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All-gender sanitary facility - Australian Building Codes Board

Merri-bek City Council thanks the Australian Building Codes Board (ABCB) for the opportunity to provide feedback on the proposed changes to the National Construction Code (NCC). Merri-bek believes these changes will create more inclusive and safer toilets for transgender, non-binary and gender diverse people in our communities.

Merri-bek sits on the lands and waterways of the Wurundjeri Woi-wurrung people, in the northern suburbs of Melbourne. Our community is strengthened by our diversity in gender, sexual orientation, disability and cultural background.

Council's Human Rights Policy establishes the organisations obligations under the United Nations Declaration of Human Rights, the Australian Human Rights Framework and Victorian Charter of Human Rights and Responsibilities which sets out the basic rights, freedoms and responsibilities of all Victorians. A primary goal of the Human Rights Policy is to advance inclusion and social cohesion in the community. Which includes providing safe and accessible spaces for all.

Within the policy LGBTIQ+ communities, women, girls and gender diverse people and people with a disability are identified as priority groups. Which acknowledges that people from these groups may face greater risk of social and economic exclusion.

As a council we acknowledge that transgender, non-binary, gender diverse people and people with a disability face great barriers to accessing safe and accessible toilet facilities. Therefore, we are committed to reducing and removing the systemic barriers that contribute to this.

Merri-bek Council is also responsible for the construction of large community infrastructure such as swimming pools, leisure facilities, early childhood centres and sports pavilions. Meaning Council has a unique perspective on the NCC, including the current limitations surrounding all-gender facilities.

Merri-bek supports the proposed changes to the code which we believe will create clarity and assist in the design and construction of suitable all-gender toilets in buildings within our community. However, Council believes further consideration should be given to the implementation of the code in real world settings.

While Merri-bek supports the introduction of the code as voluntary at this stage, we recommend in future the mandatory implementation of all-gender facilities within the code for greater impact. Council would also recommend any changes to code are accompanied by an education program or resources

that explore the benefit of all-gender facilities within buildings and possible design considerations or features (i.e., materials, lay-out and signage).

The Merri-bek LGBTIQ+ reference group which is made of up of community members from the local community, has advocated to Council to improve all-gender facilities across the municipality. The reference group has also shared valuable knowledge with Council officers on this topic in meetings and consultation, Including on Council's own draft *Public Toilet Principles*. Key points from these discussions include:

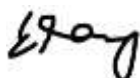
- Prioritising safety for transgender, gender diverse, non-binary people.
- Signage and wayfinding that reflects the facilities behind the door. Encouraging a move away from a gender-based signage. This includes avoiding the term 'all-gender'.
- A community centric approach that responds directly to community need in the design of toilets.

Merri-bek also supports the proposed terminology changes. Replacing 'sex' with 'gender' is correct terminology and accurately reflects current practises. Importantly it will also align the code with federal and state legislation such as the Victorian Equal Opportunity Act (2010) and the Federal Sex Discrimination Act (1984). Council also believes that the change to 'accessible' is a more suitable term and reflects the facilities contained in toilets.

While not in scope for the current changes, Merri-bek would encourage the ABCB to explore other areas of the code were gender segregated facilities exist. For example, change rooms at aquatic and leisure centres. Council would appreciate guidance in the code around the possible ratio, size and functions within a standalone 'all-gender' change room facility. This would improve Council's ability to provide safe and accessible facilities to members of our community.

Merri-bek supports the proposed changes to the NCC. The changes will improve the health and wellbeing outcomes for many community members. We thank the ABCB for the opportunity to provide feedback.

Regards,



Eamonn Fennessy
DIRECTOR COMMUNITY