



: gender,
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ALL GENDER BATHROOMS

The Australian Institute of Architects (Institute), the Association of Consulting Architects (ACA) and Parlour are member organisations representing the architectural profession in Australia. The Institute is the peak body for the architectural profession in Australia representing over 14,500 members in Australia and overseas. The ACA is the national peak body representing the interests of employers in industrial matters, addressing the “business of architecture” more broadly, with industrial relations as a vital core of ACA activity. Parlour is a research-based advocacy organisation working to improve gender equity in architecture and the built environment professions in Australia.

The Institute, the ACA and Parlour support the proposed NCC amendment to allow for all-gender amenities. The proposed voluntary Deemed-to-Satisfy pathway will allow for an affordable alternative, with a surety of certification for many proponents who currently have to invest significant resources to provide these amenities under the performance pathway.

The amendments are proposed to address the increasing levels of discrimination experienced not only by transgender, non-binary, intersex and gender-diverse people, but also by people living with continence disabilities, and carers of children and adults¹.

InterBuild’s 2020 national survey² findings noted that more inclusive amenity design benefits the following community members:

- Parents and caregivers
- Transgender and gender diverse people (TGD)
- Those with accessibility needs
- Those whose gender presentation may be perceived differently to their gender identity
- People not confident using communal bathrooms and others requiring additional space, time or privacy [for example, people who have a stoma, urinary drainage bag or certain types of continence aids]³

Addressing these concerns in an all-gender manner will increase equity and inclusiveness. Discrimination on the basis of gender identity or access requirements is illegal in Australia.⁴

¹ See: Manton, J. 2021 “All Gender Toilets – We just want to go to the toilet!”, Access Institute. Available online: <https://accessinstitute.com.au/all-gender-toilets-we-just-want-to-go-to-the-toilet/>, Grant-Smith D. Hewitt A and Maelorin L, QUT Centre for Justice Briefing Paper, November 2023, Issue No 41, “Managing Leaky Bodies” available: https://blogs.qut.edu.au/crime-and-justice-research-centre/files/2023/11/Issue41_SanitationJustice_DGS-et-al.pdf, and Diversity Council of Australia Inclusive Bathrooms: <https://www.dca.org.au/resources/di-planning/inclusive-bathrooms>

² InterBUILD 2020 Survey “Is your building Inc-Loo-Sive”, available online: https://static1.squarespace.com/static/60c7edcb37b54354d320486b/t/60d2b335192cd04ad00f5277/1624421175890/inter-build_fact_sheet+%281%29.pdf

³ For more information see organisations including Continence Foundation of Australia (<https://www.continence.org.au/>) or the Australian Council of Stoma Associations Inc (<https://australianstoma.com.au/>)

⁴ *Sex Discrimination Act 1984 (Cth)* and *Disability Discrimination Act 1992 (Cth)* and state equivalent legislation.

As noted by the Diversity Council of Australia, some individuals may only feel comfortable sharing bathroom facilities with people of the same gender due to their cultural or religious beliefs, such as members of Muslim, Orthodox Jewish, Hindu and some Aboriginal and Torres Strait communities⁵. The voluntary Deemed-to-Satisfy pathway adequately provides designers/building owners options to provide gender-specific and/or a mixture of gender-specific and all-gender amenities.

We view that the proposed NCC amendment is an important first step towards the NCC more inclusive and flexible for various building typologies.

Future considerations for the NCC should include guidance on all-gender cubicle location, size, and guidance of when inclusion of dedicated handwash basin for various building typologies is appropriate. For example, the inclusion of dedicated handwash basins is recommended for office, university and public buildings⁶, but communal wash areas are recommended for educational (primary and secondary) buildings⁷.

Architects are well-placed to undertake the necessary due diligence, work collaboratively with building owners/users to assess the appropriateness of the voluntary pathway and design around inclusive design principles.⁸

⁵ Diversity Council of Australia Inclusive Bathrooms: <https://www.dca.org.au/resources/di-planning/inclusive-bathrooms>

⁶ For example refer: InterBUILD 2020 Survey "Is your building Inc-Loo-Sive", available online: https://static1.squarespace.com/static/60c7edcb37b54354d320486b/t/60d2b335192cd04ad00f5277/1624421175890/inter-build_fact_sheet+%281%29.pdf; Grant-Smith D. Hewitt A and Maelorin L, QUT Centre for Justice Briefing Paper, November 2023, Issue No 41, "Managing Leaky Bodies" available: https://blogs.qut.edu.au/crime-and-justice-research-centre/files/2023/11/Issue41_SanitationJustice_DGS-et-al.pdf; and NSW Government, Transport for NSW. 2017, "Toilet Guideline for Transport for NSW Station New Builds and Major Upgrades", TfNSW Customer Strategy and Experience Design, CSD.

⁷ For example refer: Plotka, E., Forth A. (ed) and Corbett, C. (ed), May 2016, "Better Spaces for Learning", Royal Institute of British Architects, available: https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.education.sa.gov.au/docs/infrastructure/property-services/education-facilities-design-standards.pdf&ved=2ahUKFwj47mskv2GAxVYwigGHf3gBQkQFnoECAyOAO&usq=AOvVaw3IZTwfOhMbAEkHO47srUT_; Government of South Australia, Department of Education, March 2024, Education facilities design standards, available: <https://www.education.sa.gov.au/docs/infrastructure/property-services/education-facilities-design-standards.pdf>; and Department for Education and Skills (UK), April 2007, "Toilets in schools: Standard specifications, layouts and dimensions 3", available: www.teachernet.gov.uk/publications

⁸ InterBUILD 2020 Survey "Is your building Inc-Loo-Sive" identified 5 principles of inclusive bathrooms: 1. Welcoming and identifiable 2. Accessible and empowering to anyone 3. Comfortable and responsive to people's needs 4. Safe and private by design and location 5. Maintainable and able to be supported by staff. Available online: https://static1.squarespace.com/static/60c7edcb37b54354d320486b/t/60d2b335192cd04ad00f5277/1624421175890/inter-build_fact_sheet+%281%29.pdf