

From: s 47F(1)

Sent: Thursday, 9 October 2025 2:39 PM

To: s. 22(1)(a)(ii)

Cc: s. 22(1)(a)(ii)

Subject: Re: PID Briefing attached and session confirmation – Tuesday 14 October 2pm
[SEC=OFFICIAL]

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Great thanks just read it. My preso is very much aligned to this and focused on behaviour (Act, SADA Pos Duty, Data, research and myth busting) and not beliefs. Looking forward to it and will likely roll something out for other departments based on this.

Can I confirm you are strongly encouraging branch heads and above and possibly Directors to attend? As people leaders..... and not saying anything here about submissions etc....

.If you are using assistive software, my message ends here. Below is my signature block and contact information.

s 47F(1) (he/him)
Relationship Manager - ACT
Pride in Diversity
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Australian Government
**Department of Climate Change, Energy,
the Environment and Water**

PDR ID

To: Luise McCulloch, Deputy Secretary

Inclusive Bathroom Signage

Recommendation:			
1. Seek agreement to the proposed education and communication on Inclusive Bathroom signage			
			Please discuss
Signed:		Date:	
Comments:			
Clearing Officer:	Luise McCulloch	Deputy Secretary	Ph: [insert landline] Mob: [insert mobile]
Sent:../../..			
Contact Officer:	Andrew Oliver	Head of People Branch People Division	Ph: [insert landline] Mob: [insert mobile]

Purpose

1. To provide an update on the pilot of inclusive bathroom signage in DCCEEW

Key Issues

2. In July 2023, the Department introduced a pilot of inclusive bathroom signage in the John Gorton Building (JGB) and Allara Street offices. The pilot was approved by the Culture and People Committee in May 2023, following a recommendation from Pride Network.
3. The signage, which is placed inside the bathrooms, affirms that employees are encouraged to use the bathroom that aligns with their gender identity.
4. The signage was developed in consultation with the Pride Network to promote safe, respectful access to facilities for transgender and gender-diverse employees, aligning with legal obligations under the *Sex Discrimination Act 1984* (SD Act) and the *Work Health and Safety Act 2011* (WHS Act). Under the SD Act, the Department has a positive duty to take reasonable and proportionate measures to eliminate workplace sex discrimination and harassment.
5. Feedback has generally been supportive and has focused on the importance of visible inclusion and psychological safety for transgender and gender-diverse employees.

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6. Concerns have been raised by a small number of employees (fewer than 15), both anonymously and directly. These concerns have related to personal safety, cultural or religious beliefs, and misunderstandings about what the signage represents. Signs have also been removed or defaced from some bathrooms.
7. On 20 May 2025, Inclusion was advised that Comcare has received a Section 82 request for issue resolution regarding the inclusive bathroom signage initiative. The request raises concerns about a lack of consultation and unresolved health and safety matters. In response, the WHS team is coordinating a meeting with Comcare (date TBC) and has requested supporting materials, including staff communications, evidence of consultation and feedback, decision-making records, and the approved risk assessment. Inclusion is working with relevant areas to collate and provide this information by COB 22 May.
8. People Division recommends an education and communication campaign be undertaken ahead of updating the signage as permanent fixtures in Canberra offices and implementing this initiative in other DCCEEW offices.

Education and Communication

11. It is proposed that the Inclusion Team work with Property to ascertain:
 - Tenancy arrangements
 - The placement of signage
 - Permanent frame options due to defacement
 - Any relevant state based legislation
12. This data will be reviewed to better understand individual site requirements and a tailored communications approach –in consultation with the department’s Inclusion Networks, the Health & Safety Representatives (HSRs) and Head of Sites, to build on the LGBTQIA+ education and capability efforts, and inform the development of a national implementation strategy for consistent application and messaging.
13. At the same time, it is recommended that embedding the implementation approach for Canberra continues, via immediate education and capability efforts through the following proposed communications (further detailed at **Attachment A**):
 - a. A refreshed intranet article to accompany the rollout, aimed at clearly articulating the intent behind inclusive signage. It reinforces that the signage does not alter access to gendered bathroom facilities, but affirms the rights of transgender and gender-diverse employees under existing legislation.
 - b. This messaging is supported by a set of talking points developed for managers and senior leaders, designed to help guide respectful, consistent conversations with staff and address questions or concerns constructively. Both the updated intranet article and talking points have been cleared by Pride Co-Champion Anita Agett and are attached to this paper for reference.

Placement of signage

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14. It is recommended that placing the signage on the outside of the bathroom is considered to make it more visible to staff before entering and signal a safe and inclusive space. Further, to assist with education and reaffirm the legal requirement for inclusive bathrooms, reference is made on the signage to the relevant legislation.
15. This will likely mitigate the ongoing issue of defacing of signage, particularly if signs are installed in more permanent frames.

Background

16. This initiative does not involve changes to bathroom structures or the removal of external male or female signage. The facilities remain designated as male or female in line with the *National Construction Code 2022* (NCC).
17. Inclusive signage differs from gender-neutral signage. It recognises that transgender, non-binary and intersex employees may use gendered facilities (e.g. male or female bathrooms) aligned with their identity, rather than requiring separate or neutral options.
18. The initial pilot of inclusive bathroom signage in JGB and Allara Street offices was implemented without broader staff consultation, following a decision by CPC. There was also a failure to adequately communicate with and educate staff about the initiative. The initiative didn't introduce a new WHS policy or practice, rather it supports existing employee rights under the SD Act, namely the right to use the bathroom that aligns with one's gender identity. The implementation has also been heavily focused on taking an inclusive approach to the nature of the arrangement, rather than taking a more legislative focus.
19. Signage has only been installed in Canberra offices (JGB and Allara Street) although in at least one instance signage was mistakenly installed in a state office without appropriate authorisation. The lack of a national implementation strategy has led to inconsistent application and messaging across the department.
20. The initiative has also not matured to more durable signs (such as a permanent framing) or a final position on the location of signs. Currently, the signage is located on the inside of the bathroom, meaning it is not visible to staff before entering. This reduces its intended purpose of signalling a safe and inclusive space, and feedback from the Pride Network has indicated this limits its effectiveness.

WHS Risk Assessment

21. A draft risk register was developed by the People Division to support Executive decision-making during the implementation of gender inclusive bathroom signage. This work was informed by input from WHS, Inclusion, PESS, and Property. (Attachment B)
22. Key points include:
 - The overall risk rating has been assessed as low to medium.
 - The signage does not introduce a new WHS policy or practice but rather communicates and supports existing employee rights under the Sex Discrimination Act 1984, namely, the right to use the bathroom that aligns with one's gender identity.
 - This right exists regardless of whether signage is present.
 - As there is no change to existing workplace practices or entitlements, there is no formal obligation to consult under the Work Health and Safety Act 2011.

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- However, the draft register recommends proactive engagement with staff should the initiative expand further, to manage perceptions, clarify intent, and mitigate non-legal risks.
 - The risk register remains in draft form but has already supported Executive discussions to date.
23. It should also be noted that the consultation obligations under the *Department of Climate Change, Energy, the Environment and Water Enterprise Agreement 2024-2027* would not apply to decisions about displaying inclusive bathroom signage (e.g. the drafting of this signage, how/where it is affixed, etc.). This is because these decisions do not involve and would not result in any change to actual practices or the department's position – they are simply a communication tool outlining this position.
24. Legal advice summarised below provides further clarity on compliance with legislation:
- The department has a primary duty under the WHS Act to ensure the health and safety of its workers. This will likely include the provision of bathrooms that are safe to use for transgender/ gender diverse staff members. The department will meet its duties under the WHS Act by effectively assessing risks and removing or reducing those risks through reasonably practicable measures.
 - The installation of the signage does not affect the separate provision of male and female sanitary facilities under the NCC, as the NCC requirements relate to the technical design and construction requirements for buildings. The department is not altering or removing the physical layout of the facilities, nor access to those facilities.
 - The SDA provides protections from discrimination on the grounds of sexual orientation, gender identity and intersex status. The department also has a positive duty to take reasonable and proportionate measures to eliminate, as far as possible, workplace sex discrimination and harassment under s 47C of the SDA.
 - There are consultation requirements under the WHS Act for matters relating to work health or safety, and in particular circumstances under the *Department of Climate Change, Energy, the Environment, and Water Enterprise Agreement 2024-27 (EA)*, however these requirements are unlikely to apply in circumstances where there is no change to ways of work, facilities or practice.
25. Ultimately, all staff in JGB have access to an all-abilities facility as an alternative if they do not feel safe sharing a facility with any other employee, this is a key risk mitigation that allows any employee for any reason to use a facility alone.

Creating Inclusive Spaces: DCCEEWS Inclusive Bathroom Signage

Here at DCCEEW we are committed to providing a safe and inclusive workplace for all our staff. For most people, going to public bathrooms is a simple and easy thing, an unconscious decision. For trans and gender diverse people, heading to public bathrooms can be a complex, uncomfortable and potentially volatile decision. For many trans and gender diverse peoples, gender identity can be an ongoing journey, which means that deciding which bathroom to use can be daunting due to others expectations or, assumptions regarding their gender identity.

At Allara st and JGB here in Canberra, we have installed gender inclusive bathroom signage to help our trans and gender diverse colleagues feel more empowered to use the bathroom that best matches their gender identity. This is inherently an inclusive action and practice, and has been adopted worldwide in many large organisations, departments and businesses as best practice inclusive behaviour. See below for some more information on the importance of these bathrooms signs at DCCEEW and key legislation that supports this as an inclusive practice.

The Importance of Inclusive Bathroom Signage

Traditional bathroom signs typically indicate "Male" or "Female," which can be exclusionary and uncomfortable for trans and gender diverse staff. Inclusive bathroom signage seeks to create a welcoming environment for all. Gender inclusive bathrooms are essential for several reasons:

1. **Safety and Comfort:** Inclusive signage helps ensure that everyone feels safe and comfortable using bathroom facilities. For trans and gender diverse staff, choosing a bathroom can be a stressful and potentially dangerous decision. Inclusive bathrooms reduce this anxiety by providing a space where their identity is respected.
2. **Equality:** By implementing inclusive signage, organisations demonstrate their commitment to equality. It sends a clear message that all individuals are valued and respected, promoting a culture of inclusivity.
3. **Legal Compliance and Social Responsibility:** In Australia, there are legal requirements and guidelines that support the inclusion of all individuals, regardless of gender identity. Inclusive bathroom signage help organisations comply with these regulations and fulfill their responsibility to create safe and welcoming environments.
4. **Employee Wellbeing:** In workplace settings, inclusive bathrooms contributes to the overall well-being of employees. When individuals feel respected and supported in their workplace, it positively impacts their job satisfaction and productivity. Everyone needs to use a bathroom at work.

Relevant Australian Legislation

Australia has made significant strides in promoting gender equality and protecting the rights of transgender and gender-diverse individuals. Several pieces of legislation support the implementation of inclusive bathroom signage:

1. **Sex Discrimination Act 1984:** This federal law prohibits discrimination on the basis of sex, gender identity, and intersex status. Under this Act, it is unlawful to deny a person access to facilities based on their gender identity. Inclusive bathroom signage aligns

with the principles of this legislation by ensuring that all individuals have equal access to public facilities.

2. **State and Territory Anti-Discrimination Laws:** Various states and territories in Australia have their own anti-discrimination laws that complement the federal Sex Discrimination Act. For instance, the Anti-Discrimination Act 1977 in New South Wales and the Equal Opportunity Act 2010 in Victoria both provide protections against discrimination for transgender and gender-diverse people.
3. **Building Codes and Accessibility Standards:** The National Construction Code (NCC) and the Disability (Access to Premises – Buildings) Standards 2010 outline requirements for accessible facilities. While these codes primarily focus on physical accessibility, they support the broader goal of inclusivity by ensuring that facilities are designed to accommodate all users.

Conclusion

We understand that this may be a new practice and that you may have some questions on what this means for you, others and the department. We ask you to reach out to our inclusion team at [s.47E\(d\)@dcceew.gov.au](mailto:s.47E(d)@dcceew.gov.au) to discuss any questions you may have. The signs demonstrate commitment to equality, comply with legal requirements, and promote a culture of inclusivity.

References

Sex Discrimination Act 1984: Australian Government Legislation

Anti-Discrimination Act 1977 (NSW): New South Wales Legislation

Equal Opportunity Act 2010 (VIC): Victoria State Government

National Construction Code (NCC): Australian Building Codes Board

Disability (Access to Premises – Buildings) Standards 2010: Australian Government Legislation