

## **Unisex Sanitary Facilities for People with a Disability**

### **Purpose**

The purpose of this Newsflash is to draw to the attention of building certifiers, the requirements of the Building Code of Australia (BCA) regarding the provision of unisex facilities for people with a disability.

Support groups for people with a disability have advised the Department that an increasing number of toilet facilities are being constructed without adequate consideration being given to unisex facilities.

### **Legislative Requirements**

The deemed-to-satisfy provisions of the BCA require sanitary facilities to be provided in accordance with F2.4 of the BCA, when access to a building is required for people with a disability.

Table F2.4 of the BCA requires at least one unisex facility to be provided in all class 3 to 9 buildings. The unisex facility must be located so that it can be entered without crossing an area reserved for one sex only. This is an important design aspect of the facility for people with a disability who require assistance with their daily activities.

If the applicant proposes an alternate solution to F2.4, performance requirement FP2.1 (c) must be considered. FP2.1 (c) requires sanitary facilities to be provided in a convenient location and appropriate to the disability or other particular needs of the occupants. This would include consideration being given to the access requirements into toilet facilities of the carers of people with a disability. Failure to consider this issue may render the facility unusable by a person with a disability.

Failure on the part of the building owner to comply with the BCA is a development offence under the Integrated Planning Act, which may result in prosecution.

A building certifier who does not give reasonable consideration to the requirements of the BCA could be guilty of professional misconduct.

In addition to the BCA, the Commonwealth Disability Discrimination Act (DDA) prohibits discrimination on the grounds of a disability. A unisex facility that is not accessible to a person with a disability because a carer is prevented from entering, may be seen as discriminatory and could lead to the building owner being challenged under the DDA.

