

Sponsor: Castlemaine Secondary College
Refuter: Boroondara City Council

A Bill for an Act relating to the Establishment of Gender-Neutral Public Bathrooms.

To be enacted by the YMCA Victoria Youth Parliament;

The Establishment of Gender-Neutral Public Bathrooms Bill 2021

A Bill for an Act for the removal of gender-denoting signifiers from public bathrooms to allow for a more inclusive experience. As well as reinforcing the gender binary, Victoria's current gendered separation of bathrooms excludes non-binary and gender non-conforming people. The separation of facilities means that trans people using public bathrooms struggle when essential facilities are not provided for them; for example, trans men that menstruate are not provided with a sanitary disposal unit in the men's bathroom. Our current system of separation ignores the needs of whole demographics of people and is ultimately harmful.

This Bill was created to accommodate better for those who do not identify within the gender binary or the gender they were assigned at birth, and people requiring facilities not often offered in the gendered bathroom they frequent. It will also help to keep accessible bathrooms unoccupied by ensuring that they are no longer the only gender-neutral option, and thus reducing the number of able-bodied users.

PART I—Preliminary

Clause 1 Purpose

The main purposes of this Act are—

- (a) to remove gendered signage from bathrooms and replace it with gender-neutral signs that depict facilities available;
- (b) to supply sanitary disposal units in all bathrooms. Sanitary disposal units will provide sufficient means to hygienically dispose of sanitary products, and shall be present in 50% of all cubicles;
- (c) to modify Victoria's adoption of the National Construction code of Australia so that Victorian building regulations shall mirror the changes outlined in clauses 4 to 7;
- (d) to coordinate an advertising campaign on public transport, billboards, and in public spaces through radio broadcasts, free-to-air television, print media and social media. This advertising campaign will bring awareness to how this bill shall affect the use of public bathrooms;
- (e) to enforce the updating of all bathroom signage in public spaces in accordance with Clauses 4 to 7, with annual inspection, conducted by the VBA in all public spaces affected by this Bill.

Clause 2 Commencement

This Bill shall commence one year upon receiving assent from the Youth Governor of Victoria.

Clause 3 Definitions

In this Bill, we define the following to mean—

- (a) **accessible bathroom** means toilets that have been specifically designed to accommodate people with physical disabilities or mobility issues;
- (b) **bathroom** means a room containing a toilet and a washbasin. It may be a singular room or an area with multiple toilet cubicles;
- (c) **class 3, 5, 6, 7, 8, 9 buildings** have the same meaning as they are in the **Building Code of Australia**;
- (d) **gender-denoting** means anything which conflicts with gender-neutral as defined in Clause 3, subsection (e);
- (e) **gender-neutral** means a term given to denote that something does not refer to any gender-based identity and is suitable, applicable, and accessible to all genders;
- (f) **gender specific** means an object or facility that is specifically intended for the use or function of a particular gender;
- (g) **public space** means a Class 3, 5, 6, 7, 8 or 9 building, as defined by the Building Code of Australia—

- (i) a Class 3 building means a common place of long term or transient living for a number of unrelated persons; examples include shared accommodation, hotels, motels;
- (ii) a Class 5 building means an office building used for professional or commercial purposes;
- (iii) a Class 6 building means a shop or other building for the sale of goods by retail, or the supply of services direct to the public;
- (iv) a Class 7 building means a building which is a car park or for storage or display of goods or produce for sale by wholesale;
- (v) a Class 8 building means a laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale, or gain;
- (vi) a Class 9 building means a building of public nature including but not limited to a healthcare building, an assembly building, or an aged care building;
- (h) **National Construction Code of Australia** means the Building Code of Australia comprising—
 - (i) Volume One of the National Construction Code Series including any variations or additions in the Appendix Victoria set out in the Appendices to that Volume; and
 - (ii) Volume Two of the National Construction Code Series including any Victorian additions set out in Appendix A of that Volume;
- (i) **sanitary disposal unit** means a receptacle for secure and hygienic disposal of sanitary items as defined in Clause 3, subsection (j);
- (j) **sanitary items** means hygiene products that are used to aid in the process of menstruation and other bodily functions and are not considered gender specific items;
- (k) **signage** means visual graphics or printed text that communicate information to the public;
- (l) **toilet cubicle** means a small enclosed space containing a toilet.

Part II—Establishment

Clause 4 Establishment of gender-neutral public bathrooms

- 4.1 Current gender-denoting bathroom signage shall be removed and replaced with gender-neutral signage—
- (a) signage must be clearly visible and without obstruction.
 - (b) signage must and shall only depict the bathroom's contained facilities with text and an overset image.
 - (c) in the case of signage pertaining to a toilet, the sign shall be an image of a toilet underset by the word 'Toilet'.
- 4.2 Signage shall explicitly indicate the facilities available within the bathroom. Facilities which must be signposted include—
- (a) toilets;
 - (b) sanitary disposal units;
 - (c) urinals;
 - (d) baby-changing areas;
 - (e) showers;
 - (f) accessible bathrooms.
- 4.3 Within the bathroom, gender specific indicators shall be removed, including advertisements targeted towards a specific gender.
- 4.4 Signage that denotes gender is prohibited and shall be required to be replaced with signage specified in Clause 4.1.

Clause 5 Venue responsibility in providing sanitary disposal units

- 5.1 Sanitary disposal units shall be provided by the proprietors of a public space in at least 50% of all cubicles—
- (a) in the instance of an odd number of cubicles within a venue, the majority shall contain a sanitary disposal unit.
- 5.2 Sanitary disposal units must provide adequate means to hygienically dispose of sanitary items.
- 5.3 Bathroom signage shall be altered to include images denoting the presence of sanitary disposal units within the facility.

Clause 6 Modified adoption of the National Construction Code of Australia

- 6.1 In accordance with Clause 9 of the **Building Act 1993**, Victoria shall modify its adoption of the National Construction Code of Australia (NCC) such that Victorian building regulations reflect the changes outlined in Clauses 4 to 6.
- 6.2 The following adjustments shall be included in the NCC Victorian appendix and therefore shall be treated as amendments to the Code—
- (a) where section F2.3(a) of the NCC 2019 Volume One Amendment 1 states that "separate sanitary facilities for males and females must be provided for Class 3, 5, 6, 7, 8

- or 9 buildings”; public spaces shall be now prohibited to provide separate gender specific sanitary facilities;
- (b) sections F2.3 (b) and (c), which provide gender-based quotas for the number of closet pans, urinals and wash basins, shall be omitted;
 - (c) in section F2.3(e), for “Adequate means of disposal of sanitary products must be provided in sanitary facilities for use by females”, substitute “Adequate means of disposal of sanitary products must be provided in sanitary facilities”;
 - (d) Table F2.3 “Sanitary facilities in Class 3, 5, 6, 7, 8 or 9 buildings” of the NCC shall be amended to omit gender-based bathroom quotas;
 - (e) Quotas for the minimum number of closet pans, urinals and wash basins shall be determined by the total design occupancy of the building.

Clause 7 Informing the public about gender-neutral bathrooms and safety within bathrooms

- 7.1 An advertising campaign shall be run to inform the public on what the changes mean for their bathroom use and what is appropriate behaviour within the bathrooms—
- (a) these ads shall run on public transport, billboards, and in public spaces through radio broadcasts, free-to-air television, print media and social media;
 - (b) education surrounding appropriate behaviour shall include but not be limited to—
 - (i) respectful interactions within mixed gender spaces;
 - (ii) information regarding what constitutes as sexual assault or harassment and what to do if you are impacted by this.
- 7.2 Within every bathroom, clear and unobstructed signage shall be placed with information regarding the Sexual Assault Crisis Line.
- 7.3 Every bathroom shall contain at least two signs clearly communicating the contact number for and purpose of this service.

Clause 8 Penalties

- 8.1 An annual inspection shall be conducted by the Victorian Building Authority (VBA) assessing compliance. The purposes of this annual inspection shall include—
- (a) determining whether the bathroom signage of a public space is gender-neutral and complies with this Bill.

- (b) determining whether advertisements are targeted towards a specific gender.
- 8.2 Determining whether a public space is compliant with this Bill is at the discretion of the Building Inspector employed by the VBA.
- 8.3 Upon inspection, should a public space not comply with Clauses 4 to 7, an initial warning notice shall be issued to the owners of the public space—
 - (a) the warning notice shall ask the public space or entity to amend bathroom signage within 30 days;
 - (b) the warning notice also advises that if noncompliance continues, they shall receive a penalty as outlined below.
- 8.4 Should a public space or entity not comply with Clauses 4 to 7 upon second inspection it shall incur a fine of 10 penalty units for every bathroom sign which does not comply with Clause 4 to 7 in line with the **Sentencing Act 1991**.