

# DRAFT FOR CONSULTATION

## **Fair Access to Bathrooms Bill**

Member's Bill

### **Explanatory note**

#### **General policy statement**

This is an omnibus Bill introduced under Standing Order 267(1)(a). That Standing Order provides that an omnibus Bill to amend more than 1 Act may be introduced if the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. The purpose of this Bill is to ensure all organisations that provide publicly used facilities must provide separate, clearly demarcated, unisex and single sex bathrooms. These organisations will span areas of sport, education, and commercial enterprise. It goes against logic and common sense for a government to allow biological men to access women or girl's restrooms, changing rooms, and other safe spaces. It is essential that the Government protect women's spaces. This Bill is about finding a balance between fair inclusion and fairness for all. It will also ensure that all current provision of publicly used facilities will not allow anyone access to facilities that are designated for use by the opposite sex.

#### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* provides that the Bill comes into force on the day after Royal assent.

### **Part 1**

#### **Amendment to Building Act 2004**

*Clause 3* provides that Part 1 amends the Building Act 2004.

*Clause 4* inserts *new section 450C* to provide for transitional matters.

## **Part 2**

### **Amendment to the Summary Offences Act 1981**

*Clause 5* provides that Part 2 amends the Summary Offences Act 1981.

*Clause 6* amends the Summary Offences Act 1981 to create an offence to use toilet accommodation of the designated-sex type by a person not of the designated sex.

## **Part 3**

### **Amendments to the Building Regulations 1992**

*Clause 7* provides that Part 3 amends the Building Regulations 1992.

*Clause 8* amends the Building Regulations 1992 to insert two definitions into clause A2, which relates to the interpretation of the Building Code.

*Clause 9* amends the Building Regulations 1992 to insert a new requirement into the Building Code about toilet accommodation. The objective is to require certain buildings used by the public to have female-only toilets, male-only toilets, and fully enclosed unisex toilets.

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**The Parliament of New Zealand enacts as follows:**

#### **1 Title**

This Act is the Fair Access to Bathrooms Act **2024**.

## 2 Commencement

This Act comes into force on the day after the date of Royal assent.

### Part 1 Amendment to Building Act 2004

## 3 Principal Act

This Part amends the Building Act 2004.

## 4 New section 450C inserted (Transitional provision for toilet accommodation)

After section 450B, insert:

### **450C Transitional provision for toilet accommodation**

Clause G1A of the building code does not apply to any building work—

- (a) for which, immediately before the commencement of the Fair Access to Bathrooms Act **2024**, a building consent had been granted or applied for; and
- (b) that starts on or before the day that is 6 months after that commencement.

### Part 2 Amendment to Summary Offences Act 1981

## 5 Principal Act

This Part amends the Summary Offences Act 1981.

## 6 New section 26A inserted (Use of single-sex toilet by person not of designated sex)

After section 26, insert:

### **26A Use of single-sex toilet by person not of designated sex**

- (1) Every person is liable to a fine not exceeding \$2000 who uses a single-sex toilet and is not of the sex for which that toilet has been designated.
- (2) It is a defence in a prosecution under this section if the defendant provides that they had reasonable grounds for using the single-sex toilet.
- (3) In this section, the term **single-sex toilet** means a toilet room for use by people of the sex identified at the entrance to the toilet room, with cubicles containing toilets and handwashing facilities in a shared area used as a single-sex space.

## Part 3

### Amendments to Building Regulations 1992

#### 7 Principal regulations

This Part amends the Building Regulations 1992.

#### 8 Clause A2 amended (Interpretation)

In clause A2, insert in their appropriate alphabetical order:

**unisex toilet** means a fully enclosed toilet room for use by an individual with handwashing facilities for individual use within the room

**single-sex toilet** means a toilet room for use by people of the sex identified at the entrance to the toilet room, with cubicles containing toilets and handwashing facilities in a shared area used as a single-sex space

#### 9 New Clause G1A inserted (Toilet accommodation)

In Schedule 1, after clause G1, insert:

##### **G1A—Toilet accommodation**

Provisions	Limits on application
<b>Objective</b>	
<b>G1A1.1</b> The objective of this provision is to ensure:	Limited to <i>buildings</i> other than dwellings.
(a) single-sex female-only toilets are available,	Does not apply to <i>housing, outbuildings, and backcountry huts</i> .
(b) single-sex male-only toilets are available, and	Except en-suite facilities in individual rooms for residential purposes and care homes.
(c) fully enclosed unisex toilets are available.	Does not apply to cellular accommodation in custodial facilities.
<b>Functional requirement</b>	
<b>G1A1.2</b> Provision must be made for toilet accommodation in <i>buildings</i> other than dwellings for use as:	G1A1.2 applies to all toilets which form part of or serve the <i>building</i> .
(a) single-sex toilets for males with either single-sex shared or individual hand-washing facilities,	
(b) single-sex toilets for females with either single-sex shared or individual hand-washing facilities, and	
(c) fully enclosed unisex toilets.	
<b>Performance</b>	

Provisions	Limits on application
<p><b>G1A1.3.1</b> Toilet facilities must be provided to accommodate—</p> <p>(a) separate single-sex toilet facilities for males with signs showing they are for use by males,</p> <p>(b) separate single-sex toilet facilities for females with signs showing they are for use by females, and</p> <p>(c) fully enclosed unisex toilets to ensure privacy and safety.</p>	