

**Submission
No 56**

INQUIRY INTO PUBLIC TOILETS

Organisation: Bathurst Regional Access Committee

Date Received: 29 November 2024



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Inquiry Chair
Inquiry into Public Toilets
Parliament House 6 Macquarie Street
SYDNEY NSW 2000

Friday 29th November 2024

Re – BRAC submission to the Inquiry into Public Toilets

E. & O.E.

Who / what is BRAC?

The Bathurst Regional Access Committee (BRAC) is an independent, voluntary committee consisting of members of the public and a Councillor Delegate plus an alternative Councillor delegate. An average of nine to twelve persons attend our monthly meetings attending to an average of 15 or so items a month. We are NOT a committee of Council. Our minutes of meetings are received by over thirty-four people. BRAC has been operating for over 34 years.

BRAC advocates, helps to educate all members of the public and / or advises Council, Organisations and businesses in order to achieve fair & equitable access to the built environment, goods and services. We have created two brochures to assist in these endeavours. One for the public titled 'Who Are We?' detailing their rights, and the other for businesses 'Missed Business' which includes a brief description of their obligations.



Bathurst Regional Council (BRC) has a Access Improvement Grants scheme and BRAC provides advice in the awarding of these grants. These grants are available to assist small businesses, organisations & sporting groups to improve access for people with a disability. Accessible toilets are the most valued improvement by applicants.

The Bathurst Visitor Information Centre has developed an Accessible Guide to Bathurst in conjunction with BRAC which lists, amongst other items of interest, accessible toilets and also indicates which restaurants have an accessible toilet. It is available on the internet as well as at the Bathurst Visitor Information Centre.

The person creating this submission is a member of a Lived Experience Advisory Panel with the Physical Disability Council of NSW, a member of a community advisory panel for the \$200 million redevelopment of Bathurst public hospital and has been involved in disability advocacy for over twenty years as a volunteer.

What BRAC intends to cover in this submission

- Council public toilets – good & bad, design deficiencies of accessible toilets, lack of ambulant toilets
- Councillors changing their attitude to the funding of public toilets especially accessible toilets
- Lack of accessible toilets in hotels, Conference centres & restaurants– especially in Bathurst
- Shopping Centre accessible toilets – good & bad
- Signage – should be All-Gender & not unisex, also event directional signage
- 24 hour access – utilising MLAK keys to their advantage
- State Government funding including cost shifting onto Local Government
- Mandatory public toilet provision and maintenance proposals
- Cultural Issues with public toilets

Council public toilets – both good and bad – Oh! And the excellent.

Please Note: Photos depicting deficiencies in a public toilet, whilst of a toilet in Bathurst that is about to be demolished and a completely new design rebuilt in its place, the photos are provided to show an example of deficiencies encountered in many public toilets across the state.

The Excellent:

- The public toilets located at the Bathurst Visitor Information Centre and also Morse Park in Bathurst are the cleanest and most well-designed council exterior public toilets I have ever encountered.
- Regularly maintained, with adequate toilet paper and ease of access however with manually operated doors.
- Both are MLAK controlled for ease of access afterhours.
- In the Council chambers building an accessible and ambulant toilet (finally constructed in 2029) are always clean and reasonably accessible. Shame an electronic door was not provided but obviously financial constraints were in play.
- Council has a Bathurst CBD accessible toilet map on its website as well as in the publication: **An Accessible Guide to Bathurst and the region** created with the assistance of BRAC.
- Council is currently building new accessible toilets and an Adult Change facility in a riverside park.

The Good:

- All of Bathurst councils exterior publicly accessible toilets are MLAK controlled which in our opinion reduces anti-social behaviour, vandalism and are available when those with a disability need them after hours.
- All but one are adequately sign posted with the MLAK signage which is imperative.
- Some are well lit.

The Bad:

It took council seven years to install an accessible and an ambulant toilet into the council chambers building, simply because proper budgeting was not created for this important legally required structure. Once again, I repeat, councillors have to provide the engineering department with the finances to do such work. This, in our opinion was not the fault of the Council staff who everyone so readily tries to blame.

westernadvocate.com.au Thursday February 07, 2019 WESTERN ADVOCATE 3

NEWS

It'll be much-needed relief

ACCESSIBILITY
BY RACHEL CHAMBERLAIN

AN ACCESSIBLE toilet will soon be available to people who attend the civic centre.

Bathurst Regional Council commenced construction on the project just before Christmas and work is now around 70 per cent complete.

Mayor Graeme Hanger said it was part of council's

aim to make the city more inclusive.

"Council is working towards creating an accessible and inclusive city for everyone, one which provides equal opportunity for people with disability to utilise and enjoy the public spaces and life of our region," he said.

"The new amenities at the civic centre will ensure access for everyone that visits."

While council has started the project, the idea to add an accessible toilet at the civic centre originally came from the Bathurst Regional Access Committee (BRAC).

Cr Hanger said the committee's involvement was "quite significant early on".

BRAC interim chairman Bob Trimming said that an accessible toilet had been on the committee's wish list

since 2012.

A Central West Regional Access Committee meeting was being held at the council chambers, but visiting delegates did not have accessible bathroom to use.

The issue was raised with council at the time, but it was when the director of Cultural and Community Services, Alan Cattermole, started in his role in 2014 that the committee finally received "100 per cent support".

Mr Trimming said councillor Ian North was also a strong advocate, and without the two of them the toilet may never have been implemented.

He said people may question why the toilet is being installed on the first floor of the civic centre and not upstairs, but explained that

the decision was made due to space.

"The best thing is the lift is a reasonably fast lift and the lift is very close to the toilets," Mr Trimming said.

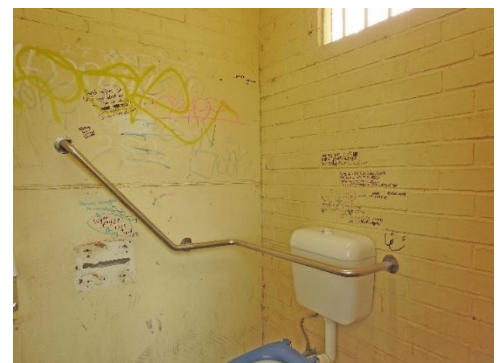
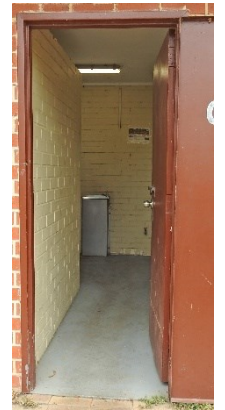
When he informed other BRAC members that the toilet would finally be installed, the response he got was overwhelmingly positive.

They all look forward to the project being completed.

Design deficiencies of accessible toilets, lack of ambulant toilets

- Safety must be given more consideration. Too many public toilets in some council areas have inadequate lighting and their design leaves much to be desired. More attention to the access from the road way or a sealed carpark via an all weather pathway is essential.

- All cubicles but more so accessible and ambulant toilets should have individual doors that open outward into an open area and not a narrow corridor.
- Doors should open outward in the case of a fall or a person becomes incapacitated in some way to benefit the first responders in attendance.
- Many accessible toilets do not meet the AS1248.1 standards. Doors are heavy and should not require more than 20 newtons of force to push open.
- Accessible toilets with zero signage – *photo is an example only but is actually an accessible toilet*
- Grab rails are often incorrectly positioned.
- Flushing is often difficult and sometimes one cannot reach the button – dependent on type of disability.
- Doors are too narrow and do not accommodate the class B type of mobility aid commonly used to determine building standards. Some door openings do not even meet the old door width standard. 850mm which is the required standard should be used as a bare minimum as 920mm is preferred for the benefit of the larger mobility aids such as the frequently used walker. *(door in photo is less than 710mm wide)*
- Accessible toilet doors should have a kick plate at the bottom on both sides to protect the doors from wheelchair foot rests.
- Well lit areas inside and outside are essential in providing a sense of security. Scant attention is sometimes paid to this requirement even though it is an excellent crime prevention design. It also helps reduce the need to close and lock toilets of a night to prevent anti-social behaviour and vandalism.
- Vandal proof cubicle door locks need to be installed and adherence to regular maintenance as everyone needs to feel secure. More so those with a disability.
- Graffiti removal whilst a large maintenance costs, if not completed regularly leads to a feeling of unease and possible refusal to use the facility as it makes the place look unclean and unsafe. Graffiti resistant paint can be utilised.
- Ambulant toilets are too few although it is accepted that this is a relatively recent requirement which should be partly funded by State Government grants.
- Using manual operated wheelchairs rolling through filth on the floor is more than annoying, it is disgusting



Councillors need to change their attitude to the funding of public toilets especially accessible toilets

- Once again, it appears some of the new councillors do not appreciate the value that well designed and well maintained public toilets can boost local businesses bottom line by attracting and keeping more visitors to commercial areas.
- This also applies to public toilets on the entry ways into Bathurst. More so if ambulant and accessible toilets are part of the toilet complex.
- Some Councillors appear to me to be immune from registering that the Disability tourism trade is worth well over Eight Billion dollars annually even though BRAC repeatedly informs them of this.
- This was again highlighted at a recent council meeting with a question querying the cost to re-develop a shocking toilet block on the entry to the western side of the city which has an inaccessible accessible toilet and no ambulant toilet, heaps of maintenance and graffiti issues and narrow doorways – although please note (building wise) that it probably met the standards the day it was built – if there were any that long ago.

- Hopefully attitudes will change with the recent belated election of a ninth Councillor who is also the C.E.O., of the largest disability support service in Bathurst.
- **Council staff cannot provide essential, legally required equitable toilet facilities if the Councillors do not approve sensibly financed budgets to enable the works to be completed.**
- Whilst, after fourteen years of advocacy trying to get an accessible toilet that one can actually get into at the Bathurst Library / Art Gallery it is now nearing the completion of the planning stages. Although before the recent council elections a media outlet was complaining about the cost of the remediation as were some council candidates totally ignorant of legal requirements council was adhering to. Excellent support was received in the 14 year battle from the Western Advocate as can be seen by the front page articles – of which only a few are pictured. The former Mayor was in complete support of the rebuild but is no longer on Council.
- Once again, it was not the fault of council that Councillors would not approve the building finances. (The writers opinion)

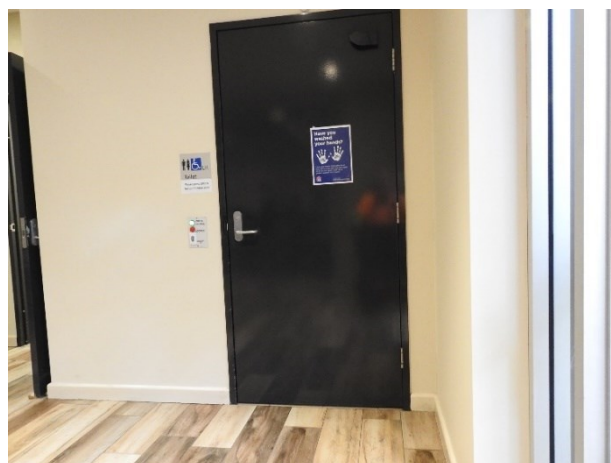


PEOPLE WITH DISABILITY SHOULD NEVER HAVE TO GO TO THESE EXTREMES

Lack of accessible toilets in hotels, Conference centres & restaurants– especially in Bathurst

Conference Centres or facilities – RSL Conference facilities & Restaurant

- First, I need to congratulate the **Bathurst RSL Club Limited** for not only two accessible toilets well placed right next to the three conference rooms and restaurant dining areas with one of these two also positioned near an entrance, and the other in near proximity to a drinks bar.
- One of these toilets has an electronically operated door which makes access super easy especially for those without a carer in attendance & both have emergency buttons placed in an excellent position.
- Both accessible toilets are always well maintained, clean and well stocked with a smooth transference from one type of flooring to another inside.
- Good placement of handrails.



(Note: The entry door is perfectly painted and clean – Just a bad photographer. Photo was taken & name reference is with RSL Management approval)

Conference Centres or facilities – other venues

- A major two-story entertainment / conference centre has only one accessible toilet on the ground floor. If attending functions or conferences in any of the facilities on the top floor, one must catch the worlds slowest elevator. It appears that it is essential those without a disability require toilet facilities on the top floor but apparently those with a disability do not!
- Another large privately owned conference come entertainment centre has no accessible toilets.
- A large club has several conference rooms on the top level with toilet facilities for those without a disability but there are no accessible toilets. This results in persons with a disability having to wait and catch the elevator, then proceed past the pokies to the accessible toilet on the ground floor or negotiate a narrow corridor in the back of the restaurant also on the ground floor.
- A small community club has no accessible toilet even though they could apply for a grant up to \$5000 on a dollar-for-dollar basis from the council access improvements grants.

HOTELS

- There are seven hotels in the Bathurst region that do not have an accessible toilet.
- All seven consider it essential that they have toilet facilities for those without a disability but consider those with a disability do not require the use of a toilet.
- Currently the Australian Hotels Association (AHA) rewards some of these hotels who do not have accessible toilets to service over 20% of their prospective customer base with, (get this) EXCELLENT SERVICE awards. Some of these hotels have no accessible entrances in the first place.
- All seven of these hotels operate illegally on a daily basis as the Anti-Discrimination Act 1977 (NSW) (ADA) was enacted to eliminate discrimination. In NSW, this legal framework aims to ensure all individuals can fully participate in society, regardless of diverse backgrounds or circumstances. Provision of Goods and Services is a crucial piece of legislation intended to protected individuals from discrimination, the ADA prohibits discrimination in several areas of public life, including in the provision of goods and services and access to the built environment. Under the ADA, the definition of services includes:
 - services provided by a council or public authority,
 - services include services consisting of access to, and the use of any facilities in, any place or vehicle that the public or a section of the public is entitled or allowed to enter or use.
 - This broad definition implies that it covers accessible and equitable provision of public toilets for people with medical conditions protected under the ADA.
 - The ADA makes it unlawful for a person who provides goods and services to discriminate against another person on grounds which relevantly include sex, age, transgender status and disability by refusing to provide the person with those goods and services or in the terms on which they provide the person with those goods and services.
 - The AHA and individual hotels refuse to acknowledge that access to toilets is a human right and supports inclusion and dignity.
 - The Disability Discrimination Act 1992 as amended 5th August (DDA) states that in NSW, a complainant can choose to pursue a disability discrimination complaint under the DDA with the Australian Human Rights Commission (AHRC). The DDA and ADA are similar in that both pieces of legislation contain disability discrimination protections under the provision of goods and services and the DDA provides further protections for access and use of public premises, and to available facilities.
 - Disability discrimination for access and use of public premises is prohibited under section 23 of the DDA: Under section 4 of the DDA, premises include 'a place (whether enclosed or built on or not)'. The AHRC states that a person with a disability has a right to access places used by the public.

- Available Facilities Section of the DDA makes it unlawful for a person who makes facilities available to the public cannot discriminate against another person on the ground that person's disability: (a) by refusing to make those facilities available to the other person.
- In order to make hotels compliant the DDA and or the ADA, hotels should be forced to close any inaccessible toilets so as there no inequitable offering of an essential service if an accessible toilet is not also provided.
- The A.H.A. should be tasked to inform ALL their members of the requirement to provide equitable services.
- All the above relates to many other hotels in other parts of NSW.
- Currently Hotels are complaining, together with the AHA about a lack of customers blaming this on alcohol tax increases. They do not take into account that they are refusing to offer equitable services to over 20% of the population- probably even more when one considers associated family members and friends. A copy of this report is being made available to the local Federal Government candidate for Bathurst – Mr. Sam Farraway.

Restaurants

- ✚ There are 12 restaurants in the Bathurst region registered in the Bathurst Guide to Accessible Bathurst region as not having an accessible toilet. This precludes many with a disability from utilising their services.
- ✚ Some restaurants require a person to traverse through a kitchen or food preparation area to access a toilet – this is against the safe handling of food items legislation.

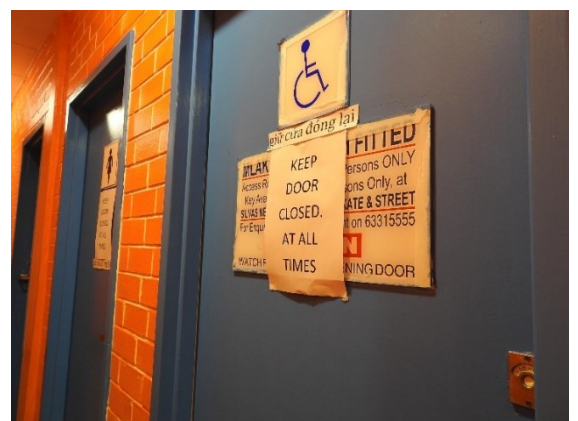
Shopping Centre accessible toilets – good & bad

- Two of the major shopping complexes in Bathurst have appropriate and usually clean accessible toilets. One of these toilets has an electronic door making access and egress so much easier.
- One of these complexes, being so large could certainly benefit from an extra accessible toilet.
- No Shopping complexes have an ambulant toilet to our knowledge.
- The larger of the shopping complexes would benefit from extra female or non-gender toilets as there is often line ups to use the existing female designated toilets.

- One shopping complex has an accessible toilet on the bottom floor which is okay. This shopping centre also has one accessible toilet on the main shopping floor but is never useable as can be seen by the sign on the accessible toilet door in the photo. It has been temporarily out of order for about five years if not more. The management were notified of the problem some time ago to little effect. *(Photo was taken 24/11/2024)*



- A small shopping mall attached to the Coles shopping centre has apparently blocked all usage of its accessible toilet with similar signage. That signage blocks out the original MLAK key information. This appears to be an increasing practice and centre managers are not interested in either the lost disability customers or their tenants as it is the tenants that eventually suffer from lost trade. Remembering the Eight BILLION dollar Disability Tourism economy.



- Two small but very busy suburban shopping complexes have no public toilets at all.
- Four commercial large retail complexes in Bathurst have no public toilets much less accessible toilets.
- A very large multi tenanted complex featuring large brand names in Orange has no public toilets at all. They do have outside toilets for staff only.
- It is well known that properly maintained public toilets can boost local businesses by attracting more visitors to commercial areas. People are more likely to shop, dine, and participate in local activities if they know there are clean and accessible toilets available.

Signage – should be All-Gender- not unisex, also event directional signage

Signage – should be All-Gender

1. Whilst current signage requirements include depictions as to whether or not the toilet is unisex – Right or Left transference and is an accessible toilet, there is an emerging demand to enhance social inclusion for Gender-neutral and non-binary individuals. Consideration needs to be given to these increasing set of vulnerable groups to avoid future legal challenges.
2. Facilities for Opposite-Sex Children to the Parent or Guardian should be adequately signposted and accessible for all users to allay fears of people accompanying children of the opposite sex. The current lack of suitable unisex (or preferably non-gender) signed facilities poses significant challenges for parents, particularly fathers or male guardians, who may face legal issues when attempting to take their daughters to the bathroom.
3. The use of existing accessible toilets for this purpose should neither be encouraged or permitted as those with a disability usually have to quickly use a toilet facility. By the time we cope with those people without a disability utilising an accessible toilet because it is quicker, we certainly do not want to run the gauntlet of waiting for every parent or guardian to look after their charges and then quite often take extra time to 'GO' themselves.
4. More attention needs to be paid to place signage at the correct level as is detailed by the relevant standards.
5. Hardly ever see a braille sign on an accessible toilet.

Event directional signage for Accessible Toilets.

- Bathurst Council makes reasonable use of directional signage for accessible toilets at all special events held in the city.
- Apart from standard signs they also have vertical banners for Accessible toilets which can be seen from a distance. Same goes for accessible ramps leading to those facilities.
- Care is required that directional signage to toilets is suitable to read in low light especially if the event is held during the evening.
- Council also often makes use of the Mobile Adult Change Room owned and operated by Vivability in Bathurst and places it reasonable proximity to the event.
- It should be noted and highlighted to councils and business owners that whilst Unisex and all-gender toilets may seem like a suitable financial solution, some women from differing religious groups are not able to use these types of facilities.

24 hour access – utilising MLAK keys to their advantage

- ✚ What is an MLAK key? Master Locksmiths Access Key (MLAK) scheme, The MLAK scheme provides a standardised key that grants access to locked public toilets and other facilities equipped with MLAK locks Australia wide.
- ✚ There are differing ideas as to who is eligible to obtain an MLAK key and who can provide authorisation. Some organisations say only a Doctor can approve an application. This is totally wrong.
- ✚ Here is a drag and drop from the MLAK official site: **Eligibility is restricted to people who have a disability or have written authority from a doctor, a disability organisation, or a community health centre, or who is the owner or management of a building with an accessible toilet on site.**
- ✚ For people with disability, the scheme provides reliable access to essential facilities and allows individuals to access clean and safe facilities that may be locked after hours reducing the misuse of accessible toilets.
- ✚ It could be useful if Council was able to subsidise the purchase of these keys as generally people with a disability are on a low income. It may also save council some maintenance dollars.
- ✚ The scheme needs to be better promoted by councils and ensure all MLAK controlled facilities have adequate MLAK signage. This should also be available in braille, but I do not remember ever having seen a braille MLAK sign

State Government funding including cost shifting onto Local Government

1. Due to ever increasing alterations to the accessible building standards for public toilets and taking into consideration the massive financial burden incurred by Local Councils due to cost shifting from the State Government, subsidies or grants should be made available to councils for the remediation of exterior public toilets in order that the facilities are kept to a high standard of compliance.
2. Rate pegging enforced by the State Government has massively reduced the financial ability of most councils to constantly maintain suitable clean and accessible toilets to the current building standards. State Government should be advocated to, by Councils, for assistance.
3. Grants should be made available for the erection of accessible toilets and Adult Change rooms in the villages of the region. This will assist tourism greatly.

Mandatory public toilet provision and maintenance proposal

- The State Government should provide and enforce clear policies and require Councils to have strategic planning in place to ensure the adequacy of a suitable number of public toilets in any region and ensure every public toilet facility has an accessible, an ambulant and all-gender toilet facilities. Each block should also have female only toilets for those who have differing cultural requirements.
- All male toilets should have sanitary disposal bins as many males utilise incontinence aids.
- Councillors should be constantly reminded that our Bathurst population is aging at a fast rate and there is visual evidence of a rapidly growing number of our population utilising mobility aids. A proactive approach to this aging issue needs to be done now.
- The absence of regular rest areas with accessible toilet facilities along highways impacts most people and especially those with a disability.

- With a sparse number of public toilets much less accessible public toilets alongside major highways in NSW, Service stations should be required to provide public toilets to all customers and should be required to at least have an accessible toilet and maintain those toilets.
- How many accidents on highways are caused by drivers rushing to find a suitable toilet, thus speeding or taking other unsafe practices because they need to GO urgently.
- Many people who have issues often need to use a toilet quickly with many needing to go frequently.

Finally, people with a lived experience of disability know best what they require, and so, should be consulted. In NSW access committees are close at hand and normally have several people with a lived experience of disability on hand. Everything in this submission goes to improving a regions access to the Eight Billion Dollar Disability Tourism sector. Tourism is what keeps many a region alive.

Thank goodness some Bathurst Council staff continually seek the advice of BRAC.

Thank you for extending the opportunity to make a submission in what, to the Bathurst disability community, is a matter of considerable importance. Access to accessible toilets is something that should not have to be fought for on an ongoing basis, it should be automatic and take precedence over the millions spent on non-essential feel-good facilities.

If you require any further information, please feel free to contact us via the Chairperson.

Yours faithfully!

Bob Triming
Chairperson / Secretary

Acknowledgements: Bathurst RSL Club Limited, K.M & D.M., Kaye Triming (carer), Western Advocate.