Australian Feminists for Women's Rights (AF4WR), p 3.

- health conditions such as cystitis and irritable bowel syndrome
- needing to remove and replace clothing from needing to sit to use the toilet
- needing to use a toilet cubicle rather than a urinal (opening and closing the door, cleaning the seat, ensuring the flush has operated effectively)
- the greater likelihood that women are looking after small children or caring for others.⁴³⁰

3.78 Access Institute advised that in busy toilet facilities (such as theatres), women can wait up to 34 times longer than men to access a toilet.⁴³¹

3.79 Mr Gokulan Gopal supported the addition of more female toilets and gender-neutral toilets to 'significantly reduce wait times, particularly for women, and promote gender equality'.⁴³² This was supported by other stakeholders.⁴³³

General design considerations

3.80 This section covers general design considerations and the nature, sustainability and aesthetic of materials used in the construction of public toilets. General design considerations raised by stakeholders throughout the course of the inquiry included the provision of hooks and shelves, power points to charge electronic devices, drinking water facilities, sharps disposal units and the provision of sunscreen.

3.81 In evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, explained that an important consideration in the design of public toilets is the whole 'user experience':

I think it comes back down to that user experience—the hooks on the door, the shelving, making sure the locks work, making sure cubicles are wide enough, and making sure that the menstrual product bins are not too close to the toilet, so you don't touch them when you sit down. I guess it's thinking about that user experience when they're designed, and the hardware is put in.⁴³⁴

3.82 Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, endorsed the need to consider user experience in the design of public toilets.⁴³⁵ Dr Tietz used the public toilets in Singapore Airport as an example of great user experience, noting the amount of greenery used, the spaciousness of the

⁴³⁰ Submission 33, Australian Feminists for Women's Rights (AF4WR), p 3.

⁴³¹ Submission 19, Access Institute, p 6.

⁴³² Submission 8, Mr Gokulan Gopal, p 2.

⁴³³ Submission 16, Ms Dianne Thompson, p 1; Submission 17, Dr Lorraine Dickson, p 2; Submission 31, Continence Foundation of Australia, p 5.

⁴³⁴ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 3.

⁴³⁵ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, pp 11-12.

cubicles, and the provision of shelving and hooks.⁴³⁶ Dr Tietz explained 'It's about this feeling of, as a citizen, being appreciated and respected in the environment that we're in'.⁴³⁷

Practical features

- 3.83** Some stakeholders supported the provision of hooks and shelves, as well as other practical features within public toilet cubicles, stating that they would be useful and add to the overall user experience.⁴³⁸
- 3.84** Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, endorsed the 'provision of plenty of hooks and small shelves to place items like a phone and to make this a more conducive space by considering a bigger range of additional activities and provide a range of accessories to accommodate these'.⁴³⁹
- 3.85** Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, noted the importance of 'little functional details' such as 'hooks on the backs of doors for clothing, for bags, all the accessories that people have with them' as well as sufficient space to store prams or luggage.⁴⁴⁰
- 3.86** When asked how prescriptive the NCC is in terms of design and fittings, Ms Webber advised 'I don't think it captures all of those accessories unless you're in an accessible toilet'.⁴⁴¹ Ms Webber added that dimensions, and the provision of wash basins and urinals are captured by the NCC, but not additional design features such as hooks and shelving.⁴⁴²
- 3.87** Dr David Streatfield, Member, StreetCare, Justice and Equity Centre, was also in support of hooks being provided on the back of cubicle doors. Mr Streatfield stated, 'if you've got hooks on the back of the door, somewhere to hang your jacket or your bag, you know [others] can't get to it, and you know it's going to be safe while you're in that cubicle'.⁴⁴³

⁴³⁶ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, pp 11-12.

⁴³⁷ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, pp 11-12.

⁴³⁸ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, 17 March 2025, pp 11-12; Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 3; Submission 38, Dr Christian Tietz, p 4; Evidence, Dr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34; Submission 65, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney, p 6.

⁴³⁹ Submission 38, Dr Christian Tietz, p 4.

⁴⁴⁰ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 3.

⁴⁴¹ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 7.

⁴⁴² Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 7.

⁴⁴³ Evidence, Dr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34.

- 3.88** To provide another perspective Ms Tina Kordrostami, Director, Mental Health Access Design, noted that it is important to design these additional functional features in a way 'to make sure that an individual can't harm themselves when in a closed space'.⁴⁴⁴ Ms Kordrostami stated that 'this can look like hooks that, when a weight is placed on them, flip back inside' and added 'we do need to be a little bit more mindful about what is presented within the bathrooms themselves'.⁴⁴⁵

Ability to charge electronic devices

- 3.89** Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, mentioned the importance of providing power points in public toilets, to allow people to charge their electronic devices:

Digital devices are virtually indispensable today and we rely on them for navigating the city and being in touch, yet being able to charge them in public is not easy. The provision of free public power points and free charging stations go hand in hand with the essential basic need the toilet is providing.⁴⁴⁶

- 3.90** Dr Tietz elaborated: 'we all have these devices. They need power to be charged. People sometimes squat near vending machines to try and plug in. It's awkward. It's about how do we want to make these things that we need easy for our citizens'.⁴⁴⁷ Other stakeholders were also in support of power points being provided in public toilets to enable the charging of electronic devices.⁴⁴⁸

Drinking water facilities

- 3.91** Stakeholders also addressed the importance of providing drinking water at public toilet facilities.⁴⁴⁹
- 3.92** Dr Christian Tietz noted that 'access to drinking water ... in the city is not easy to come by. I think we used to have more drinking fountains than we have today'.⁴⁵⁰ Dr Tietz asked the committee to consider the provision of an outside basin/sink that can 'be used for washing

⁴⁴⁴ Evidence, Ms Tina Kordrostami, Director, Mental Health Access Design, 1 April 2025, p 4.

⁴⁴⁵ Evidence, Ms Tina Kordrostami, Director, Mental Health Access Design, 1 April 2025, p 4.

⁴⁴⁶ Submission 38, Dr Christian Tietz, p 3.

⁴⁴⁷ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, p 14.

⁴⁴⁸ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 10; Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 39.

⁴⁴⁹ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, p 14; Evidence, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, 31 March 2025, p 38; Submission 14, Ms Katherine Webber, p 1; Submission 20, Justice and Equity Centre, p 1; Submission 21, Albury City Council, p 2.

⁴⁵⁰ Evidence, Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, p 14.

hands, filling up water bottles, washing fruit or rinsing out a container, activities that are not really appealing do inside a toilet'.⁴⁵¹ Dr Tietz also added that the temperature of the water should not be set to warm as the default, as it is not pleasant to drink.⁴⁵²

- 3.93** When asked about the provision of external drinking water facilities, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, stated 'I would say the main thing is where you place them. My preference, if I'm filling a water bottle for myself or the kids, is not to do it from the public toilet basin'.⁴⁵³ Ms Hirst added that if an external drinking facility is provided, then it is important to consider where it is placed, to make sure that it is conveniently located.⁴⁵⁴

Sharps disposal units

- 3.94** Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, addressed the importance of providing appropriate facilities for those with medical needs where they may be required to administer medication:

Many people with medical needs—let's take diabetes as a really strong example of that—may be required to inject insulin. An accessible bathroom is a much safer space because there are surfaces that are safe, that can be cleaned and can be kept hygienic and accessible for people with diabetic needs to be able to test their blood, to be able to inject their insulin and then be able to safely dispose of that, when built well.⁴⁵⁵

- 3.95** Local Government NSW acknowledged that public toilets are sometimes used by people to inject both legal and illegal drugs.⁴⁵⁶ They noted that 'to minimise the risk of harm to the community and employees, councils may install sharps disposal bins in high use public toilets or areas where there is a known problem with safe sharps disposal'.⁴⁵⁷ Local Government NSW also added that the provision of sharps collection facilities does 'place additional infrastructure and maintenance costs onto councils'.⁴⁵⁸

Sunscreen

- 3.96** Mrs Lisa Donaldson, Melanoma Prevention Advocate, proposed the installation of sunscreen dispensers in public toilets across Australia.⁴⁵⁹ Mrs Donaldson stated that 'with Australia having one of the highest rates of skin cancer in the world, implementing such a program could have a meaningful impact in reducing cases and promoting sun-safe behaviours'.⁴⁶⁰

⁴⁵¹ Submission 38, Dr Christian Tietz, p 3.

⁴⁵² Submission 38, Dr Christian Tietz, p 4.

⁴⁵³ Evidence, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, 31 March 2025, p 38.

⁴⁵⁴ Evidence, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, 31 March 2025, p 38.

⁴⁵⁵ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 4.

⁴⁵⁶ Submission 59, Local Government NSW, p 6.

⁴⁵⁷ Submission 59, Local Government NSW, p 6.

⁴⁵⁸ Submission 59, Local Government NSW, p 6.

⁴⁵⁹ Submission 68, Mrs Lisa Donaldson, p 1.

⁴⁶⁰ Submission 68, Mrs Lisa Donaldson, p 1.

3.97 The key objectives of the initiative proposed by Mrs Donaldson were:

- **Accessibility:** placing sunscreen dispensers in toilet blocks in high-traffic areas such as parks, beaches, sports facilities, and recreational spots ensures that sun protection is readily available to all
- **Repurposing and sustainability:** following the lead of other countries and repurposing existing hand sanitiser dispensers from the COVID-19 pandemic, the initiative can be implemented in a cost-effective and environmentally friendly way
- **Education:** information on the importance of sun safety, the risks of UV overexposure, and simple steps to stay protected can be provided via signage alongside the dispenser
- **Prevention:** the initiative will help to prevent skin cancer cases and reduce the long-term burden on our healthcare system.⁴⁶¹ Mrs Donaldson advised that the 'cost of treating melanoma alone is estimated at over \$500 million annually'.⁴⁶²

3.98 Mrs Donaldson advised that similar initiatives have been implemented in the following jurisdictions:

- **Netherlands:** more than 100 public sunscreen dispensers were installed in schools, parks, sports venues, festivals, and other high-traffic locations⁴⁶³
- **Canada:** Memorial University in Newfoundland and Labrador launched a project to transition hand sanitiser stations into sunscreen dispensers, ensuring sun protection became as commonplace as sanitisation⁴⁶⁴
- **United States:** Philadelphia installed around 20 sunscreen dispensers across the city⁴⁶⁵
- **Australia:**
 - **Coffs Harbour:** installed sunscreen vending machines where people had to purchase the sunscreen
 - **South Australia:** a single sunscreen dispenser was installed in Happy Valley Reservoir
 - **Brisbane:** installed free sunscreen stations across public swimming pools.⁴⁶⁶

3.99 When asked who could be responsible for installing the sunscreen dispensers and ensuring that they are refilled and maintained, Mrs Donaldson replied 'the easiest way in my view ... is that whoever is topping up the soap dispensers in the public toilets ... would just easily check one of these sunscreen dispensers and top it up as well'.⁴⁶⁷

3.100 Mrs Donaldson also noted that the initiative had received significant interest from the Australian Skin Cancer Foundation and stated that there is certainly an opportunity to collaborate with

⁴⁶¹ Submission 68, Mrs Lisa Donaldson, p 1.

⁴⁶² Evidence, Mrs Lisa Donaldson, Melanoma Prevention Advocate, 1 April 2025, p 23.

⁴⁶³ Submission 68, Mrs Lisa Donaldson, p 1.

⁴⁶⁴ Submission 68, Mrs Lisa Donaldson, p 1.

⁴⁶⁵ Submission 68, Mrs Lisa Donaldson, p 1.

⁴⁶⁶ Evidence, Mrs Lisa Donaldson, Melanoma Prevention Advocate, 1 April 2025, pp 23-24.

⁴⁶⁷ Evidence, Mrs Lisa Donaldson, Melanoma Prevention Advocate, 1 April 2025, p 25.

different people and community organisations.⁴⁶⁸ Mrs Donaldson added that 'public toilets are already a trusted location for hygiene and safety measures, like soap and hand sanitiser... so sunscreen dispensers would be a logical and easy-to-implement addition'.⁴⁶⁹

Materials

3.101 Stakeholders addressed the importance of integrating aesthetics, safety and sustainability in the design of public toilets.⁴⁷⁰ The following key issues were raised by stakeholders with respect to the materials used in the construction of public toilets:

- **Nature of materials used:** public toilets need to be built using robust, durable, high-quality materials.⁴⁷¹ Some stakeholders endorsed the use of stainless steel for structures and fixtures.⁴⁷² Exeloo stated that fixtures should be solid stainless steel to ensure they 'don't get broken so often'.⁴⁷³ Vandal and graffiti resistant materials should be considered as well as how easy surfaces are able to be cleaned and maintained for hygiene purposes.⁴⁷⁴
- **Sustainability:** ecologically sustainable design principles should be applied to minimise environmental impacts.⁴⁷⁵ Lake Macquarie City Council recommended that the guidelines be updated to include water efficiency, energy use, and the use of eco-friendly materials in public toilets.⁴⁷⁶
- **Aesthetics:** stakeholders addressed the importance of the look and feel of a space.⁴⁷⁷ Dr Christian Tietz stated that 'colour, material and finishes, can be carefully selected to provide a more welcoming and softer environment'.⁴⁷⁸ In their submission Ms Viola Morris also added that 'it's important that public toilets don't look like prisons'.⁴⁷⁹

3.102 In evidence, when asked how a balance is struck between preventing vandalism, providing a safe space and providing a space that can be easily maintained, Ms Annie Tennant, Director,

⁴⁶⁸ Evidence, Mrs Lisa Donaldson, Melanoma Prevention Advocate, 1 April 2025, p 25.

⁴⁶⁹ Evidence, Mrs Lisa Donaldson, Melanoma Prevention Advocate, 1 April 2025, p 23.

⁴⁷⁰ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 30; Evidence, Ms Marcia Morley, Executive Manager, Infrastructure Delivery, City of Sydney p 27; Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 5.

⁴⁷¹ Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 5; Submission 70, City of Sydney, p 5; Submission 53, Exeloo, p 2; Submission 58, Cr Paige Johnson, p 4; Submission 24, MHA Design, p 6.

⁴⁷² Submission 53, Exeloo, pp 1-2; Submission 58, Cr Paige Johnson, p 3.

⁴⁷³ Submission 53, Exeloo, p 1.

⁴⁷⁴ Submission 70, City of Sydney, p 5; Submission 21, Albury City Council, p 1; Submission 56, Bathurst Regional Access Committee, p 3; Submission 61, City of Newcastle, p 2.

⁴⁷⁵ Submission 21, Albury City Council, p 1.

⁴⁷⁶ Submission 27, Lake Macquarie City Council, p 2.

⁴⁷⁷ Evidence, Ms Katherine Webber, Public Toilet Researcher and Advocate, Churchill Fellow, 17 March 2025, p 9; Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 30; Evidence, Ms Marcia Morley, Executive Manager, Infrastructure Delivery, City of Sydney p 27; Submission 38, Dr Christian Tietz, p 4.

⁴⁷⁸ Submission 38, Dr Christian Tietz, p 4.

⁴⁷⁹ Submission 6, Ms Viola Morris, p 1.

Design and Place, Placemaking NSW, responded to say that there are many factors that need to be taken into consideration when deciding which materials to use:

It's a debate I have every single day. Essentially, when you hire a designer to come up with materials and you have low maintenance, the brief needs to say "low maintenance" and "vandal resistant" et cetera. There are many different materials that can be chosen that can be coated with a coating that's easy to clean. ... Yes, it's easy to go with all stainless steel. Yes, it's easy to say, "We need to be able to hose it out." The reality is, a tile is very easy to clean. A tile can be a nice tile that makes a visitor feel that it's been thought about and that the space has been considered, or it can be a tile that is alienating.⁴⁸⁰

- 3.103** In evidence, Dr Stephen Conaty, Director, Environmental Health Branch, Health Protection NSW, NSW Health, was asked, in relation to materials and ease of cleaning, risk of infection and transmission, whether there are any materials that should be used or shouldn't be used in the design and construction of public toilets.⁴⁸¹ Dr Conaty responded with 'I would think that some of the things that may be relevant would be impervious surfaces—surfaces that are cleanable. So, surfaces where there are cracks, crevices, or wear in a particular way so that there are places where bacteria and organisms, and dirt and other things, can remain would be discouraged in the construction of a public toilet'.⁴⁸²
- 3.104** In relation to the use of stainless steel, Mr Scott Willard, Coordinator, Security and Cleaning, Blacktown City Council, stated 'the stainless steel fixtures—apparently, they're meant to be more robust. They actually worked out to be more expensive'.⁴⁸³ Mr Willard added that 'it is cheaper to replace a porcelain toilet than it is a stainless steel one. It's a bit more user friendly and a bit more aesthetically pleasing too...'.⁴⁸⁴
- 3.105** Dubbo Regional Council provided details of the durable materials used to build the 3D-printed public toilet in Macquarie Lions Park West, Dubbo. Dubbo Regional Council advised that the structure is built using a concrete mix which is 'well above standard residential strength'.⁴⁸⁵ The concrete mix contains 40 percent recycled content and 'includes additives for UV resistance and surface cohesion'.⁴⁸⁶ Dubbo Regional Council explained that the reinforced concrete will likely achieve a life span of 50-100 years.⁴⁸⁷ Further information in relation to the Dubbo 3D-printed public toilet is provided in the below case study.

⁴⁸⁰ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 30.

⁴⁸¹ Evidence, Dr Stephen Conaty, Director, Environmental Health Branch, Health Protection NSW, NSW Health, 29 April 2025, p 3.

⁴⁸² Evidence, Dr Stephen Conaty, Director, Environmental Health Branch, Health Protection NSW, NSW Health, 29 April 2025, p 3.

⁴⁸³ Evidence, Mr Scott Willard, Coordinator, Security and Cleaning, Blacktown City Council, 7 April 2025, p 27.

⁴⁸⁴ Evidence, Mr Scott Willard, Coordinator, Security and Cleaning, Blacktown City Council, 7 April 2025, p 27.

⁴⁸⁵ Answers to supplementary questions, Dubbo Regional Council, 24 April 2025, p 8.

⁴⁸⁶ Answers to supplementary questions, Dubbo Regional Council, 24 April 2025, p 8.

⁴⁸⁷ Answers to supplementary questions, Dubbo Regional Council, 24 April 2025, p 8.

Case study: Dubbo Regional Council⁴⁸⁸

In September 2023, Dubbo Regional Council opened a 3D-printed public toilet in Macquarie Lions Park West, the first government-delivered 3D printed public amenity in Australia. Using the technology to construct the facility served two key purposes:

- It enabled a public facility to be provided by local government in a very short timeframe.
- It enabled council to trial an innovative technology for the construction of a council amenity, and develop key learnings from the experience, which could then be applied to larger construction in the area, such as council-delivered housing.

The decision to locate the toilet in Lions Park West aligned with the scheduled replacement of the toilet there, as part of Council's end-of-life asset renewal program.

In light of the limited number of companies offering 3D printing of buildings at the time, Council conducted a select tender process and the contract was awarded to Contour 3D. The building structure – including the interior and exterior walls of the facility – was 3D printed. It was built with a concrete mix that includes additives for UV resistance and is expected to last between 50 and 100 years.

Outcome

The new toilet offers significant improvements on the previous amenities block. In addition to extra male and female allocated cubicles, it now offers an all-abilities toilet, with level ground entry to all amenities. In keeping with the design scope, the amenity is low-maintenance.

Defect period

Council advised that, as with any construction procurement, a 12-month defect liability period applied. This has enabled defects, such as surface cracking (normal during curing and thermal cycling), to be rectified. The amenity was engineered to exceed minimum code and no intervention beyond cosmetic sealing and painting has been needed.

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Submission 52, Dubbo Regional Council; Answers to supplementary questions, Dubbo Regional Council, received 24 April 2025; Dubbo Regional Council, *2023/24 Annual Report*, p 33.

Decision-making process

While the decision to trial the technology was made by council at its August 2022 ordinary meeting, Council also resolved to keep all documentation confidential in accordance with the tender provisions of the relevant legislation.

Consultation and controversy

Council advised that the procurement process aligned with relevant legislative and regulatory requirements. However, Council acknowledges that there was criticism of the project and methodology on social and local mainstream media.

One area where a lack of consultation was questioned by the committee related to the competing merits of single-use cubicles versus toilet blocks. In evidence Council advised that they had not sought community consultation on the final design of the facility, nor the decision to construct multi-stall male and female toilet blocks instead of single-use cubicles. Council advised that, while staff deliberated on the merits of each design, this analysis was not presented to councillors, given it was deemed an 'operational matter'. Staff had established it would be possible to 3D print individual cubicles with doors that opened directly to the outside, but the design would have exceeded the project budget. In supplementary questions Council was asked 'When was the last time Dubbo Regional Council or Dubbo City Council constructed a public toilet in a park that did not consist of single use cubicle/s?', but Council was unable to definitively answer 'without initiating a costly review of all documentation in Council's record keeping system'. This failure to assist the committee was unhelpful.

In response to questioning by the committee, Council stated that its approach to selection was consistent with other amenity renewals where 'detailed designs were not placed before Council beyond allocation of budgets as part of a Delivery Plan or Operational Plan.' Nor was community consultation conducted prior to the installation of individual cubicle modular units in Elizabeth Park. In supplementary questions the Council was asked, 'Prior to the construction of the new Lions Park West Public Toilet Block did Dubbo Regional Council staff actively consider the competing merits of single use cubicles and toilet blocks of the style ultimately adopted for the Lions Park West Toilet Block?'. The answer referred the committee to questions on notice answered at a council meeting, which stated:

The plan was to replace the end-of-life asset with a new one, ensuring at least the same level of service, if not better, was delivered within the allocated budget. Having a low maintenance form was also important given its location and some of the maintenance costs DRC incur on other amenities.

Considering its location in an evolving energised river precinct, close to a popular playground and BBQ area with high weekend traffic, along with expected increases in highway traffic and events like runs, it was agreed to slightly expand the capacity if possible, taking advantage of the budget provided.

An additional two female cubicles and a new male urinal were achieved with minimal impact on the overall project budget. Additionally, a disabled access toilet was added, which was not available in the previous amenities.

The original Expression of Interest indicated that the contractor was to supply a design and layout that is flexible. The Select Tender scope of works required that the structure have a minimum of 5 female: 2 male cubicle and 2 stand urinals with privacy screen and 1 disabled / ambulant unisex. There was no specific requirement for the individual cubicles to be outward facing.

It was established that it was possible to have a design where individual cubicles with doors open directly to the outside. However, the design for this would have exceeded the project budget'.

The evidence suggests that a decision to build an old style multi-stall public toilet likely occurred without consideration of the full range of considerations relevant to the design question and seemingly was taken in order to utilise a particular mode of construction, i.e. '3D printing'. However, given heightened community interest and Council's stated focus on engagement, Council has since resolved to adopt differing consultation approaches. This includes bringing draft amenity designs for one of its major parks before Council for consideration. Furthermore, on 26 November 2024, during an ordinary council meeting, Council resolved to develop a Public Toilet Strategy to support their Community Safety and Crime Prevention Plan. The decision to adopt a public toilet policy to guide future decision making should avoid this failure of proper decision making occurring again.

Location and placement

- 3.106** Some stakeholders addressed the need for guidance on the location and placement of public toilet facilities.⁴⁸⁹ The Country Women's Association of NSW advised that 'there are no desired standards of service for public toilets in our economic centres, suburbs, parks or other outdoor places'.⁴⁹⁰ They explained 'this provides a lack of guidance to indicate how many toilets are needed or the best location to meet community needs'.⁴⁹¹
- 3.107** SGS Economics and Planning stated that 'access to public toilets is all about convenience; it's important that they are adequately provided within – or within a short walk from – nodes of activity such as commercial centres and open spaces'.⁴⁹² SGS Economics and Planning also agreed that the anticipated volume of users, maximum wait times, the size of the catchment and location in relation to other toilets should be considered when determining the provision of public toilets.⁴⁹³ This extends to the location and placement, how many cubicles a facility has, and the amenities present within a facility.⁴⁹⁴

⁴⁸⁹ Evidence, Mr Jeramy Hope, Member, Disability Council NSW, p 39; Submission 12, Country Women's Association of NSW, p 2.

⁴⁹⁰ Submission 12, Country Women's Association of NSW, p 2.

⁴⁹¹ Submission 12, Country Women's Association of NSW, p 2.

⁴⁹² Submission 39, SGS Economics and Planning, p 2.

⁴⁹³ Submission 39, SGS Economics and Planning, p 2.

⁴⁹⁴ Submission 39, SGS Economics and Planning, p 2.

- 3.108** Ms Marcia Morley, Executive Manager, Infrastructure Delivery, City of Sydney, explained how the City of Sydney has provided clear guidance about the location and placement of public toilets within their local public toilet strategy:

[O]ne of the most challenging issues is the geographic location of public toilets. There are a lot of people who want a public toilet in a specific location. But what our strategy sets out is really clear guidelines. Within the central Sydney LGA, it's geographic based. We aim to have a public toilet within a 400-metre walking distance of any location within central Sydney. And then outside of the central Sydney area across the broader LGA, we specify that there should be a public toilet available within a village centre and within major parks. We've got really clear guidance on where the toilets should be provided.⁴⁹⁵

- 3.109** Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, when discussing the placement of public toilets, noted the importance of making public toilet facilities accessible. Ms Moon stated that there has to be a 'clear, intuitive path to actually find the toilet, with good wayfinding signage'.⁴⁹⁶
- 3.110** The Continence Foundation of Australia addressed the importance of engaging communities in the design and location of public toilets, so that local governments can ensure that a public toilet facility meets the needs of its local community.⁴⁹⁷

Signage and wayfinding

- 3.111** Stakeholders acknowledged the importance of clear and consistent signage.⁴⁹⁸ Local Government NSW recommended 'signage and wording approaches to ensure consistency and clarity, including for people with visual impairment and those from culturally and linguistically diverse communities'.⁴⁹⁹
- 3.112** Local Government NSW recommended that the 'NSW Government advocate for the Australian Building Code Board to further engage with community groups, local government and government agencies to provide specific guidance on signage and information'.⁵⁰⁰ Placemaking NSW were also in support of this, stating that 'design guidance including signage, should be established to ensure application is consistent'.⁵⁰¹

⁴⁹⁵ Evidence, Ms Marcia Morley, Executive Manager, Infrastructure Delivery, City of Sydney, 7 April 2025, p 22.

⁴⁹⁶ Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, 31 March 2025, p 36.

⁴⁹⁷ Submission 31, Continence Foundation of Australia, p 3.

⁴⁹⁸ Submission 63, National Seniors Australia, p 4; Submission 67, Guide Dogs NSW, p 4; Submission 15, Mr Greg Peak, p 4; Submission 17, Dr Lorraine Dickson, p 2; Submission 33, Australian Feminists for Women's Rights (AF4WR), p 5; Submission 59, Local Government NSW, p 10; Submission 63, National Seniors Australia, p 3.

⁴⁹⁹ Submission 59, Local Government NSW, p 10.

⁵⁰⁰ Submission 59, Local Government NSW, pp 9-10.

⁵⁰¹ Submission 62, Placemaking NSW, p 4.

- 3.113** Stakeholders also addressed the importance of wayfinding.⁵⁰² National Seniors Australia stated that 'sufficient signage directing people towards toilets is an important factor in people locating and using public toilets. This signage should include the distance, facilities, and opening hours, as this serves to reduce digital exclusion from this information'.⁵⁰³
- 3.114** In evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW commented on the signage and wayfinding approach adopted by the City of Sydney:
- The City of Sydney have really great signage. They will have amenities, and then to the right on that same sign, they'll have a number of minutes to walk to a location. So, if you have a disability, if you are walking with a child, you know how far it is to go to the place you're going—you know it's a five-minute walk to the amenity. I would also say that you need to have signage at all decision-making points. You need to have signage that tells you what types of toilets. If someone is looking for a Changing Places, you need to know where that Changing Places is located.⁵⁰⁴
- 3.115** Local Government NSW explained that 'some councils are incorporating contemporary wayfinding approaches to ensure that signage is clear and legible'.⁵⁰⁵ They also noted that there is 'increasing uptake of more inclusive signage which indicates the facilities available as opposed to gender specified signage'.⁵⁰⁶ Further information with respect to inclusive signage is discussed in chapter 4 of this report.

Heritage buildings

- 3.116** In evidence, stakeholders discussed the provision of public toilets in heritage buildings.⁵⁰⁷ Placemaking NSW advised that they are responsible for the care and control of the Rocks and Darling Harbour, as well as Luna Park, Ballast Point Park and parks and waterfront boardwalks in Pyrmont.⁵⁰⁸ Placemaking NSW advised that they own and manage more than 100 heritage buildings.⁵⁰⁹
- 3.117** Ms Annie Tennant, Director, Design and Place, Placemaking NSW, stated that a balanced approach needs to be taken when looking at design modernisation in heritage sites and buildings.⁵¹⁰ Ms Tennant advised that this balance can be particularly challenging and used The Rocks, Sydney as an example of where the degree of accessibility is naturally going to be lower, compared to other, more modern spaces:

⁵⁰² Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 29; Submission 59, Local Government NSW, p 8; Submission 67, Guide Dogs NSW, pp 7 and 9; Submission 58, Cr Paige Johnson, p 4.

⁵⁰³ Submission 63, National Seniors Australia, p 3.

⁵⁰⁴ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 29.

⁵⁰⁵ Submission 59, Local Government NSW, p 8.

⁵⁰⁶ Submission 59, Local Government NSW, p 8.

⁵⁰⁷ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 32; Evidence, Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, 7 April 2025, p 14.

⁵⁰⁸ Submission 62, Placemaking NSW, p 1.

⁵⁰⁹ Submission 62, Placemaking NSW, p 1.

⁵¹⁰ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 32.

It's super challenging. In The Rocks, as you know, it's steep. We've got cobblestones. It's not super easy for anyone with a physical disability to access many of the toilets. An example of that is the Well Courtyard toilet. That's just off Suez Canal. That is not accessible, and we know that that's not accessible.⁵¹¹

- 3.118** To counter this, Ms Tennant explained that Placemaking NSW will make sure that the next bathrooms, that are not so far away, are much more accessible.⁵¹² Ms Tennant stated, 'we know we can't go and fill in the cobbles and take away from the character and the richness of The Rocks, but we know there are other areas in The Rocks where we can focus our investment, to improve and update bathrooms'.⁵¹³
- 3.119** Ms Tennant also advised that due to Sydney's 'very dense city fabric – building fabric – we're not able to just go and build a toilet block in the middle of Darling Harbour'.⁵¹⁴ They explained that what Placemaking NSW does is look at where there are future opportunities, where they 'can partner with an organisation to deliver public toilets in five or ten years-time'.⁵¹⁵
- 3.120** Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, noted that historical buildings illustrate the need for flexibility if the NSW Government plans to legislate minimum standards and set benchmarks for best practice public toilet design:

A standard off-the-shelf toilet block design that's going to be associated with a community hall—that might be a heritage hall that's 100 years old—is not actually going to be a desirable outcome. I think flexibility is always going to be important, but also having standard off-the-shelf designs that councils can pick up and know are going to be relatively low cost and know they're going to have certainty around their durability from a vandalism perspective—that would be great.⁵¹⁶

Committee comment

- 3.121** As discussed in chapter 2 of this report, there is a lack of legislation, regulations and standards with respect to the provision of public toilets in New South Wales. Furthermore, there is an absence of mandatory minimum standards for the design, delivery, safety, maintenance, accessibility and sustainability of public toilets.
- 3.122** The committee recognises that this has led to inconsistencies in the design, location, and maintenance of public toilets. Throughout the inquiry, participants highlighted how such inconsistencies have created uncertainty, which can affect their confidence and their ability to participate in public life. The committee acknowledges the substantial effects that an inadequate provision of public toilet facilities can have on individuals and particular groups within the community.

⁵¹¹ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 32.

⁵¹² Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 32.

⁵¹³ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 32.

⁵¹⁴ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 32.

⁵¹⁵ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, p 32.

⁵¹⁶ Evidence, Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council, 7 April 2025, p 14.

3.123 In chapter 2, the committee recommended 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. In light of the evidence presented in this chapter, we further recommend that the following design and operational requirements should be mandated 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
- clear, consistent and inclusive signage and wayfinding
- 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.

3.124 Stakeholders showed a clear preference for single-use cubicles over public toilets where patrons share space inside a facility (traditional configuration). Reasons for this included that the single-use cubicle design provides a greater level of privacy and security. The committee therefore supports that, where feasible and practical, single-use cubicles be provided over multi-stall public toilets where patrons share space inside a facility.

Finding 5

That single-use cubicles with internal amenities that open directly onto public space, as opposed to multi-stall gendered toilet blocks, are the preferred design, including for a broad range of people such as parents of young children, people with neurodiversity, psychosocial and other “hidden” disabilities, people who are transgender or gender diverse, and those with additional needs relating to privacy and safety.

3.125 The committee recognises the importance of inclusive design. We therefore recommend that all-gender, single-use cubicles must be provided, either instead of, or in addition to gendered facilities where there is a strong social or cultural preference of facility users for gendered facilities. While the committee recognises the benefits of single-use cubicles, some community members value gender-specific toilets. Future design frameworks should encourage a balanced mix of gendered and all-gender facilities, determined through local community consultation. The committee understands that some individuals who require the use of an all-gender facility will use an accessible facility where an all-gender one is not provided. Participants in the inquiry explained that accessible facilities should be reserved for those who have specific needs. The committee therefore agrees that all-gender facilities should be provided in addition to accessible facilities.

- 3.126** We acknowledge that there is currently no requirement for sharps disposal units, baby change tables and assistance animal relief areas to be provided within public toilets. These are important design elements which enhance access to public toilets for a variety of groups. People should have access to these amenities regardless of gender. Therefore, we agree that it is appropriate for amenities as such as these to be provided within all-gender areas of public toilet facilities.
- 3.127** In light of the evidence, the committee recommends that the following requirements should be mandated within the regulations:
- a sharps disposal unit must be provided within an all-gender area of a 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
 - an assistance animal relief area must be provided depending on the type of urban environment
 - requirements for the provision of soap, toilet paper, hand dryers and menstrual products.
- 3.128** Participants in the inquiry provided many other suggestions as to what should be considered when determining the design and format of public toilets facilities, which included the following:
- 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.
- 3.129** The committee agrees that the above factors should be considered when determining the design and format of public toilets facilities and that these should be included within the regulations underpinning or enacting the amended *Public Health Act 2010*.

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.

- 3.130** The committee found the evidence in relation to the provision of sunscreen compelling. The committee agrees that sunscreen should be provided at public toilet facilities located within outdoor recreational spaces, such as sporting facilities, parks and beaches. The committee

recognises the importance of sun safety and the value and benefits of providing sunscreen within public toilet facilities.

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.

Chapter 4 Accessibility considerations for specific groups

This chapter provides a comprehensive analysis of the evidence received from stakeholders from specific groups during the course of the inquiry. It begins by addressing the needs of people with impaired mobility in relation to the provision and accessibility of public toilets. It also addresses the needs of people with low vision and blindness, people with neurological, cognitive and psychosocial disabilities, and those who experience incontinence. It then details the needs of those who menstruate and considers the accessibility of period products. It provides an overview of the needs of people within the LQBTQIA+ community in relation to the accessibility of public toilets, and highlights the importance of inclusive design and safety. Furthermore, this chapter explains the impact of public toilets, both the value of and lack of access to, for those experiencing homelessness. It also summarises First Nations perspectives on the issue, and concludes by addressing the issues raised by people who live in regional, rural and remote areas.

People with impaired mobility

- 4.1** During the inquiry, participants addressed the toileting needs of those with impaired mobility. The evidence obtained was primarily in relation to people with physical disabilities and seniors. The key issues raised included the number of accessible facilities available, inadequate design and maintenance, and location and accessibility.

Insufficient number of facilities

- 4.2** A primary concern raised by stakeholders was that the number of accessible public toilets provided across New South Wales is inadequate.⁵¹⁷ Furthermore, the amenities within accessible facilities can sometimes be limited and not adhere to the accessibility and mobility standards under AS1428.1 of the Australian Standards.⁵¹⁸
- 4.3** Spinal Cord Injuries Australia stated that 'there were 5.5 million Australians with disability in 2022 and 4.1 million had a physical disability as their primary disability'.⁵¹⁹ They advised that 'despite the large number of people with physical disability, a number that will only increase given our ageing population, there are simply not enough accessible public toilets in NSW'.⁵²⁰
- 4.4** Stakeholders advised that newer toilet facilities (built after 2010) usually adhere to the AS1428.1 standards, however many older toilets, particularly those in regional or rural areas, often do not meet the standards. An overview of the AS1428.1 standards and the purpose of these standards is provided in chapter 2 of this report.
- 4.5** Port Kembla Chamber of Commerce advised that there is no accessible toilet in the town centre of Port Kembla. They stated that 'businesses have been asking for [an accessible public toilet]

⁵¹⁷ Submission 22, Disability Council NSW, p 1; Submission 41, People with Disability Australia, p 2.

⁵¹⁸ Submission 22, Disability Council NSW, p 1.

⁵¹⁹ Submission 36, Spinal Cord Injuries Australia, p 3.

⁵²⁰ Submission 36, Spinal Cord Injuries Australia, p 3.

for a long time and they feel embarrassed to tell visitors to the street there are no public toilets available'.⁵²¹ They added that 'those community members with a physical, social or intellectual disability are further disadvantaged by these circumstances'.⁵²²

- 4.6** This issue was also addressed in a similar fashion by Mrs Anne Doak, who advised that while the village of Bendemeer in the Tamworth Regional Council area has three public toilet facilities, none of them include an accessible toilet.⁵²³ Mrs Doak stated 'it is every disabled persons right to have access, especially as Bendemeer is on a main tourist route. The closest disabled toilets are located 25 kms to the south, 50kms to the east, 50kms to the north and 60kms to the west'.⁵²⁴ This specific issue was also raised by Ms Eve Sinton.⁵²⁵
- 4.7** The issue of the inadequate provision of public toilets was also raised by the Sublime Point Escarpment Committee, but in relation to the Blue Mountain City Council area.⁵²⁶ They noted that due to the increasing number of tourists visiting the site throughout the year, there is an urgent need for an increase in the number of public toilet facilities.⁵²⁷
- 4.8** Disability Council NSW recommended that a comprehensive audit be undertaken 'to identify gaps in accessible toilet provision, followed by targeted investments to increase the number of these facilities in high traffic areas, such as parks, shopping centres, and tourist destinations'.⁵²⁸

Changing Places/Adult change facilities

- 4.9** As discussed in chapter 1, Changing Places or Accessible Adult Change facilities provide suitable facilities for people who are not accommodated by standard accessible toilets.⁵²⁹ Changing Places facilities are larger than standard accessible toilets and have extra features to meet the needs of people with disability and their carers.⁵³⁰ Stakeholders argued the need for a greater amount of Changing Places/adult change facilities.⁵³¹
- 4.10** Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, stated that accessible amenities like 'Changing Places are an extremely important need for many

⁵²¹ Submission 3, Port Kembla Chamber of Commerce, p 2.

⁵²² Submission 3, Port Kembla Chamber of Commerce, p 2.

⁵²³ Submission 4, Mrs Anne Doak, p 1.

⁵²⁴ Submission 4, Mrs Anne Doak, p 1.

⁵²⁵ Submission 30, Ms Eve Sinton, p 1.

⁵²⁶ Submission 11, Sublime Point Escarpment Committee, pp 1 and 2.

⁵²⁷ Submission 11, Sublime Point Escarpment Committee, pp 1 and 2.

⁵²⁸ Submission 22, Disability Council NSW, p 1.

⁵²⁹ Australian Government Department of Health, Disability and Ageing (DHDA), National Continence Program (2 June 2023), <https://www.health.gov.au/our-work/national-continence-program-ncp>.

⁵³⁰ Australian Government Department of Social Services, Changing Places (25 November 2024) <https://www.dss.gov.au/disability-support-services/changing-places>.

⁵³¹ Submission 22, Disability Council NSW, p 2; Evidence, Mr Matthew Hayes, Hidden Disability Advocate, 1 April 2025, p 3; Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 2.

people with disability, and that includes people with both apparent and non-apparent disabilities'.⁵³²

- 4.11** The Disability Council NSW advised that the lack of adequate changing facilities for people with disability is a significant issue.⁵³³ They stated, 'many existing [older] facilities are also insufficiently maintained and poorly equipped' and recommended that the number of adult change facilities be increased and that measures be put in place to ensure that they are regularly maintained.⁵³⁴
- 4.12** Mr Matthew Hayes, Hidden Disability Advocate, stated that 'for those with more significant to profound disabilities, it's important for them and their carers to have changing places, with a changing table that can support an adult person, a hoist...'⁵³⁵ Mr Hayes also added 'I would like to see these changing places more available in the community'.⁵³⁶
- 4.13** Ms Annie Tennant, Director, Design and Place, Placemaking NSW, stated that Placemaking NSW is 'now focussed on delivering a Changing Places amenity in each of our precincts as well. I wouldn't say there's a community expectation, but there's a community need'.⁵³⁷
- 4.14** Further information in relation to Changing Places facilities is provided in the case study below.

Case study: Changing Places Amenity⁵³⁸

The Changing Places initiative aims to provide accessible public toilets and change rooms for individuals with high support needs who require assistance from a carer and specialised equipment. The goal is to create a more inclusive environment where everyone can enjoy public amenities without barriers. This brief video demonstrates the barriers faced when a person with high needs who requires changing is away from home: <https://vimeo.com/819708484?share=copy>

The design of Changing Places was modelled on a United Kingdom design but adapted to Australian standards and updated in response to feedback from users and carers. Included in the amenity are:

- a ceiling hoist
- an adjustable height change table
- sufficient space for a carer
- peninsula toilet
- change rails
- shower (if in a sporting location, a beach or an aquatic centre)

⁵³² Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 2.

⁵³³ Submission 22, Disability Council NSW, p 2.

⁵³⁴ Submission 22, Disability Council NSW, p 2.

⁵³⁵ Evidence, Mr Matthew Hayes, Hidden Disability Advocate, 1 April 2025, p 3.

⁵³⁶ Evidence, Mr Matthew Hayes, Hidden Disability Advocate, 1 April 2025, p 3.

⁵³⁷ Evidence, Ms Annie Tennant, Director, Design and Place, Placemaking NSW, 7 April 2025, pp 28-29.

⁵³⁸ Submission 69, Equal Access Group; Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group, 31 March 2025.

- non-slip flooring
- the capacity to secure the amenity with a MLAK (Master Locksmith Access Key) so as to prevent vandalism.

Image A below provides two views of a *portable* Changing Places amenity, ideal for temporary settings such as community and sporting events and concerts, and educational settings.

Image A

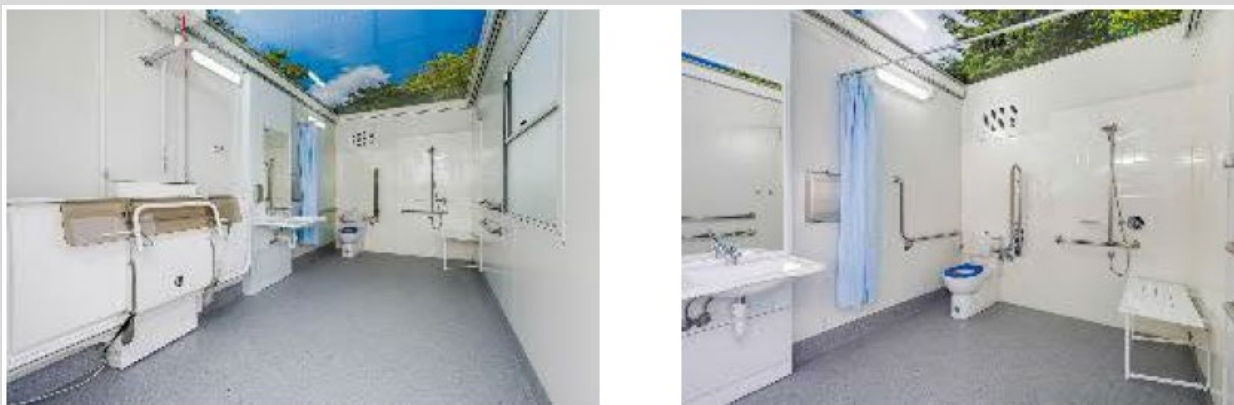
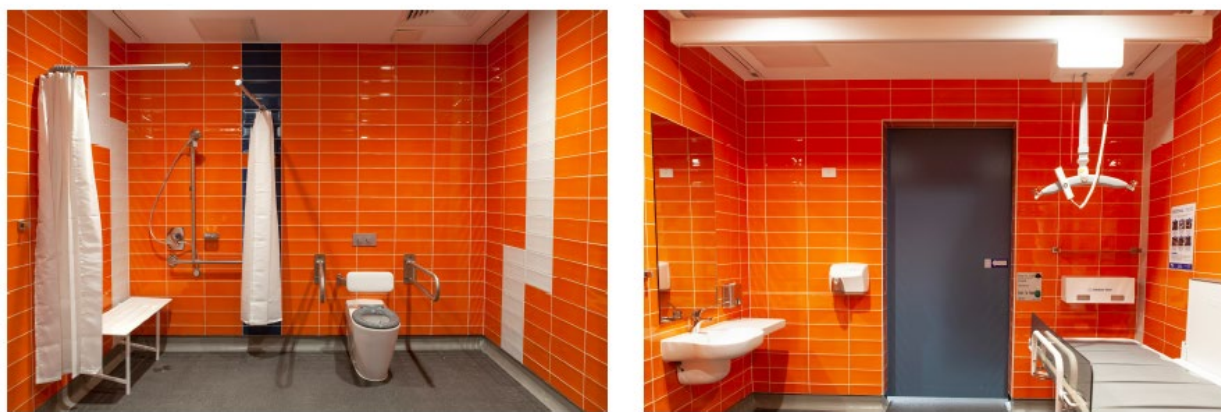


Image B below shows two views of a *fixed* Changing Places amenity.

Image B



To date, 46 Changing Places amenities have been built in New South Wales. This contrasts with Victoria (where Changing Places originated), which has 153, and Western Australia, which has 52. Individual states are progressing their rollout of Changing Places amenities, with the City of Moreton Bay in Queensland developing Australia's first Changing Places Network Plan, and Victoria considering regional access routes between destinations so people with high support needs can access a facility en route.

The amenities are not meant to replace standard accessible toilets, but to offer features that standard accessible toilets do not provide.

The Federal Government has announced funding for the delivery of Changing Places nationally to state and territory governments via Federation Funding Agreements, as follows:

- For portable Changing Places amenities, up to 100 per cent of the total build cost.
- For Fixed Changing Places amenities, up to 50 per cent of the build cost.

Inadequate design and maintenance

4.15 Participants with impaired mobility advised that they had experienced the following when using public toilets:

- heavy doors (this is addressed further from paragraph 4.20)⁵³⁹
- incorrectly positioned grab rails⁵⁴⁰
- difficult to reach flush mechanisms⁵⁴¹
- lack of space⁵⁴²
- narrow doors and entranceways⁵⁴³
- unclean facilities.⁵⁴⁴

4.16 In evidence, Mr Jeramy Hope, Member, Disability Council NSW, advised that adequate space in an accessible facility is needed so that those who need to use walking aids or wheelchairs can do so comfortably. Mr Hope also explained the need for consistency:

[The ability] to pivot 360 degrees, either in my wheelchair or my walker, is impossible in some designs, and that makes it difficult. Also, when there are the weird placements of things like air dryers being on the opposite side to where you wash your hands, probably because it's easier to put it there, assumingly, for someone that is mobile. ... From my knowledge of what I've seen, there doesn't appear to be [any] consistency there, and it definitely doesn't matter where I've accessed and been. It's often been difficult.⁵⁴⁵

⁵³⁹ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 5; Evidence, Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia, 31 March 2025, p 29; Submission 36, Spinal Cord Injuries Australia, p 4; Submission 22, Disability Council NSW, p 2; Evidence, Mr Stephen Weatherstone, Retired Engineer, 31 March 2025, p 19.

⁵⁴⁰ Submission 36, Spinal Cord Injuries Australia, p 4; Submission 56, Bathurst Regional Access Committee, p 3.

⁵⁴¹ Submission 36, Spinal Cord Injuries Australia, p 4; Submission 56, Bathurst Regional Access Committee, p 3.

⁵⁴² Evidence, Mr Jeramy Hope, Member, Disability Council NSW, 31 March 2025, p 40.

⁵⁴³ Bathurst Regional Access Committee, p 3.

⁵⁴⁴ Submission 36, Spinal Cord Injuries Australia, p 2; Bathurst Regional Access Committee, p 3; Submission 41, People with Disability Australia, p 2.

⁵⁴⁵ Evidence, Mr Jeramy Hope, Member, Disability Council NSW, 31 March 2025, p 40.

- 4.17** Many stakeholders agreed that local government and private owners of public toilet facilities need to ensure that accessible facilities are regularly cleaned and maintained.⁵⁴⁶ The Bathurst Regional Access Committee explained that using a manually operated wheelchair on an unclean floor of a public toilet facility can be 'disgusting'.⁵⁴⁷
- 4.18** Disability Council NSW advised that 'when facilities are dirty, the general public often uses accessible toilets, which can further compromise hygiene. For this reason, it is essential to ensure high hygiene standards and regular cleaning schedules are established for all public toilets'.⁵⁴⁸
- 4.19** Spinal Cord Injuries Australia addressed the need for community engagement and consultation: 'people with disability know best what works for them, ... councils and private companies should consult with people with disability to understand their concerns and preferred solutions'.⁵⁴⁹ This was also endorsed by Bathurst Regional Access Committee and People with Disability Australia.⁵⁵⁰

Automatic doors

- 4.20** The absence of automatic doors in accessible toilets poses significant barriers for individuals with disability.⁵⁵¹ Many facilities have heavy, manual doors that can be difficult to open, deterring use.⁵⁵²
- 4.21** Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, advised that under the AS1248.1 standards, 'doors must be adjusted so the operating force to open them is a maximum of 20 newtons. ... But, repeatedly, we see projects delivered where doors aren't adjusted, or during the maintenance period things are changed or adjusted, and those operating forces become quite excessive'.⁵⁵³
- 4.22** Bathurst Regional Access Committee advised that many accessible toilets do not meet the AS1248.1 standards: doors are heavy and 'require more than 20 newtons of force to push open'.⁵⁵⁴ Other participants also raised this issue.⁵⁵⁵

⁵⁴⁶ Submission 36, Spinal Cord Injuries Australia, p 6.

⁵⁴⁷ Submission 56, Bathurst Regional Access Committee, p 3.

⁵⁴⁸ Submission 22, Disability Council NSW, p 1.

⁵⁴⁹ Submission 36, Spinal Cord Injuries Australia, p 6.

⁵⁵⁰ Submission 56, Bathurst Regional Access Committee, p 9; Submission 41, People with Disability Australia, p 4.

⁵⁵¹ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 5; Evidence, Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia, 31 March 2025, p 29; Submission 36, Spinal Cord Injuries Australia, p 4; Submission 22, Disability Council NSW, p 2.

⁵⁵² Submission 22, Disability Council NSW, p 2.

⁵⁵³ Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 43.

⁵⁵⁴ Submission 56, Bathurst Regional Access Committee, p 3.

⁵⁵⁵ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 5; Evidence, Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia, 31 March 2025, p 29; Submission 36, Spinal Cord Injuries Australia, p

- 4.23** This issue was also addressed by Mr Stephen Weatherstone, Retired Engineer, who stated that, 'doors are an issue. These airlock doors are something from the past. Sometimes they're so heavy that older people just can't open the doors. They're totally unnecessary and should be removed'.⁵⁵⁶
- 4.24** The Disability Council NSW supported the enforcement of automatic doors in every accessible toilet facility 'to enhance usability and significantly reduce barriers for users'.⁵⁵⁷
- 4.25** Spinal Cord Injuries Australia added another perspective stating that while the addition of automatic or sensor doors are welcomed, some users, particularly those with larger wheelchairs, have unintentionally triggered the doors to re-open 'creating embarrassing moments for wheelchair users'.⁵⁵⁸ Some users have also stated that it can sometimes be difficult to ascertain whether the door is locked or not.⁵⁵⁹

Location and accessibility

- 4.26** It was widely accepted by inquiry participants that accessible public toilets should be strategically located in high-traffic areas and available 24 hours a day.⁵⁶⁰
- 4.27** In relation to seniors, Dr Brendon Radford, Director of Policy and Research, National Seniors Australia, emphasised 'it's really about that they can find them, that, when they find them, they're in a state that is usable, that they have the functionality with them, they have sanitary bins if they're needed and that they're clean'.⁵⁶¹
- 4.28** Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, explained that sometimes accessible toilets are placed in an area that is difficult to access and therefore the location itself is not accessible:

We have had circumstances where public toilets are placed in the middle of parks, where the only way to get to them is via stairs or you have to take an excessively circuitous route to get there. A lot of the time, what we have seen is that the pathways are then also blocked by public works or other areas with no alternate route provided. In addition, what we have seen is that the actual way into the bathroom requires stairs, or

4; Submission 22, Disability Council NSW, p 2; Evidence, Mr Stephen Weatherstone, Retired Engineer, 31 March 2025, p 19.

⁵⁵⁶ Evidence, Mr Stephen Weatherstone, Retired Engineer, 31 March 2025, p 19.

⁵⁵⁷ Submission 22, Disability Council NSW, p 2.

⁵⁵⁸ Submission 36, Spinal Cord Injuries Australia, p 4.

⁵⁵⁹ Submission 36, Spinal Cord Injuries Australia, p 4; Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 4.

⁵⁶⁰ Submission 22, Disability Council NSW, p 1; Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 2; Submission 36, Spinal Cord Injuries Australia, p 4; Submission 13, Ms Fiona Davies, p 1.

⁵⁶¹ Evidence, Dr Brendon Radford, Director of Policy and Research, National Seniors Australia, 31 March 2025, p 27.

the actual pathway in is not wheelchair accessible or accessible for those like myself with mobility needs.⁵⁶²

- 4.29** Other participants spoke of accessible toilets being used as storage.⁵⁶³ Spinal Cord Injuries Australia stated that their members 'frequently report finding items stored in accessible toilets in private premises accessed by the public, such as shopping centres'.⁵⁶⁴ Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, advised that at Mardi Gras 2024 the accessible bathroom was used to store toilet rolls, preventing wheelchair users and others with mobility needs from using the facilities.⁵⁶⁵
- 4.30** Others highlighted the importance of accessible public toilet facilities being available to users 24 hours a day, stating that often accessible toilets are locked between certain hours.⁵⁶⁶
- 4.31** Spinal Cord Injuries Australia advised that 'the issue of locked public toilets is complex. It is understood that in certain areas bathrooms need to be locked for safety, security and hygiene reasons, however this should only be used when required'.⁵⁶⁷
- 4.32** Ms Fiona Davies spoke of her daughter who lives with autism and advised that she often needs urgent access to a toilet.⁵⁶⁸ Ms Davies stated that 'we have had many instances of accidents due to finding that public or publicly available toilets are locked or faulty or that there are insufficient public toilets'.⁵⁶⁹
- 4.33** Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia explained that generally train stations will close their bathrooms between certain times.⁵⁷⁰ This means that for many people with a disability they have to locate someone at the station to open the facilities and sometimes, particularly in rural areas, there is no one available onsite to assist.⁵⁷¹

⁵⁶² Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 2.

⁵⁶³ Submission 36, Spinal Cord Injuries Australia, p 6; Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 8; Evidence, Mr Jeramy Hope, Member, Disability Council NSW, 31 March 2025, p 40.

⁵⁶⁴ Submission 36, Spinal Cord Injuries Australia, p 6.

⁵⁶⁵ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 8.

⁵⁶⁶ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 2; Submission 36, Spinal Cord Injuries Australia, p 4; Submission 13, Ms Fiona Davies, p 1.

⁵⁶⁷ Submission 36, Spinal Cord Injuries Australia, p 4.

⁵⁶⁸ Submission 13, Ms Fiona Davies, p 1.

⁵⁶⁹ Submission 13, Ms Fiona Davies, p 1.

⁵⁷⁰ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 2.

⁵⁷¹ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 2.

- 4.34** As discussed in chapter 2 of this report, there is a need to update the National Public Toilet Map so that it can indicate whether or not a toilet is closed, or out of order.⁵⁷² Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, explained that an issue with online resources is that they may indicate where there might be an accessible toilet, but it doesn't 'necessarily always indicate whether it's open or in working order. It's the same issue of going along and hoping you get to one, and you get there, and it's locked completely'.⁵⁷³
- 4.35** Mr Jim Cooper, CEO, Continence Health Australia (formerly Continence Foundation of Australia), shared the same sentiment: 'we found a lot of the toilets, even though they were on the [National Public Toilet] map, were closed or they were locked, or they were dirty'.⁵⁷⁴
- 4.36** Mr Luke Smith, Policy and Engagement Officer, National Seniors Australia, advised that the National Public Toilet Map has the potential to include further information about toilet facilities, and not just the location.⁵⁷⁵ This includes more data, photographs, opening hours and whether the facilities are available.⁵⁷⁶ Mr Smith stated that this would make the map 'much more of a useful tool' and that it could 'give people confidence about the facilities available'.⁵⁷⁷

Master Locksmith Access Key (MLAK) Scheme

- 4.37** As discussed in chapter 1 of this report, the MLAK scheme provides a standardised key that grants access to locked public toilets and other facilities equipped with MLAK locks.⁵⁷⁸ The scheme provides reliable access to essential facilities to those who have additional needs, and allows individuals to access clean and safe facilities that may not be available to the general public.⁵⁷⁹ The intention of the MLAK scheme is to reduce the misuse of accessible toilets and prevent damage to accessible facilities.⁵⁸⁰
- 4.38** Ms Suzie Stollznow, Systemic Advocacy and Social Impact Manager, Spinal Cord Injuries Australia, advised 'even though there are some issues with use, and some people have trouble using the key, on balance—the importance of having clean facilities—most of our members were supportive of having some kind of a key system'.⁵⁸¹

⁵⁷² Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 3; Evidence, Mr Jim Cooper, CEO, Continence Health Australia (formerly Continence Foundation of Australia), 31 March 2025, p 18.

⁵⁷³ Evidence, Mr Julian Laurens, Senior Policy Officer, People with Disability Australia, 31 March 2025, p 3.

⁵⁷⁴ Evidence, Mr Jim Cooper, CEO, Continence Health Australia (formerly Continence Foundation of Australia), 31 March 2025, p 18.

⁵⁷⁵ Evidence, Mr Luke Smith, Policy and Engagement Officer, National Seniors Australia, 31 March 2025, p 27.

⁵⁷⁶ Evidence, Mr Luke Smith, Policy and Engagement Officer, National Seniors Australia, 31 March 2025, p 27.

⁵⁷⁷ Evidence, Mr Luke Smith, Policy and Engagement Officer, National Seniors Australia, 31 March 2025, p 27.

⁵⁷⁸ Submission 22, Disability Council NSW, p 1.

⁵⁷⁹ Submission 22, Disability Council NSW, p 1.

⁵⁸⁰ Submission 22, Disability Council NSW, p 1.

⁵⁸¹ Evidence, Ms Suzie Stollznow, Systemic Advocacy and Social Impact Manager, Spinal Cord Injuries Australia, 31 March 2025, p 30.

- 4.39** Mr Bob Triming, Chairperson and Secretary, Bathurst Regional Access Committee, stated that some people are misinformed about how one can obtain a MLAK key.⁵⁸² Mr Triming advised that a letter of advice (which is needed to obtain a key) can be acquired through a doctor but also disability organisations like Bathurst Regional Access Committee.⁵⁸³ Mr Triming noted that while a deposit of \$20.00 is required 'we try to push the MLAK key whenever we can'.⁵⁸⁴
- 4.40** Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia, explained that there are good and bad reasons for having the scheme: 'the good reason is that it does make the toilet secure, and people aren't trashing the facility or making it dirty, because you need the key to actually use it'; however, not everyone is aware of the scheme or how to acquire a key.⁵⁸⁵
- 4.41** This point was also addressed by the Disability Council of NSW, who agreed that 'the scheme remains largely underutilised'.⁵⁸⁶ They recommended a campaign 'to promote the MLAK scheme and encourage more facilities to participate' to enhance the accessibility of public toilets.⁵⁸⁷ Other participants also addressed the need for promotion, to increase awareness of the scheme.⁵⁸⁸
- 4.42** On the other hand, Dr Billy Pringle, Senior Policy Officer, Combined Pensioners and Superannuants Association of NSW, argued that, with accessibility in mind, the scheme is 'designed in quite a limited sense' and explained that some who may need access to accessible bathrooms may not fall within the scope of the scheme:
- [W]hen you design in that kind of limited way, anybody who is on the margins of that form of accessibility, who might not be eligible for an MLAK key or who might have other concerns, whatever they may be, is going to fall outside of the scope of a program like that. Having a broad approach to accessibility means that you're going to be supporting people across the board.⁵⁸⁹
- 4.43** Mr Stephen Weatherstone, Retired Engineer, also voiced concerns about the MLAK scheme, stating 'I think it prevents a lot of people using that facility that might need it that haven't got the key. I just think it's a stupid idea and it should be abandoned'.⁵⁹⁰

⁵⁸² Evidence, Mr Bob Triming, Chairperson and Secretary, Bathurst Regional Access Committee, 29 April 2025, pp 11-12.

⁵⁸³ Evidence, Mr Bob Triming, Chairperson and Secretary, Bathurst Regional Access Committee, 29 April 2025, pp 11-12.

⁵⁸⁴ Evidence, Mr Bob Triming, Chairperson and Secretary, Bathurst Regional Access Committee, 29 April 2025, p 12.

⁵⁸⁵ Evidence, Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia, 31 March 2025, p 30.

⁵⁸⁶ Submission 22, Disability Council NSW, pp 1-2.

⁵⁸⁷ Submission 22, Disability Council NSW, pp 1-2.

⁵⁸⁸ Submission 56, Bathurst Regional Access Committee, p 8; Evidence, Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia, 31 March 2025, p 30; Evidence, Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd, 31 March 2025, p 43.

⁵⁸⁹ Evidence, Dr Billy Pringle, Senior Policy Officer, Combined Pensioners and Superannuants Association of NSW, 31 March 2025, p 25.

⁵⁹⁰ Evidence, Mr Stephen Weatherstone, Retired Engineer, 31 March 2025, p 23.

Use by people without disability

- 4.44 Participants frequently reported that people without disability often use accessible toilets.⁵⁹¹
- 4.45 Mr Jeramy Hope, Member, Disability Council NSW, advised that he often witnesses people without a disability using accessible toilets, noting that they are often used as changing facilities:
- They're used as changing facilities, particularly at airports and train stations, where it's easier to get changed in a larger area and get into comfy clothes. That's something that I observe daily, the additional space, or it's easier to locate because sometimes it has better signage than others. It's just a quick win for people. They are very apologetic when they see someone with a walker or a wheelchair out the front waiting, but it happens way too often.⁵⁹²
- 4.46 Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia mentioned that 'there's an education aspect, that people need to be aware that an accessible toilet is for people with disability, and that they shouldn't be utilising them'.⁵⁹³

People living with low vision or blindness

- 4.47 There are currently 500,000 Australians living with low vision or blindness.⁵⁹⁴ According to Guide Dogs NSW, 'despite this significant portion of the population, many public spaces and facilities are still not designed to support full inclusion and participation for people with low vision or blindness'.⁵⁹⁵
- 4.48 Participants raised the need for the following:
- navigation and safety features⁵⁹⁶
 - luminance contrast and high-contrast signage⁵⁹⁷
 - accessible relief areas for Guide Dogs⁵⁹⁸

⁵⁹¹ Submission 36, Spinal Cord Injuries Australia, p 5; Evidence, Mr Jeramy Hope, Member, Disability Council NSW, 31 March 2025, p 42; Submission 56, Bathurst Regional Access Committee, p 7.

⁵⁹² Evidence, Mr Jeramy Hope, Member, Disability Council NSW, 31 March 2025, p 42.

⁵⁹³ Evidence, Mr Tony Jones, Disability Reform and Insights Adviser, Spinal Cord Injuries Australia, 31 March 2025, p 31.

⁵⁹⁴ Submission 67, Guide Dogs NSW, p 3.

⁵⁹⁵ Submission 67, Guide Dogs NSW, p 3.

⁵⁹⁶ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, pp 4 and 5; Evidence, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, 31 March 2025, p 34; Submission 67, Guide Dogs NSW, p 13.

⁵⁹⁷ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, pp 4 and 5; Evidence, Mr Bob Trimming, Chairperson and Secretary, Bathurst Regional Access Committee, 29 April 2025, p 12.

⁵⁹⁸ Submission 67, Guide Dogs NSW, p 7; Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, 31 March 2025, p 35.

- audible door lock signals⁵⁹⁹
- consistency.⁶⁰⁰

Helpful navigation and safety features

- 4.49** Guide Dogs NSW recommended the implementation of tactile cues to help users understand and navigate the layout of public toilets.⁶⁰¹ They recommended the following tactile features:
- braille and tactile signage
 - tactile layout maps
 - tactile fixtures and fittings.⁶⁰²
- 4.50** In relation to tactile navigation aids, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, explained the usefulness of tactile maps: 'having a map of a toilet to have a sense of what it's like so I can be a bit more targeted getting to where I need to would be really useful'.⁶⁰³
- 4.51** Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, elaborated further to say that the map should be placed on the outside of the door near the braille tactile, to give people a clear idea indication of what that facility contains, and where certain amenities can be located within the space.⁶⁰⁴ Ms Moon stated that it could easily say: "It has three cubicles up on the far wall. The basin is to your left with two sinks and a dryer on the other wall"—something as simple as that'.⁶⁰⁵
- 4.52** Below is a photo of braille and tactile signage as well as a tactile layout of the female toilets at the Guide Dogs NSW/ACT St Leonards office:

⁵⁹⁹ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 4; Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, 31 March 2025, p 36.

⁶⁰⁰ Evidence, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, 31 March 2025, p 34.

⁶⁰¹ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 4.

⁶⁰² Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, pp 4-5.

⁶⁰³ Evidence, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, 31 March 2025, p 34.

⁶⁰⁴ Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, 31 March 2025, p 35.

⁶⁰⁵ Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, 31 March 2025, p 35.

Figure 5 Photo of tactile layout map of female bathroom⁶⁰⁶



- 4.53** Guide Dogs NSW also addressed the need for tactile fixtures and fittings, stating that 'manually operated taps, soap dispensers, and hand dryers are strongly preferred over sensor-activated options, which often lack consistency and tactile feedback'.⁶⁰⁷
- 4.54** Audible navigation aids were also addressed in evidence.⁶⁰⁸ Upon entry of the facility, an optional audible announcement describing the layout of the space could aid orientation.⁶⁰⁹
- 4.55** Audible announcements in relation to safety were also addressed. Guide Dogs NSW recommended that an emergency call system be implemented: 'a message like, "help is on the way", when the emergency call button is pressed will reassure users that assistance is coming, giving them peace of mind'.⁶¹⁰

Luminance contrast and high-contrast signage

- 4.56** Guide Dogs NSW stated that poor luminance contrast between fixtures and backgrounds can make it difficult for people with low vision or blindness to distinguish key features within a space.⁶¹¹ They advised that the Australian Standards dictate that a minimum of 30 per cent

⁶⁰⁶ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 7.

⁶⁰⁷ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 5.

⁶⁰⁸ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 5; Submission 67, Guide Dogs NSW, p 13.

⁶⁰⁹ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 5.

⁶¹⁰ Submission 67, Guide Dogs NSW, p 13.

⁶¹¹ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 4.

luminance contrast must be provided, however addressed that 'the baseline is often treated as the default target'.⁶¹²

- 4.57 Mr Bob Triming, Chairperson and Secretary, Bathurst Regional Access Committee, also highlighted this issue: if 'there's a white bowl, white walls and white floor, yes, great, it looks lovely and clean, but people with vision impairment can't see where the toilet bowl is. Things like that have to be taken into account'.⁶¹³
- 4.58 Stakeholders also addressed the need for clear and effective high-contrast signage that is accurately placed and accessible for those who have low vision or blindness.⁶¹⁴

Accessible relief areas for Guide Dogs

- 4.59 According to Guide Dogs NSW, public spaces lack safe, accessible relief areas for Guide Dogs.⁶¹⁵ The provision of designated relief spaces 'will support the independence and comfort of Guide Dog Handlers, allowing them to move freely and confidently in public places'.⁶¹⁶
- 4.60 Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, addressed this issue in relation to train stations, stating that if a patch of grass was placed somewhere near the train, a Guide Dog Handler would know that they can toilet their guide dog before they get on the train, giving them the confidence to travel.⁶¹⁷
- 4.61 Guide Dogs NSW gave the following examples of where relief areas for assistance dogs are currently provided:
- **Sydney Domestic Airport:** facilities are available both landside within Terminal 2 (T2) and externally in the car park near the T2 arrivals entrance
 - **Sydney International Airport:** an airside toileting area is located near the arrivals/immigration zone
 - **University of Technology Sydney (UTS):** a designated facility is located directly outside Building 1 (UTS Tower)
 - **Temporary Event Locations:** Facilities have also been provided at select temporary venues, such as the Westpac Open Air Cinema during the "Touch" event.⁶¹⁸

⁶¹² Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 5.

⁶¹³ Evidence, Mr Bob Triming, Chairperson and Secretary, Bathurst Regional Access Committee, 29 April 2025, p 12.

⁶¹⁴ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 3; Submission 67, Guide Dogs NSW, p 13; Evidence, Mr Bob Triming, Chairperson and Secretary, Bathurst Regional Access Committee, 29 April 2025, p 12.

⁶¹⁵ Submission 67, Guide Dogs NSW, p 7.

⁶¹⁶ Submission 67, Guide Dogs NSW, p 7.

⁶¹⁷ Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, 31 March 2025, p 35.

⁶¹⁸ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 1.

Audible door lock signals

- 4.62** Some automatic doors can pose challenges for those who are blind or have low vision.⁶¹⁹ Guide Dogs NSW advised that it can be difficult to identify how to open and lock a toilet door, and automatic doors can be unreliable and cause confusion to some users.⁶²⁰
- 4.63** Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, stated that often a light is used to indicate whether a toilet is occupied or unoccupied, 'what we would be wanting is an audible announcement to go with that, going "Locked" or "Unlock," or something that gives you a bit more than just that visual component of what's going on'.⁶²¹
- 4.64** Guide Dogs NSW stated in their submission that 'adding a simple sound when the door is locked will give users the confidence that the toilet door is secure without needing visual confirmation'.⁶²²

Consistency in design

- 4.65** Guide Dogs NSW also addressed the importance of consistency in design.⁶²³ Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW stated that it can be 'anxiety inducing' trying to locate amenities in an unfamiliar space.⁶²⁴ They added 'just when I get used to the fact that everything's automated, I'll be standing there waving at the sink until someone points out that actually there's just a handle to the tap right there. There's inconsistency with that...'⁶²⁵
- 4.66** Guide Dogs NSW recommended that legislative requirements and regular accessibility audits be implemented to guarantee compliance and to ensure consistency.⁶²⁶

People with neurological, cognitive and psychosocial disabilities

- 4.67** This section identifies the accessibility needs of people who are neurodiverse and people living with dementia in relation to the provision of public toilets. It identifies the considerations that need to be taken into account when planning for the design of public toilets.

⁶¹⁹ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 4; Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, 31 March 2025, p 36.

⁶²⁰ Answers to supplementary questions, Guide Dogs NSW, 19 May 2025, p 4.

⁶²¹ Evidence, Ms Jennifer Moon, Principal Adviser, Manager Access and Stakeholder Engagement, Guide Dogs NSW, 31 March 2025, p 36.

⁶²² Submission 67, Guide Dogs NSW, p 13.

⁶²³ Evidence, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, 31 March 2025, p 34; Submission 67, Guide Dogs NSW, p 5.

⁶²⁴ Evidence, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, 31 March 2025, p 34.

⁶²⁵ Evidence, Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW, 31 March 2025, p 34.

⁶²⁶ Submission 67, Guide Dogs NSW, p 5.

People who are neurodiverse

- 4.68** 'Neurodiverse' is defined as divergence in mental or neurological function from what is considered typical.⁶²⁷ Neurodivergence can be innate, acquired or both.⁶²⁸
- 4.69** MHA Design advised that 'there are infinite variations of brain functionality amongst us all, however the social structure and daily environment we are asked to function in does not take this into consideration'.⁶²⁹ Individuals living with such variation are referred to as neurodiverse and can include those diagnosed with 'autism, attention deficit hyperactivity disorder, dyspraxia, dyslexia, intellectual disabilities, and mental health conditions like anxiety, depression, and PTSD'.⁶³⁰ MHA Design advised that approximately 20 per cent of the population is neurodiverse.⁶³¹
- 4.70** During the inquiry participants identified the considerations that need to be taken into account for people who are neurodiverse when planning for the design of public toilets. These considerations include the acoustics and lighting within the space, the need for transition areas and breakout spaces, and a preference for single-use cubicles. Stakeholders also highlighted the importance of increasing community awareness for hidden disabilities, noting that there are many different reasons for why an individual may need to use an accessible toilet facility.

Acoustics and lighting

- 4.71** Stakeholders addressed the impact of lighting and acoustics on an individual who is neurodiverse.⁶³² Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, stated that the lighting and acoustics are important factors to take into consideration when addressing the needs of those who are neurodiverse:
- [An important consideration is] sound and light reduction capacity. For many people with any form of sensory requirements, the ability to reduce the lighting—as a person who is neurodivergent myself, this lighting in this room is very overwhelming. This will be a very exhausting experience for me, and I will need to leave and go into a dark room. That is very common [issue] in many bathrooms: the lighting.⁶³³
- 4.72** MHA Design recommended providing a dedicated 'low-sensory area with soft lighting, calming colours and minimal noise' and where a dedicated area cannot be provided, low stimuli lighting should be offered which can be adjusted to a higher setting if necessary.⁶³⁴

⁶²⁷ Submission 24, MHA Design, p 9.

⁶²⁸ Submission 24, MHA Design, p 9.

⁶²⁹ Submission 24, MHA Design, p 2.

⁶³⁰ Submission 24, MHA Design, p 9.

⁶³¹ Submission 24, MHA Design, p 2.

⁶³² Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 6; Answers to supplementary questions, MHA Design, p 4; Submission 24, MHA Design, p 5; Submission 57, Mr Matthew Hayes, p 1.

⁶³³ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 6.

⁶³⁴ Answers to supplementary questions, MHA Design, p 4; Submission 24, MHA Design, p 5.

Transition areas and breakout spaces

4.73 MHA Design also addressed the importance of transition areas and breakout spaces. They are defined as:

- transition area: an area where a person has the opportunity to prepare themselves for what is to come, or an in-between zone which offers a moment of relief⁶³⁵
- breakout space: quiet zones which provide the user with an escape from stimuli.⁶³⁶

4.74 Ms Tina Kordrostami, Director, Mental Health Access Design, stated that transition areas can 'help with the regulation of certain challenging behaviours that could be presented. It could help an individual prepare themselves for upcoming triggers'.⁶³⁷ Ms Kordrostami added 'we need to allow individuals to build their confidence by offering them a space of relief'.⁶³⁸ 'This moment could look like a hidden entry, or it could look like a breakout space that's strategically presented right before you access the bathroom space'.⁶³⁹

Preference for single-use cubicles

4.75 Mr Matthew Hayes, Hidden Disability Advocate, noted a preference for single-use cubicles.⁶⁴⁰ Mr Hayes stated, 'I am on the autism spectrum, which means that being in a traditional communal toilet, I and other people on the spectrum can get sensory overwhelmed by those kinds of toilets'.⁶⁴¹ Mr Hayes further explained that triggering stimuli can 'include flickering lights, noises from multiple hand dryers, and sinks, and conversations going off at once'.⁶⁴²

4.76 Mr Hayes explained that sometimes the accessible single-use toilet is the 'only toilet that most neurodivergent people, ... feel comfortable and safe in'.⁶⁴³ 'The traditional communal-style toilets tend to provide a 'very wide, very open space so a lot of the sounds reverberate around the entire room. It can be significantly overwhelming for people on the spectrum, and it can make it very difficult to access community toilets if there's not an accessible toilet'.⁶⁴⁴

4.77 Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, provided the public toilets at Melbourne airport as a great example of where the needs of those who are neurodiverse have been incorporated into the design of the facility:

Melbourne airport is a really good example ... What they have created is smaller, individual-use bathrooms that have the sunflower logo on them. They specify that they are for people with medical or sensory requirements versus being fully physically

⁶³⁵ Evidence, Ms Tina Kordrostami, Director, Mental Health Access Design, 1 April 2025, pp 3-4; Submission 24, MHA Design, p 5.

⁶³⁶ Submission 24, MHA Design, p 5.

⁶³⁷ Evidence, Ms Tina Kordrostami, Director, Mental Health Access Design, 1 April 2025, pp 3-4.

⁶³⁸ Evidence, Ms Tina Kordrostami, Director, Mental Health Access Design, 1 April 2025, p 4.

⁶³⁹ Evidence, Ms Tina Kordrostami, Director, Mental Health Access Design, 1 April 2025, pp 3-4.

⁶⁴⁰ Submission 57, Mr Matthew Hayes, p 1.

⁶⁴¹ Submission 57, Mr Matthew Hayes, p 1.

⁶⁴² Submission 57, Mr Matthew Hayes, p 1.

⁶⁴³ Evidence, Mr Matthew Hayes, Hidden Disability Advocate, 1 April 2025, p 5.

⁶⁴⁴ Evidence, Mr Matthew Hayes, Hidden Disability Advocate, 1 April 2025, p 7.

accessible ... There is more room, so you're not in a tight, confined space. They actually specify that. In addition, those lights can be reduced, and they are much more sound-sensitive than other accessible bathrooms right next to them.⁶⁴⁵

Increasing community awareness

4.78 Participants advised that there is a stigma attached to those who use accessible toilets and 'don't look disabled'.⁶⁴⁶ Mr Hayes stated that he had been verbally attacked multiple times by members of the general public for using an accessible bathroom.⁶⁴⁷ Mr Hayes explained 'this can make you lose confidence when you're already struggling with maintaining independent living skills as a person with a hidden disability'.⁶⁴⁸

4.79 Ms Fiona Davies, Chief Executive Officer, Australian Medical Association (NSW), endorsed the use of the hidden disability sunflower project:

Our family really love the Sunflower project. We love seeing it here. My daughter doesn't wear her lanyard most of the time. She always wears it travelling, but she doesn't wear it most of the time. For our family, it's a really lovely, inclusive symbol.⁶⁴⁹

4.80 However, Mr Hayes explained that, in relation to the Hidden Disabilities Sunflower program, with 'it being at the core of disability training, rather than a part of it, can risk incidents where some staff may not assist people with hidden disabilities specifically because they're not wearing a sunflower lanyard'.⁶⁵⁰ Mr Hayes added that 'such incidents have happened in the past where hidden disability training has not been implemented properly'.⁶⁵¹

4.81 Mr Hayes supported additional training for staff so that they can be more aware of hidden disabilities.⁶⁵² He also advised that more should be done to increase community awareness, such as providing signage of accessibility bathrooms stating that not every disability is visible.⁶⁵³

People living with dementia

4.82 Dementia Australia advised that currently in New South Wales, there are an estimated 141,800 people living with all forms of dementia.⁶⁵⁴ They specified that 9,200 of those are people living with younger onset dementia.⁶⁵⁵

⁶⁴⁵ Evidence, Mx Megan Spindler-Smith, Deputy Chief Executive Officer, People with Disability Australia, 31 March 2025, p 7.

⁶⁴⁶ Submission 57, Mr Matthew Hayes, p 1.

⁶⁴⁷ Submission 57, Mr Matthew Hayes, p 1.

⁶⁴⁸ Submission 57, Mr Matthew Hayes, p 1.

⁶⁴⁹ Evidence, Ms Fiona Davies, Chief Executive Officer, Australian Medical Association (NSW), 1 April 2025, p 5.

⁶⁵⁰ Answers to supplementary questions, Mr Matthew Hayes, 13 May 2025, p 1.

⁶⁵¹ Answers to supplementary questions, Mr Matthew Hayes, 13 May 2025, p 1.

⁶⁵² Answers to supplementary questions, Mr Matthew Hayes, 13 May 2025, p 1.

⁶⁵³ Answers to supplementary questions, Mr Matthew Hayes, 13 May 2025, p 1.

⁶⁵⁴ Submission 71, Dementia Australia, p 1.

⁶⁵⁵ Submission 71, Dementia Australia, p 1.

4.83 Dementia is a broad term 'that encapsulates more than one hundred different types of dementia associated with a range of cognitive and physical changes'.⁶⁵⁶ General symptoms characteristic of the condition include changes in thinking, mood, memory, and behaviour.⁶⁵⁷

4.84 Dementia Australia advised that people living with dementia may develop the following symptoms:

- visuospatial symptoms including changes in colour and depth perception
- loss of peripheral vision
- an increasing inability to read or comprehend the meaning of words including signage
- difficulty locating and recognising objects
- broader impacts on wayfinding and navigation abilities.⁶⁵⁸

Dementia-friendly design principles

4.85 Dementia Australia and National Seniors Australia recommended the following features when considering the design of public toilets to support easy and safe access for people living with dementia:

- **Clear and simple signage:** Signs should be high-contrast and use large font. A large, clear picture of a toilet should be included on the sign to prevent confusion and placed at a height of around 1.2-1.4m from the ground and directly on the door. Directional signage should be provided to enable effective wayfinding. If the amenities or door is 'high-tech' or complex, simple pictures demonstrating the use of the amenities such as hand dryers and taps should be provided.
- **Contrast:** The colour of toilet seats, urinals and basins should contrast against the colour of the wall or panel behind them so that they are easily identifiable. Tapware should indicate blue for cold and red for hot. Other features should also be contrasting with their backgrounds such as toilet roll holders, the toilet door, and hooks on the back of doors.
- **Simple and consistent layouts and design:** Tapware, toilet roll holders, hand dryers and toilet seats should be simple and consistent in all public toilets so that they become familiar to the user and are easy to use.
- **Lighting and matte finishes:** Bright lighting should be used. All surfaces should have a matte finish to reduce glare and shadows.
- **Non-slip floors:** Flooring should be non-slip.⁶⁵⁹

4.86 In evidence, Mr Luke Smith, Policy and Engagement Officer, National Seniors Australia, stated that by 'making these spaces easier to navigate, it makes it easier for people to use these spaces, and these aren't necessarily very complex or very expensive design elements'.⁶⁶⁰

⁶⁵⁶ Submission 71, Dementia Australia, p 2.

⁶⁵⁷ Submission 71, Dementia Australia, p 2.

⁶⁵⁸ Submission 71, Dementia Australia, p 2.

⁶⁵⁹ Submission 71, Dementia Australia, pp 3-5; Submission 63, National Seniors Australia, p 4.

⁶⁶⁰ Evidence, Mr Luke Smith, Policy and Engagement Officer, National Seniors Australia, 31 March 2025, p 25.

- 4.87** Dementia Australia concluded by stating that providing 'dementia-friendly designed public spaces ... can play a critical role in ensuring that people living with dementia, and their family members and carers, are supported to be active and engaged in their local community'.⁶⁶¹

People who experience incontinence

- 4.88** Incontinence is the term used for the problems experienced by people who are unable to contain and hold their urine and/or faeces long enough for them to get to a toilet.⁶⁶² It is a highly prevalent condition that affects approximately 7.2 million Australians aged 15 and over (one in four Australians).⁶⁶³ Dr Marian Naidoo, Policy Lead, Continence Health Australia (formerly Continence Foundation of Australia), advised that of the 7.2 million, 4.8 million are women and 2.4 million are men.⁶⁶⁴
- 4.89** Incontinence is 'a highly personal and stigmatised condition which can often be treated, improved or better managed'.⁶⁶⁵ Continence Foundation of Australia advised that it can have 'profound negative effects on those living with incontinence and their carers, restricting their interactions with family, work and the community'.⁶⁶⁶
- 4.90** Although incontinence can affect individuals across all ages, many do not seek assistance due to the stigma and feelings of shame associated with it.⁶⁶⁷ Individuals often conceal the condition, which can lead to social isolation, higher psychological impact and further delay the pursuit of appropriate support.⁶⁶⁸
- 4.91** Dr Lorraine Dickson, Nurse Practitioner, Continence, advised that some individuals may avoid going out in public for fear that they may not be able to locate a public toilet when needed and some may restrict their food and fluid intake, which can then lead to further health problems.⁶⁶⁹
- 4.92** Dr Dickson raised the following issues when addressing the needs of people who experience incontinence in relation to public toilets:
- the allocation of public toilets (quantity and distance between them)
 - the National Public Toilet Map should provide information as to the condition of each toilet (whether it is available and the level of cleanliness)
 - clear and effective signage
 - a greater allocation of public toilets for women

⁶⁶¹ Submission 71, Dementia Australia, p 6.

⁶⁶² Submission 17, Dr Lorraine Dickson, p 1.

⁶⁶³ Evidence, Dr Marian Naidoo, Policy Lead, Continence Health Australia (formerly Continence Foundation of Australia), 31 March 2025, p 17.

⁶⁶⁴ Evidence, Dr Marian Naidoo, Policy Lead, Continence Health Australia (formerly Continence Foundation of Australia), 31 March 2025, p 17.

⁶⁶⁵ Submission 31, Continence Foundation of Australia, p 2.

⁶⁶⁶ Submission 31, Continence Foundation of Australia, p 2.

⁶⁶⁷ Submission 17, Dr Lorraine Dickson, p 1.

⁶⁶⁸ Submission 31, Continence Foundation of Australia, p 2.

⁶⁶⁹ Submission 17, Dr Lorraine Dickson, p 1.

- the need for cleanliness and regular maintenance
- the provision of a safe environment, toilet seats, toilet paper, privacy, good lighting, sanitary disposal bins, handwashing and hand drying facilities.⁶⁷⁰

Cleanliness of public toilets

- 4.93** Continence Foundation of Australia advised that while the cleanliness of public toilets is an issue for many people, those with continence health issues are often more impacted.⁶⁷¹
- 4.94** To manage incontinence, some people may have a stoma 'which is a small opening in the abdomen which is used to remove body waste, such as faeces and/or urine, into a collection bag'.⁶⁷² Others, for example those with urinary retention and bladder nerve damage, may need to self-catheterise.⁶⁷³
- 4.95** Dr Marian Naidoo, Policy Lead, Continence Health Australia, (formerly Continence Foundation of Australia), spoke about the process of self-catheterisation and explained the need for clean areas and a clean, flat surface to undertake this procedure safely:

If you are having to insert a tube into your bladder in order to empty it, you have to undertake that as an aseptic technique, so it has to be a sterile environment. I think we've seen over the years a decrease in level, clean spaces because of drug use. There used to be a shelf to put your handbag on, where you could wipe that down, perhaps, and use that, but they've all gone now because of drug use and also theft, I think, of handbags under the door. But each time you do that, you are risking an infection being introduced internally.⁶⁷⁴

Sanitary disposal bins

- 4.96** Many individuals experiencing incontinence use disposable products such as incontinence pads or pants, sanitary pads, or reusable items like specially designed underwear, washcloths, or improvised materials.⁶⁷⁵ These products must be changed regularly and, in the case of reusable items, thoroughly cleaned to prevent health complications such as urinary tract infections and skin irritation.⁶⁷⁶

⁶⁷⁰ Submission 17, Dr Lorraine Dickson, p 2.

⁶⁷¹ Submission 31, Continence Foundation of Australia, p 5.

⁶⁷² Submission 17, Dr Lorraine Dickson, p 6.

⁶⁷³ Submission 17, Dr Lorraine Dickson, p 6.

⁶⁷⁴ Evidence, Dr Marian Naidoo, Policy Lead, Continence Health Australia (formerly Continence Foundation of Australia), 31 March 2025, p 21.

⁶⁷⁵ Submission 17, Dr Lorraine Dickson, p 6.

⁶⁷⁶ Submission 17, Dr Lorraine Dickson, p 6.

- 4.97** Many stakeholders raised the need for incontinence product disposal bins.⁶⁷⁷ Many advised that there is a particular need for them to be provided in male bathrooms.⁶⁷⁸
- 4.98** Participants addressed the Continence Foundation of Australia's national advocacy campaign, BINS4Blokes.⁶⁷⁹ BINS4Blokes partners with key health and professional organisations to promote the need for continence product disposal bins in male public toilets, and to raise awareness about male incontinence.⁶⁸⁰
- 4.99** Combined Pensioners and Superannuants Association of NSW advised that 'while sanitary bins are common in women's public toilets and in accessible toilets, they are comparatively rare in men's toilets. This makes it very difficult for men to easily dispose of incontinence products'.⁶⁸¹ This may prevent men and boys living with incontinence from fully participating in public life.⁶⁸²
- 4.100** Dr Marian Naidoo, Policy Lead, Continence Health Australia (formerly Continence Foundation of Australia), stated that 'there's an assumption that the hygiene bins in women's toilets are an adequate provision, but actually they're too small. Menstruation pads and incontinence pads vary hugely in size, so we need to bear that in mind as well'.⁶⁸³

People who menstruate

- 4.101** During the inquiry, participants advocated for public toilets to provide access to free period products and addressed the needs of people who menstruate, including the need for public toilet cubicles with internal washbasins.⁶⁸⁴

⁶⁷⁷ Submission 60, Combined Pensioners and Superannuants Association of NSW, p 3; Submission 64, Illawarra Shoalhaven Gender Alliance, p 1; Submission 12, Country Women's Association of NSW, p 2; Submission 14, Katherine Webber, p 1; Submission 17, Dr Lorraine Dickson, p 2; Submission 31, Continence Foundation of Australia, p 5; Submission 55, Trans Justice Project and Sydney Bi+ Network, p 4; Submission 56, Bathurst Regional Access Committee, p 8.

⁶⁷⁸ Submission 60, Combined Pensioners and Superannuants Association of NSW; Submission 55, Trans Justice Project and Sydney Bi+ Network, p 4; Submission 31, Continence Foundation of Australia, p 5; Submission 56, Bathurst Regional Access Committee, p 8.

⁶⁷⁹ Submission 60, Combined Pensioners and Superannuants Association of NSW, p 3; Submission 31, Continence Foundation of Australia, p 7; Evidence, Dr Brendon Radford, Director of Policy and Research, National Seniors Australia, 31 March 2025, p 25; Evidence, Mrs Heidi Mortimer, Member, Dunedoo Branch, Country Women's Association of NSW, 17 March 2025, p 25.

⁶⁸⁰ Submission 31, Continence Foundation of Australia, p 7.

⁶⁸¹ Submission 60, Combined Pensioners and Superannuants Association of NSW, p 3.

⁶⁸² Submission 60, Combined Pensioners and Superannuants Association of NSW, p 3.

⁶⁸³ Evidence, Dr Marian Naidoo, Policy Lead, Continence Health Australia (formerly Continence Foundation of Australia), 31 March 2025, p 19.

⁶⁸⁴ Evidence, Miss Brittney Edwards, Advocacy and Communications Specialist, Share the Dignity, 17 March 2025, p 29.

Access to period products

- 4.102** Share the Dignity explained that 'access to period products is not just about convenience, it's about dignity, hygiene, and public health'.⁶⁸⁵ They contended that 'every person who menstruates deserves access to clean and affordable products'.⁶⁸⁶ They made the recommendation that all public toilets should provide access to free period products so that 'no one is forced to go without'.⁶⁸⁷ This was also supported by Trans Justice Project and Sydney Bi+ Network.⁶⁸⁸
- 4.103** Share with Dignity provided the following statistics in relation to access to period products:
- 64 per cent of women, girls and those who menstruate struggle to afford period products⁶⁸⁹
 - 55 per cent of people who menstruate in New South Wales have missed work due to their period⁶⁹⁰
 - 62 per cent have missed school due to their period⁶⁹¹
 - 68 per cent have missed sport due to their period.⁶⁹²
- 4.104** Share the Dignity argued that public toilets (both those owned by local government and privately owned) should cater to all members of society, ensuring equitable access to menstrual products to help address period poverty 'in an inclusive and accessible manner'.⁶⁹³ Share the Dignity stated that period products are as essential as toilet paper and soap, and therefore should be 'universally accessible'.⁶⁹⁴ They recommended the adoption and enforcement of new standards, guidelines and funding models that ensure all public toilets are adequately equipped with period products.⁶⁹⁵
- 4.105** In evidence, Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance, explained that all toilets need to provide sanitary products and sanitary disposal bins.⁶⁹⁶ Dr Toyer stated 'every gender uses sanitary items. I think to imply that only one gender uses sanitary items is on multiple levels sexist, ableist and a variety of other exclusive positions'.⁶⁹⁷ This was also

⁶⁸⁵ Submission 29, Share the Dignity, p 2.

⁶⁸⁶ Submission 29, Share the Dignity, p 2.

⁶⁸⁷ Submission 29, Share the Dignity, p 2.

⁶⁸⁸ Submission 55, Trans Justice Project and Sydney Bi+ Network, p 8.

⁶⁸⁹ Submission 29, Share the Dignity, p 2.

⁶⁹⁰ Evidence, Miss Brittny Edwards, Advocacy and Communications Specialist, Share the Dignity, 17 March 2025, p 26.

⁶⁹¹ Evidence, Miss Brittny Edwards, Advocacy and Communications Specialist, Share the Dignity, 17 March 2025, p 26.

⁶⁹² Evidence, Miss Brittny Edwards, Advocacy and Communications Specialist, Share the Dignity, 17 March 2025, p 26.

⁶⁹³ Submission 29, Share the Dignity, p 2.

⁶⁹⁴ Submission 29, Share the Dignity, p 2.

⁶⁹⁵ Submission 29, Share the Dignity, p 2.

⁶⁹⁶ Evidence, Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance, 1 April 2025, p 20.

⁶⁹⁷ Evidence, Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance, 1 April 2025, p 20.

supported by Ms Barabara Taylor, Parent Representative, Parents for Trans Youth Equity, who argued that 'sanitary products should be available in all toilets, regardless of the gender. Male or female—all genders—we just think that makes sense'.⁶⁹⁸

Dignity Vending Machines

- 4.106** Share the Dignity explained the creation of the Dignity Vending Machine (DVM), which is a vending machine that dispenses a free period pack containing six tampons and two pads at the press of a button.⁶⁹⁹

⁶⁹⁸ Evidence, Ms Barabara Taylor, Parent Representative, Parents for Trans Youth Equity, 1 April 2025, p 20.

⁶⁹⁹ Evidence, Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity, 17 March 2025, p 27.

Figure 6 Photo of Share the Dignity's Dignity Vending Machine⁷⁰⁰



4.107 In evidence, Share the Dignity raised the following key features in regard to the DVM:

- the period packs contained within the DVMs cannot be found at any store, they are 'bespoke' so therefore they cannot be taken to a store and returned or exchanged for other items⁷⁰¹
- there is a timing mechanism within the DVM that deters people from completely emptying the machine and taking every period pack. The timing device can be set between one to ten minutes⁷⁰²
- the telemetry (automated remote collection and transmission of data from sensors or other devices to a central location for monitoring) within the DVM advises once the machine is down to its last ten period packs. This ensures that the DVMs are maintained, and restocked as and when needed⁷⁰³

⁷⁰⁰ Angels Community Group, Share the Dignity, <https://www.angelscommunitygroup.com/share-the-dignity>.

⁷⁰¹ Evidence, Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity, 17 March 2025, p 30.

⁷⁰² Evidence, Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity, 17 March 2025, p 30.

⁷⁰³ Evidence, Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity, 17 March 2025, p 27.

- there have been two instances of vandalism within the past eight years: one in a 'high need' area in Tasmania and one in a school in New South Wales.⁷⁰⁴ As a result of this, one of the DVMs has had to have a cage placed around it to prevent further vandalism. The other prompted Share the Dignity to upgrade the machines so that they now have ant-vandalism skins⁷⁰⁵
- the cost for the first year of the DVM is \$10,000 which includes the installation of the machine and the stock. Then, it approximately costs \$5,000 per year after that.⁷⁰⁶

4.108 When discussing where a DVM should be placed, Miss Brittney Edwards, Advocacy and Communications Specialist, Share the Dignity advised that not everybody who menstruates identifies as a woman, so they suggest placing period products in the 'disability toilet or a unisex toilet so that people who need it can access it'.⁷⁰⁷

4.109 Share the Dignity advised that the ongoing maintenance and the responsibility of restocking the DVMs usually falls to local councils, or if it is in a public building such as a library, the staff there.⁷⁰⁸

4.110 Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity, advised that Albury City Council paid \$25,000 for four years of the vending machine, which includes stock: 'that's set and forget. They then just reorder every time'.⁷⁰⁹ Mrs Courtenay further advised that their funding comes from a variety of sources, such as through partnerships with companies and organisations, the government, philanthropists and fundraising.⁷¹⁰

Cubicles with internal washbasins

4.111 Access Institute advised that menstruation can be messy.⁷¹¹ There may be a 'need to wash soiled clothes and dry them under hand dryers in toilet handwashing areas'.⁷¹² Access Institute also considered that some forms of menstruation equipment may need to be washed within a public toilet.⁷¹³

⁷⁰⁴ Evidence, Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity, 17 March 2025, p 28.

⁷⁰⁵ Evidence, Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity, 17 March 2025, p 28.

⁷⁰⁶ Evidence, Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity, 17 March 2025, p 29.

⁷⁰⁷ Evidence, Miss Brittney Edwards, Advocacy and Communications Specialist, Share the Dignity, 17 March 2025, p 28.

⁷⁰⁸ Evidence, Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity, 17 March 2025, p 30.

⁷⁰⁹ Evidence, Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity, 17 March 2025, p 30.

⁷¹⁰ Evidence, Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity, 17 March 2025, p 27.

⁷¹¹ Submission 19, Access Institute, p 5.

⁷¹² Submission 19, Access Institute, p 5.

⁷¹³ Submission 19, Access Institute, p 5.

- 4.112** This was also addressed by Miss Brittiny Edwards, Advocacy and Communications Specialist, Share the Dignity, who stated that 'for re-usable period products, having handwashing facilities internal to the toilet is really beneficial because then people can wash their menstrual cup and stuff like that without having to go outside'.⁷¹⁴ They also added that a lot of homeless people use menstrual cups, so an internal washbasin within a public toilet cubicle allows them to clean their menstrual cups without needing to do that in a public space.⁷¹⁵

LGBTQIA+ communities

- 4.113** 'Transgender' and 'gender diverse' are inclusive umbrella terms that describe people whose gender is different to what was presumed for them at birth.⁷¹⁶ This section addresses the challenges faced by people who are transgender or gender diverse in relation to accessing public toilets. During the inquiry, stakeholders explained the need for inclusive design and highlighted the importance of inclusive language and signage. Stakeholders also addressed the need to consider safety and addressed gender-policing, and the issue of over-policing and criminalisation relating to the use of public toilets.

Inclusive design

- 4.114** There is growing recognition of the need for public toilets to cater to diverse gender identities.⁷¹⁷ Lake Macquarie City Council advised that the introduction of 'more inclusive, gender-neutral facilities would help make public spaces more welcoming for transgender and non-binary individuals'.⁷¹⁸
- 4.115** Inner City Legal Centre stated that public toilets should 'be designed in a way that actively prevents gender based discrimination and harassment'.⁷¹⁹ This can be achieved by 'ensuring the availability of options beyond the traditional male and female gender categories and increasing the number of available all-gender toilets'.⁷²⁰ The need for all-gender bathrooms was supported by many other stakeholders.⁷²¹
- 4.116** In evidence, Miss Sasha Bailey, Trans Health Researcher, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney,

⁷¹⁴ Evidence, Miss Brittiny Edwards, Advocacy and Communications Specialist, Share the Dignity, 17 March 2025, p 29.

⁷¹⁵ Evidence, Miss Brittiny Edwards, Advocacy and Communications Specialist, Share the Dignity, 17 March 2025, p 29.

⁷¹⁶ Submission 28, Inner City Legal Centre, p 3.

⁷¹⁷ Submission 27, Lake Macquarie City Council, p 1.

⁷¹⁸ Submission 27, Lake Macquarie City Council, p 1.

⁷¹⁹ Submission 28, Inner City Legal Centre, p 3.

⁷²⁰ Submission 28, Inner City Legal Centre, p 3.

⁷²¹ Submission 19, Access Institute, p 11; Submission 27, Lake Macquarie City Council, p 1; Submission 55, Trans Justice Project and Sydney Bi+ Network, pp 6-7; Evidence, Miss Sasha Bailey, Trans Health Researcher, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney, 1 April 2025, p 10; Evidence, Dr Rory Gillard, Volunteer, Trans Justice Project and Sydney Bi+ Network, 1 April 2025, p 17; Evidence, Ms Barabara Taylor, Parent Representative, Parents for Trans Youth Equity, 1 April 2025, p 16.

stated that it is important 'to ensure the adequate provision of all-gender/gender-neutral toilets', and for these toilets to be 'consistently and equitably provided across all public settings'.⁷²² Miss Bailey recommended that 'change management plans and high-quality training and education resources' be provided to support the implementation of all-gender/gender neutral toilets.⁷²³

4.117 Trans Justice Project and Sydney Bi+ Network outlined the following potential outcomes if inclusive bathrooms for transgender and gender diverse communities are not provided:

- people may limit food and liquid intake to avoid needing to use a public toilet
- people may avoid toileting or be unable to locate a suitable toilet, which can lead to physical health problems such as urinary tract infections and kidney problems
- people may experience feelings of stress, shame and fear associated with using a bathroom that does not align with their identity
- people may fear and experience discrimination, unwanted attention, harassment and violence
- people may be unable to participate in social activities and public life.⁷²⁴

4.118 Additionally, they raised the following concerns regarding sanitary products:

- absence of sanitary disposal bins in male bathrooms fails to acknowledge that some people who use male bathrooms experience menstruation and therefore require bins to dispose of their sanitary products
- menstruation can heighten gender dysphoria and cause discomfort for trans and gender diverse people who menstruate. A lack of free menstrual products can precipitate additional anxiety for trans and gender diverse communities.⁷²⁵

Inclusive language and signage

4.119 As discussed in chapter 2, the National Construction Code (NCC) currently requires the provision of male and female facilities and the use of the term 'unisex' for accessible facilities.⁷²⁶ In May 2024 the NCC opened consultation on suggested changes to enable the provision of all-gender sanitary facilities alongside male, female and accessible facilities.⁷²⁷ The NCC is also considering replacing and consistently using 'gender' instead of 'sex' and 'accessible' instead of

⁷²² Evidence, Miss Sasha Bailey, Trans Health Researcher, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney, 1 April 2025, p 10.

⁷²³ Evidence, Miss Sasha Bailey, Trans Health Researcher, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney, 1 April 2025, p 10.

⁷²⁴ Submission 55, Trans Justice Project and Sydney Bi+ Network, pp 3-4.

⁷²⁵ Submission 55, Trans Justice Project and Sydney Bi+ Network, p 5.

⁷²⁶ Submission 70, City of Sydney, p 7.

⁷²⁷ Submission 70, City of Sydney, p 7.

‘unisex’ throughout the NCC.⁷²⁸ Many stakeholders were in support of the use of inclusive language.⁷²⁹

- 4.120 Ms Joe Manton, Director, Access Institute, explained that the use of the terms ‘gender’ and ‘accessible’ is more inclusive and that this removes reference to ‘sex’ or ‘unisex’:

[W]hen we're talking about sex or unisex, typically we're talking about biology. When we're talking about gender, in many ways we're talking about self-identification, and so the term "all-gender" is the preferred term that has been identified throughout that research.⁷³⁰

- 4.121 The following inclusive signage option was provided by Inner City Legal Centre:

Figure 7 An example of inclusive, all-gender signage provided by Inner City Legal Centre (sign with toilet symbol, and indication of what amenity each bathroom contains, and the wording 'All-Gender Bathroom')⁷³¹



Model provided by the TransHub website

⁷²⁸ Submission 70, City of Sydney, p 7.

⁷²⁹ Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 13; Evidence, Miss Sasha Bailey, Trans Health Researcher, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney, 1 April 2025, p 13; Evidence, Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance, 1 April 2025, p 22; Submission 70, City of Sydney, p 8; Submission 19, Access Institute, p 11; Submission 59, Local Government NSW, p 8.

⁷³⁰ Evidence, Ms Joe Manton, Director, Access Institute, 31 March 2025, p 13.

⁷³¹ Submission 28, Inner City Legal Centre, p 5.

- 4.122** Inner City Legal Centre explained that as all-gender signage 'removes binary reference to male and female genders, there would be no basis for excluding people from using the bathrooms based on their gender identity'.⁷³² They added that all-gender signage 'also signals to the LGTBQIA+ community that the space is inclusive and safe'.⁷³³
- 4.123** Ms Elster Cook, Volunteer, Trans Justice Project, stated 'we believe the signage should more reflect the actual facilities in each bathroom, for example, if it has cubicles, is accessible or has urinals and such. Rather than any gender focus...'.⁷³⁴

Safety

- 4.124** Stakeholders conveyed the need for public toilets to provide adequate levels of safety to protect transgender and gender diverse people. They also addressed the issue of 'gender-policing,' and the issue of over-policing and criminalisation relating to the use of public toilets.

Gender-policing

- 4.125** Public toilets in New South Wales are predominantly separated by gender, which can pose significant challenges for people who are transgender, gender diverse, or for cisgender people who do not conform with gender expectations.⁷³⁵ According to Inner City Legal Centre, these rigid classifications can lead to feelings of exclusion, confrontation, and heightened risks of harassment or violence due to assumptions about a person's gender.⁷³⁶ This form of scrutiny and enforcement of gender norms is often referred to as 'gender-policing'.⁷³⁷
- 4.126** Inner City Legal Centre advised that 'public toilets are a key site of gender policing, where many members of the general public feel comfortable calling out, harassing and even expelling people who are deemed to not belong in the space'.⁷³⁸
- 4.127** Trans Justice Project and Sydney Bi+ Network provided the following examples of situations where individuals have personally encountered gender-policing:
- '[There] is a constant low-level fear that someone will clock me as trans, and then start acting in a hostile manner (verbally or physically) for using the "wrong" bathroom no matter how I am presenting at the time'
 - 'At a club I was refused access to either the male or female bathroom. I was told I "wasn't male enough" and I didn't look like my ID photo. I had to leave and go somewhere else...but not before having a full blown panic attack and almost killing myself'

⁷³² Submission 28, Inner City Legal Centre, p 5.

⁷³³ Submission 28, Inner City Legal Centre, p 5.

⁷³⁴ Evidence, Ms Elster Cook, Volunteer, Trans Justice Project, 1 April 2025, p 21.

⁷³⁵ Submission 28, Inner City Legal Centre, p 3.

⁷³⁶ Submission 28, Inner City Legal Centre, p 3.

⁷³⁷ Submission 28, Inner City Legal Centre, p 3.

⁷³⁸ Submission 28, Inner City Legal Centre, p 4.

- 'I had to use the staff bathrooms because it would make people uncomfortable if we used certain gendered bathrooms'.⁷³⁹
- 'Growing up as a trans kid in regional Australia, there were many difficulties in life. I was subject to harassment, threats of violence and many other things, all whilst the powers that be such as schools and even police officers did nothing to help me when asked. On top of all that, I was denied access to basic human decency in the form of not being allowed to use bathrooms. If I were to use a men's bathroom, I risked violence, harassment, threats and being followed and jeered at, amongst other things. Whilst women's bathrooms were slightly kinder to me, I still faced much the same experience. At times I was followed into them by men'.⁷⁴⁰

Privacy

- 4.128** Inner City Legal Centre advised that people who are transgender or gender diverse require additional levels of privacy and explained 'there remains risk of harm where cubicles are not appropriately designed'.⁷⁴¹
- 4.129** Inner City Legal Centre elaborated further on this issue, stating the importance for public toilet cubicles to be constructed without gaps so that others cannot see into the cubicle, as this causes additional safety concerns to those who are transgender or gender diverse:

[O]ften public toilets will have significant gaps in the toilet cubicle doors and walls. While everyone is likely to enjoy the security and privacy of gap-free toilet walls and doors, for trans, gender diverse and intersex people ensuring privacy can be essential to their safety from people who would harass, or harm people identified as gender or sex diverse. People outside a toilet cubicle should not have opportunities to peer inside to see anybody in a state of undress.⁷⁴²

- 4.130** Inner City Legal Centre recommended that private single-stall bathrooms with floor-to-ceiling walls 'be designed with room for a bench/place to rest a bag, ... and for stalls to be closed with no-to-limited gaps'.⁷⁴³ They explained that 'this would allow trans and gender diverse people privacy and safety when using public toilets for a range of purposes including changing clothes'.⁷⁴⁴

Over-policing and criminalisation relating to the use of public toilets

- 4.131** To provide historical context, Inner City Legal Centre advised that 'public toilets were the site in which many people who were engaging in consensual activities were entrapped by Police, arrested and convicted'.⁷⁴⁵ Public toilets were 'also the key site of many assaults and murders,

⁷³⁹ Submission 55, Trans Justice Project and Sydney Bi+ Network, p 4.

⁷⁴⁰ Evidence, Ms Elster Cook, Volunteer, Trans Justice Project, 1 April 2025, p 16.

⁷⁴¹ Submission 28, Inner City Legal Centre, p 6.

⁷⁴² Submission 28, Inner City Legal Centre, p 6.

⁷⁴³ Submission 28, Inner City Legal Centre, p 6; Evidence, Ms Niamh Joyce, Solicitor, Inner City Legal Centre, 1 April 2025, p 9.

⁷⁴⁴ Submission 28, Inner City Legal Centre, p 6.

⁷⁴⁵ Submission 28, Inner City Legal Centre, p 6.

which were frequently overlooked and improperly investigated by Police, which had been reported in the Special Commission of Inquiry into LGBTIQ hate crimes'.⁷⁴⁶

- 4.132** On 6 June 2024 the NSW Government released an apology to those who have been convicted under laws that criminalised homosexuality.⁷⁴⁷
- 4.133** Inner City Legal Centre advised that the HIV/AIDS Legal Centre (HALC) 'has received reports from clients of NSW Police staking out public toilets for people engaging in sexual acts, disproportionately targeting the LGBTQIA+ community'.⁷⁴⁸
- 4.134** They provided the following two lived experience examples where members of the LGBTQIA+ community have been unfairly targeted by police:
- on one occasion, police charged a HALC client with the offence of obscene exposure where a police officer allegedly viewed the client through the gaps in the toilet door masturbating, when in fact the client's account was that they were simply urinating
 - on another occasion, a LGBTQIA+ client of HALC was accused by police of masturbating in a bathroom that was a known venue for sexual activity when he was found to be simply using the urinal.⁷⁴⁹
- 4.135** Inner City Legal Centre recommended 'the implementation of additional mandatory and ongoing training be provided to NSWPF officers concerning the LGBTIQ community, which should include sensitivity in policing of sexual activity that may be taking place in public or semi-public areas'.⁷⁵⁰
- 4.136** In response to this evidence, the NSW Police Force acknowledged 'the complex history between police and LGBTQIA+ communities and the barriers this has caused in building trust and confidence in policing' and affirmed their commitment 'to protecting and supporting LGBTQIA+ communities and individuals by providing respectful, fair and inclusive policing responses'.⁷⁵¹
- 4.137** They further advised that 'the NSW Police Force Handbook provides advice and guidance to frontline officers around the policing of 'beats', including the history and identification of 'beats', safety of all users, the importance of integrity of officer conduct when policing these spaces, and the focus on prevention of assaults and other serious crime, primarily perpetrated against men using 'beats'.⁷⁵²
- 4.138** Additionally, the NSW Police Force advised that several issues raised within the Inner City Legal Centre's submission 'regarding recommendations from the Special Commission of Inquiry into

⁷⁴⁶ Submission 28, Inner City Legal Centre, p 6.

⁷⁴⁷ Submission 28, Inner City Legal Centre, p 6.

⁷⁴⁸ Submission 28, Inner City Legal Centre, p 6.

⁷⁴⁹ Submission 28, Inner City Legal Centre, p 6.

⁷⁵⁰ Submission 28, Inner City Legal Centre, p 6.

⁷⁵¹ Correspondence, NSW Police Force, 19 May 2025, p 3.

⁷⁵² Correspondence, NSW Police Force, 19 May 2025, p 3.

LGBTIQ Hate Crimes, are being addressed by the significant work conducted under the [NSW Police Force's] Taskforce Atlas'.⁷⁵³

People experiencing homelessness

- 4.139** During the inquiry, participants discussed the value of public toilets to people experiencing homelessness. Stakeholders also addressed the difficulties people experiencing homelessness face in accessing public toilets. These challenges include the ability to access a public toilet, as access can be restricted or in certain situations refused, the need for safety and privacy, and the unhelpful and unnecessary criminalisation of behaviours.

The value of public toilets

- 4.140** Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, stated that people experiencing homelessness use public toilets for many various reasons.⁷⁵⁴ This includes escaping the environment if it is raining, there is a storm or there is intense heat, filling water bottles, washing hands, and changing clothes.⁷⁵⁵ Mr Pierce stated that having access to a toilet is something we all take for granted, but for a person experiencing homelessness, a toilet becomes a luxury.⁷⁵⁶

When you're living a life that revolves around deprivation, like you don't have the niceties in life, I think having that brief experience of being acknowledged, you feel that you're being acknowledged as a person who's worthwhile and worthy of having that sort of thing. Even if it's just five minutes in a clean public toilet, I think that is really affirming. You get a certain amount of value from that...⁷⁵⁷

Accessibility

- 4.141** The Justice and Equity Centre stated that 'access to adequate public toilets is a basic right that supports social inclusion and dignity for all people in public spaces, including people experiencing homelessness'.⁷⁵⁸ They advised that people experiencing homelessness often have to travel long distances, and sometimes multiple times a day, to access a safe and accessible toilet.⁷⁵⁹ This constant effort reduces the time and energy they can devote to meeting other essential needs or connecting with support services.⁷⁶⁰
- 4.142** The Justice and Equity Centre and members of Streetcare recommended incorporating the following features into public toilets to improve accessibility and better address the needs of people experiencing homelessness:

⁷⁵³ Correspondence, NSW Police Force, 19 May 2025, p 3.

⁷⁵⁴ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 32.

⁷⁵⁵ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 32.

⁷⁵⁶ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 32.

⁷⁵⁷ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 32.

⁷⁵⁸ Submission 20, Justice and Equity Centre, p 1.

⁷⁵⁹ Submission 20, Justice and Equity Centre, p 2.

⁷⁶⁰ Evidence, Ms Alannah Daly, Policy Officer, Justice and Equity Centre, 17 March 2025, p 34.

- **Provision of shower facilities:** Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, stated that the inclusion of shower facilities would 'make a big difference to a lot of people's lives'.⁷⁶¹
- **Adequate lighting:** on approach and inside the toilet provides a greater level of safety.⁷⁶²
- **Increase the number of single-use cubicles:** stakeholders voiced a preference for single-use cubicles to increase safety and privacy.⁷⁶³
- **Public toilets should be accessible 24/7:** people experiencing homelessness need access to a public toilet 24/7. When facilities are closed overnight and inaccessible they have to resort to toileting in public, and risk being charged by police.⁷⁶⁴

Single-use cubicle design: privacy and safety

4.143 Mr Pierce advised that public toilets can sometimes 'be a bit confronting'.⁷⁶⁵ In the traditional configuration style where there are multiple cubicles next to one another with a thin piece of board being used as a partition, 'it's just not private'.⁷⁶⁶ Mr Pierce added that 'we all appreciate that at those moments we are pretty vulnerable, and privacy is really important to us'.⁷⁶⁷

4.144 Mr Pierce supported the provision of single-use public toilet cubicles, advising that this style provides greater levels of safety, security and privacy:

It's your little domain for the next five minutes or whatever. You don't have to worry about what's happening in the cubicle next door. You don't have to worry about somebody having an issue three cubicles down. You don't have to worry about coming out of doing what you've done and face to face with someone who could be not happy for lots of different reasons.⁷⁶⁸

4.145 Ms Roxanna Kalnins, Member, StreetCare, Justice and Equity Centre, addressed the fact that a lot of people experiencing homelessness have to be 'in survival mode a lot of the time' and constantly having to monitor their safety.⁷⁶⁹ Ms Kalnins explained that if places are provided

⁷⁶¹ Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 35.

⁷⁶² Evidence, Ms Roxanna Kalnins, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 36.

⁷⁶³ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, pp 33 and 34; Evidence, Ms Roxanna Kalnins, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34.

⁷⁶⁴ Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34; Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 40.

⁷⁶⁵ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 33.

⁷⁶⁶ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 33.

⁷⁶⁷ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 33.

⁷⁶⁸ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 33.

⁷⁶⁹ Evidence, Ms Roxanna Kalnins, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34.

where individuals can feel safe, it can provide a 'bit of a reprieve from that constant monitoring'.⁷⁷⁰

- 4.146 Mr Pierce also addressed that often people who are experiencing homelessness need to carry everything they own with them, therefore it can be difficult or even impossible to take everything into a small, narrow cubicle.⁷⁷¹ Mr Pierce stated that 'if you're in a space that you're just in, [in a single-use cubicle] you know that you can leave your bag where it is whilst you go and do what you have to do' and that this gives peace of mind.⁷⁷²

Limiting and restricting access

- 4.147 The Justice and Equity Centre and members of Streetcare discussed the following ways in which access to public toilets is restricted for people experiencing homelessness:

- they are sometimes refused access to public toilets, which is particularly prevalent in shops, restaurants and shopping centres⁷⁷³
- some public toilet facilities require payment to use the facility. Those who are homeless or have low income are unable to gain access to these facilities due to a lack of funds⁷⁷⁴
- some public toilet facilities are closed between certain hours, particularly overnight.⁷⁷⁵

- 4.148 The Justice and Equity Centre stated that public bathrooms are essential, as toilets in private businesses are often limited to paying customers and can exclude and discriminate against people experiencing homelessness.⁷⁷⁶ Ms Kalnins advised that without stable housing, people experiencing homelessness 'must rely on social infrastructure to gain access to water and sanitation and hygiene facilities'.⁷⁷⁷

- 4.149 Mr Pierce advised that he had witnessed an individual being refused access to a Westfield shopping centre: 'he went in to use the toilet and he was stopped probably within two minutes of entering into the main doors. He asked the security person where the toilet was, and the security guy escorted him off the premises'.⁷⁷⁸

⁷⁷⁰ Evidence, Ms Roxanna Kalnins, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34.

⁷⁷¹ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34.

⁷⁷² Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34.

⁷⁷³ Evidence, Ms Roxanna Kalnins, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 31.

⁷⁷⁴ Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 33.

⁷⁷⁵ Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34.

⁷⁷⁶ Submission 20, Justice and Equity Centre, p 1.

⁷⁷⁷ Evidence, Ms Roxanna Kalnins, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 31.

⁷⁷⁸ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, pp 40-41.

4.150 Ms Alannah Daly, Policy Officer, Justice and Equity Centre, advised that some train stations construct their public toilets so that they are behind a ticket barrier, requiring individuals to have to pay to access them, thereby restricting access.⁷⁷⁹

4.151 When asked about this issue, Mr Hayden Donoghue, Executive Director, Suburban Services, Sydney Trains, Transport for NSW, explained that public toilets are placed 'behind gate lines where practical to avoid damage to the bathrooms'.⁷⁸⁰ However, he also elaborated to explain that payment is not required to gain access to the public toilet facilities:

I will say that the direction—I double-checked on this, and I should say the station staff are all ultimately under the area which I proudly lead. If someone asks to use the bathrooms, they will be let through the gate line with a click and they won't have to pay. If people do use their card, they're able to enter the station and as long as they come back out through that same gate line—not the exact same gate but the gate line—within 30 minutes, they won't be charged on their Opal card or their credit card.⁷⁸¹

4.152 Participants also raised the fact that many public toilets are closed for certain hours of the day, particularly overnight.⁷⁸² Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, advised that people experiencing homelessness need to be able to access a toilet 24/7.⁷⁸³ When facilities are closed overnight, they have to resort to toileting in public, and risk being charged by police:

They're very hard to find after, say, nine o'clock at night. That's why I slept at Central station, because the toilets were open all day. If I've got to go, I've got to go; I can't wait around until nine o'clock in the morning for them to open. That's why you sort of slept out where the public toilets are, because you didn't want to get a charge for doing your business in public.⁷⁸⁴

Criminalisation of behaviours

4.153 The Protocol for Homeless People in Public Places (Protocol) was published in February 2024, and provides a guide for government, non-government organisations and businesses on interactions with people experiencing homelessness.⁷⁸⁵ The Protocol outlines the circumstances where an interaction with persons experiencing homelessness should occur.⁷⁸⁶

⁷⁷⁹ Evidence, Ms Alannah Daly, Policy Officer, Justice and Equity Centre, 17 March 2025, p 33.

⁷⁸⁰ Evidence, Mr Hayden Donoghue, Executive Director, Suburban Services, Sydney Trains, Transport for NSW, 7 April 2025, p 37.

⁷⁸¹ Evidence, Mr Hayden Donoghue, Executive Director, Suburban Services, Sydney Trains, Transport for NSW, 7 April 2025, p 37.

⁷⁸² Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34; Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 40.

⁷⁸³ Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34.

⁷⁸⁴ Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 34.

⁷⁸⁵ Correspondence, NSW Police Force, 19 May 2025, p 2.

⁷⁸⁶ Correspondence, NSW Police Force, 19 May 2025, p 2.

4.154 Mr Pierce advised that StreetCare members worked on the Protocol for 18 months, and that they are 'really proud' of the final result.⁷⁸⁷ Mr Pierce noted that 'engaging the voice of lived experience, results in ... better outcomes for laws, policies and practices'.⁷⁸⁸

4.155 In evidence, stakeholders addressed the following two issues in relation to the criminalisation of behaviours:

- offensive conduct charges
- move-on orders.

Offensive conduct charges

4.156 According to The Justice and Equity Centre, the limited availability of public toilets contributes to the criminalisation of homelessness.⁷⁸⁹ Individuals experiencing homelessness may be subject to legal penalties, such as charges for public urination, when safe and accessible facilities are not available.⁷⁹⁰ When there is no alternative provided, and individuals need to relieve themselves in public spaces, this can reinforce negative public perceptions and deepen the stigma and discrimination faced by people experiencing homelessness.⁷⁹¹

4.157 When asked if they are aware of any people being charged with criminal offences for toileting in public, Mr Streatfield stated that it 'is very common'.⁷⁹² Ms Alannah Daly, Policy Officer, Justice and Equity Centre, explained that they are usually charged with offensive conduct and issued either with a fine or imprisonment.⁷⁹³

4.158 Mr Pierce stated that 'if you've got a choice between urinating in public and going to a clean toilet, where you can do other things as well, you'll take [the latter] option every single time'.⁷⁹⁴

Move-on orders

4.159 Participants advised that if people experiencing homelessness locate a clean toilet that is accessible 24/7 then they will tend to stay near it, so if they do need to use the toilet, they do not have to walk far.⁷⁹⁵ Sometimes people experiencing homelessness are subject to move-on orders from the police.

⁷⁸⁷ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 31.

⁷⁸⁸ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 31.

⁷⁸⁹ Submission 20, Justice and Equity Centre, p 2.

⁷⁹⁰ Submission 20, Justice and Equity Centre, p 2.

⁷⁹¹ Submission 20, Justice and Equity Centre, p 2.

⁷⁹² Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 38.

⁷⁹³ Evidence, Ms Alannah Daly, Policy Officer, Justice and Equity Centre, 17 March 2025, pp 38-39.

⁷⁹⁴ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 39.

⁷⁹⁵ Evidence, Mr David Streatfield, Member, StreetCare, Justice and Equity Centre, 17 March 2025, pp 37-38.

- 4.160** Ms Daly explained that 'they may be located close to an amenity and then they are moved on and can't come back to that location for a certain amount of time'.⁷⁹⁶ This also means that they keep on 'being relocated from locations where they could access certain services'.⁷⁹⁷
- 4.161** Mr Pierce advised that 'the police can make decisions based upon their judgement' and added that just because an individual appears to be homeless, they 'still have every right to be there, and that's what we established under the protocol'.⁷⁹⁸
- 4.162** In response to this evidence, the NSW Police Force advised that they are a party to the Protocol for Homeless People in Public Places and that their instructions are reflective of the guidance provided by the Protocol.⁷⁹⁹
- 4.163** Under section 197 of the *Law Enforcement (Powers and Responsibilities) Act 2002*, the police in New South Wales have the power to issue a move-on direction to a person in a public place if they believe on reasonable grounds that the person's behaviour or presence in the place:
- (a) is obstructing another person or persons or traffic, or
 - (b) constitutes harassment or intimidation of another person or persons, or
 - (c) is causing or likely to cause fear to another person or persons, so long as the relevant conduct would be such as to cause fear to a person of reasonable firmness, or
 - (d) is for the purpose of unlawfully supplying or obtaining drugs.⁸⁰⁰
- 4.164** The NSW Police further advised that under some specifically targeted pieces of legislation, such as under the *Sydney Public Reserves (Public Safety) Act 2017*, police may give a move on direction to a person (who is in Martin Place Reserve) if they believe on reasonable grounds that the person's occupation of the reserve:
- (a) materially interferes with the reasonable enjoyment of the rights of the public in relation to the reserve, or
 - (b) is unlawful.⁸⁰¹
- 4.165** The NSW Police stated that 'all considered, while the police do have move-on powers, they only apply in limited circumstances and being a rough sleeper alone is not one of them'.⁸⁰²

First Nations people

- 4.166** In evidence, stakeholders addressed the challenges faced by Aboriginal and First Nations people in relation to public toilets.

⁷⁹⁶ Evidence, Ms Alannah Daly, Policy Officer, Justice and Equity Centre, 17 March 2025, p 35.

⁷⁹⁷ Evidence, Ms Alannah Daly, Policy Officer, Justice and Equity Centre, 17 March 2025, p 35.

⁷⁹⁸ Evidence, Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre, 17 March 2025, p 36.

⁷⁹⁹ Correspondence, NSW Police Force, 19 May 2025, p 2.

⁸⁰⁰ Correspondence, NSW Police Force, 19 May 2025, p 2.

⁸⁰¹ Correspondence, NSW Police Force, 19 May 2025, p 2.

⁸⁰² Correspondence, NSW Police Force, 19 May 2025, p 2.

- 4.167** Mr Damian Griffis, Chief Executive Officer, First Peoples Disability Network, advised that in 'traditional language, [there] is no comparable word to "disability". Disability has always been an accepted part of the human experience'.⁸⁰³ At an archaeological site at Lake Mungo, a single male footprint that's been dated at 25,000 years old was discovered.⁸⁰⁴ The 'archaeologists theorised that the person was moving at speed with a stick and participating in a hunt'.⁸⁰⁵ Mr Griffis explained that this shows that First Nations people have 'always had modifications and supports for our community members with disability'.⁸⁰⁶
- 4.168** When asked how the government can better engage with First Nations people with disability in the planning stages of public toilets, Mr Griffis responded with 'I'm a little bit nervous about the language of co-design; it's very popular now. Genuine co-design, which is about equal power sharing and recognising that people that have the lived experience are the experts'.⁸⁰⁷ Mr Griffis explained 'I have several colleagues with severe cerebral palsy. They are the experts in their life. I can assume to understand, and I can travel with them and see the challenges they face and the barriers they face, but they themselves know their own needs'.⁸⁰⁸ Mr Griffis added that 'it doesn't seem to be a leap to me. I don't quite understand why we haven't evolved into that thinking in some ways'.⁸⁰⁹
- 4.169** Mr Griffis added that decision-makers need to recognise that providing accessible and inclusive public toilets is 'not an act of kindness or doing someone a favour; it's a fundamental right' and 'framing the conversation that way would potentially evolve things'.⁸¹⁰
- 4.170** When asked how the lack of all-gender or gender-neutral, or safe toilets impacts Aboriginal and LGBTQI+ people, Miss Katherine Wolframme, Community and Advocacy Officer, BlaQ Aboriginal Corporation, advised that 'First Nations people have the same experiences as all people [when] transitioning, ... It will be, especially at the start, about how to navigate going to the loo discreetly ... It doesn't matter what race or what community; the issues will be the same'.⁸¹¹

⁸⁰³ Evidence, Mr Damian Griffis, Chief Executive Officer, First Peoples Disability Network, 29 April 2025, p 15.

⁸⁰⁴ Evidence, Mr Damian Griffis, Chief Executive Officer, First Peoples Disability Network, 29 April 2025, p 15.

⁸⁰⁵ Evidence, Mr Damian Griffis, Chief Executive Officer, First Peoples Disability Network, 29 April 2025, p 15.

⁸⁰⁶ Evidence, Mr Damian Griffis, Chief Executive Officer, First Peoples Disability Network, 29 April 2025, p 15.

⁸⁰⁷ Evidence, Mr Damian Griffis, Chief Executive Officer, First Peoples Disability Network, 29 April 2025, p 16.

⁸⁰⁸ Evidence, Mr Damian Griffis, Chief Executive Officer, First Peoples Disability Network, 29 April 2025, p 16.

⁸⁰⁹ Evidence, Mr Damian Griffis, Chief Executive Officer, First Peoples Disability Network, 29 April 2025, p 16.

⁸¹⁰ Evidence, Mr Damian Griffis, Chief Executive Officer, First Peoples Disability Network, 29 April 2025, p 17.

⁸¹¹ Evidence, Miss Katherine Wolframme, Community and Advocacy Officer, BlaQ Aboriginal Corporation, 29 April 2025, p 16.

4.171 However, Miss Wolfgramme added that there are some 'very racist places in this country where [First Nations people] will not be allowed access to the public toilets anyway'.⁸¹² Miss Wolfgramme advised the committee that she had personally experienced discrimination and stated, 'I think even access to a locked-up loo might be difficult for them because they're Aboriginal, let alone LGBT'.⁸¹³

4.172 Mr Griffis also raised that public toilets are historically, and even today, highly contested public spaces:

[W]e don't have to go too far into our recent history in our State of the segregation of Aboriginal people. I was reflecting on the Freedom Rides ... and a lot of that was around access to public spaces, including public toilets. Public toilets, as you all know, are highly contested public spaces. We have further evidence of that today, and it seems that we still have a long way to go in that regard too.⁸¹⁴

People who live in regional, rural and remote areas

4.173 This section covers the public toilet challenges raised by people and councils living in regional, rural and remote areas. Stakeholders primarily addressed the use and maintenance of septic systems, managing wildlife (particularly snakes) in remote areas, and the need for different expectations in regard to hygiene standards during droughts and when people are reliant on tank water.

Septic systems

4.174 Liverpool Plains Shire Council advised that they maintain 30 public amenities across Liverpool Plains Shire and of those, 15 have onsite septic systems.⁸¹⁵

4.175 Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, advised that many people are not familiar with using septic systems and do not understand what can be put into the system without compromising it.⁸¹⁶ This increases the risk of system and maintenance costs.⁸¹⁷ Ms Neave explained that if too much toilet paper is stacked within the toilet, 'what tends to happen is a lot of that toilet paper ends up in the system and that actually blocks the system'.⁸¹⁸

⁸¹² Evidence, Miss Katherine Wolfgramme, Community and Advocacy Officer, BlaQ Aboriginal Corporation, 29 April 2025, p 16.

⁸¹³ Evidence, Miss Katherine Wolfgramme, Community and Advocacy Officer, BlaQ Aboriginal Corporation, 29 April 2025, p 16.

⁸¹⁴ Evidence, Mr Damian Griffis, Chief Executive Officer, First Peoples Disability Network, 29 April 2025, p 17.

⁸¹⁵ Submission 37, Liverpool Plains Shire Council, p 2.

⁸¹⁶ Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 13.

⁸¹⁷ Submission 37, Liverpool Plains Shire Council, p 5. The cost to council to upgrade the septic system in King Park in Willow Tree when it failed in 2023 was more than \$135,000.00.

⁸¹⁸ Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 13.

- 4.176** Liverpool Plains Shire Council advised that to establish good practice in septic system management, the following factors should be considered:
- the routine load on the system
 - the topography of the site
 - the characteristics of the soil
 - the proximity to water sources
 - users' familiarity with what can safely be disposed of in a septic system
 - how waste products will be managed
 - variable factors such as climate and weather events.⁸¹⁹
- 4.177** When asked whether septic systems are similar enough to each other that a pattern book could be developed for septic systems, Liverpool Plains Shire Council advised that the pattern book would need to advise on the management of the factors listed above in the design, construction, operational, maintenance and decommissioning stages.⁸²⁰
- 4.178** Liverpool Plains Shire Council added that 'a pattern book for septic systems that provided adaptable, inclusive, sustainable, and affordable options that lent themselves to customisation to site specific conditions would be preferred to an overly prescriptive regulatory approach'.⁸²¹

Wildlife

- 4.179** In relation to remote, rural public toilets, Ms Neave advised that snakes pose a safety concern to users. Ms Neave explained: 'one of our safety concerns in a remote toilet would be snakes', and that some of the ways in which people can be protected from them is by 'keeping the grass mown, having clear pathways and maybe advising people on what you do [and] how to behave around snakes'.⁸²²

Droughts

- 4.180** Ms Dianne Thompson recommended that taps in rural areas should have 'minimal flows and short flow times' as 'city and overseas visitors have little knowledge or respect for limits on town water and the effects of drought'.⁸²³
- 4.181** Ms Neave discussed this further, stating that there needs to be different expectations in regard to hygiene standards when someone is reliant on tank water, especially during droughts.⁸²⁴ Ms

⁸¹⁹ Answers to questions on notice, Liverpool Plains Shire Council, 5 May 2025, p 1.

⁸²⁰ Answers to questions on notice, Liverpool Plains Shire Council, 5 May 2025, p 1.

⁸²¹ Answers to questions on notice, Liverpool Plains Shire Council, 5 May 2025, p 1.

⁸²² Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 13.

⁸²³ Submission 16, Ms Dianne Thompson, p 3.

⁸²⁴ Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 20.

Neave elaborated: 'you're not going to be singing Happy Birthday twice while the tap is running to wash your hands. People who are used to tank water ... tend to be very efficient and very quick and rub a lot, rather than running taps for long periods of time'.⁸²⁵

Committee comment

- 4.182** The evidence before the committee revealed inconsistencies in the placement, design, maintenance and accessibility of public toilets across New South Wales. It also highlighted that the current provision of public toilets is inadequate, with many public toilets failing to meet the needs of individuals and their communities, particularly those from certain groups.

Finding 6

That inadequate public toilet provision can significantly and disproportionately affect certain groups, including those experiencing ill health, homelessness, those living with a disability, and transgender and gender diverse people.

- 4.183** During the course of the inquiry, the committee received evidence from a diverse range of stakeholders, including government agencies, professional bodies, community organisations, advocates and individuals with lived experience. Participants offered a wide array of perspectives and insights, informed by varied personal, professional and cultural backgrounds. The committee is thankful to those who contributed towards the inquiry.
- 4.184** The committee acknowledges the substantial evidence provided by participants regarding the issue of sanitary disposal bins not being provided in every public toilet (particularly male cubicles). The committee recognise that this is a significant issue that impacts the day-to-day lives of many people (particularly those who experience incontinence and those who menstruate). The committee therefore urges the NSW Government to mandate the provision of sanitary disposal bins in every public toilet (male, female, unisex, all-gender, accessible).
- 4.185** The committee also agrees that other considerations raised by stakeholders should be taken into account when determining the planning and design of public toilets, such as lighting and acoustics, use of inclusive language and signage, dementia-friendly design principles, and the need for auditory and tactile navigation aids to assist those with low vision or blindness.

⁸²⁵ Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 20.

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.
-

- 4.186** The committee agree that the MLAK scheme serves its intended purpose: providing access to essential facilities to those who have additional needs, while preventing those facilities from being misused or damaged. However, in consideration of the evidence received, the committee encourage the NSW Government to review the MLAK scheme to determine whether the scheme can be better utilised and promoted.
-

Recommendation 16

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

- 4.187** The committee acknowledges the importance of universal design and agrees that public toilets should be accessible and inclusive to all. In accordance with recommendation 12, and the provision of all-gender single-use cubicles, we believe that it will be important to develop and create a public education campaign. The campaign should address the value of universal design including all-gender single-use cubicles that are accessible and inclusive to all.
- 4.188** In evidence, stakeholders explained that often people without a disability, or without accessibility needs, will use an accessible facility. This prevents people with genuine accessibility needs from being able to use the facilities they rely on. We therefore agree that a public education campaign should be developed to address the importance of reserving accessible facilities for people with specific accessibility needs including hidden disabilities.
-

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.
-

4.189 The evidence received in relation to the challenges people experiencing homelessness face in accessing public toilets was compelling. The committee is troubled by the treatment of people experiencing homelessness, particularly in the way in which their right to access to sanitation is hindered and restricted.

4.190 The committee agree that public toilets should be accessible to all, and therefore more needs to be done to ensure that people experiencing homelessness have access to a public toilet facility 24/7, and that they are not discriminated against in their right to access to sanitation.

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.

4.191 The committee was concerned by the issues raised by those representing people who are transgender or gender diverse regarding over-policing and criminalisation relating to the use of public toilets. We acknowledge the complex history between police and LGBTQIA+ communities and that some progress has been made towards building trust and respect.

4.192 However, the evidence provided, particularly the evidence provided in paragraph 4.127, compels the committee to urge the NSW Government to support the implementation of additional mandatory, ongoing training by the NSW Police Force with respect to 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.

4.193 The committee was also concerned by the issues raised by people who are experiencing homelessness in relation to the criminalisation of behaviours and move-on orders. As a result of the evidence, the committee encourages the NSW Government to support the implementation of additional mandatory, ongoing training by the NSW Police Force with respect to 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.

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.
-

Chapter 5 Operational and maintenance challenges

This chapter considers the lack of specific formal guidance in relation to maintenance and cleaning of public toilets, and the factors that influence cleaning service levels, especially from the viewpoint of certain councils. It also explores the work environment for cleaners, noting the various risks for cleaners according to whether they are employed directly or through contractors. Work health and safety risks encountered by cleaners are discussed, along with the need for community education and awareness to promote appropriate use of public toilet facilities.

Lack of maintenance standards and enforcement

- 5.1 The lack of a comprehensive and current framework to guide the design, provision and maintenance of public toilets was raised by a number of stakeholders. The Australian Institute of Landscape Architects stressed the need for state government to develop appropriate guidance, asserting that there is currently no standard that sets the level of hygiene or cleanliness.⁸²⁶ They observed that 'clear hygiene standards, enforcement and better maintenance practices/standards are currently missing'.⁸²⁷
- 5.2 Ms Liz Webster, Associate, SGS Economics and Planning, highlighted the lack of current standards, guidance or benchmarks for levels of cleaning and observed that 'currently, local governments are, for the most part, doing the research themselves, coming up with guidelines as best they can, and trying to implement them'.⁸²⁸ Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects agreed, stating that councils have their own checklists, with some identifying the need for modern amenities like sanitary product bins, touchless soaps and CCTV but that, in the absence of specific guidance, it is a matter for individual councils.⁸²⁹
- 5.3 Blacktown Council remarked that, while the Building Code of Australia sets a standard to which facilities must be built, it is then up to the property owner to maintain and operate the facilities.⁸³⁰ They noted the increased concern around cleaning protocols and touch-free fittings that accompanied the COVID-19 pandemic, and which brought into sharp relief the need for standardised cleaning protocols.⁸³¹
- 5.4 The high cost of operating public toilets was quantified by various witnesses and, for Local Government NSW, drove the need to use design principles to improve the efficiency of cleaning and servicing, given the 'cost of operations is higher than the capital required to build over the life of an asset'.⁸³²

⁸²⁶ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 4.

⁸²⁷ Submission 54, Australian Institute of Landscape Architects (AILA), p 4.

⁸²⁸ Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, pp 3 and 6.

⁸²⁹ Evidence, Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects, 7 April 2025, p 6.

⁸³⁰ Evidence, Mr Paul Belz, Director, City Assets, Blacktown City Council, 7 April 2025, p 26.

⁸³¹ Submission 51, Blacktown Council, p 2; Evidence, Mr Paul Belz, Director, City Assets, Blacktown City Council, p 21.

⁸³² Submission 59, Local Government NSW, p 9.

- 5.5** The following examples demonstrate the substantial costs two councils encounter in cleaning and maintaining public toilets:
- Blacktown City Council remarked 'we currently manage 218 public toilets through the City, with 45 of these open 7 days a week...Our annual operational expenditure for the operational cleaning services, consumables, maintenance and sanitary services of the public toilets network is in excess of \$15 million, which includes a full-time team of 6 staff and 3 vehicles to service these facilities daily'.⁸³³
 - Bega Shire Council identified that it costs, on average, approximately \$13,000 to clean and maintain a typical public toilet building each year.⁸³⁴
- 5.6** The committee heard that a number of factors drive the servicing levels such as the varying levels of use and cleanliness at facilities;⁸³⁵ the location of toilets and whether they are in a remote area;⁸³⁶ and the climate and weather (which can impact septic tanks and cause them to dry up);⁸³⁷ and the need to clean before and after special events.⁸³⁸ Cleaning frequency can also be determined by who does the cleaning, with halls and cemeteries in some areas being cleaned by volunteers.⁸³⁹
- 5.7** Bega Valley Shire Council relayed how they use an 'asset hierarchy' to determine frequency of cleaning, with regional facilities in town being serviced more regularly, especially in holiday periods.⁸⁴⁰ While cleaning twice a week is the aim for these facilities, cleaning can increase to twice a day during peak tourism periods. Facilities in parklands are next in order of frequency, followed by those in smaller villages and towns. However, Council conceded that cleaning targets are not always met if crews are called away to perform other urgent tasks.⁸⁴¹
- 5.8** Local Government NSW recommended that the NSW Government develop best practice guidelines to both reduce design and maintenance costs of public toilets and ensure that the facilities are meeting user needs.⁸⁴²

⁸³³ Submission 51, Blacktown City Council, p 1.

⁸³⁴ Submission 59, Local Government NSW, p 9.

⁸³⁵ Evidence, Ms Liz Webster, Associate, SGS Economics and Planning, 7 April 2025, p 6.

⁸³⁶ Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, 13.

⁸³⁷ Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 13.

⁸³⁸ Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 19.

⁸³⁹ Evidence, Mr John Grady, Manager, Parks and Recreation, Bega Valley Shire Council, 7 April 2025, p 19.

⁸⁴⁰ Evidence, Mr John Grady, Manager, Parks and Recreation, Bega Valley Shire Council, 7 April 2025, p 19.

⁸⁴¹ Evidence, Mr John Grady, Manager, Parks and Recreation, Bega Valley Shire Council, 7 April 2025, p 19.

⁸⁴² Submission 59, Local Government NSW, p 9.

The work environment for cleaners

- 5.9** The United Workers Union contended that cleaning work is essential to the provision of safe and accessible toilets:

Cleaners ensure that toilets and bathrooms are clean and sanitary, they replace supplies like toilet paper, soap and hand towels, as well as handling sharps and emptying sanitary product and waste bins. Light maintenance work performed by cleaners, like unclogging toilets and basins, keeps facilities in operating order and helps to prevent larger maintenance issues.⁸⁴³

Employment risks

- 5.10** The committee received evidence that cleaners were employed on two main bases – through direct employment by an organisation, or by a commercial contractor, often as the result of a competitive tender.⁸⁴⁴
- 5.11** The United Workers Union called the committee's attention to the various employment arrangements for engaging cleaners, and these were evidenced in testimony by witnesses from councils. While the cleaners at Bega Valley Shire Council and Liverpool Plains Shire Council are direct employees, Mr Murray Wood, Chief Executive Officer, Dubbo Regional Council, stated that his council puts the cleaning contracts out to tender and specifies cleaning standards in the tender.⁸⁴⁵
- 5.12** The United Workers Union favoured direct employment of cleaners, especially where cleaning occurs in government entities and publicly-owned facilities, due to the protections direct employment offers staff.⁸⁴⁶ The United Workers Union claimed that there were systemic challenges involved in cleaning contracting arrangements, and securing employer compliance with workers' rights and entitlements was one.⁸⁴⁷ They stated that a competitive tendering environment gave rise to profits being pursued in alternative ways, and underpayment of wages was not uncommon⁸⁴⁸. The use of cleaning networks, sham contracting, exploitative work practices and informal work arrangements made it difficult for the cleaners working in tenuous arrangements to pursue their rights.⁸⁴⁹ The lack of job security was compounded by the nature of the cleaning workforce which mostly comprised women, with a high number of vulnerable workers including those from culturally and linguistically diverse backgrounds, migrants and visa holders.⁸⁵⁰

⁸⁴³ Submission 50, United Workers Union, p 2.

⁸⁴⁴ Evidence, Mr Aaron Jones, Political Coordinator, United Workers Union, 1 April 2025, p 27.

⁸⁴⁵ Evidence, Mr John Grady, Manager, Parks and Recreation, Bega Valley Shire Council, 7 April 2025, p 19; evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 19; evidence, Mr Murray Wood, Chief Executive Officer, Dubbo Regional Council, p 20.

⁸⁴⁶ Evidence, Mr Aaron Jones, Political Coordinator, United Workers Union, 1 April 2025, p 28.

⁸⁴⁷ Submission 50, United Workers Union, p 2.

⁸⁴⁸ Submission 50, United Workers Union, pp 3-4.

⁸⁴⁹ Submission 50, United Workers Union, p 4; Answers to questions on notice, United Workers Union, received 13 May 2025, p 1.

⁸⁵⁰ Submission 50, United Workers Union, p 2.

- 5.13** The Union noted that some property owners and asset managers have signed up to the Cleaning Accountability Framework (aka CAF), an independent certification scheme that works to achieve fair work conditions for cleaners and ethical procurement in the cleaning supply chain.⁸⁵¹ According to its website, the CAF helps ensure that the full scope of cleaning work, minimum labour standards and purchase of adequate cleaning supplies are included in a contracting bid.⁸⁵² The scheme also directly engages with cleaners to educate them to speak up about their rights.⁸⁵³
- 5.14** The Union provided an example of how, even in a workplace with CAF certification, there can be challenges that increase the stress for workers:
- The previous contractor, we had two cleaners per set of toilets. Now it's only one. It was a big saving for QIC (the shopping centre operator), but it has compromised the standard. QIC being a CAF member, they're fairly reasonable in their demands. But, when it's extremely busy, we can't maintain what they expect. It's very stressful going in with a cleaning trolley into a busy toilet when everyone's trying to use the cubicles. They want to use them but you want to clean them and you have to wait for them. That can put you behind on your schedule as well. So, it's a tough call...And the public can be somewhat irate, belligerent and a bit impatient...It's not an easy job and that's the reality.⁸⁵⁴
- 5.15** It was the contention of the United Workers Union that direct employment was the model most suited to ensuring the protection of workers' rights, and a safe workplace for cleaners.⁸⁵⁵ In particular, they advocated for this model to replace the whole-of-government contracting model for cleaners in government buildings and schools, noting their research had detailed a number of failures of the current model of privatised contracting in these workplaces.⁸⁵⁶
- 5.16** Where cleaning was contracted outside of the whole-of-government model, the United Workers Union advocated for a range of measures to support safer and more secure jobs through tendering and contracting practices, and industry-specific standards within government procurement.⁸⁵⁷ Further, they contended that government could leverage its position as the largest tenant of office space in the country to make CAF certification a leasing requirement in contracts with private landlords.⁸⁵⁸

⁸⁵¹ Evidence, Mr Aaron Jones, Political Coordinator, United Workers Union, 1 April 2025, p 28; CAF, *Ending exploitation in the cleaning industry*, Cleaning Accountability Framework, <https://www.cleaningaccountability.org.au/>

⁸⁵² Evidence, Mr Aaron Jones, Political Coordinator, United Workers Union, 1 April 2025, p 28.

⁸⁵³ CAF, *Ending exploitation in the cleaning industry*, Cleaning Accountability Framework, <https://www.cleaningaccountability.org.au/>

⁸⁵⁴ Evidence, Mr Chris Thorsness, Member, United Workers Union, 1 April 2025, p 27.

⁸⁵⁵ Submission 50, United Workers Union, p 4.

⁸⁵⁶ Submission 50, United Workers Union, p 4.

⁸⁵⁷ Submission 50, United Workers Union, p 5.

⁸⁵⁸ Submission 50, United Workers Union, p 5.

Work health and safety risks

- 5.17** In addition to stressful environments caused by high-pressure and unsafe workloads,⁸⁵⁹ cleaners can face a range of work health and safety risks, ranging from exposure to biological matter (faeces, urine and blood), and trip hazards caused by wet floors and soap spills, to handling sharps, and working with hazardous chemicals in confined spaces.⁸⁶⁰ The United Workers Union also cited interactions with the public as posing potential risks, such as when cleaners are required to work in darker environments or when toilets are not cordoned off for cleaning; and when users are affected by drugs and alcohol (such as in 'hospitality and entertainment venues, stadiums and airports').⁸⁶¹
- 5.18** Mr John Grady, Manager, Parks and Recreation, Bega Valley Shire Council, told the committee that the tasks performed by cleaners in maintaining public toilets can range from dusting, hosing, cleaning, wiping, replacing toilet paper and hand towels and providing soap and sanitiser.⁸⁶² Location-based frequency of cleaning, and the propensity for vandalism, will influence whether certain items are provided, such as soap and sanitiser, or handtowels.⁸⁶³
- 5.19** The committee heard that cleaning public toilets in rural and remote areas presents some specific safety challenges. For example, Liverpool Plains Shire Council advised that one of their safety challenges is the presence of snakes, which they endeavour to address by mowing the surrounding grass and having clear pathways, and telling people how to behave around snakes.⁸⁶⁴ They noted that even the design of a toilet can heighten the risk:
- I was amazed, when we were having the conversations about it, that the designs of the toilets themselves came up as an issue around cleanliness and hygiene, because it was very hard to get to the back of the toilet because of the design of that pipe at the back.⁸⁶⁵
- 5.20** Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council also drew attention to the distances that cleaning crews travelled to ensure council's public toilets were maintained, though sometimes for short-lived effect:

...our cleaning crews are basically travelling from Sydney to Brisbane every week, just in the course of their business, to cover the geography of our shire and to get everything

⁸⁵⁹ A survey of cleaners employed under whole-of-government cleaning contracts conducted by the United Workers Union found that 'cleaners have been asked to perform an average of 634 tasks a day – or 43 seconds a task across a 7.6 hour shift. This includes the cleaning of toilets'. Submission 50, United Workers Union, p 4.

⁸⁶⁰ Submission 50, United Workers Union, p 3.

⁸⁶¹ Submission 50, United Workers Union, p 3.

⁸⁶² Evidence, Mr John Grady, Manager, Parks and Recreation, Bega Valley Shire Council, 7 April 2025, p 20.

⁸⁶³ Evidence, Mr John Grady, Manager, Parks and Recreation, Bega Valley Shire Council, 7 April 2025, p 20; Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 20.

⁸⁶⁴ Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 13.

⁸⁶⁵ Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 13.

clean as a bare minimum. And ten minutes after they've cleaned it, someone can use it and destroy all their work.⁸⁶⁶

- 5.21** The City of Newcastle also noted that cleaners often work in isolated locations, at early hours, and are exposed to antisocial behaviour as well as risks from vandalism.⁸⁶⁷ They recommended a 'statewide standard aligned with industry best practices...including provisions for personal protective equipment, training, adherence to health and safety standards, and access to adequate resources'.⁸⁶⁸
- 5.22** SafeWork NSW similarly identified to the committee specific work health and safety risks encountered by cleaners, noting that exposure risks can lead to infection or illness.⁸⁶⁹ In addition to the risks already mentioned above, Ms Snell stated that cleaners were particularly subject to risks from exposure to spiders and other pests, insufficient lighting and obstructed views, ventilation issues, and lack of oversight when working in remote locations.⁸⁷⁰
- 5.23** Safe Work NSW advised the committee that a person conducting a business or undertaking (PCBU) – which would include site owners and occupiers, as well as employers and contracting organisations – had 'a legal obligation to eliminate and minimise work health and safety risks so far as is reasonably practicable'.⁸⁷¹ They said failure to do so could incur significant penalties.⁸⁷²
- 5.24** Safe Work NSW explained to the committee how an employer and employee cleaner might work together to minimise risk:

If PPE – personal protective equipment – is used to minimise the risk to work health and safety, as happens with cleaning public toilets, the PCBU must consult with its workers, provide the PPE to its workers and ensure the equipment is worn or used by its workers. The workers must, so far as they are reasonably able, use or wear the equipment in accordance with any information, training or reasonable instruction by the PCBU.⁸⁷³

⁸⁶⁶ Evidence, Ms Ruth Neave, Manager, Community and Recreation Services, Liverpool Plains Shire Council, 7 April 2025, p 13.

⁸⁶⁷ Submission 61, City of Newcastle, p 2.

⁸⁶⁸ Submission 61, City of Newcastle, p 2.

⁸⁶⁹ Evidence, Ms Mary Snell, Executive Director, Operations and Enforcement, Safe Work NSW, 7 April 2025, p 43.

⁸⁷⁰ Evidence, Ms Mary Snell, Executive Director, Operations and Enforcement, Safe Work NSW, 7 April 2025, p 43.

⁸⁷¹ Evidence, Ms Mary Snell, Executive Director, Operations and Enforcement, Safe Work NSW, 7 April 2025, p 43.

⁸⁷² Evidence, Ms Mary Snell, Executive Director, Operations and Enforcement, Safe Work NSW, 7 April 2025, p 43.

⁸⁷³ Evidence, Ms Mary Snell, Executive Director, Operations and Enforcement, Safe Work NSW, 7 April 2025, p 43.

Committee comment

- 5.25** The committee recognises that public toilet cleaners provide a critical service and thanks them for their immeasurable contribution to the community. The committee is also conscious of the considerable hazards faced by cleaners.
- 5.26** The committee was concerned by the evidence that the lack of protections in some employment arrangements can render cleaners vulnerable to exploitation. The committee was pleased to learn of the certification available through the Cleaning Accountability Framework and the work being done to improve labour hire conditions for cleaners, as well as ethical procurement of cleaning supplies. However, it notes the voluntary nature of this scheme means many workplaces will not be captured by this certification.
- 5.27** The committee recognises the opportunity available to the NSW Government to leverage its role as a major lessee of commercial premises to ensure that cleaning services are procured and delivered in accordance with responsible labour practices. Accordingly, the committee recommends 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.

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.

- 5.28** The committee recommends that the NSW Government ensure that workers who clean and maintain public toilet facilities have sufficient time to complete their tasks, have safe working conditions, and receive fair compensation which reflects the complexity and specificity of the work.

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.
-

- 5.29** The committee recognises that the gap in guidance around maintenance standards and best practice cleaning service levels, poses risks for cleaners. It also means amenities may not meet community expectations for cleanliness and hygiene. The committee endorses calls for minimum standards so there can be better accountability by public toilet providers, and realistic performance expectations of cleaners regarding the provision of well-maintained and sanitary facilities.

- 5.30** The committee also appreciates that the lack of standards around cleaning, hygiene and service protocols has left owners and operators of public toilets having to develop their own protocols. We therefore recommend that the NSW Government set minimum standards with respect to the cleaning and maintenance of public toilets.

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.
-

Appendix 1 Submissions

No.	Author
1	Mr Dan Hayes
2	Ms Cath Blakey
3	Port Kembla Chamber of Commerce
4	Mrs Anne Doak
5	Name suppressed
6	Ms Viola Morris
7	Mr Richard Tassicker
8	Mr Gokulan Gopal
9	Confidential
10	Confidential
11	Sublime Point Escarpment Committee
12	Country Women's Association of NSW
13	Ms Fiona Davies
14	Katherine Webber
15	Mr Greg Peak
16	Ms Dianne Thompson
17	Dr Lorraine Dickson
18	Australasian College of Road Safety
19	Access Institute
20	Justice and Equity Centre
21	Albury City Council
22	Disability Council NSW
23	Lynda Newnam
24	MHA Design
25	Anti-Discrimination New South Wales
26	Narrabri Shire Council
27	Lake Macquarie City Council
28	Inner City Legal Centre (ICLC)
29	Share the Dignity
30	Ms Eve Sinton
31	Continence Foundation of Australia
32	ACON

No.	Author
33	Australian Feminists for Women's Rights (AF4WR)
34	Mr David Darlington
35	Name suppressed
36	Spinal Cord Injuries Australia
37	Liverpool Plains Shire Council
38	Dr Christian Tietz
39	SGS Economics and Planning
40	Parents for Trans Youth Equity (PTYE)
41	People with Disability Australia
42	Mr Gerard Calilhanna
43	Name suppressed
44	Bega Valley Shire Council
45	Dr Paul Recher
46	Ms Suzanne Loudon
47	Name suppressed
48	Name suppressed
49	Name suppressed
50	United Workers Union
51	Blacktown City Council
52	Dubbo Regional Council
53	Exeloo
54	AILA - Australian Institute of Landscape Architects
55	Trans Justice Project and Sydney Bi plus Network
56	Bathurst Regional Access Committee
57	Mr Matthew Hayes
58	Cr Paige Johnson
59	Local Government NSW
60	Combined Pensioners and Superannuants Association of NSW
61	City of Newcastle
62	Placemaking NSW
63	National Seniors Australia
64	Illawarra Shoalhaven Gender Alliance
65	The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney
66	Mr Stephen Weatherstone

No.	Author
67	Guide Dogs NSW
68	Lisa Donaldson
69	Equal Access Group
70	City of Sydney
71	Dementia Australia

Appendix 2 Witnesses

Date	Name	Position and Organisation
Monday 17 March 2025 Jubilee Room Parliament House, Sydney	Ms Katherine Anne Webber	Public Toilet Researcher and Advocate, Churchill Fellow
	Dr Christian Tietz	Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney
	Mrs Judy Findlay (<i>via videoconference</i>)	Member, Barellan Branch, Country Women's Association of NSW
	Mrs Heidi Mortimer (<i>via videoconference</i>)	Member, Dunedoo Branch, Country Women's Association of NSW
	Mrs Rochelle Courtenay (<i>via videoconference</i>)	Founder and Managing Director, Share the Dignity
	Miss Brittiny Edwards (<i>via videoconference</i>)	Advocacy and Communications Specialist, Share the Dignity
	Ms Alannah Daly	Policy Officer, Justice and Equity Centre
	Mr David Streatfield	Member, StreetCare, Justice and Equity Centre
Monday 31 March 2025 Macquarie Room Parliament House, Sydney	Mr Anthony Pierce	Member, StreetCare, Justice and Equity Centre
	Ms Roxanna Kalnins	Member, StreetCare, Justice and Equity Centre
	Mr Julian Laurens	Senior Policy Officer, People with Disability Australia
	Mx Megan Spindler-Smith	Deputy CEO, People with Disability Australia
	Ms Joe Manton (<i>via videoconference</i>)	Director, Access Institute
	Dr Marian Naidoo (<i>via videoconference</i>)	Policy Lead, Continence Health Australia (formerly Continence Foundation of Australia)
	Mr Jim Cooper (<i>via videoconference</i>)	CEO, Continence Health Australia (formerly Continence Foundation of Australia)
	Dr Lorraine Dickson	Nurse Practitioner, Continence

Date	Name	Position and Organisation
	Mr Stephen Weatherstone	Retired engineer
	Dr Brendon Radford <i>(via videoconference)</i>	Director of Policy and Research, National Seniors Australia
	Mr Luke Smith <i>(via videoconference)</i>	Policy and Engagement Officer, National Seniors Australia
	Dr Billy Pringle	Senior Policy Officer, Combined Pensioners and Superannuants Association of NSW
	Mr Tony Jones	Disability Reform and Insights Advisor, Spinal Cord Injuries Australia
	Ms Suzie Stollznow	Systemic Advocacy and Social Impact Manager, Spinal Cord Injuries Australia
	Jennifer Moon	Principal Advisor, Manager – Access and Stakeholder Engagement, Guide Dogs NSW
	Ms Sarah Hirst	Lived Experience Coordinator, Guide Dogs NSW
	Mr Jeramy Hope GAICD	Member, Disability Council NSW
	Mr Bruce Bromley	Managing Director, Equal Access Group Pty Ltd
Tuesday 1 April 2025 Jubilee Room Parliament House, Sydney	Ms Tina Kordrostami	Director, Mental Health Access (MHA) Design
	Mr Matthew Hayes	Hidden Disability Advocate
	Ms Fiona Davies	CEO, Australian Medical Association (NSW)
	Miss Sasha Bailey	Trans Health Researcher, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney
	Ms Niamh Joyce	Solicitor, Inner City Legal Centre
	Ms Lannen Donnelly	Founding Director, Parents for Trans Youth Equity
	Ms Barbara Taylor	Parent Representative, Parents for Trans Youth Equity
	Dr Kate Toyer	Board Member, Illawarra Shoalhaven Gender Alliance

Date	Name	Position and Organisation
	Dr Rory Gillard	Volunteer, Trans Justice Project and Sydney Bi+ Network
	Ms Elster Cook	Volunteer, Trans Justice Project
	Mrs Lisa Donaldson	Melanoma Prevention Advocate
	Mr Aaron Jones	Political Coordinator, United Workers Union
	Mr Alex Morales	Lead Organiser, Property Services, United Workers Union
	Mr Chris Thorsness	Member, United Workers Union
Monday 7 April 2025 Macquarie Room Parliament House, Sydney	Ms Sarika Shasidharan	Advisory Committee Member, Australian Institute of Landscape Architects
	Ms Liz Webster	Associate, SGS Economics and Planning
	Mr Anthony McMahon <i>(via videoconference)</i>	Chief Executive Officer, Bega Valley Shire Council
	Mr John Grady <i>(via videoconference)</i>	Manager – Parks, Aquatics and Recreation, Bega Valley Shire Council
	Mr Murray Wood <i>(via videoconference)</i>	Chief Executive Officer, Dubbo Regional Council
	Ms Ruth Neave	Manager Community and Recreation Services, Liverpool Plains Shire Council
	Mr Scott Willard	Coordinator Security and Cleaning, Blacktown City Council
	Mr Paul Belz	Director City Assets, Blacktown City Council
	Ms Marcia Morley	Executive Manager Infrastructure Delivery, City of Sydney
	Ms Annie Tennant	Director Design and Place, Placemaking NSW
	Ms Olivia Hyde	Director Design Excellence, NSW Department of Planning, Housing and Infrastructure
	Mr Scott Greenow	Executive Director Freight, Transport NSW
	Mr Hayden Donoghue	Executive Director Suburban Services, Sydney Trains, Transport for NSW

Date	Name	Position and Organisation
	Ms Mary Snell	Executive Director, Operations and Enforcement SafeWork NSW
Monday 29 April 2025 Jubilee Room Parliament House, Sydney	Dr Stephen Conaty	Director, Environmental Health Branch, Health Protection NSW, NSW Health
	Mr Bob Trimming	Chairperson and Secretary, Bathurst Regional Access Committee
	Mr Damian Griffis	Chief Executive Officer, First Peoples Disability Network
	Miss Katherine Wolfgramme	Community and Advocacy Officer, BlaQ Aboriginal Corporation

Appendix 3 Minutes

Minutes no. 19

Thursday 16 August 2024

Portfolio Committee No. 8 – Customer Service

Members' Lounge, Parliament House, Sydney at 12.34 pm

1. Members present

Ms Hurst, *Chair*

Dr Cohn, *Deputy Chair*

Mr Buttigieg

Mr Fang (substituting for Mrs Taylor)

Mrs MacDonald

Mr Primrose

Ms Suvaal

2. Correspondence

The committee noted the following items of correspondence:

Received

- 12 August 2024 – Letter from Dr Amanda Cohn MLC, the Hon Emma Hurst MLC and the Hon Emily Suvaal MLC requesting a meeting of Portfolio Committee No. 8 – Customer Service to consider a proposed self-reference into public toilets.

3. Consideration of terms of reference

The Chair tabled a letter proposing the following self-reference:

That Portfolio Committee No. 8 – Customer Service inquire into and report on public toilets, and in particular:

- (a) the provision, design, accessibility and inclusivity of public toilets across New South Wales, including toilets provided in public places and toilets provided for the use of members of the public in private premises accessed by the public,
- (b) state, national and international best practice for the provision and maintenance of public toilets,
- (c) the regulation of, and for funding for, public toilets in New South Wales and whether new standards, guidelines, funding models, legislation or other forms of regulation are warranted; and
- (d) any other related matters.

Resolved, on the motion of Mr Primrose: That the committee adopt the terms of reference.

4. Conduct of the inquiry into public toilets

4.1 Closing date for submissions

Resolved, on the motion of Dr Cohn: That the closing date for submissions be Friday 1 November 2024.

4.2 Stakeholder list

Resolved, on the motion of Ms Suvaal: That:

- the secretariat circulate to members the Chair's proposed list of stakeholders to be invited to make a submission
- members have two days from when the Chair's proposed list is circulated to make amendments or nominate additional stakeholders
- the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

4.3 Identifying key issues for the inquiry

Given the breadth of the subject matter, the secretariat, on behalf on the committee, liaise with relevant ministers to identify up to ten key issues for the committee to consider focusing on.

4.4 Approach to submissions

Resolved, on the motion of Mr Buttigieg: That to enable significant efficiencies for members and the secretariat while maintaining the integrity of how submissions are treated, in the event that 50 or more individual submissions are received, the committee may adopt the following approach to processing short submissions:

- All submissions from individuals 250 words or less in length will:
 - have an individual submission number, and be published with the author's name or as name suppressed, or kept confidential, according to the author's request
 - be reviewed by the secretariat for adverse mention and sensitive/identifying information, in accordance with practice
 - be channelled into one single document to be published on the inquiry website.
- All other submissions will be processed and published as normal.

5. Adjournment

The committee adjourned at 12.42 pm until 9.00 am Thursday 5 September 2024, Jubilee Room, Parliament House (Budget Estimates public hearing).

Kate Mihaljek
Committee Clerk

Minutes no. 20

Tuesday 27 August 2024

Portfolio Committee No. 8 – Customer Service

Room 1043, Parliament House, Sydney at 1.16 pm

1. Members present

Dr Cohn, *Deputy Chair*

Ms Boyd (substituting for Ms Hurst for the duration of the inquiry into public toilets)

Mr Lawrence (substituting for Mr Buttigieg for the duration of the inquiry into public toilets)

Mrs MacDonald (via videoconference)

Ms Maclaren-Jones (substituting for Mrs Taylor for the duration of the inquiry into public toilets)

Mr Primrose

Ms Suvaal

2. Draft minutes

Resolved, on the motion of Ms Suvaal: That draft minutes no. 19 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 20 August 2024 - Email from Tess Vickery, Office of the Hon. Emma Hurst MLC, to the secretariat, advising that Ms Boyd will be substituting for Ms Hurst for the duration of the inquiry into public toilets
- 21 August 2024 – Email from Mr Max Kennedy, Whip's Adviser, Office of the Hon. Bob Nanva MLC, to the secretariat, advising that Mr Stephen Lawrence will be substituting for Mr Mark Buttigieg for the duration of the inquiry into public toilets

- 23 August 2024 – Email from Mr Cooper Gannon, Whip's Adviser, Office of the Hon. Chris Rath MLC, to the secretariat, advising that the Ms Maclaren-Jones will be substituting for Mrs Taylor for the duration of the inquiry into public toilets.

4. Inquiry into public toilets

4.1 Election of Chair for the duration of the inquiry

The Clerk noted the Chair of the committee, Ms Hurst, advised that she will be substituted by Ms Boyd for the duration of the inquiry into public toilets, on 20 August 2024.

The Clerk called for nominations for the Chair for the Inquiry into Public Toilets.

Ms Boyd moved: That Dr Cohn be elected Chair for the Inquiry into Public Toilets.

There being no further nominations, the Clerk declared Dr Cohn elected Chair.

Dr Cohn took the Chair.

The Chair called for nominations for the Deputy Chair.

Ms Maclaren-Jones moved: That Mrs MacDonald be elected Deputy Chair of the Inquiry into Public Toilets.

There being no further nominations, the Chair declared Mrs MacDonald elected Deputy Chair.

Resolved, on the motion of Ms Suvaal: That:

- Dr Cohn act as Chair of Portfolio Committee No. 8 – Customer Service for the duration of the inquiry into public toilets and that this be reported to the House,
- Ms Hurst continue as the Chair for all other Portfolio Committee No. 8 – Customer Service inquiries.

5. Adjournment

The committee adjourned at 1.20 pm, until Thursday 5 September 2024, 9.00 am, Jubilee Room, Parliament House – Budget Estimates public hearing - Local Government (Hoenig).

Kate Mihaljek
Committee Clerk

Minutes no. 24

Wednesday 9 October 2024

Portfolio Committee No. 8 – Customer Service

Room 1136, Parliament House, Sydney at 12.58 pm

1. Members present

Dr Cohn, *Chair* (via videoconference)

Mrs MacDonald, *Deputy Chair* (via videoconference)

Mr D'Adam (substituting for Ms Suvaal for the duration of the inquiry into public toilets)

Mr Lawrence (via videoconference)

Mr Primrose (via videoconference)

2. Apologies

Ms Boyd

Mrs Maclaren-Jones (substituting for Mr Barrett for the duration of the inquiry into public toilets)

3. Correspondence

The committee noted the following items of correspondence:

Received

- 3 September 2024 - Email from Mr Max Kennedy, Office of the Hon. Bob Nanva MLC, to the secretariat, advising that Mr D'Adam will be substituting for Ms Suvaal for the duration of the inquiry into public toilets
- 11 September 2024 - Email from Andrew Shim, ASAN (the Autistic Self-Advocacy Network), to the secretariat, regarding making a submission to the inquiry into public toilets
- 19 September 2024 - Email from Tess Vickery, Office of Ms Hurst MLC, to the secretariat, requesting Ms Hurst be copied into emails regarding meeting papers for the Inquiry into Public Toilets
- 27 September 2024 - Email from Mr Aaron Jones, Political Coordinator, United Workers Union, to the Inquiry Chair, requesting that the Terms of Reference for the inquiry into public toilets be expanded
- 9 October 2024 - Letter from the Office of the Hon Paul Scully MP, Minister for Planning and Public Spaces, to Inquiry Chair, regarding key portfolio issues for public toilets.

Sent:

- 18 September 2024 - Letter from Dr Amanda Cohn, MLC, Inquiry Chair to Hon Jenny Aitchison, MP Minister for Regional Transport and Roads, requesting key portfolio issues regarding public toilets
- 18 September 2024 - Letter from Dr Amanda Cohn, MLC Inquiry Chair to Hon Jo Haylen, MP, Minister for Transport, requesting key portfolio issues regarding public toilets
- 18 September 2024 - Letter from Dr Amanda Cohn MLC, Inquiry Chair to Hon Jodie Harrison MP, Minister for Women, Minister for Seniors, Minister for the Prevention of Domestic Violence and Sexual Assault, requesting key portfolio issues regarding public toilets
- 18 September 2024 - Letter from Dr Amanda Cohn MLC, Inquiry Chair to Hon John Graham, MLC, Minister for Roads, requesting key portfolio issues regarding public toilets
- 18 September 2024 - Letter from Dr Amanda Cohn MLC, Inquiry Chair to Hon Kate Washington, MP, Minister for Disability Inclusion, requesting key portfolio issues regarding public toilets
- 18 September 2024 - Letter from Dr Amanda Cohn MLC, Inquiry Chair to Hon Paul Scully, MP, Minister for Planning and Public Spaces, requesting key portfolio issues regarding public toilets
- 18 September 2024 - Letter from Dr Amanda Cohn MLC, Inquiry Chair to Hon Ron Hoenig MP, Minister for Local Government, requesting key portfolio issues regarding public toilets.

4. Inquiry into Public Toilets**4.1 Amendment to Terms of Reference**

The committee noted the correspondence from Mr Aaron Jones, Political Coordinator, United Workers Union requesting that the Terms of Reference for the Inquiry into Public Toilets be expanded to include the employment arrangements and conditions of cleaners who clean public toilets in both public and private buildings and facilities.

Resolved, on the motion of Mr D'Adam: That the terms of reference be amended by inserting the following new term of reference after paragraph c):

- d) the employment arrangements and conditions of cleaners who clean public toilets in both public and private premises; and

Resolved, on the motion of Mr D'Adam: That the committee:

1. Consider amending the terms of reference by inserting:
 - i. 'and school' after 'inclusivity of public' in paragraph a)
 - ii. 'and school' after 'maintenance of public' in paragraph b)
 - iii. 'and school' after 'funding for public' in paragraph c)
2. Resolve the proposed amendment via email 48 hours of receipt
3. Consider extending the submission closing date should proposed amendment to terms of reference be adopted.

5. Adjournment

The committee adjourned at 1.10 pm, until Friday 11 October 2024, 9.00 am, Room 1043, Parliament House
– Inquiry into Pounds report deliberative.

Holly Rivas

Committee Clerk

Minutes no. 30

Monday 17 March 2025

Portfolio Committee No 8 – Customer Service

Jubilee Room, Parliament House, Sydney at 9.01 am

1. Members present

Dr Cohn, *Chair*

Mrs MacDonald, *Deputy Chair*

Mr D'Adam (via videoconference)

Mr Lawrence

Mrs Maclaren-Jones

2. Apologies

Ms Boyd

Mr Primrose

3. Minutes

Resolved, on the motion of Mrs MacDonald That draft minutes nos. 20, 24, 25 and 27 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 15 October 2024 – Letter from the Hon Jodie Harrison MP, Minister for Women, Seniors, Prevention of Domestic Violence and Sexual Assault, to the Inquiry Chair, regarding key portfolio issues for public toilets
- 16 October 2024 – Letter from the Office of the Hon Ron Hoenig MP, Minister for Local Government, to the Inquiry Chair, regarding key portfolio issues about public toilets
- 16 October 2024 – Letter from the Office of the Hon Jodie Harrison MP, Minister for Women, Seniors, Prevention of Domestic Violence and Sexual Assault, to the Inquiry Chair, providing additional information regarding key portfolio issues for public toilets
- 16 October 2024 – Letter from the Office of the Hon Jo Haylen MP, Minister for Transport, to the Inquiry Chair, regarding key portfolio issues about public toilets
- 6 December 2024 – Email from Mr Josh Hunt, Exeloo Ltd, to the secretariat, confirming public status of submission (Item 5.3)
- 9 January 2025 – Email from the Office of Minister Kate Washington, to the secretariat, providing an update on correspondence sent to the Minister seeking information about key issues relating to public toilets
- 24 February 2025 – Email from Bernice Kamikazi, A/Research Officer, Governance and Advice, Anti-Discrimination NSW, to the secretariat, advising that Anti-Discrimination NSW would prefer not to appear at the hearing on 17 March 2025 and noting that it would be happy to answer any specific questions from the committee

- 27 February 2025 – Email from Georgia Cummins-Folino, Advocacy & Policy Officer, Council for Intellectual Disability, to the secretariat, advising that they are unable to appear at the hearing on 31 March 2025
- 27 February 2025 – Email from Ms Charmaine Jones, Project Officer, StreetCare, to the secretariat, advising that she will be attending as a support person to StreetCare members at the hearing on 31 March.

Sent:

- 15 November 2024 – Letter from Dr Amanda Cohn MLC, Inquiry Chair, to Mr Murray Wood, CEO, Dubbo Regional Council, inviting Dubbo Regional Council to make a submission to the inquiry
- 19 February 2025 – Letter from Dr Amanda Cohn MLC, Inquiry Chair, to Inner West Council inviting them to make a submission to the inquiry
- 19 February 2025 – Letter from Dr Amanda Cohn MLC, Inquiry Chair, to City of Sydney inviting them to make a submission to the inquiry
- 6 March 2025 – Letter from Dr Amanda Cohn MLC, Inquiry Chair, to Mr Reynolds, A/Usher of the Black Rod, advising that the committee will be conducting a site visit at NSW Parliament on 31 March 2025.

5. Inquiry into public toilets**5.1 Expansion of Terms of Reference**

The committee noted that it did not agree via email on 11 October 2025 to amend the terms of reference as per Mr D'Adam's suggestions.

5.2 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1-8, 11-43, 44-52, 54-68.

5.3 Confidential submissions

Resolved, on the motion of Mrs Maclaren-Jones: That the committee keep submission nos. 9 and 10 confidential, as per the request of the author as they contain identifying and/or sensitive information and that the committee authorise the publication of submission no. 53.

5.4 Attachments to submissions

Resolved, on the motion of Mrs MacDonald: That the committee authorise the publication of:

- attachment no. 1 to submission no. 14
- attachment no. 1 to submission no. 62.

5.5 Request for support person

Resolved, on the motion of Mrs Maclaren-Jones: That Ms Charmaine Jones be permitted to accompany StreetCare members as a support person at the hearing on Monday 31 March 2025.

5.6 Sequence of questions

The committee noted that, unless they decide otherwise, the sequence of questions to be asked at hearings is to alternate between opposition, crossbench and government members, in that order, with equal time allocated to each.

Resolved, on the motion of Mr D'Adam: That the allocation of questions to be asked at the hearing to be left in the hands of the Chair.

5.7 Public hearing

The committee proceeded to take evidence in public.

Witnesses, the public and the media were admitted at 9.15 am.

The Inquiry Chair made an opening statement regarding the broadcasting of the proceedings and other matters.

The following witness was sworn and examined:

- Ms Katherine Anne Webber, Public Toilet Researcher and Advocate, Churchill Fellow.

Ms Katherine Anne Webber tendered the following document:

- Katherine Webber and Deanna Grant-Smith, 'Addressing sanitation injustice through local government public toilet strategies', Queensland University of Technology, Centre for Justice, December 2024.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Dr Christian Tietz, Senior Lecturer, Industrial Design, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mrs Judy Findlay, Member, Barellan Branch, Country Women's Association of NSW (via videoconference)
- Mrs Heidi Mortimer, Member, Dunedoo Branch, Country Women's Association of NSW (via videoconference).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mrs Rochelle Courtenay, Founder and Managing Director, Share the Dignity (via videoconference)
- Miss Brittney Edwards, Advocacy and Communications Specialist, Share the Dignity (via videoconference).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Alannah Daly, Policy Officer, Justice and Equity Centre
- Mr David Streatfield, Member, StreetCare, Justice and Equity Centre
- Mr Anthony Pierce, Member, StreetCare, Justice and Equity Centre
- Ms Roxanna Kalnins, Member, StreetCare, Justice and Equity Centre.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 2.50 pm. The public and the media withdrew.

6. Tendered documents

Resolved, on the motion of Mrs Maclaren-Jones: That the committee accept and publish the following document tendered during the public hearing:

- 'Addressing sanitation injustice through local government public toilet strategies', Queensland University of Technology, Centre for Justice, December 2024, tendered by Ms Katherine Anne Webber.

7. Future committee activity

7.1 Future hearings and correspondence

Resolved, on the motion of Mr Lawrence: That the secretariat invite the following Government agencies to appear at a future hearing for the inquiry into public toilets:

- Planning NSW

- Transport for NSW
- Placemaking NSW
- SafeWork
- NSW Health,

Resolved, on the motion of Mr Lawrence: That the secretariat write to NSW Police and ask them to provide further information with respect to public urination leading to a charge of 'offensive conduct'.

7.2 Regional hearing and site visit

Resolved, on the motion of Mr Lawrence: That the secretariat liaise with key stakeholders and local services in the regional area of Bathurst and advise the committee on the suitability of conducting a public forum and site visit.

8. Adjournment

The committee adjourned at 3.07 pm until 9.00 am Monday 31 March 2025, Macquarie Room, Parliament House, hearing (Inquiry into public toilets).

Alice Wood

Committee Clerk

Minutes no. 31

Monday 31 March 2025

Portfolio Committee No. 8 – Customer Service

Macquarie Room, Parliament House, Sydney at 9.01 am

1. Members present

Dr Cohn, *Chair*

Mrs MacDonald, *Deputy Chair* (via videoconference from 9.07 am until 3.27 pm)

Ms Boyd (via videoconference until 2.38 pm)

Mr D'Adam (via videoconference until 2.51 pm)

Mr Lawrence

Mr Primrose (until 12.30 pm and from 1.55 pm)

2. Previous minutes

Resolved, on the motion of Mr D'Adam: That draft minutes no. 30 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 24 March 2025 – Email from Denise Anderson, Strategy Manager, Social and Community, Local Government NSW, to the secretariat, advising that they are unable to appear at the hearing for the inquiry into public toilets on 7 April 2025.

4. Inquiry into public toilets

4.1 Public hearing

Sequence of questions

Resolved, on the motion of Mr Lawrence: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

Witnesses, the public and the media were admitted.

The Inquiry Chair made an opening statement.

The following witnesses were sworn and examined:

- Mr Julian Laurens, Senior Policy Officer, People with Disability Australia
- Mx Megan Spindler-Smith, Deputy CEO, People with Disability Australia.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Joe Manton, Director, Access Institute (via videoconference).

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Dr Marian Naidoo, Policy Lead, Continence Health Australia (formerly Continence Foundation of Australia) (via videoconference)
- Mr Jim Cooper, CEO, Continence Health Australia (formerly Continence Foundation of Australia) (via videoconference)
- Dr Lorraine Dickson, Nurse Practitioner, Continence
- Mr Stephen Weatherstone, Retired Engineer.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Brendon Radford, Director of Policy and Research, National Seniors Australia (via videoconference)
- Mr Luke Smith, Policy and Engagement Officer, National Seniors Australia (via videoconference)
- Dr Billy Pringle, Senior Policy Officer, Combined Pensioners and Superannuants Association of NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Tony Jones, Disability Reform and Insights Advisor, Spinal Cord Injuries Australia
- Ms Suzie Stollznaw, Systemic Advocacy and Social Impact Manager, Spinal Cord Injuries Australia.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Jennifer Moon, Principal Advisor, Manager – Access and Stakeholder Engagement, Guide Dogs NSW
- Ms Sarah Hirst, Lived Experience Coordinator, Guide Dogs NSW.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Jeramy Hope, Member, Disability Council NSW.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Bruce Bromley, Managing Director, Equal Access Group Pty Ltd.

The evidence concluded and the witness withdrew.

The public hearing concluded at 3.27 pm. The public and the media withdrew.

4.2 Correspondence to Dementia Australia

Resolved, on the motion of Mr Lawrence: That the Inquiry Chair write to Dementia Australia and ask them to provide advice with respect to the preferred design features of public toilets for individuals living with dementia.

4.3 Site visit

The committee conducted a tour of inspection of the Changing Places facility on Level 6, Parliament House, Sydney accompanied by:

- Mr Bruce Bromley, Managing Director, Equal Access Group Property Limited (lead author of Changing Places Design Standard and accredited Changing Places assessor).

5. Adjournment

The committee adjourned at 3.52 pm until 9.00 am Tuesday 1 April 2025, Jubilee Room, Parliament House, Sydney (inquiry into public toilets – public hearing).

Alice Wood

Committee Clerk

Minutes no. 32

Tuesday 1 April 2025

Portfolio Committee No. 8 – Customer Service

Jubilee Room, Parliament House, Sydney at 9.04 am

1. Members present

Dr Cohn, *Chair*

Mrs MacDonald, *Deputy Chair* (via videoconference)

Ms Boyd (via videoconference from 9.14 am until 9.40 am)

Mr D'Adam

Mr Lawrence

2. Inquiry into public toilets

2.1 Witness invitation

The committee noted an email from Peter List, Senior Business Partner, Parliament and Cabinet, Executive and Ministerial Services, NSW Health, to the secretariat, declining the invitation to appear at the hearing for the inquiry into public toilets on 7 April 2025, received 28 March 2025.

Resolved, on the motion of Mr D'Adam: That the secretariat write to NSW Health to re-issue the witness invitation for them to appear at a future hearing for the inquiry into public toilets, noting in evidence the committee has received a recommendation to amend the *Public Health Act 2010*.

2.2 Public hearing

Sequence of questions

Resolved, on the motion of Mr D'Adam: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

Witnesses, the public and the media were admitted.

The Inquiry Chair made an opening statement.

The following witnesses were sworn and examined:

- Ms Tina Kordrostami, Director, Mental Health Access (MHA) Design
- Mr Matthew Hayes, Hidden Disability Advocate
- Ms Fiona Davies, CEO, Australian Medical Association (NSW).

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Miss Sasha Bailey, Trans Health Researcher, The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney
- Ms Niamh Joyce, Solicitor, Inner City Legal Centre.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Lannen Donnelly, Founding Director, Parents for Trans Youth Equity
- Ms Barbara Taylor, Parent Representative, Parents for Trans Youth Equity
- Dr Kate Toyer, Board Member, Illawarra Shoalhaven Gender Alliance
- Dr Rory Gillard, Volunteer, Trans Justice Project and Sydney Bi+ Network
- Ms Elster Cook, Volunteer, Trans Justice Project.

Dr Rory Gillard tendered the following document:

- 'Sample signage to support transition to all-gender toilets,' Dr Rory Gillard, Volunteer, Trans Justice Project and Sydney Bi+ Network.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mrs Lisa Donaldson, Melanoma Prevention Advocate.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Aaron Jones, Political Coordinator, United Workers Union
- Mr Alex Morales, Lead Organiser, Property Services, United Workers Union
- Mr Chris Thorsness, Member, United Workers Union.

Mr D'Adam declared that he used to work with Mr Aaron Jones.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 12.46 pm. The public and the media withdrew.

Tendered documents

Resolved, on the motion of Mr D'Adam: That the committee accept and publish the following document tendered during the public hearing:

- 'Sample signage to support transition to all-gender toilets,' tendered by Dr Rory Gillard, Volunteer, Trans Justice Project and Sydney Bi+ Network.

2.3 Correspondence to the HIV/AIDS Legal Centre

Resolved, on the motion of Mr Lawrence: That the Inquiry Chair write to the HIV/AIDS Legal Centre Inc to ask them to clarify and expand on evidence provided by the Inner City Legal Centre (ICLC) regarding the over-policing of public toilets.

2.4 Future committee activity

Resolved, on the motion of Mr D'Adam: That the committee not proceed to conduct a regional hearing and site visit in Bathurst on 28 or 29 April 2025, and to instead hold a further hearing(s) at Parliament House on those dates.

3. Adjournment

The committee adjourned at 12.53 pm until 9.30 am, Monday 7 April 2025, Macquarie Room, Parliament House, Sydney (inquiry into public toilets – public hearing).

Alice Wood

Committee Clerk

Minutes no. 33

Monday 7 April 2025

Portfolio Committee No. 8 – Customer Service

Macquarie Room, Parliament House, Sydney at 9.32 am

1. Members present

Dr Cohn, *Chair*

Mrs MacDonald, *Deputy Chair*

Mr D'Adam (via videoconference until 4.20 pm)

Mr Lawrence (via videoconference from 9.37 am until 3.16 pm, and from 3.44 pm until 4.20 pm)

Mr Primrose (via videoconference until 12.14 pm)

2. Apologies

Ms Boyd

Mrs Maclaren-Jones

3. Draft minutes

Resolved, on the motion of Mr Primrose: That draft minutes no. 31 be confirmed.

Resolved, on the motion of Mr D'Adam: That draft minutes no. 32 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 28 March 2025 – Email from Peter List, Senior Business Partner, Parliament and Cabinet, Executive and Ministerial Services, NSW Health, to the secretariat, declining the invitation to appear at the hearing for the inquiry into public toilets on 7 April 2025
- 2 April 2025 – Email from Madison Boyd, Government Relations Lead, Lake Macquarie City Council, to the secretariat, declining the invitation to appear at the hearing for the inquiry into public toilets on 7 April 2025
- 2 April 2025 – Email from Eileen Holiday, Executive Assistant to Mayor and General Manager, Narrabri Shire Council, to the secretariat, declining the invitation to appear at the hearing for the inquiry into public toilets on 7 April 2025
- 3 April 2025 – Email from Rosie O'Donoghue, Executive Assistant to CEO, Albury City Council, to the secretariat, declining the invitation to appear at the hearing for the inquiry into public toilets on 7 April 2025.

5. Inquiry into public toilets

5.1 Public submissions

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 69.

5.2 Public hearing

Sequence of questions

Resolved, on the motion of Mrs MacDonald: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

Witnesses, the public and the media were admitted.

The Inquiry Chair made an opening statement.

The following witnesses were sworn and examined:

- Ms Sarika Shasidharan, Advisory Committee Member, Australian Institute of Landscape Architects
- Ms Liz Webster, Associate, SGS Economics and Planning.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Anthony McMahon, Chief Executive Officer, Bega Valley Shire Council (via videoconference)
- Mr John Grady, Manager - Parks, Aquatics and Recreation, Bega Valley Shire Council (via videoconference)
- Mr Murray Wood, Chief Executive Officer, Dubbo Regional Council (via videoconference)
- Ms Ruth Neave, Manager Community and Recreation Services, Liverpool Plains Shire Council.

Mr Lawrence declared that he used to work with Mr Murray Wood.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Scott Willard, Coordinator Security and Cleaning, Blacktown City Council
- Mr Paul Belz, Director City Assets, Blacktown City Council
- Ms Marcia Morley, Executive Manager Infrastructure Delivery, City of Sydney.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Annie Tennant, Director Design and Place, Placemaking NSW
- Ms Olivia Hyde, Director Design Excellence, NSW Department of Planning, Housing and Infrastructure.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Scott Greenow, Executive Director Freight, Transport NSW
- Mr Hayden Donoghue, Executive Director Suburban Services, Sydney Trains, Transport NSW.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Mary Snell, Executive Director, Operations and Enforcement, SafeWork NSW.

Ms Mary Snell tendered the following documents:

- 'Portable workplace toilets in construction factsheet,' SafeWork NSW
- 'Code of Practice: Managing the Work Environment and Facilities,' NSW Government, August 2019.

The evidence concluded and the witness withdrew.

The public hearing concluded at 4.16 pm. The public and the media withdrew.

Tendered documents

Resolved on the motion of Mrs MacDonald: That the committee accept and publish the following documents tendered during the public hearing:

- SafeWork NSW – 'Portable workplace toilets in construction factsheet', tendered by Ms Mary Snell
- SafeWork NSW – 'Code of Practice: Managing the Work Environment and Facilities', tendered by Ms Mary Snell.

6. Adjournment

The committee adjourned at 4.20 pm until 9.00 am, Friday 11 April 2025, Macquarie Room, Parliament House, Sydney (Inquiry into Budget Estimates 2024-2025 - Customer Service and Digital Government, Emergency Services, Youth Justice – public hearing).

Alice Wood

Committee Clerk

Minutes no. 35

Tuesday 29 April 2025

Portfolio Committee No. 8 – Customer Service

Jubilee Room, Parliament House, Sydney at 10.02 am

1. Members present

Dr Cohn, *Chair*

Mrs MacDonald, *Deputy Chair*

Ms Boyd (via videoconference until 11.30 am, and from 1.00 pm)

Mr D'Adam

Mr Lawrence (via videoconference from 10.49 am)

Mrs Maclaren-Jones (from 10.05 am)

Mr Primrose (until 11.20 am, and via videoconference from 1.00 pm)

2. Draft minutes

Resolved, on the motion of Mrs MacDonald: That draft minutes no. 33 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 4 April 2025 – Email from Kim Pitt, Executive to Director Infrastructure, Inner West Council, to the secretariat, declining the invitation to appear at the hearing for the inquiry into public toilets on 7 April 2025

- 15 April 2025 – Email from Rose Capp, Policy Advisor, Dementia Australia, to the secretariat, requesting an extension of the deadline to provide information to the inquiry into public toilets to Friday 2 May 2025
- 16 April 2025 – Email from Lauren Stefanou, A/Principal Legal Officer, Aboriginal Legal Service (NSW/ACT), to the secretariat, declining the invitation to appear at the hearing for the inquiry into public toilets on 29 April 2025
- 16 April 2025 – Email from Lily Reid, Policy Officer, NSW Aboriginal Land Council, to the secretariat, declining the invitation to appear at the hearing for the inquiry into public toilets on 29 April 2025
- 16 April 2025 – Email from Lyvia Devine, Director, Ministerial and Executive Services, Office of the Commissioner, NSW Police Force, to the secretariat, declining the invitation to appear at the hearing for the inquiry into public toilets on 29 April 2025
- 16 April 2025 – Email from Denise Anderson, Strategy Manager, Social and Community, Local Government NSW, to the secretariat, declining the invitation to appear at the hearing for the inquiry into public toilets on 29 April 2025.

Sent

- 11 April 2025 – Letter from Dr Amanda Cohn MLC, Inquiry Chair, to Dementia Australia asking them to provide information to the committee for the inquiry into public toilets
- 11 April 2025 – Letter from Dr Amanda Cohn MLC, Inquiry Chair, to HIV/AIDS Legal Centre Inc. (NSW), asking them to clarify evidence received with respect to the policing of public toilets for the inquiry into public toilets
- 15 April 2025 – Email to Rose Capp, Policy Advisor, Dementia Australia, from the secretariat, advising that their request to extend the deadline to provide information to the inquiry into public toilets to Friday 2 May 2025 is approved.

4. Inquiry into public toilets**4.1 Public submissions**

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 70.

4.2 Recording of report workshop

Resolved, on the motion of Mr D'Adam: That the committee agree to the secretariat recording the report workshop for the purposes of assisting the secretariat's note taking, and that the recording be destroyed once the report is tabled.

4.3 Public hearing***Sequence of questions***

Resolved, on the motion of Mrs MacDonald: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

Witnesses, the public and the media were admitted.

The Inquiry Chair made an opening statement.

The following witness was sworn and examined:

- Dr Stephen Conaty, Director, Environmental Health Branch, Health Protection NSW, NSW Health.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Bob Triming, Chairperson and Secretary, Bathurst Regional Access Committee.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Damian Griffis, Chief Executive Officer, First Peoples Disability Network
- Miss Katherine Wolfgramme, Community and Advocacy Officer, BlaQ Aboriginal Corporation.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 12.38 pm. The public and the media withdrew.

4.4 Report workshop

The committee conducted a workshop to discuss the key issues and potential recommendations for the final report for the inquiry into public toilets.

4.5 Correspondence to NSW Police Force

Resolved, on the motion of Mrs Maclaren-Jones: That, noting NSW Police Force declined to attend today's hearing, the Inquiry Chair write to NSW Police Force asking them to clarify and expand on evidence received regarding the policing of public toilets.

5. Adjournment

The committee adjourned at 2.35 pm, *sine die*.

Alice Wood

Committee Clerk

Draft minutes no. 42

Thursday 9 October 2025

Portfolio Committee No. 8 – Customer Service

Room 1136, Parliament House, Sydney at 10.01 am

1. Members present

Dr Cohn, *Chair*

Mrs MacDonald, *Deputy Chair*

Mr D'Adam (*via videoconference*)

Mr Lawrence

Mrs Maclaren-Jones

Mr Primrose (*via videoconference*)

2. Apologies

Ms Boyd

3. Previous minutes

Resolved, on the motion of Mrs Maclaren-Jones: That draft minutes no. 35 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 29 April 2025 – Email from Ms Alannah Daly, Policy Officer, Justice and Equity Centre, requesting a transcript clarification to her evidence from the hearing on 17 March 2025
- 1 May 2025 – Email from Ms Beth Rodgers, Strategic Policy Lawyer, HIV/AIDS Legal Centre to the secretariat, providing a response to the letter dated 11 April 2025 from Dr Amanda Cohn MLC, Inquiry Chair, clarifying evidence received with respect to the policing of public toilets for the inquiry into public toilets
- 8 May 2025 – Email from Oskana Tkachenko to the secretariat, providing information with respect to public toilet considerations for cyclists for the inquiry into public toilets

- 19 May 2025 – Email from Ms Lyvia Devine, Director, Ministerial and Executive Services, Office of the Commissioner, NSW Police Force to the secretariat, providing a response to the letter dated 2 May 2025 from Dr Amanda Cohn MLC, Inquiry Chair, clarifying evidence received with respect to the policing of public toilets for the inquiry into public toilets
- 30 June 2025 – Email from the office of the Hon. Jihad Dib, Minister for Customer Services, Digital Government, Emergency Services, and Youth Justice, providing the third progress report on Interoperability between Electronic Lodgement Network Operations.

Sent

- 2 May 2025 – Letter from Dr Amanda Cohn MLC, Inquiry Chair, to NSW Police Force, asking them to clarify evidence received with respect to the policing of public toilets for the inquiry into public toilets.

The committee noted that it agreed via email to publish the correspondence from Ms Lyvia Devine, Director, Ministerial and Executive Services, Office of the Commissioner, NSW Police Force, regarding the policing of public toilets, dated 19 May 2025.

5. Inquiry into public toilets**5.1 Public submissions**

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 71.

5.2 Answers to questions on notice and supplementary questions – previously published

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Ms Alannah Daly, Justice and Equity Centre, received 14 April 2025
- answers to supplementary questions from Mrs Judy Findlay and Mrs Heidi Mortimer, Country Women's Association of NSW, received 17 April 2025
- answers to questions on notice from Dr Christian Tietz, School of Built Environment, Faculty of Arts, Design and Architecture, UNSW Sydney, received 24 April 2025
- answers to supplementary questions from Dr Marian Naidoo and Mr Jim Cooper, Continence Health Australia, received 5 May 2025
- answers to supplementary questions from Dr Lorraine Dickson, received 15 April 2025
- answers to supplementary questions from Mr Tony Jones and Ms Suzie Stollznow, Spinal Cord Injuries Australia, received 23 April 2025
- answers to supplementary questions from Mr Jeremy Hope, Disability Council NSW, received 5 May 2025
- answers to questions on notice from Ms Tina Kordrostami, Mental Health Access (MHA) Design, received 5 May 2025
- answers to supplementary questions from Ms Niamh Joyce, Inner City Legal Centre, received 5 May 2025
- answers to supplementary questions from Ms Lannen Donnelly and Ms Barbara Taylor, Parents for Trans Youth Equity (P-TYE), received 5 May 2025
- answers to questions on notice and answers to supplementary questions from Dr Rory Gillard and Ms Elster Cook, Trans Justice Project and Sydney Bi + Network, received on 5 May 2025
- answers to supplementary questions from Mrs Lisa Donaldson, received 30 April 2025
- answers to questions on notice from Ms Sarika Shasidharan, Australian Institute of Landscape Architects, received 5 May 2025
- answers to supplementary questions from Mr Murray Wood, Dubbo Regional Council, received 24 April 2025

- answers to questions on notice from Ms Ruth Neave, Liverpool Plains Shire Council, received 5 May 2025
- answers to questions on notice from Mr Scott Willard and Mr Paul Belz, Blacktown City Council, received 30 April 2025
- answers to supplementary questions from Ms Annie Tennant, Placemaking NSW, Department of Planning, Housing and Infrastructure, received 30 April 2025
- answers to questions on notice from Ms Mary Snell, SafeWork NSW, received 1 May 2025
- answers to questions on notice from Mr Scott Greenow and Mr Hayden Donoghue, Transport for NSW, received 8 May 2025
- answers to supplementary questions from Mr Julian Laurens, and Mx Megan Spindler-Smith, People with Disability Australia, received 8 May 2025
- answers to supplementary questions from Dr Billy Pringle, Combined Pensioners and Superannuants Association of NSW, received 9 May 2025
- answers to supplementary questions from Ms Joe Manton, Access Institute, received 13 May 2025
- answers to supplementary questions from Mr Matthew Hayes, received 13 May 2025
- answers to supplementary questions from Mr Aaron Jones, Mr Alex Morales and Mr Chris Thorsness, United Workers Union, received 13 May 2025
- answers to supplementary questions from Mr Luke Smith, National Seniors Australia, received 26 May 2025
- answers to supplementary questions from Jennifer Moon and Ms Sarah Hirst, Guide Dogs NSW, received 19 May 2025
- answers to questions on notice from NSW Health, received 26 May 2025.

5.3 Answers to questions on notice and supplementary questions – partially confidential

The committee noted the following answers to questions on notice and answers to supplementary questions were received for the hearing on Monday 31 March 2025:

- answers to questions on notice and answers to supplementary questions from Mr Bruce Bromley, Equal Access Group Property Ltd, received 15 May 2025.

Resolved, on the motion of Mrs Maclaren-Jones: That the committee authorise the publication of answers to questions on notice and answers to supplementary questions from Mr Bruce Bromley, Equal Access Group Property Ltd, with the exception of 'Appendix A', as per the request of the author.

5.4 Answers to questions on notice and supplementary questions – confidential

The committee noted the following answers to questions on notice were received for the hearing on Monday 7 April 2025:

- answers to questions on notice from Ms Liz Webster, SGS Economics and Planning, received 2 May 2025.

Resolved, on the motion of Mrs MacDonald: That the committee keep answers to questions on notice from Ms Liz Webster, SGS Economics and Planning, received 2 May 2025, confidential, as per the request of the author.

5.5 Transcript clarification

The committee noted that the following correspondence clarifying evidence was published by the committee clerk, and an explanatory footnote inserted in the transcript of evidence for the hearing on Monday 17 March 2025:

- 29 April 2025 – Email from Ms Alannah Daly, Policy Officer, Justice and Equity Centre, requesting a transcript clarification to her evidence from the hearing on 17 March 2025.

Resolved, on the motion of Mrs Maclaren-Jones: That the committee authorise:

- the publication of correspondence from Ms Alannah Daly, Policy Officer, Justice and Equity Centre to the committee, providing a transcript clarification, received 29 April 2025, and

- the insertion of a footnote at the relevant page of the transcript from 17 March 2025 with a hyperlink to the correspondence from Ms Daly.

5.6 Additional information

The committee noted that it agreed via email to publish the following additional information:

- Additional information, Mental Health Access (MHA) Design, 'Design Manual,' received on 5 May 2025
- Additional information, Mr Stephen John Weatherstone, 'Additional Information and Comments' received on 12 May 2025.

5.7 Consideration of Chair's draft report

The Chair submitted her draft report entitled *Public Toilets*, which, having been previously circulated, was taken as being read.

Mrs Maclaren-Jones moved: That Finding 5 be amended by omitting 'all-gender' after 'single-use'.

Question put.

The committee divided.

Ayes: Mr D'Adam, Mr Lawrence, Mrs MacDonald, Mrs Maclaren-Jones, Mr Primrose.

Noes: Dr Cohn.

Question resolved in the affirmative.

Mr Lawrence moved: That Finding 5 be amended by:

- a) inserting 'including' after 'are the preferred design,'
- b) omitting 'including' after 'a broad range of people' and inserting instead 'such as'.

Question put and passed.

Mr Lawrence moved: That Recommendation 6 be amended by:

- a) omitting 'capacity' after 'National Construction Code in the following' and inserting instead 'respects'
- b) inserting ', subject to Recommendation 13(5) and Finding 5' after 'instead of or in addition to gendered toilets'.

Question put.

The committee divided.

Ayes: Mr D'Adam, Mr Lawrence, Mrs MacDonald, Mrs Maclaren-Jones, Mr Primrose.

Noes: Dr Cohn.

Question resolved in the affirmative.

Mrs Maclaren-Jones moved: That Recommendation 6 be amended by omitting 'instead of or' before 'in addition to gendered toilets'.

Question put.

The committee divided.

Ayes: Mrs MacDonald, Mrs Maclaren-Jones.

Noes: Dr Cohn, Mr D'Adam, Mr Lawrence, Mr Primrose.

Question resolved in the negative.

Mrs Maclaren-Jones moved: That:

- a) paragraph 2.130 be amended by omitting 'all-gender' after 'single-use cubicle'

- b) Recommendation 4 be amended by omitting 'all-gender' before 'public toilet facilities, utilising universal design principles'.

Question put.

The committee divided.

Ayes: Mrs MacDonald, Mrs Maclaren-Jones.

Noes: Dr Cohn, Mr D'Adam, Mr Lawrence, Mr Primrose.

Question resolved in the negative.

Mrs MacDonald moved: That paragraph 3.125 be amended by inserting 'While the committee recognises the benefits of single-use cubicles, some community members value gender-specific toilets. Future design frameworks should encourage a balanced mix of gendered and all-gender facilities, determined through local community consultation' after 'where there is a strong social or cultural preference of facility users for gendered facilities'.

Question put and passed.

Mr Lawrence moved: That the Case Study on Dubbo Regional Council on page 78 be amended by:

- a) inserting 'multi-stall' before 'male and female toilet blocks instead of single-use cubicles'
- b) inserting apostrophes on either side of 'operational matter'
- c) inserting the following paragraph after 'but the design would have exceeded the project budget':

'In supplementary questions Council was asked "When was the last time Dubbo Regional Council or Dubbo City Council constructed a public toilet in a park that did not consist of single use cubicle/s?", but Council was unable to definitively answer "without initiating a costly review of all documentation in Council's record keeping system". This failure to assist the committee was unhelpful'.

- d) inserting the following paragraph after 'Nor was community consultation conducted prior to the installation of individual cubicle modular units in Elizabeth Park':

'In supplementary questions the Council was asked, "Prior to the construction of the new Lions Park West Public Toilet Block did Dubbo Regional Council staff actively consider the competing merits of single use cubicles and toilet blocks of the style ultimately adopted for the Lions Park West Toilet Block?". The answer referred the committee to questions on notice answered at a council meeting, which stated:

'The plan was to replace the end-of-life asset with a new one, ensuring at least the same level of service, if not better, was delivered within the allocated budget. Having a low maintenance form was also important given its location and some of the maintenance costs DRC incur on other amenities.

Considering its location in an evolving energised river precinct, close to a popular playground and BBQ area with high weekend traffic, along with expected increases in highway traffic and events like runs, it was agreed to slightly expand the capacity if possible, taking advantage of the budget provided.

An additional two female cubicles and a new male urinal were achieved with minimal impact on the overall project budget. Additionally, a disabled access toilet was added, which was not available in the previous amenities.

The original Expression of Interest indicated that the contractor was to supply a design and layout that is flexible. The Select Tender scope of works required that the structure have a minimum of 5 female: 2 male cubicle and 2 stand urinals with privacy screen and 1 disabled / ambulant unisex. There was no specific requirement for the individual cubicles to be outward facing.

It was established that it was possible to have a design where individual cubicles with doors open directly to the outside. However, the design for this would have exceeded the project budget' [FOOTNOTE: Answers to supplementary questions, Dubbo Regional Council, received 24 April 2025, p 3].

- e) inserting 'The evidence suggests that a decision to build an old style multi-stall public toilet likely occurred without consideration of the full range of considerations relevant to the design question and seemingly was taken in order to utilise a particular mode of construction, i.e. '3D printing' before 'However, given heightened community interest'.
- f) inserting 'The decision to adopt a public toilet policy to guide future decision making should avoid this failure of proper decision making occurring again' after 'to support their Community Safety and Crime Prevention Plan'.

Question put and passed.

Mrs Maclaren-Jones moved: That:

- a) paragraph 3.125 be amended by omitting 'either instead of, or' before 'in addition to gendered facilities where there is a strong social or cultural preference'
- b) recommendation 13(5) be amended by omitting 'either instead of or' before 'in addition to gendered facilities'.

Question put.

The committee divided.

Ayes: Mrs MacDonald, Mrs Maclaren-Jones.

Noes: Dr Cohn, Mr D'Adam, Mr Lawrence, Mr Primrose.

Question resolved in the negative.

Mr Lawrence moved: That Recommendation 13(5) be amended by omitting 'facilities' after 'all- gender' and instead inserting 'single-use cubicles'.

Question put and passed.

Mrs Maclaren-Jones moved: That paragraph 4.187 be amended by inserting 'in addition to separate male, female and accessible public toilets' after 'the mandatory requirement to provide all-gender facilities'.

Question put.

The committee divided.

Ayes: Mrs MacDonald, Mrs Maclaren-Jones.

Noes: Dr Cohn, Mr D'Adam, Mr Lawrence, Mr Primrose.

Question resolved in the negative.

Mr Lawrence moved: That paragraph 4.187 be amended by omitting 'implementation of the mandatory requirement to provide all-gender facilities' and inserting instead 'and the provision of all gender single-use cubicles'.

Question put and passed.

Mrs Maclaren-Jones moved: That Recommendation 17 be amended by omitting 'address the value of universal design including single-use cubicle all-gender bathrooms' and inserting instead 'address the value of universal design including all-gender single-use cubicles that are accessible and inclusive to all'.

Question put and passed.

Resolved, on the motion of Mr Lawrence: That:

The draft report as amended be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice and supplementary questions relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;

Upon tabling, all unpublished transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice and supplementary questions relating to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;

The secretariat is tabling the report on Thursday 16 October 2025;

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

6. Adjournment

The committee adjourned at 10.54 am, *sine die*.

Alice Wood
Committee Clerk

