

INQUIRY INTO PUBLIC TOILETS

Organisation: Spinal Cord Injuries Australia

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**NSW Parliament Legislative Council
Inquiry into public toilets**

Spinal Cord Injuries Australia
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Introduction

The Convention on the Rights of Persons with Disabilities (CRPD) emphasises *the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development*.¹ Accessible bathrooms enable people with disability to fully participate in the physical, social, educational, economic and cultural environment.

For many people with disability, particularly acquired disability, fully participating in the community can be severely hampered by inaccessible, locked, broken, dirty or an insufficient number of accessible toilets.

Thus, Spinal Cord Injuries Australia (SCIA) welcomes the opportunity to offer a submission to the NSW Parliament Legislative Council Inquiry into Public Toilets. We see this as an opportunity to facilitate greater opportunities for participation for people with disability.

SCIA will be specifically responding to:

- (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.

About SCIA

SCIA is a for-purpose organisation working for people living with spinal cord injury (SCI) and other neurological and physical disabilities. SCIA was founded by people with SCI over fifty years ago; people with disability make up over 35% of our staff, 25% have an immediate family member with disability and the majority of our Board live with SCI.

¹ *Convention on the Rights of Persons with Disabilities* [2007] Preamble (v), Articles 3(f) and 9; *Disability Discrimination Act 1992* (Cth) ss 3(a)(i), 22, 23, 25; Council of Australian Governments, *National Disability Strategy 2010-2020*, Commonwealth of Australia, 2011, pp. 31-33.

SCIA is national and member-focused, serving over 3,000 members made up of people living with disability, their family, carers, researchers, and other professionals in the sector. SCIA's Systemic and Representative Advocacy Team work closely with our members to understand their aspirations and concerns and to promote full inclusion for our members living with disability.

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.

Number of available public toilets

Members report an insufficient number of public toilets exacerbated by toilets frequently being *out of order*.

There were 5.5 million Australians with disability in 2022 and 4.1 million had a physical disability as their primary disability.² 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.

This is particularly frustrating in areas which have many people visiting daily. For example, one SCIA member recently visited the newly developed Crows Nest Metro Station only to find that the only accessible toilet was *out of order*. The new Sydney Metro system was designed to be accessible and two accessible toilets at each station would better cater for the growing number of people with disability.

Cleanliness of Public Toilets

Cleanliness is priority in public toilets generally and particularly for people with disability. SCIA members have a mixed response when asked about the cleanliness of public toilets. Some report toilets to be clean and others report cleanliness issues across all toilets from outdoor public spaces to shopping centres.

Never clean. I avoid using public toilets.

[Cleanliness] just should not be an issue in a big shopping centre.

Public toilets in regional and rural towns are often less frequently cleaned and members report using the Snap, Send & Solve App to highlight the issue with local councils.

Accessibility

- a. access due to storage

² Australian Bureau of Statistics, Disability, Ageing and Carers, Australia: Summary of Findings. Released 4/07/2024

Members frequently report finding items stored in accessible toilets in private premises accessed by the public, such as shopping centres. 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.

There should be a penalty. Councils should check [whether a disabled toilet is clear from storage]. Because it's really awful if you're the disabled person to complain. You know, that's quite a difficult thing when you have to be the one that complains for them to move their junk out of the toilet.

b. adherence to access standards

Many older toilets, particularly in regional and rural areas do not meet the AS1248.1 standards. Doors are heavy, grab rails are incorrectly positioned and the flush is not reachable.

SCIA members frequently raise the challenges they have encountered opening doors to disability toilets. This is often due to inaccessible fixtures or heavy doors.

When I was in a big chair, I always found it really hard to turn [the door handle] around.

Some disabled toilet doors are impossible. I've only got one functional hand and it's almost like there's like a bank, bank vault behind. I've got to get somebody to open it.

"I find a number of the accessible toilets are difficult to enter. The doors are so heavy and open outward, you need help to just get in"

[I] have to ask a stranger to open door and wait to let me out as door is too heavy.

Additionally, it is not simply the toilet cubicle that needs to be accessible but the areas surrounding the toilet must also be accessible.

"[Accessible Public Toilets] are also tucked in a corner along a corridor. It is awkward to drive my small mobility scooter in".

Newer toilets built after 2010 usually adhere to AS1428.1 standards however community consultation would improve usability. Standards are critical and have advanced the access for people with disability however they cannot capture fully the diverse needs of a group and, in many cases, consultation could improve access.

For example, sensor doors are a welcome addition to accessible public toilets however sometimes larger wheelchairs can unintentionally trigger the doors to re-open, creating embarrassing moments for wheelchair users. Members also raise concerns over whether the auto lockable doors are genuinely locked.

Similarly modern flush buttons can be difficult to use from a seated position or with limited hand function.

Those electric automatic sensor doors with the glitchy red/green locks can be kind of creepy because you can never be confident that they are actually locked.

c. access due to a locked premises/MLAK

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. Importantly the same principle should be applied to accessible as non-accessible bathrooms.

For example, members report that publicly accessible toilets are locked but non disability public toilets are not. If it is considered a security risk to open accessible toilets then surely this applies to non-accessible ones also? The situation is particularly frustrating in accessible toilets in private premise accessed by the public, such as shopping centres, where cleaners and security staff should be able to maintain cleanliness and security.

While the use of MLAK is controversial due to access reasons, many SCIA members believe there is a role for the keys to enable clean bathrooms and after hours use. There is also a use case in regional areas where accessible public toilets are locked with private keys requiring a person with a disability to locate the keys to use the toilet. In such cases, it would be simpler to use the MLAK system.

Knowledge of Staff

Lack of knowledge among employees is often listed as a frustration among wheelchair users who are looking for a bathroom in a private premise accessed by the public such as a shopping centre. This is exacerbated by toilets frequently being *out of order*. Members report having to travel between floors seeking an accessible toilet because the nearest one is *out of order* and staff not having the knowledge to assist.

Use by people without disability

Members frequently report that people without disability frequently use accessible toilets. This is one of the most cited reasons for a preference for MLAK system.

State, national and international best practice for the provision and maintenance of public toilets.

The *National Disability Strategy 2010 – 2020* sets the agenda by which Australia must implement its obligations under the CRPD with the first of the six key policy areas being *inclusive and accessible communities*. The NSW Disability Inclusion Plan through the focus area: Creating liveable communities commits NSW to this agenda – a key component of which is accessible public toilets.

One existing model that SCIA supports and recommends is the Changing Places bathrooms. Changing Places accessible toilets offer additional supports to people with disability, family members and carers by providing a height adjustable adult-sized changing bench, a tracking hoist system, space for two carers and a safe and clean environment.

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.

SCIA believes that a Changing Places accessible public toilet program strategy should be incorporated within current policy settings detailing the number of facilities to implement, where to locate them and a cost structure to fund their rollout and maintenance.

There are however, many examples of accessible bathrooms that have many of the features of a Changing Places bathroom and it is important that such information is publicly available.

Generally, there needs to be an increase in the number of available accessible toilets and adult change facilities. Accessible adult change facilities should be available at all hospitals, educational institutions, shopping centres, libraries, museums, entertainment venues and major tourist

attractions. These facilities need to be well advertised and integrated into communications technologies so that people with a disability know where to find them. Staff at all these premises also need to be well trained to ensure that they can direct people with disability and their support persons seeking accessible toilets and adult change facilities to the correct facilities.

Recommendations

1. Construction of additional public accessible toilets is required to reflect the significant number of people with physical disability.
2. Councils must pay particular attention to prompt remediation when accessible toilets are reported *out of order*.
3. Regular cleaning schedules maintained by local councils or private business are critical to maintain cleanliness and to give people with disability confidence to participate in the community.
4. Maintenance of storage free spaces in private premises accessed by the public, such as shopping centres is essential.
5. Heavy doors should be replaced in line with the AS1428.1 standards and people with disability consulted on the most appropriate sensor door and other features where possible.
6. Toilets in private premises accessed by the public, such as shopping centres should never be locked.
7. Where toilets are locked, in regional and metro areas an MLAK lock should be installed.
8. Signage requesting people without disability do not use the accessible toilet alongside the accessible logo may improve public awareness.
9. Roll out of accessible toilets with adult change facilities in key institutions such as airports, educational institutions, shopping centres and public libraries.

Conclusion

Whilst the issues impacting access to public toilets or private premises accessed by the public, such as shopping centres are varied, many of the barriers can be addressed with a commitment to enough public accessible toilets compliant with the AS1428.1 standards. For example, the number of damaged or *out of order* toilets would be less of a concern if there were a greater number of accessible toilets available overall. Nevertheless, councils should attend to cleanliness and maintenance as matters of priority and private buildings should be incentivised to do the same.

Finally, people with disability know best what works for them and, in addition to compliance, councils and private companies should consult with people with disability to understand their concerns and preferred solutions.