

NSW Legislative Council Inquiry into Public Toilets

Hearing: Monday 31 March 2025

Answers to Supplementary Questions

(1) What is the current level of community engagement by local and state governments when designing new public toilets?

As a representative organisation, SCIA is not aware of consultation processes for updating or designing new accessible public toilets. This question should be directed to Standards Australia to understand the degree to which consultation is undertaken to ensure it is broad and inclusive. They have technical committees but with regard to accessible standards, SCIA has no knowledge of how standards are derived and/or updated. We strongly recommend that consultation with peak bodies such as ours is incorporated in the future.

(2) What specific features are needed to ensure compliance with the Australian Standards for accessible facilities?

SCIA suggests you direct this question to Standards Australia and certified access consultants as they would be best equipped to outline the necessary features to meet compliance. From the lived experience point of view of a wheelchair user, design features must allow for wheelchair users to be able to manoeuvre and access the toilet – including transfer onto the toilet – and access and use each function such as, toilet flush, hand basin, etc. Also manoeuvring in and out of the toilet facility depending on how the entry (door function) is designed.

(3) Can you describe the impact on daily life when a public toilet is inaccessible or out of order?

People with disability are not a homogenous group but everyone needs to access toilets. The spinal and neurological cohorts that we represent have various demands in use of accessible toilets. The most pressing concern would be the need to use an accessible public toilet to empty a catheter bag or to self-catheterise – these are the most common urinary functions for spinal cord injury. Additionally, people with spinal and neurological conditions may simply need to be able to transfer safely from a wheelchair to a toilet.

It is imperative that people can access a functioning toilet with sufficient space and appropriate grab rails. If an accessible toilet is already in use or is out of order, that means the person has to find another suitable toilet which isn't easy unless you are in a location such as a large shopping centre or cinema complex which might have a number of accessible toilets. Outside of these large venues the options narrow significantly. This is especially the case in niche locations such as a pub or restaurant on a high street or in, a tourist attraction where there are far less options. Outside of major venues,

wheelchair users may need to do a Google search or wander up and down streets to find the toilet. This is why many people with a disability often research locations before they attend just to know what facilities are available i.e. Is the venue accessible and does it have an accessible toilet? If the venue is accessible, but has no accessible toilet, is there one nearby that can be used? Obviously when this only available option is out of order, too dirty to use or being used by a person without a disability it can be very distressing.

We can rely many stories where people have been left desperate and without options other than to relieve themselves between parked cars, in a quiet dark park, using the curb drain on the street. This is easier for some that use a discreet catheter bag that can be emptied. For others it's a very humiliating experience because they need to expose themselves to self-catheterise.

For many with a newly acquired disability who are learning to renavigate their community a lack of accessible public toilets can be a 'deal breaker' in terms of confidence and participation.

(4) What are the most common design faults you encounter in accessible toilets?

Location of the toilet is critical. It must allow for a wheelchair user to manoeuvre around it. Too often the toilet design is too cramped not allowing free access of grab rails are incorrectly placed to enable a person to transfer to and from the toilet from a wheelchair. Another frustrating element is the location of the flush button which may not be accessible especially when factoring in a cramped space. The position of drop down change tables when the toilet is dual purpose for baby changes can compromise the access to the toilet, especially if there's a faulty change table that won't click back up against the wall.

The position of the wash basin can protrude and compromise access to the toilet if it is designed inappropriately. Entry/exit door positioning on swinging doors is also an important factor that can compromise access particularly for older bathrooms that are not designed with the accessible standard.

Clutter in supposedly "accessible" bathrooms can be a major hurdle when they are being used to store items such as mops and buckets, old chairs, trolleys. There are still examples of poorly designed accessible toilets in use that do not meet the standards. Examples can be found across cinemas, restaurants and other social places where the accessible facility door cannot be closed with the wheelchair user in the facility because of the cramped space and poor design, as an example. The circumstances are especially challenging for anyone navigating these spaces on their own.

(5) How can penalties or enforcement mechanisms help reduce misuse of accessible facilities?

There are many good examples of well designed accessible public toilets. However it is a challenge to ensure that their use is restricted to those with a disability that need them. It's too easy for an able bodied person to see a vacant accessible toilet and take advantage of it, especially where they are located right next to the regular public toilets. This happens very frequently.

There's no easy answer to solve this. It does have to start with the general public to change how people behave and education would be a starting point. We've seen education campaigns on things



Spinal Cord Injuries Australia

like reducing public litter with the “Don't be a Tosser”¹ campaign. Developing public education around this issue is important. It's about understanding the inconvenience caused when an accessible bathroom is used inappropriately and reinforcing that regular public toilets outnumber accessible facilities vastly.

How can someone conceivably be penalised for using an accessible public toilet? This would be very difficult to achieve. During the public hearing, we spoke about the use of MLAK (Master Locksmith Access Key) and went through the pros and cons in using such keys to restrict access. Other than public education, we do need to look further at restricting access to facilities for people with disability that is convenient and user-friendly and gives people a degree of comfort knowing they can access a public toilet when needed.

Fines however would be more suitable in instances where materials are stored in accessible bathrooms or there is a failure to maintain adequate cleanliness. This could be regulated at a Local Council level through an app such as the “snap, send solve” app which is already in existence.

(6) Why is it important to upgrade older infrastructure to meet current standards?

Access and inclusion as outlined in the UN Convention on the Rights of People With a Disability (CRPD) is a vital framework Australia has signed up to with responsibilities for federal, state and territory, and local governments. Access to well designed public toilets is a crucial aspect to this. As outlined in SCIA's answer to question four, there are many toilets in use that are not fit for purpose.

The challenge in upgrading older infrastructure to meet current standards is that many toilets that don't meet the standards are located in private businesses such as cinemas, shopping centres and restaurants. Unless those businesses are undergoing extensive renovations, it's not likely that they would be upgraded to meet the standards. One option might be public grants offered by government to make the necessary modifications to build a more inclusive community.

Unless businesses are educated into the importance of having appropriate facilities that people with disability can utilise; increasing business opportunities by being more inclusive.

(7) How would increased provision of accessible toilets support greater inclusion?

Increasing the number of accessible toilets would certainly add to greater inclusion as there are simply not enough currently. This is where regulation may be of benefit – setting minimum benchmarks for the number of facilities available based on densities of population, the types of public buildings available and so on. It wouldn't be difficult to set some basic parameters on reaching minimum specifications for the number of accessible toilets, especially in restaurant or entertainment precincts; anywhere with high foot traffic.

Access to public bathrooms enables people with a physical disability to participate in their communities including employment, volunteering and social participation.

¹ <https://www.dontbeatosser.epa.nsw.gov.au/dont-be-a-tosser-campaign>