



Government of **Western Australia**  
Department of **Health**

# Managing the public health risks associated with temporary toilets

Discussion Paper



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## Disclaimer

The views expressed in this document may not, in any circumstances, be interpreted as stating an official position of the Department of Health.

This document is intended to serve as the basis for further discussion with interested stakeholders.

## Summary

Temporary toilets are predominately used in three types of situations

- Temporary worksites
- Events
- Situations where a permanent toilet is not available or increased numbers of toilets are temporarily required.

WA has historically been the only state to regulate prescriptive temporary toilet design and construction requirements. This is done through the *Health (Temporary Sanitary Conveniences) Regulations 1997*. The implementation of the *Public Health Act 2016* necessitated a review of these regulations.

Whilst reviewing the regulations the Department of Health became aware that the regulations are silent on how ambulant and accessible temporary toilets should be designed and constructed. This is resulting in toilet design styles which are not meeting the needs of persons with disability, persons with continence requirements and persons who require carers or assistance with toileting.

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# Consultation on the management of public health risks associated with temporary toilets

## How we will consult

This consultation paper has been created to allow for the Western Australian Department of Health (DOH) to engage the community and key stakeholders in how the management of public health risks associated with temporary toilets should occur going forward. It seeks feedback, ideas, suggestions and comments on three options that the DOH has identified.

Stakeholder consultation promotes transparency, improves design and ensures risks are identified and managed early. It also allows for innovative ideas to be proposed for consideration. You are invited to read through the following paper and provide feedback via an [online survey](#) or by a written submission to the Department. The information and feedback gathered from the consultation will form the basis for determining what will be included in the preferred option going forward.

This consultation provides an opportunity for industry and the public to raise issues, concerns and opportunities about the options considered and provide advice on how implementation of the options may affect them, their business or working experience. This paper contains a series of questions related to the options. You do not have to comment on all the questions, and can focus on those areas that are important to you. You are also welcome to provide additional feedback that may not be related to any of the questions. Please explain the reasons behind your suggestions, and where possible, evidence to support your views, such as statistics, estimates of any costs that may relate to the proposal, and examples of solutions.

Information provided will be collated into a publically available report on the Department of Health website. Please note, that because your feedback forms part of a public consultation process, the Government may quote from your comments in future publications. If you prefer your name and organisation to remain confidential, please indicate that in your submission. As submissions made in response to this paper will be subject to Freedom of Information requests in accordance with the requirements of the [Freedom of Information Act 1992](#), please do not include any personal or confidential information that you do not wish to become available to the public.

## Key dates

**16 July 2018** – Consultation Period opens

**14 September 2018** – Submissions closed

## How to make a submission

### Online Survey

The online survey may be accessed at <https://consultation.health.wa.gov.au/>, the survey closes on **14 September 2018**.

### Written submissions

Written submissions must be received by 5pm (WST) on Friday **14 September 2018**. No late submissions will be considered.

Written submissions can be lodged by email (preferred) to [publichealthact@health.wa.gov.au](mailto:publichealthact@health.wa.gov.au)

Hard copies can be mailed to:

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Website: <http://ww2.health.wa.gov.au/Improving-WA-Health/Public-health/Public-Health-Act/Regulation-review-program>



## Introduction

Temporary Toilets are toilets that are designed and constructed so that:

- (a) it may be connected to the sewerage system on a temporary basis; or
- (b) it is connected to a sewage storage tank.

They may be toilets that can be brought on site, such as a festival or building site, to quickly provide sanitation services. Others may be toilets within mobile vehicles, such as boats or caravans.

WA has historically been the only state to regulate prescriptive temporary toilet design and construction requirements. This is done through the [Health \(Temporary Sanitary Conveniences\) Regulations 1997](#). The implementation of the [Public Health Act 2016](#) necessitates a review of these regulations and of how public health risks across WA are managed. This review allows for a rare opportunity for an assessment of public health risks that are currently regulated together with new and emerging risks to determine how these risks should be managed.

The DOH, through the [Health \(Miscellaneous Provisions\) Act 1911](#), has been the main government agency responsible for ensuring that the public health risks associated with temporary toilets are managed through adequate design and construction. The DOH currently approves temporary toilets styles as produced by temporary toilet manufactures and maintains a [list of approved toilet styles](#). There are currently 16 approved freshwater flushed temporary toilet types and 13 approved sewer connected temporary toilet types.

Whilst reviewing the *Health (Temporary Sanitary Conveniences) Regulations 1997* the DOH became aware that the regulations are silent on how ambulant and accessible temporary toilets should be designed and constructed. This is resulting in toilet design styles which are not meeting the needs of persons with disability, persons with continence requirements and persons who require carers or assistance with toileting. So while WA is the only state who currently regulates the design and construction of temporary toilets the existence of this issue indicates that perhaps continued regulation or public health guidance which includes ambulant and accessible temporary toilets is required.

## Temporary Toilets

Using proper toilets and hand washing - preferably with soap - prevents the transfer of bacteria, viruses and parasites found in human excreta which otherwise may contaminate the soil, water resources and food. It also decreases the risk of contact transfer of diseases by infected persons.

Effective sanitation systems including temporary toilets provide barriers between excreta and humans in such a way as to break the disease transmission cycle. The main transmission cycle of concern is the faecal-oral disease transmission through faeces, fingers, flies, fields, fluids and food.

Provision of correctly designed and constructed toilets is not only important for stopping the transmission of disease it is also important for people's mental and social wellbeing. When people know that they will be able to access a toilet that works and that meets their needs they are able to partake in society to its full extent, such as attending events or undertaking employment.

## Health Risk factors

Poor design and construction of temporary toilets is associated with three (3) health risk factors:

1. Contact with harmful microorganisms

2. Partaking in unhealthy behaviour to reduce the need for going to the toilet
3. Social exclusion (perceived and actual) and mental health issues

### **Harmful Microorganisms**

Inappropriately designed and constructed temporary toilets can mean that contact with human waste can occur. The main risk is either indirect or direct contact with pathogenic (disease-causing) microorganisms within human waste that can cause illness.

Pathogenic microorganisms of concern include bacteria, viruses and protozoa. The diseases they cause vary in severity from mild gastroenteritis to severe and sometimes fatal diarrhoea, dysentery, hepatitis, cholera or typhoid fever. Contact with many pathogenic microorganisms can be reduced by the provision of adequate hand washing facilities and by ensuring that the toilet is designed, constructed and maintained correctly to enable the removal of human waste.

### **Partaking in unhealthy behaviours**

Sometimes temporary toilets are not designed in a way that persons with a disability or who have greater access requirements can use them. In response to the possibility that they may not be able to use the toilets provided people may partake in unhealthy behaviours such as limiting their fluid intake to reduce their need to use the toilet. Partaking in these behaviours may result in a number of urinary system, continence or kidney issues.

### **Social Exclusion and Mental Health Issues**

Many members of the disability community indicated to the DOH through the accessible temporary toilets survey that when accessible temporary toilets are the only type of toilet available it is unlikely that they will be able to use them.

There are many behaviours that people with disability reported that they undertake when it comes to situations where accessible temporary toilets are being provided including:

- Not attending the situation/function or choosing to stay home
- Leaving the situation early
- Spending a number of hours/days before the situation calling the organisers to assess the availability of toileting facilities and planning their day around accessible toilet options.

As a result of these behaviours people reported feeling:

- Shame and anxiety that they have let down their friends and family that have attended the situation with them
- Shame that they are a burden/inconvenience to the people that they have attended the situation with
- Stress due to the amount of planning required so that they can participate in the situation
- Disappointment that they can't fully participate in the situation.
- Hopelessness as they feel they have no control about what situations they can attend or be involved in.

These experiences and situations may lead to people with disability and/or friends/family/carers to experience mental health issues. Whilst this is a complex area, designing and constructing temporary toilets in a way that means that patrons attending a situation can relax (knowing that they will be able to use the toilet without issue) may assist in reducing the feeling of social exclusion and other mental health issues.

## Failures of the current regulatory system

The *Health (Temporary Sanitary Conveniences) Regulations 1997* are silent on how ambulant and accessible temporary toilets should be designed and constructed. The DOH has been advised of community concern related to the design and construction of accessible temporary toilets, specifying that the majority of accessible temporary toilets had a number of issues including:

- Insufficient door widths for some styles of wheelchair to access the toilet
- Insufficient circulation space for wheelchairs, particularly when the door is closed
- not enough transfer options/non-peninsular toilet (side transfer/front transfer).

Currently when an accessible temporary toilet is designed or constructed in a way that means a person with disability cannot use it, they can lodge a formal complaint to the Australian Human Rights Commission under the [Disability Discrimination Act 1992](#) (Commonwealth) or to the WA Equal Opportunities Commission under the [Equal Opportunity Act 1984](#) (WA), but not both.

The Human Rights Commission is the agency that deals with complaints made under the *Disability Discrimination Act 1992*. They have received one complaint from 2011 – 2016 relating to inadequate accessible temporary toilet design, construction and location. This low number of complaints suggests that whilst this Act empowers people with disability to complain when accessible temporary toilets are not meeting their needs; this mechanism is not being used to raise concerns.

The Equal Opportunities Commission (EOC) is the agency that deals with complaints made under the *Equal Opportunity Act 1984*. The EOC indicated to the DOH that they had no data on any complaints received (if any) related to the design and construction of accessible temporary toilets. It is thought that not many complaints are being received and as such indicates that whilst this Act empowers people with disability to complain about situations where accessible temporary toilets are not meeting their needs, this mechanism is not being used to raise concerns.

The Human Rights Commission had only received one design/construction based complaint relating to accessible temporary toilets in the last 5 years Australia-wide and the EOC had not received any complaints in the last year relating to the design and construction of accessible temporary toilets.

Issues relating to the complaints based process of the *Disability Discrimination Act 1992* and the *Equal Opportunity Act 1984* are:

- It is hard to rectify the problem once an event has passed
- If there are no toilets available on the market that meet the needs of the complainant then there is no obvious solution to the problem.
- If the entity that the complaint is against can claim that providing an adequate accessible temporary toilet will cause unjustifiable hardship they may be exempt from rectifying the situation.

Due to these low numbers of complaints the DOH decided to run a survey to assess two issues:

- 1) Are the toilets being provided at events adequate for persons with disability to use?
- 2) How are the designs of two of the most common accessible temporary toilets working for persons with disability?

The survey was available from 1 December 2016 to 3 March 2017 (the WA summer) and requested feedback on two styles of accessible temporary toilets (Figure 1 and Figure 2).

The [survey results](#) indicated that in general the provision of accessible temporary toilets at WA events is not adequate with 59% of respondents indicating that they are never or not really adequate and 69% of respondents indicating that they have been to an event where they could not go to the toilet as the toilet was not suitably designed for them.

The survey identified that the two designs typically provided at events (Style A and Style B) are not catering to the needs of persons with severe disability, continence requirements or persons who require carers. Areas of concern that were identified from the survey include:

- Door width such that wheelchair could not enter the toilet
- Door width circulation space such that the patron could not manoeuvre around the toilet with the door shut
- Having to place toileting items on an unclean floor due to no provision of shelves or other storage options for medical supplies and other items
- Not being able to change clients due to no provision of adult changing options (such as adult change table)
- Issues with toileting due to there not being room for more than one person to be in and manoeuvre in the toilet with the door closed
- Issues with toileting due to lack of adequate transfer options (Left, right or front self-transfer, multiple person transfer or hoist options)
- Issues with toileting due to flimsy/inadequately designed grabrails
- Issues with toileting due to the heights and locations of items such as soap dispensers
- Issues with toileting due to the flushing and washbasin mechanisms (the force needed to use them, lack of leg space underneath and the fact that they are sometimes foot operated)
- Issues related to privacy when using the toilet (separation for the carer and toilet user)
- Issues related to privacy due to lack of options for carers to go to the toilet if the person they are caring for cannot be left alone
- Issues with access due to presence of steps or ledges, door locking mechanisms or other issues with access and egress.
- Issues in emergency situations due to lack of emergency options



**Figure 1 WA accessible temporary toilet Style A**  
(Photo DOH Dec 2016)



**Figure 2 WA accessible temporary toilet Style B**  
(Photo DOH Dec 2016)

The 2012 Census found that disability affects just under one in five people in Australia. People who identified having specific limitations or restrictions were found to make up 16.3% of the total Australian population (Australian Bureau of Statistics, 2013). This could mean that up to 16% of any population attending a site with temporary toilets could require accessible temporary toilets rather than standard temporary toilets.

## Emerging issues

There are a number of emerging issues to consider when it comes to ensuring correct design and construction of temporary toilets occurs in the future:

### The average weight of the population is increasing

In 2015 27% of WA's aged 16 and above were obese, while 40% were overweight. Between 1995 and 2011-12, the average weight of an adult man increased by 3.6 kg and the average weight of an adult woman increased by 4.0 kg. This trend is expected to continue into the future and may impact the design and construction requirements of temporary toilets as current designs may no longer be able to be used by some patrons due to space provided. The toilet may also cease to be able to continue to remove waste if the forces applied to the bowl increase to a level where it breaks (Department of Health, 2017).

In 2007–08, about 69% of adults aged 18–64 years with severe or profound disability were overweight or obese, compared with 58% of those without disability (Australian Institute of Health and Welfare, 2010). This could indicate that the current issues that many people with disability face in regard to the design and construction of the temporary toilets may be exacerbated into the future.

### The population is ageing

Australia has an ageing population. There were around 3.5 million older Australians in 2015, representing one in every seven people or 15.1% of the population. This proportion has increased from 14.3% in 2012. This proportion is expected to continue increasing in the future.

As people age, their mobility may be affected. This means that requirements for mobility aids such as gophers or K-walkers may increase. This may increase the demand for accessible temporary toilets with enough space for these mobility aids at events.

### Changing disability requirements

The release of the Federal Government's *Disability (Access to Premises – Buildings) Standards 2010* made it such that new buildings of certain classes had to meet the access standards for sanitary provision as set out in the Building Code of Australia (BCA). This changing landscape and increased requirement to meet the needs of people with disability is not likely to decrease into the future. Therefore it is likely that event and service providers will be required to consider in greater detail the needs of people with disability.

In March 2018 the Australian Building Codes Boards released a [Consultation Regulation Impact Statement](#) which reviewed options regarding the provision of accessible adult change facilities in Class 6 and Class 9b buildings. Depending on the outcomes of the consultation increased accessibility requirements may become the norm and as such, impact the provision of temporary toilets in certain situations.

### Issues with current accessibility standards

The current Australian Standard for permanent accessible and ambulant toilets is AS 1428.1 2009 Design for access and mobility – General requirements for access – new building work – Accessible Toilets. The dimensions used within this standard are based on research undertaken by J. Bails in 1983 (Bails, J.H., 1983 'Project Report of the Field Testing of Australian Standard 1428 – 1977'. South Australian Department of Housing and Construction.) The standard also assumes that people using the toilet don't need assistance with toileting and are able to use their arms to self-transfer to the toilet.

There are a number of people with disability who find that accessible toilets designed in line with AS1428.1 do not meet their needs; generally people with profound or severe disability. To combat this, disability groups advocate for 'Changing Places' toilets rather than toilets designed to AS1428.1.

Changing Places was introduced to Australia in 2012 and is led by the Association for Children with a Disability. It is a nationwide initiative aimed at breaking down one of the fundamental barriers to inclusion for people with severe and profound disabilities. They have [three designs](#) which when built can be accredited as a Changing Places toilet. Changing Place designs became the British Standard for accessible toilets in 2009.

### **Toilet technology is changing**

There are a number of toilet technologies that are used for temporary toilets including fresh water flush, open closet (straight flush) and chemical recirculating flush. It is possible that future temporary toilet technology may change. Industry may wish to invest in temporary toilets that use emerging technologies such as composting and urine diversion in their designs. Any design and construction requirements need to allow for toilet technology innovation while ensuring the efficacy of waste removal using these new technologies.

### **Toilet designs are changing**

The *Health (Temporary Sanitary Conveniences) Regulations 1997* assume that all temporary toilets are designed and constructed in a way that means each toilet is its own separate unit. However there are many 'toilet block' style designs that are available for use when more than one toilet is required.

These toilets blocks are often used at events or on large multi-storey construction sites. Currently there is limited guidance on how these types of toilets should be designed and constructed. The public health risks associated with these types of toilets are greater than when it is an individual toilet as the volumes of human waste stored are bigger and the numbers of people using the toilets are large.

### **The Current Western Australian situation**

As the responsible agency for the *Health (Miscellaneous Provisions) Act 1911*, the DOH and its enforcement agencies are responsible for the implementation of the *Health (Temporary Sanitary Conveniences) Regulations 1997*. These regulations are used to manage the public health risks relating to the design and construction of temporary toilets in WA.

These regulations will be repealed once the *Public Health Act 2016* has been fully implemented and may need to be replaced depending on the feedback received in response to this discussion paper.

### **Health (Temporary Sanitary Conveniences) Regulations 1997**

Part 2 of these regulations specify how walls, floors, doors and roofs should be constructed. In addition, they include the design and construction requirements such as:

- Minimum effective height of 1,900 mm
- Minimum total of 320 cm<sup>2</sup> of fixed, cross ventilation
- Natural lighting to a minimum of 350 lux service illuminance
- Required fixtures – such as toilet roll holder, toilet bowl seat and toilet bowl cover
- Flushing mechanism details including minimum flush volumes
- Hand basin requirements
- Minimum tap water flow

- Minimum sewerage tank sizes and ventilation requirements.

Part 2 was created to:

- Ensure that temporary toilets provided on construction sites are designed and constructed in a way that enables the removal of human waste and withstands months of regular use.
- Ensure that temporary toilets provided on construction sites are designed and constructed in a way that minimises the risk of failure or waste overflow.
- Ensure that toilets met the needs of users, adequately removed waste, didn't smell, could withstand months of use (i.e. were fairly sturdy) and ensured privacy for the user.

Toilet designs are approved by the DOH and Local Governments are the on the ground enforcers ensuring that approved toilets are provided on construction sites (as specified by part 3 of the regulations). Local governments can prosecute under the *Health (Miscellaneous Provisions) Act 1911* where someone is found to be in breach of these regulations.

### **Other DOH relevant legislation**

In addition to the *Health (Temporary Sanitary Conveniences) Regulations 1997* the DOH has one set of regulations and one set of guidelines which relate to the management of public health risks associated with temporary toilets when toilets are provided at events:

- *Health (Public Buildings) Regulations 1992*
- Guidelines for the concerts, events and organised gatherings 2009

Both the Regulations and guideline are under review. The review will take into account the feedback from this discussion paper.

### **Health (Public Buildings) Regulations 1992 (WA)**

The [Health \(Public Buildings\) Regulations 1992](#) require that every public building, shall, unless exempted in writing by the local government, be provided with a water carriage system for sewage disposal and sanitary conveniences in accordance with the *Building Regulations 2012* or as approved by the local government.

These Regulations also require that temporary sanitary conveniences provided for a public building are to be illuminated with a minimum illuminance of 40 lux.

These Regulations are enforced by local governments on behalf of the DOH and will be reviewed as part of the *Public Health Act 2016* regulation review program.

Currently in WA outdoor events are managed through these regulations as the definition of a 'public building' captures a broad range of places where numbers of people assemble or gather for any purpose defined under the *Health (Miscellaneous Provisions) Act 1911*. Outdoor events enclosed by a fence or existing in a defined space are considered 'public buildings'. This definition only covers static events, therefore the course between the start and the finish of triathlons, fun runs and the like are excluded.

### **Guidelines for concerts, events and organised gatherings 2009 (WA)**

The DOH [Guidelines for concerts, events and organised gatherings](#) provides details about toilets and cleaning. They do not specify how the toilets need to be constructed because these requirements are contained in the *Health (Temporary Sanitary Conveniences) Regulations 1997*. The only requirement is that toilets are to be maintained in a clean and workable condition.

The table in the guidelines entitled 'Toilets for temporary events' provides the numbers of toilets required for temporary events but does not indicate what type of toilets should be supplied or how they need to be constructed.

The guidelines require an assessment of water pressure in all facilities prior to the event and that all wastewater products must be disposed to sewer, septic tanks/leach drain, holding tank or other local government approved method. In regard to lighting, the minimum level must be 40 lux.

### **Other relevant legislation**

In addition to the DOH regulations and guideline the following regulations, codes of practice and guidelines inform the management of public health risks associated with the provision of toilets and washbasins at construction sites.

#### **Building Regulations 2012 (WA)**

The Department of Mines, Industry Regulation and Safety (DMIRS – formally the Building Commission) is the responsible agency for the [Building Regulations 2012](#). These regulations cite the [Building Code of Australia](#) as the guiding document for building design and construction. Buildings can only be assessed against the regulations and codes in place at the time that the building was constructed. This means that if any future management option considered by the DOH makes reference to design and construction requirements set out in the BCA temporary toilets that are already built will not be able to be assessed against these requirements.

#### **Building Code of Australia**

The Building Code of Australia (BCA) is part of the [National Construction Code](#), a performance based code containing all performance requirements for the construction of buildings and other relevant structures.

Temporary toilets may be provided in situations where a permanent toilet is not available or increased numbers of toilets are temporarily required. When the toilets being provided are associated with a building that can be classified as a Class 1 to Class 10 building the temporary toilet should be designed and constructed in accordance with the requirements set out by the BCA for that particular building class. For each class of building the BCA requires that suitable sanitary facilities for personal hygiene are provided in a convenient location within or associated with a building, to the degree necessary, appropriate to—

- the function or use of the building; and
- the number and gender of the occupants; and
- the disability or other particular needs of the occupants.

The BCA requires that a standard sanitary compartment must be constructed with sufficient space or other means to permit an unconscious occupant to be removed from the compartment.

The BCA requires that when an accessible or ambulant sanitary compartment is provided the circulation spaces, fixtures and fittings of that compartment need to comply with the requirements of AS 1428.1 2009 Design for access and mobility – General requirements for access – new building work – Accessible Toilets. These must be unisex facilities. In addition to the requirements of AS 1428, the compartment must contain a closet pan, washbasin, shelf or bench top and adequate means of disposal of sanitary towels. When two or more accessible unisex sanitary facilities are provided, the number of left and right handed mirror image facilities must be provided as evenly as possible to ensure patrons have a variety of transfer options.

## **Disability (Access to Premises—Buildings) Standards 2010 (Commonwealth)**

The Federal Government's [Disability \(Access to Premises – Buildings\) Standards 2010](#) have been created to provide certainty for building certifiers, developers and managers that, if access to buildings is provided in accordance with these standards they will be protected from complaints of unlawful discrimination under the *Disability Discrimination Act 1992*.

The standards require that new buildings built after 1 May 2011 meet the access standards as set out in the BCA. These standards apply to new buildings that are Class 1b, Class 2 buildings that have accommodation available for short-term rent; and Class 3, 5, 6, 7, 8, 9 or 10 buildings.

While this standard does not directly apply to temporary toilets; the existence of these standards indicate that where a temporary toilet is provided in lieu of a permanent toilet at a new building (built after 1 May 2011), it should be subject to the accessible buildings standards as set out by the BCA.

Building developers and building managers can however claim unjustifiable hardship and as such may not have to meet their disability access requirements as set out by these standards and the Building Code of Australia.

## **Hire and Rental Industry Association Ltd Portable Toilets Division Code of Practice – Guidelines for the provision of portable toilets on construction sites and at events where connection to a sewer is not practical 2015**

The Hire and Rental Industry Association of Australia self-regulates the design and construction requirements for standard temporary toilets provided at worksites through the Hire and Rental Industry Association Ltd Portable Toilet Division [Code of Practice](#) - Guidelines for the provision of portable toilets on construction sites and at events where connection to a sewer is not practical 2015 (HRIA COP). The HRIA COP sets a minimum standard for standard temporary toilets including manufacture.

Discussion with Hire and Rental Industry Association indicated that this is a well-accepted industry code of practice where the details about toilet construction and design are determined through industry consultation. There are no consequences if site managers or temporary toilet providers fail to comply.

The HRIA COP does not provide any guidance on the design and construction of ambulant or accessible temporary toilets.

## Other Australian Jurisdictions

### Australian Capital Territory, New South Wales, Northern Territory, Queensland, South Australia and Tasmania

ACT: [Work Health and Safety \(Managing the work environment and facilities\) Code of Practice 2011](#)

NSW: [Managing the work environment and facilities – Code of Practice](#)

NT: [Managing the work environment and facilities – Code of Practice](#)

QLD: [Managing the work environment and facilities Code of Practice 2011.](#)

SA : [Work Health and Safety \(Managing the work environment and facilities\) Code of Practice 2011](#)

TAS: [Work Health and Safety \(Managing the work environment and facilities\) Code of Practice 2011](#)

Toilets are to be:

- fitted with a hinged seat and lid
- provided with adequate lighting and ventilation
- fitted with a hinged door capable of locking from the inside on each cubicle
- designed to allow emergency access
- separated from any other room by an airlock, a sound-proof wall and a separate entrance that is clearly marked.

### New South Wales

#### [Local Government Act 1993](#)

Provides that Local Government approval is required for the following:

- Placing a waste storage container in a public place
- Installing, constructing or altering a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
- Operating a system of sewage management (within the meaning of section 68A)

### South Australia

#### [Guidelines for the Management of Public Health and Safety at Public Events 2006](#)

- cleaned and maintained for the duration of the event
- well-lit and clearly identified
- situated and screened to ensure privacy
- provided with handwashing basins with cold running water, soap (bar or liquid), disposable towels or air dryers and waste containers
- provided with toilet paper
- provided with provisions for disposal and removal of sanitary napkins, nappies and incontinence pads, condoms, needles and syringes and other refuse
- provided to enable feeding and or changing of infants.

## International

Evidence of regulated or enforceable temporary toilet design and construction was found for the United States of America (USA) and Canada.

### The United States of America

In the USA the [\*Americans with Disabilities Act \(ADA\) of 1990\*](#) have adopted enforceable accessibility standards - the [\*2010 ADA Standards for accessible design\*](#). These standards require that at least one toilet and no more than 5% of portable toilets provided at any location need to comply with section 603 of the standards.

These standards are very prescriptive and state what is required in regard to:

- Minimum floor space, including required turning space
- Allowable toilet locations and required clearances
- Grab bar construction, locations and heights
- Allowable basin height and locations
- Maximum allowable forces required for operatable parts

### Canada

In Canada the [\*Canada Occupational Health and Safety Regulations \(SOR/86-304\)\*](#) require that when a non-sewered toilet is required on a worksite, the employer shall provide a waste disposal system that meets the standards set out in [\*ANSI Z4.3-1979, Minimum Requirements for Nonsewered Waste-Disposal Systems\*](#), dated November 8, 1978.

The ANZI standards dictate how standard temporary toilets should be built (Part 5). Requirements include:

- Allowance for mobile trailers or prefabricated, skid-mounted or otherwise portable structures.
- Privacy and separation of each stool
- Provision of urinals in toilets intended for male use.
- Interior finishes which can be easily cleaned
- Provision of adequate space for the user with minimum inside dimensions of 91 cm front-to-back and side-to-side, inside clear height of 1.98 m and a stool riser height of 35 to 51 cm
- Provision of an inside latch
- External doors to be self-closing
- Vented waste storage tanks

These standards state the requirements for various types of toilet facilities including:

- Vault toilets
- Sealed-bag toilets
- Combustion or incinerating toilets
- Chemical toilets and biological toilets
- Non-water flush toilets
- Water flush toilets

## Options to manage public health risks associated with temporary toilets

The Department has identified four (4) options for the management of public health risks associated with temporary toilets.



### Option A – Retain status quo

In this option the DOH would retain status quo as far as practicable by replacing the current *Health (Temporary Sanitary Conveniences) Regulations 1997* management systems with the same or similar requirements under the *Public Health Act 2016*.

This would result in regulations which would prescribe the design and construction of a stand-alone, standard temporary toilet. There would continue to be no regulation of accessible or ambulant temporary toilets and there would be no regulation of differing toilet types that are currently available (such as groups of temporary toilets that are used at events). These regulations would not specify when the toilets are required to be used (i.e. in what situation they would be required). That would be considered in other regulations such as the events regulations.

### Option B – Deregulate the temporary toilet industry by repealing the *Health (Temporary Sanitary Conveniences) Regulations 1997* without replacement

In Option B the DOH would repeal the *Health (Temporary Sanitary Conveniences) Regulations 1997* without replacement.

In this option standard temporary toilet design could be informed by the HRIA COP. Provision of inappropriately designed and constructed accessible temporary toilets could be managed through the *Disability Discrimination Act 1992* (Commonwealth) or the *Equal Opportunity Act 1984* (WA). However, this would not deal with the issue that most accessible temporary toilets available in WA are not constructed in a way that persons in a wheelchair or who need a carer can use and the current complaint mechanism appears to be failing people with disability.

In this option enforcers of the *Public Health Act 2016* could use the general public health duty in situations (e.g. such as a wastewater overflow) where the incorrect design or construction of a temporary toilet creates harm or a risk of harm to public health.

### Option C – Repeal the *Health (Temporary Sanitary Conveniences) Regulations 1997* and create regulations for the design and construction of temporary toilets under the *Public Health Act 2016*

In Option C, the DOH would create temporary toilets regulations under the *Public Health Act 2016*. The regulations would regulate the design and construction of temporary toilets but not specify where these temporary toilets need to be used. A number of temporary toilet types are discussed below. The regulations would not include requirements to provide types of approved toilets in situations such as events; they would provide a classification system which could be used to communicate the types of toilets that would be available. The standard temporary toilet

specifications would be the minimum standard that any temporary toilet would be required to meet.

Regulations would allow WA to be the first jurisdiction to set minimum standards for ambulant and accessible temporary toilets. The regulations would not state when each particular toilet style is required.

Potential toilet designs that could be included in regulations are discussed in the [toilet design details](#) section below.

Regulations would allow the use of *Public Health Act 2016* enforcement tools, including:

- Infringement notices
- Improvement notices and enforcement orders; and
- Registration and licencing.

If, after stakeholder feedback, regulations are shown to be the preferred option, work would be undertaken to determine how the *Public Health Act 2016* tools would be applied and how the regulations would be managed. The proposed regulations would be released for stakeholder feedback.

### **Option D – Repeal the *Health (Temporary Sanitary Conveniences) Regulations 1997* and create a public health guideline**

In this option the DOH would repeal the *Health (Temporary Sanitary Conveniences) Regulations 1997* and develop a public health guideline for the design and construction of temporary toilets.

A public health guideline would enable the DOH to provide non-enforceable guidance on how temporary toilets should be built going forward; this option would mean that that WA would be the only jurisdiction to have guidance material on ambulant and accessible temporary toilets.

Potential toilet designs that could be included in a public health guideline are discussed in the [toilet design details](#) section below. The guideline would not state when each particular toilet style is required.

A guideline can set out the generally accepted practices relating to the design and construction of temporary toilets. Where temporary toilet designer or manufacturer or equivalent fails to follow these generally accepted practices, this may be considered a failure to comply with the general public health duty. This may constitute grounds for action to be taken under the Public Health Act, including the issue of an improvement notice or enforcement order.

## Options for toilet designs

Should Option C or Option D be the preferred option for management of the public health risks associated with the design and construction of temporary toilets then toilet design details will need to be determined. As part of this review the DOH has identified five temporary toilet designs that could be included in any future management option:

1. Standard temporary toilets
2. Ambulant temporary toilets
3. Accessible temporary toilets
4. Accessible plus temporary toilets
5. Fully accessible (or Adult Changing Facility) temporary toilet

The reason that four accessible temporary toilet designs have been identified is because results of the accessible temporary toilet survey indicated that more than one type of accessible temporary toilet would help to provide a range of options for manufacturers and toilet providers based on their expected clientele and budget. The regulations or guideline would not state when each toilet is required and it would be up to the person/business/event providing the toilet to determine which toilet style would be required to be meet the needs of their patrons.

Standard temporary toilet	Ambulant temporary toilet
	
<p><b>Figure 3 Current Standard temporary toilet (Photo – DOH)</b></p>	<p><b>Figure 4 Current accessible temporary toilet that could be classified as an ambulant temporary toilet (Photo – DOH)</b></p>
<p>Standard temporary toilets would be designed for persons who do not have access requirements. The toilets may be individual toilets or in a block of toilets that are transported together. Standard temporary toilets design requirements would be the same or similar to those currently prescribed in the Regulations</p> <p>There are a number of temporary toilets available on the market that could be classified as a standard temporary toilet.</p>	<p>An Ambulant temporary toilet would be larger than a Standard temporary toilet to allow use by a person with a non-wheelchair based mobility device such as walking stick, crutches or assistant dog. This style of toilet would also require tactile surfaces and signage.</p> <p>It is possible that with some amendments many of the toilets that are currently classified as accessible temporary toilets (shown Figure 4) could be reclassified as an Ambulant temporary toilet. By having this as a classification option it may limit the cost implication of new design requirements for retailers as they would still be able to rent out their existing stock. In addition, the provision of this classification class would allow for organisers who require an ambulant toilet only (i.e. are not expecting any wheelchair patrons) to hire a lower cost toilet option.</p>

Accessible temporary toilet	Accessible Plus temporary toilet
	
<p><b>Figure 5 Current accessible Temporary Toilet Style that could be classified as a wheelchair accessible temporary toilet (Photo – DOH)</b></p>	<p><b>Figure 6 Current Accessible Temporary Toilet Styles available (AS 1428 compliant) (Photos – Coates Hire and Instant Toilets)</b></p>
<p>An accessible temporary toilet would be larger than an ambulant temporary toilet. This toilet would be designed to allow a variety of transfer options plus enough space for a wheelchair to get through the door and to manoeuvre around when the door is closed. To increase patronage and return on investment, a toilet of this type could also be designed to be able to fit a Gopher/Mobility Scooter or Pram.</p> <p>An example of the type of toilet that could be classified as a Wheelchair Accessible Temporary Toilet is shown in Figure 5. There are limited toilets that might be classified as Wheelchair Accessible Temporary Toilets available on the market. Adding this toilet classification type would add an additional cost to manufacturers/suppliers if they wished to purchase this style of toilet, however there would be returns on investment due to demand at events and other pop-up situations.</p> <p>This toilet type would also ensure that Wheelchair users and other wheeled mobility assistance device users have a toilet that meets their needs and would allow for event organisers to advertise to patrons that Accessible temporary toilets could be provided which may increase patronage to that event.</p>	<p>An Accessible Plus temporary toilet would be a toilet that is larger than an accessible temporary toilet and it would allow for up to three people and a large wheelchair to be in the toilet and manoeuvre while the door is closed. The toilet would have to be located such that there could be a person on either side of the toilet for transfer on and off the toilet.</p> <p>An example of the type of toilet that might be able to be classified as an Accessible Plus temporary toilet is shown in Figure 6. Currently there are not many of this style of toilet on the market. The ones that are available have been designed to meet the standards prescribed by AS 1428.1.</p> <p>Adding this additional toilet classification type could add an additional cost to manufacturers/suppliers if they wished to purchase this style of toilet, however there would be potential for returns on investment due to demand at events and other pop-up situations. Having this toilet classification would indicate to carers that they can bring their clients to events.</p>

## Fully accessible (or Adult Changing Facility) temporary toilet



Figure 7 The only fully Accessible Temporary 'Changing Places' toilet in Australia. Marveloo by Maroondah City Council VIC. (Photos - Marveloo)

A Fully Accessible Temporary Toilet would be the "Changing Places" style of toilet which includes change table and hoist. The Design is shown in Figure 7; currently there are no toilets of this classification type in WA.

This classification type would be quite expensive to construct and hire, however would assist the changing of persons who require adult nappies and allow for mechanical hoist transfer if required. Should an event provide a toilet of this classification it would indicate that persons of all abilities are welcome at the event. This type of toilet could also be used at school settings where permanent facilities for the students are not provided.

## Consultation Questions

The DOH is seeking feedback on the four options provided for managing the public health risks associated with the design and construction of temporary toilets. Stakeholders are encouraged to provide feedback on:

- Your preferred option
- Why, what are your reasons for this decision. If you do not agree with any of the options and you think that an option that hasn't been considered would be better, please provide details on that option.

Where possible when providing the reasons for your preferred option please provide evidence to support your views. This could include statistics or estimates of any costs.

An [online survey](#) contains the following questions for stakeholders to provide their feedback on.

### Question 1

Poor design and construction of temporary toilets is associated with the following health risk factors:

- Contact with harmful microorganisms
- Partaking in unhealthy behaviour to reduce the need for going to the toilet
- Social exclusion (perceived and actual) and mental health issues

Are there other public health risk factors that the DOH has not considered?

### Question 2

There are four options for the future management of the public health risks associated with temporary toilets:

- Option A – Retain status quo as far as practicable by replacing the current temporary toilets management system with the same or similar requirements under the *Public Health Act 2016*.
- Option B – Deregulate the temporary toilet industry by repealing the *Health (Temporary Sanitary Conveniences) Regulations 1997* without replacement.

- Option C – Repeal the *Health (Temporary Sanitary Conveniences) Regulations 1997* and create regulations under the *Public Health Act 2016*.
- Option D - Repeal the *Health (Temporary Sanitary Conveniences) Regulations 1997* and create a public health guideline.

Which is your preferred option?

Why?

Are there alternative options that the DOH has not considered?

If you do not agree with any of the options investigated please outline how you think the design and construction of temporary toilets should be managed.

### Question 3

The DOH has five potential temporary toilet design types

1. Standard temporary toilets
2. Ambulant temporary toilets
3. Accessible temporary toilets
4. Accessible plus temporary toilets
5. Fully accessible (or Adult Changing Facility) temporary toilet

Do you agree with this approach to temporary toilet designs?

Do you have any comments regarding the standard temporary toilet concept?

Do you have any comments regarding the ambulant temporary toilet concept?

Do you have any comments regarding the accessible temporary toilet concept?

Do you have any comment regarding the accessible plus temporary toilet concept?

Do you have any comment regarding the fully accessible (or adult changing facility) temporary toilet concept?

### Question 4

Options 3 and 4 contain proposals to set the standards for various types of toilets. The intent is that there is not just one toilet design for persons with disability but rather a variety of options. The legislation or guideline will not set out requirements for when each of the temporary toilet designs are to be provided but rather set the standards of the classification system which toilets can be assessed against. It would then be up to persons/businesses/events providing/hiring the toilets to choose the toilet which best meet the expected needs of the users.

The temporary toilets designs do not make changes to the two most commonly available and as such it is likely that no changes will be required to toilets designs currently available on the market.

Do you or your business believe the temporary toilet designs will require you to make changes to the toilets you currently supply, purchase or use?

Do you or your business have any concerns regarding how the proposed temporary toilet designs will impact you?

If yes, please provide details

If not, please provide details

Do you believe that the proposed temporary toilet designs will increase or decrease business opportunities due to increased varieties of toilets?

Please provide details on your answer

Do you believe the temporary toilet designs will impact the provision of temporary toilets?

What situations? Is this good, bad or neutral?

Please provide details

## Glossary

Term	Definition
<b>Temporary Toilet</b>	<p>A toilet of a temporary nature that is designed and constructed so that –</p> <ul style="list-style-type: none"> <li>a) it may be connected to the sewerage system on a temporary basis; or</li> <li>b) it is connected to a sewage storage tank.</li> </ul> <p>It may be a single toilet or a group of toilets.</p> <p>Other terms are Temporary Sanitary Facilities, Portable Toilets, Port-a-Loos or Port-a-potty</p>
<b>Standard Temporary Toilets</b>	<p>Temporary toilets designed for able-bodied patrons</p>
<b>Ambulant Temporary Toilets</b>	<p>Temporary Toilets that are designed for a person who has a disability that impairs but does not prevent walking</p>
<b>Accessible Temporary Toilets</b>	<p>Temporary toilets designed for disabled patrons who have greater access requirements such as wheelchairs, walking aids or require carer assistance. Sometimes referred to as Universal Access Toilets.</p>
<b>Fully Accessible (or Adult Change Facility) Temporary Toilet</b>	<p>A portable toilet that meets ‘changing places’ standards. There are currently only two in Australia (both located in Victoria). These toilets include a fully accessible toilet, overhead ceiling hoist, height adjustable adult change table, modesty curtain, additional seating, heating and cooling, adequate space for circulation, an automatic door, access ramp and an external sun shade.</p>

## References

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- Australian Institute Of Health And Welfare 2010. Health of Australians with disability: health status and risk factors. *In: Australian Institute Of Health And Welfare (ed.)*. Canberra.
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**This document can be made available in alternative formats on request for a person with disability.**

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