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Committee Secretary

House of Representatives Standing Committee on Legal and Constitutional Affairs

BY: LACA

Submission No 19

## **Inquiry into draft Disability (Access to Premises – Buildings) Standards**

SUBJECT: Parking for the Disabled

### **Supplementary Submission by Jan Cocks (includes an Appendix and an Attachment)**

#### Summary

Further to my earlier submission in support of the 800,000 people in Australia who currently hold Disabled Parking Permits, I would like to explain the importance and reasoning of increasing the number of parking spaces for the disabled from 1% to 3.7% and why two different widths of parking spaces (a two-tier parking scheme) are required and how this can be economically achieved.

The Appendix page details my recommended changes to clauses in the relevant Draft documents.

I enclose a 2-page Attachment containing 10 letters of support for more parking spaces for disabled Permit holders. These letters were written based on the earlier figure of 600,000 Permit holders. I request that the Attachment remain confidential.

In addition, I discuss some relevant related matters.

#### Please take a moment

As you sit reading my submission, please make yourself comfortable, I am asking you to just take a moment to feel from your heart – please.

I ask you to imagine - you have had a serious car accident. It wasn't your fault but now you can't feel your legs. You are trying to come to terms with the fact that your life will never be the same again. You're excited; at least, to have the independence to drive your car which now has hand controls. You are sitting in your car having learnt how to get the wheelchair in and out of the back by yourself. You have been warned that there are hardly any Disabled parking bays available.

It is important for you to get to the bank – as you approach the Disabled parking bays you notice that there is only one park left, but as you approach it another car beats you to the park. You watch as that person gets out of the car and walks off. Unbeknown to you (and the rest of the public) that person has a chronic internal disease and also has a Permit. You drive home and ask a relative to go to the bank for you. You're heart broken and devastated. Every person should have the right to be as independent as they can.

Thank you for taking that moment to feel from your heart.

## General

The current wider width parking spaces should remain and in addition a number of adjacent current standard width parking spaces be allocated by just adding the international disability access symbol to the spaces. There should be a minimum of 3.7% of parking spaces set aside for those with Permits for disabled parking.

## Importance

It is important because many people with a disability, who want to enjoy the modern lifestyle of the community, wish to be independent and self-supportive. They should have that right. The number of Permit holders is very likely to keep increasing over the next 5 years and so a percentage of 4% may be a more practical figure.

## Reasoning

I believe that Permit holders who use wheelchairs, walking-frames, oxygen tanks and other large mobility aids need the wider parking space. All Permit holders need the closeness to shops, facilities, etc, but not all need the width of the wider parking space. Whenever the general parking spaces appear to be full, the disabled parking spaces appear to be full as well, and vice versa. Disabled parking spaces, Police parking spaces and Loading parking spaces are more obvious when empty, but they are all essential.

My estimate (by observation in Adelaide) of the number of non-mobility aid users to mobility aid users currently using the parking spaces for the disabled is about two to one (ie in simplicity, two internal disability users for every wheelchair user).

Many of the 'Baby Boomers' now hold Permits; this is probably one of the main reasons for the increase in the number of Permits issued. Changes in people's eating habits and little exercise are probably causing health problems for some; also leading to more Permits being issued. As time goes by there will no doubt be a drop in the demand for disabled parking spaces (many years hence) , but as I explain below, the number of standard width disabled parking spaces can be easily adjusted accordingly.

## Distinguishing the parking spaces

The current wider width parking space could retain the large international disability access symbol and the new allocated standard width parking space could have a smaller symbol painted within it.

Alternatively, the current wider width parking space could have the word "mobility aid" included above or below the symbol and the new allocated standard width parking space could just have the large symbol added.

Standard width parking spaces should never be allocated as a parking space for the disabled on their own; they should only exist adjacent to an already existing wider width parking space. Only a wider width parking space should exist on its own. People with mobility aids will always require a wider width parking space.

## Changes to Permits

Parking spaces for the disabled cannot be dealt with in isolation, the Permit is also involved. This would be considered “any related matters” under the Terms of Reference.

Issuers of Permits could add additional wording to Permit documentation to indicate that if a disabled person does not need to use the wider width parking space then to always use the standard width parking space (this would rely on the “honour” system to be successful).

## National Consistency for the Permit and the Permit Application Form

If there is to be consistency nationally for parking spaces for the disabled, then it follows that there should be consistency nationally for matters concerning the actual Permit.

Currently, some States have the Permits issued by Transport Departments and others by Councils/Shires (notably VIC) or other organisations (notably WA). This has created variations to the actual Permit. A national standard format and colour code should be established so that the Permit is consistent throughout Australia. In general, Permits are issued as either permanent or temporary and colour-coded accordingly.

The current Permit Application Forms vary in the number of disorders listed to which mobility impairment is related. A national standard list of the clinically recognizable disabilities that can affect mobility should be included in all Permit Application Forms. NSW has the most extensive list in its Form. Although the ACT Form only lists four, it does include respiratory, cardiac and arthritic conditions.

Also, the current Forms vary widely in their Walking Distance Criteria. As shopping needs are probably the highest priority for Permit holders, perhaps the walking distance criteria could be determined as the average distance from the most distant standard width disabled parking space to the store most visited (eg supermarket) at a shopping centre.

My recent research has shown:

<u>Region</u>	<u>Colour Permanent</u>	<u>Colour Temporary</u>	<u>Colour Other</u>	<u>Walking Distance Criteria</u>	<u>Recognised Disabilities Listed</u>	<u>Photo ID to curb misuse</u>
ACT	White	White	White	100 m	4	No
NSW	Blue	Red	Green	100 m	9	Yes
NT	Blue	?	-	open	nil	No
QLD	Blue	Red	-	100 m	nil	No
SA	Blue	Yellow	-	various	nil	No
TAS	Blue	Red	-	50 m	nil	No
VIC	Blue	Green	-	rest breaks	nil	No
WA	Blue	?	-	50 m	5	No

*(Permit Application Forms are viewable and downloadable via the Internet)*

The Photo ID inclusion (currently only used in NSW) should be used nationally. It not only prevents misuse of the Permit but also assists Permit holders to prove their identity if required, especially for the situation of “You don’t look disabled”. Misuse is generally due to illegal parking or unauthorised use by relatives of a Permit holder using that person’s Permit. A paper discussing this matter was prepared by Queensland Transport in 2005.

### Costs

Costs would include the addition of the international disability access symbol to newly allocated standard width disabled parking spaces, the relocating of current, or erection of additional, pavement signs and the inclusion of the words “mobility aid” to the current wider width parking spaces. As an alternative option, it has been suggested to me that the “honour” system could be used instead of including the words “mobility aid”. This would eliminate one of the costs.

### Economically achieved

By only needing to allocate selected current standard width parking spaces, the enormous cost of creating additional wider width parking spaces is avoided. Painting symbols and words on the current parking spaces is a relatively cheap process in comparison. Also, by not having to create wider width parking spaces, businesses will not lose customers as the same number of parking spaces will be retained.

### Business aspects

In respect to shopping centres, it just means that some existing standard width car parking spaces near building entrances will need to be specifically designated for the disabled. The shopping centre businesses will still be receiving the same number of customers; it just means that those customers with Disabled Parking Permits will not have to walk so far. Businesses will not lose customers.

The situation for other types of businesses would be similar, but to a lesser degree.

### Parking Stations

A percentage of Permit holders have full or part-time employment and a two-tier car parking space system for the disabled would also be required at public parking stations and at parking facilities provided by employers.

### Determining ratio accurately

Although my estimate of the ratio of large mobility aid users to non-large or nil mobility aid users using the parking spaces for the disabled was by observation, this ratio could be determined more accurately by relevant Transport Departments or Issuers of Permits organisations perusing their approved Permit applications and recording the nature of disabilities into groupings. Information could also be provided on the number of temporary Permits issued.

Regulations could be included so that as the percentage of the population with Permits for Disabled Parking changed, or as the ratio of large mobility aid users to non-large or nil mobility aid users changed, the percentage of allocated parking spaces could be adjusted accordingly, mainly by the adjustment of the number of Standard Width parking spaces. This could be assessed five-yearly.

Supplementary Submission by Jan Cocks

**APPENDIX: Recommended changes to relevant clauses in the Draft documents**

**DOCUMENTS**

<p><b>a) Exhibit 1</b> Disability (Access to Premises – Buildings) Standards Guidelines 2009 (Page 30 - Schedule 1 Part D3)</p> <p><b>b) Exhibit 2</b> Summary of main Australian Standards referenced in the Access Code AS 2890 Parking facilities</p>	<p>a) Subject Title: <b>Accessible carparking</b></p> <p>b) Subject Title: <b>Part 6: Off-street parking for people with disabilities</b></p>
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*a) and b) to be considered in conjunction with each other*

**CHANGES TO RELEVANT CLAUSES**

Clause / Reference	Para / Table	Recommended Change	Supportive Comment
<p>a) <b>Exhibit 1</b> Clause D3.5</p>	<p>a) Table 3.5</p>	<p>a) <i>to be read in conjunction with b) below</i></p> <p><b>Column titled: Number of accessible carparking spaces required</b></p> <p>Separate into two columns titled:</p> <p><b>i) WIDER WIDTH spaces required</b></p> <p><b>ii) STANDARD WIDTH spaces required</b></p>	<p>a) <i>to be read in conjunction with b) below</i></p> <p>In late-2008, according to the Attorney-General's Department, the approximate number of Disabled Person's Parking Permits issued around Australia was 800,000.</p> <p>This figure would probably include both <u>permanent</u> Permits and a fluctuating number of <u>temporary</u> Permits.</p> <p>As 3.7% of the population has been issued with Disabled Person's Parking Permits, it is recommended (from observation) that:</p> <p>1.2% of Wider Width spaces be made available</p> <p>2.5% of Standard Width spaces be made available</p> <p>As the percentage of the population with Permits for Disabled Parking changed, so could the percentage of spaces available, mainly by the adjustment of the number of Standard Width parking spaces. This could be assessed every five years.</p>
<p>b) <b>Exhibit 2</b> Part 6</p>	<p>b) Table</p>	<p>b) <i>to be read in conjunction with a) above</i></p> <p><b>Under Content</b></p> <p><b>Change:</b> "Carparking space dimensions" to "Wider Width carparking space dimensions".</p> <p><b>Include:</b> "NOTE: Standard Width carparking space dimensions are unchanged when designated for use by people with disabilities who hold a disabled person's Parking Permit"</p> <p><b>Under Details,</b></p> <p><b>Include:</b> "The words MOBILITY AID be included above or below the international disability access symbol in the Wider Width space"</p> <p><b>Under Content</b></p> <p><b>Include new subject:</b> "Standard Width carparking space"</p> <p><b>Under Details,</b></p> <p><b>Include:</b> "Must NOT be allocated on their own"</p> <p><b>Under Comments,</b></p> <p><b>Include:</b> "must always exist adjacent to an already existing wider width parking space"</p>	<p>b) <i>to be read in conjunction with a) above</i></p> <p>Parking spaces for most people with non-visible disabilities need only be STANDARD WIDTH spaces, while parking spaces for people with disabilities who require mobility aids would be WIDER WIDTH.</p> <p>Only a Wider Width parking space may exist on its own.</p>

### Own Standard

Parking for the Disabled covers more than just access to premises, it also covers the Permit and the issuing of Permits. Because of this it should have its own identity and be defined in a Standard of its own. This would also enable it to be dealt with in its own timeframe rather than a timeframe tied down to just access to buildings. It needs to deal with a constantly changing number of people and their needs. Such a Standard may need to be reviewed 5-yearly.

Parking for the Disabled has not been seriously dealt with since 1986.

### Public Awareness Campaign

As I have endeavoured to help Permit holders and inform the public over the past 20 years in South Australia with the "Parking for the Disabled" campaign, I would be willing to carry out a similar campaign nationally once the new Standard is implemented. Such a campaign is twofold as it not only informs the community about the car parks for the disabled but also re-assures the Permit holders, especially those who need to deal with the "You don't look disabled" comment.

In addition, a letter explaining the changes to the Permit parking arrangements should be sent from the Australian Government to each Permit holder.

I have already had initial discussions with an Australia-wide non-profit community organisation which may be able to assist me in helping the public to understand that the Permit is needed to use the car parks for the disabled.

### Referral

If aspects concerning the Permit, a Standard for Parking for the Disabled and a Public Awareness Campaign cannot be discussed under the Terms of Reference, then I ask that this Committee please refer them to an appropriate Parliamentary Committee for consideration.

### Conclusion

At the beginning I asked you to feel with your heart; I now ask you to agree to a practical solution with your mind, for those 800,000 Permit holders in need.

**EVERY PERSON SHOULD HAVE THE RIGHT TO BE AS INDEPENDENT AS THEY CAN.**

Kind regards,

(Mrs) Jan Cocks