

**Submission  
No 14**

## **INQUIRY INTO PUBLIC TOILETS**

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# Submission to the Parliament of NSW Inquiry into public toilets

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## Background:

### ***About me:***

I was awarded the Rodney Warmington Churchill Fellowship to increase accessibility and inclusion in public toilets by researching taboos, design, policy and legal barriers. In 2019 I published a [report](#) detailing the findings from travel to the United States, Canada, United Kingdom, Germany and Netherlands speaking to activists, planners, policy makers, designers and toilet operators.

In 2020 I participated in the Policy Impact Program through the University of Queensland The Winston Church Trust and published an article titled, "[We need to talk about public toilets: Policy agendas for inclusive suburbs and cities.](#)"

Since 2022 I have been a volunteer spokesperson for the [Great Dunny Hunt](#) run by the Contenance Foundation of Australia.

In April 2024 I completed a Master of Philosophy thesis from Queensland University of Technology on the topic of "[Australian Local Government Public Toilet discourses: Points of Conflict Between Rights, Risks and Responsibilities](#)".

### ***Public toilets:***

Public toilets are essential infrastructure which forms part of the global framework of human rights to water and sanitation. Accessible and inclusive public toilets provide individual health benefits and support people to participate in public spaces and community activities.

Public toilets provide a functional space for urination and defecation, as well as to a wide range of personal activities, including managing menstruation, administering medication, resting, access to drinking water, cleaning bodies and clothing, socialising, checking physical appearance, and prayer (Greed, 2004; Webber, 2021). Public toilet infrastructure often includes an enclosed and lockable cubicle or stall that provides a private space with a pedestal seated toilet, squat toilet plate, or urinal with handwashing facilities. Additional features include bins for the disposal of menstrual or continence products, potable water, mirrors, shelving or hook, and hand drying equipment.

In addition to supporting individual activities, there is research that demonstrates that the provision of public toilets also contribute to:

- city-wide economic development ambitions (Anthony & Dufresne, 2007)
  - including through facilitating the night-time economy (Cozens et al., 2019) and tourism (Ellisa & Luana, 2021)
- physical activity (Bliss & Park, 2020; Welsh Government, 2018)
- commuting and working (Anthony & Dufresne, 2007) and
- public health (Welsh Government, 2018).

These benefits are best achieved when there is an accessible network of available public toilets.

There are different responsibilities and regulatory frameworks for toilets provided in public places and toilets provided for the public in private premises. They can be separated by calling them on-street and off-street public toilets.

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

The [National Public Toilet](#) map shows the location of more than 23,000 public and private public toilets across Australia. Yet, there is inconsistent access across Australia and New South Wales.

People with disability, people who are trans and gender diverse, people who are unhoused, people who menstruate and transport workers can all face significant barriers in finding and using public toilets (Grant-Smith, Hewitt & Maelorin, 2023).

To respond to the reality of lack of access to public toilets people are forced to undertake a range of self-limiting behaviours such as planning their day around toilets, avoiding locations, limiting their movement or time away from the home, or restricting their food and drink (Kitchin & Law, 2001; Wiseman, 2019).

To meet different toileting needs a variety of designs of public toilets are required. This includes ambulatory, accessible, changing places, male, female and all gendered.

[Changing Places](#) are a type of public toilet designed to meet the toileting needs of people with high support needs.

*Recommendation:*

- Support community consultation in the provision and design of public toilets to ensure public toilets are accessible and inclusive for all community members, with a focus on those with higher toileting needs. One design will not meet all needs.
- Support a network approach to public toilet infrastructure ensuring that as people move around their neighbourhoods, and travel across the state they can access suitable public toilet facilities.

## b) state, national and international best practice for the provision and maintenance of public toilets

### **New South Wales local government best practice**

Some local governments in New South Wales have created public toilet strategies to guide the planning and provision of public toilets, delivering on the rights to water and sanitation in public spaces. However, these local governments are in a minority as there is no legislative requirement in Australia or NSW mandating the delivery or planning of public toilets in public spaces.

Inner West Council created a Public Toilet Strategy in 2020, and it has subsequently been updated and endorsed. Four key elements of the Inner West public toilet Strategy make it a model that other local governments could follow.

- Responsive to community need: Inner West Council conducted a community survey to identify local community needs and obtain feedback on the strategy.
- Address actual and perceived risks: Public toilets are often viewed as dangerous locations with their provision creating risks for people and property (Jaglarz, 2019). The Strategy incorporated design standards and Crime Prevention Through Environmental Design (CPTED) principles to control unwanted behaviours in public places including public toilets.
  - One response by Inner West Council was to limit the operating hours of public toilets to daylight hours, which will have negative impacts for the night-time economy, and people who use public spaces after dark such as those exercising, drivers, and unhoused people.
- Holistic and systematic approach to planning and assessment: Inner West Council mapped a 400m radius around existing public toilets and their relationship to key activity areas such as parks to identify the coverage of public toilet access. Such an approach treats public toilets as an integral part of a network of infrastructure that supports residents and visitors to move across the local government area, rather than as isolated and potentially problematic infrastructure. Additionally, Inner West undertook a systematic audit of existing public toilets as part of the development of their public toilet strategy.
- Detailed clear responsibilities: The creation of a strategy guides allocation of resources. Through developing a public toilet strategy Inner West Council articulated their responsibilities to providing and maintaining public toilets across the local government area.

### **Welsh Government best practice**

Section 8 of the Public Health (Wales) Act (2017) and related statutory guidance was developed to respond to the reduced access created by the closure of public toilets by local governments in Wales. It seeks to ensure local government “assesses the needs of its community in relation to toilets, and then takes a strategic and transparent approach to best meet that need” (Welsh Government, 2018, p. 7). This approach centres on identifying community needs and meeting these through a network of public toilets delivered and maintained through a range of provision and partnership options. By considering the toileting needs of diverse populations and providing changing facilities for babies, accessibility for people with disabilities and 24-hour access, the Welsh policy framework addresses the human right to sanitation for all. The Act and statutory guidance clearly articulate that municipalities are the accountable for public toilets, but also acknowledge that they may not be solely responsible for the delivery of public toilets, highlighting private partnership options.

Other examples from Singapore; Berlin, Germany; and Portland, United States are outlined in my Churchill report and Policy Futures paper.

### 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

The National Construction Codes provides guidance of the number of toilets to be provided in buildings, but no guidelines exist for the public realm such as parks or high streets.

There is currently no legislation in Australia mandating the planning or delivery of on-street public toilets. Local government involvement in local planning for public spaces implicitly places public toilets within their realm of responsibility, however there is a lack of state and federal policy direction, guidelines, or funding to support local governments fulfill this responsibility.

Anecdotal evidence indicates that public toilets are often removed from public space designs if there are budget constraints or challenges in their provisions due to lack of infrastructure. This can be due the lack of guidelines indicating when and how many public toilets are required.

#### *Recommendation:*

To ensure that public toilets are adequately considered and provided in public spaces to support inclusion and participation the following are recommended:

1. The adoption of national public toilet principles (see attached) to prioritise the planning, design and maintenance of public toilets in public spaces across cities and suburbs in Australia. This will engage planners, architects and designers as well as chambers of commerce and businesses through articulating the value and benefits of access to public toilets.
2. Define the responsibility for the planning and provision of public toilets which brings together an understanding of the stakeholders involved in the provision and maintenance of public toilets. Embed public toilets in public health legislation, including articulating clear roles and responsibilities to assess local needs across local government areas, open space and transport networks, which includes:
  - i. Acknowledgement that access to toilets is a human right and supports inclusion and dignity
  - ii. An audit of the existing provision of toilets that can be accessed by the public, regardless of ownership or management
  - iii. Community engagement to determine local needs
  - iv. Collaborative responses to the provision and maintenance of public toilets.
3. Create a funding framework for public toilets across NSW.

#### d) any related matters

- The criminalisation of public urination and defecation can impact marginalised communities who are not provided with adequate public toilet facilities.
- The [Sunflower lanyard](#) has been created to support People with Hidden Disabilities meet their toileting needs.



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