



All-gender sanitary facilities

Public consultation



Australian Building Codes Board

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Background

NCC 2022, clause F4P1 Personal hygiene facilities states:

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

Although the current clauses could be read as stipulating the need for bathrooms to suit gender-diverse people or the needs of gender-diverse occupants, the Deemed to Satisfy provisions do not include a suitable mechanism to provide all-gender facilities.

Under the current Deemed to Satisfy provisions toilets are designated female, male or unisex accessible. As such, all-gender facilities could only be provided in addition to the existing minimums; or a performance solution would need be developed to enable alternate allocation of facilities. Both options incur additional project costs.

Change in terminology from 'sex' to 'gender' and 'unisex' to 'accessible.'

The current NCC provisions also use outdated and inconsistent gender terminology. The proposed amendment to use 'gender' instead of 'sex' will also modernise and standardise the language used in the NCC.

The Australian Government Guidelines on the recognition of sex and gender define:

- Gender as '...part of a person's social and personal identity. It refers to each person's deeply felt internal and individual identity and the way a person presents and is recognised within the community. A person's gender refers to outward social markers, including their name, outward appearance, mannerisms and dress. A person's sex and gender may not necessarily be the same. An individual's gender may or may not correspond with their sex assigned at birth, and some people may identify as neither exclusively male nor female'
- Sex as, 'the chromosomal, gonadal and anatomical characteristics associated with biological sex. Individuals may have a range of circumstances or undergo a variety of treatments that make it difficult to define a true biological sex.'¹.

Updating the NCC to use the consistent language of 'gender' and 'accessible' is more inclusive (recognising the diverse needs of individuals beyond the binary concept of gender), supports legal

¹ <https://www.ag.gov.au/sites/default/files/2020-03/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.pdf>

compliance with certain regulations such as personal identification and allows for future-proofing of language and practices.

Proposed amendment to NCC

F4D3 Calculation of number of occupants and facilities

(1) The number of persons accommodated must be calculated according to D2D18 if it cannot be more accurately determined by other means.

(2) Unless the premises are used predominantly by one ~~sex~~gender, sanitary facilities must be provided on the basis of ~~equal numbers of males and females~~. proportionate distribution of occupants.

(3) In calculating the number of sanitary facilities to be provided under F4D2 and F4D4, ~~a unisex~~ an accessible facility required for people with a disability (other than a facility provided under F4D12) may be counted once for each ~~sex~~gender.

(4) For the purposes of this Part an accessible facility comprises one closet pan, one washbasin and means for the disposal of sanitary products.

F4D4 Facilities in class 3 to 9 buildings

(1) Except where permitted by (3), (4), (7), (12), F4D5(a) and F4D5(b) separate sanitary facilities for all genders must be provided for.... (etc)

(2) In Tables

F4D4a, F4D4b, F4D4c, F4D4d, F4D4e, F4D4f, F4D4g, F4D4h, F4D4i, F4D4j, F4D4k and F4D4l—

- a. 'Number' means the number of facilities required; and
- b. '>' means greater than; and
- c. a hyphen means no data (refer to the row above for the highest value applicable); and
- d. 'N/A' means not applicable; and
- e. a reference to—
 - i. 'employees' includes owners and managers using the building; and
 - ii. 'add 1 per 100 or 150, 250, 500, etc.' includes any part thereof of that number.

(3) If not more than 10 people are employed, an accessible facility may be provided instead of separate facilities for each ~~sex~~gender.

(4) If the majority of employees are of one ~~sex~~gender, not more than 2 employees of the other ~~sex~~gender may share toilet facilities if the facilities are separated by means of walls, partitions and doors to afford privacy.

(5) Employees and the public may share the same facilities in a Class 6 and 9b building (other than a school or early childhood centre) provided the number of facilities provided is not less than the total number of facilities required for employees plus those required for the public.

(6) ~~Adequate means of disposal of sanitary products must be provided in female, accessible or all-gender sanitary compartments.~~ The following must be provided in all sanitary facilities:

(a) A dispenser for sanitary products.

(b) Adequate means of disposal of sanitary products.

(7) Separate sanitary facilities for males and females need not be provided for patients in a ward area of a Class 9a building.

(8) A Class 9a health-care building must be provided with—

- a. one kitchen or other adequate facility for the preparation and cooking or reheating of food including a kitchen sink and washbasin; and
- b. laundry facilities for the cleansing and drying of linen and clothing or adequate facilities for holding and dispatch or treatment of soiled linen and clothing, sanitary products and the like and the receipt and storage of clean linen; and
- c. one shower for each 8 patients or part thereof; and
- d. one island-type plunge bath in each storey containing a ward area.

(9) A Class 9b early childhood centre must be provided with—

- a. a kitchen or food preparation area with a kitchen sink, separate hand washing facilities, space for a refrigerator and space for cooking facilities, with—
 - i. the facilities protected by a door or gate with child proof latches to prevent unsupervised access to the facilities by children younger than 5 years old; and
 - ii. the ability to facilitate supervision of children from the facilities if the early childhood centre accommodates children younger than 2 years old; and
- b. one bath, shower or shower-bath; and
- c. if the centre accommodates children younger than 3 years old—
 - i. a laundry facility comprising a washtub and space in the same room for a washing machine; and
 - ii. a bench type baby bath, which is within 1 m of the nappy change bench; and
 - iii. a nappy changing bench which—
 1. is within 1 m of separate adult hand washing facilities and bench type baby bath; and
 2. must be not less than 0.9 m² in area and at a height of not less than 850 mm, but not more than 900 mm above the finished floor level; and
 3. must have a space not less than 800 mm high, 500 mm wide and 800 mm deep for the storage of steps; and
 4. is positioned to permit a staff member changing a nappy to have visibility of the play area at all times.

(10) Class 9b theatres and sporting venues must be provided with one shower for each 10 participants or part thereof.

(11) Not less than one washbasin must be provided where closet pans or urinals are provided.

(12) All-gender sanitary facilities may be provided to meet the requirements of F4D4(1), where:

- (a) the building is only required to be provided with two individual closet pans, two separate all-gender sanitary facilities may be provided.
- (b) the building is required to be provided with three closet pans or urinals, these may be replaced with one male closet pan, one female closet pan and one all-gender sanitary facility.
- (c) the building is required to provide four or more closet pans or urinals, up to 50% of all required fixtures may be converted to all-gender. The conversion to all-gender sanitary facilities must be taken equally from the provision of male or female sanitary facilities.

(13) For the purposes of this Part, an all-gender facility comprises one closet pan, one washbasin and means for the disposal of sanitary products, which is accessed from a circulation space that is not limited by gender.

Rationale for the proposed changes to Section F

Improving inclusivity: gendered bathrooms are exclusionary and discomforting 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.

Additional benefits: improved access to bathrooms for people with medical conditions who may require access to a WC and handbasin within a private cubicle and parents with young children of a different gender. It also provides an option for additional bathrooms when there is a high volume of bathroom use.

Red tape reduction: introduction of a new Deemed to Satisfy pathway will remove the time and cost associated with developing and assessing a performance solution.

Voluntary and cost effective: a voluntary solution with no change in stringency (i.e. no overall increase in the quantum of facilities required), reflecting modern architectural practice, will remain close to the current project cost profile for the provision of sanitary facilities.

Privacy and safety: all-gender facilities provide a private and safe space for individuals who may feel uncomfortable or unsafe in gender segregated facilities.

Maintaining accessibility: providing dedicated all-gender facilities will reduce reliance on unisex accessible facilities, thereby maintaining the intended level of access for people with disability to use suitable sanitary facilities.

Gender diversity awareness and acceptance: all-gender bathrooms help broaden community awareness, understanding and acceptance of diverse gender identities.

Rationale for the proposed change in terminology from 'sex' to 'gender'

Improving inclusivity: the term 'gender' is more encompassing and recognises a spectrum of identities beyond binary male and female.

Gender diversity acceptance: use of 'gender' acknowledges and respects diverse gender identities.

Contemporary language: the term 'gender' is increasingly used, recognising individuals according to their self-defined identity.