



## **Transport Legislation (Disability Parking and Other Matters) Amendment Bill**

### **Submission by Guide Dogs Queensland**

**Submission to:** **Transport and Public Works Committee**

**Response submitted by:** **Matthew Barwick**  
**Marketing & Communications Manager**  
A: PO Box 5301, Brendale QLD 4500, Australia  
P: 07 3500 9017

**Authorised by:** **Michael Kightley**  
**Chief Executive Officer**

Committee Secretary  
Transport and Public Works Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Submission Emailed to: [tpwc@parliament.qld.gov.au](mailto:tpwc@parliament.qld.gov.au)

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## 1. Executive Summary

Guide Dogs Queensland (GDQ) believes that the eligibility criteria for a disability parking permit in Queensland must be expanded to include blind and vision impaired (VI) persons who are legally blind. We welcome the introduction of the *Transport Legislation (Disability Parking and Other Matters) Amendment Bill* that will vastly improve the safety and independence of VI Queenslanders by removing their current exclusion from the disability parking permit scheme, meeting wider community expectations and helping standardise access for permit holders between states.

A person's ability to walk is determined by more than just their functional movement – it also comes down to their safe mobility, or their ability to move freely. For a person to “move freely”, they must be able to walk in a way that is free from harm. Sight is critical to mobility and the ability to walk safely, as well as for orientation and obstacle avoidance.

In a recent GDQ survey of VI clients, 93% of respondents believed their mobility and ability to walk is impaired due to their blindness or low vision.

GDQ considers carpark environments or areas with combined traffic and pedestrian movement to be of major concern, offering the greatest situational disadvantage to VI Queenslanders who cannot access disability parking. When a person loses their sight, their ability to judge or evaluate risk within an environment like a carpark is largely removed, impairing their ability to move freely and vastly increasing the likelihood of harm. Most VI persons currently need a carer or partner (a sighted guide) to safely get through a carpark, but if travelling independently, make a “best guess” on when it is safe to cross busy traffic areas.

Carparks are therefore a major cause of anxiety and stress for many Queenslanders who are blind or vision impaired, with 92% of respondents to a recent client survey reporting they do not feel safe in carparks and 58.5% responding that they either avoid carparks altogether or won't move through carparks unassisted.

Worryingly, over 64% of respondents also reported having been hit or experienced a near collision in the past five years while moving through a carpark. Over 54% had been hit or had a near miss with a vehicle more than three times, 31% over five times, and 16% over 10 times in the past five years alone.

The survey also revealed a number of issues VI Queenslanders currently experience in carparks, as they are unable to use dedicated disabled parking spaces:

- Travelling two abreast with a sighted guide – at least one person needs to walk in the lane of traffic while walking behind parked cars.
- Distraction for guides – if the sighted guide is distracted, there can be disastrous consequences in the combined traffic/pedestrian environment.
- Travelling with children and/or with groceries/shopping is very difficult to manage safely for a VI person or their sighted guide.
- Trip hazards like uneven ground, carpark wheel stops, abandoned trolleys, gutters and stairs and a lack of pedestrian walkways, pedestrian safe zones and tactile markings make travel very difficult for someone with vision loss.
- Width of regular carpark spaces make it difficult for car doors to be opened wide enough to allow a Guide Dog to get out, or a person to be safely guided.

Providing access for VI Queenslanders to disability parking at the entrances to centres and buildings would largely mitigate these risks that are currently experienced when travelling through a carpark, improving safety, independence and confidence.

New South Wales, the Australian Capital Territory, South Australia and Tasmania already recognise the impact of blindness and vision impairment on mobility and allow for disabled parking permits to be issued to the blind and vision impaired members of their communities.

The Queensland exclusion of VI persons works against the intentions of the Australian Disability Parking Scheme (ADPS), which was designed to simplify and standardise the access that permit holders would have when moving between states.

GDQ therefore strongly supports the *Transport Legislation (Disability Parking and Other Matters) Amendment Bill* and asks the Transport and Public Works Committee to support the proposed amendments in full.

We believe the current definition for *blind* proposed in the *Transport Legislation (Disability Parking and Other Matters) Amendment Bill* is suitable for use to define eligibility to the proposed expanded ADPS scheme in Queensland. We further commend the expansion of certification to healthcare professionals such as Ophthalmologists and Optometrists.

We also believe that the membership increase to the current disability parking scheme will be less than forecast in the Bill's introductory speech to Parliament. Based on the amount of "active" clients in Queensland that GDQ and other service providers currently assist, we estimate approximately 4,000 new applications will be received following the expanded scheme being made available to VI Queenslanders.

GDQ further recommends in the interest of reducing burden on Transport and Main Roads that the application for the *Vision Impairment Travel Pass* is extended to include a section for access to an ADPS permit on the same application form. This would mean a reduction in the amount of forms and amount of applicant evidence that needs to be processed by the department, as well as reducing the number of forms that individuals would need to complete to "prove their permanent blindness" to access the benefits of the different schemes.

Providing access to disability parking for the blind and vision impaired members of our community will go a long way towards promoting opportunities for all Queenslanders and help build a fairer, more inclusive Queensland.

We thank the Members of Parliament, the Minister and the department for their support and for their work to correct the current oversight by passing the *Transport Legislation (Disability Parking and Other Matters) Amendment Bill* for the benefit and safety of Queenslanders with low or no vision in our community.

## **2. Introduction**

Thank you for the opportunity to provide a submission to the Transport and Public Works Committee about the *Transport Legislation (Disability Parking and Other Matters) Amendment Bill*.

Guide Dogs Queensland (GDQ), on behalf of the Queensland blind and vision impaired community that we serve, welcomes this amendment bill to make necessary, and for some individuals and families we represent, life-changing amendments to the eligibility criteria for disability parking permits in Queensland, to be inclusive of people who are legally blind.

## **3. Scope of submission**

GDQ's focus in this submission to the Committee is on the inclusion of Queenslanders who are blind and vision impaired (legally blind) into the eligibility criteria for a disability parking permit in Queensland.

We do however commend the Minister and the department on their forethought and support their initiative to take further action to increase penalties for those parking illegally in disabled parking spaces. We also stand ready to support any initiatives to further enhance opportunities for education in the community to support awareness and deter misuse of these spaces.

## **4. Background**

Eligibility to apply for a disability parking permit in Queensland is currently based on an applicant's functional ability to walk, as per the criteria defined by the Australian Disability Parking Scheme (ADPS) that was adopted by Queensland.

GDQ contends a person's ability to walk is determined by more than just their functional movement. We believe it also comes down to their mobility, or their ability

to move freely. For a person to “move freely”, they must be able to walk in a way that is free from harm. Sight is critical to mobility and the ability to walk safely, as well as for orientation and obstacle avoidance. It is the primary sense that is used by people when making a decision to walk, to navigate their journey and to stay safe along the way.

In a recent GDQ survey of blind and vision impaired clients (February 2019), 93% of respondents believed their mobility and ability to walk is impaired due to their blindness or low vision.

GDQ works with Queenslanders who are blind and vision impaired to help return their mobility, through training focussed on the use of essential mobility devices and in most cases, the use of hearing to assist in making a safe judgement.

Within a carpark environment however, while mobility devices enable functional movement, the use of hearing to assist in making judgement on when and where to move is often severely compromised by traffic noise (both moving and idle and from all directions), and from trolley and pedestrian movement within the tight space or confined area. The result of this is the need for people who are blind and vision impaired to either be accompanied by a carer or partner (a sighted guide), thus removing independence, or if they do choose to travel independently, to make a “best guess” on when it is safe to cross busy traffic areas.

To compound this issue, the lack of pedestrian walkways, pedestrian safe zones and tactile markings to allow safe pedestrian movement within most carpark environments often results in pedestrians and vehicles sharing the same space.

When a person loses their sight, their ability to judge or evaluate risk within an environment is largely removed, impairing their ability to move freely and vastly increasing the likelihood of harm. The effect of this on an individual’s confidence can be quite dramatic and severely restrict their ability to be independent and feel an active part of the wider Queensland community.

Many GDQ clients have advised that they often choose not to go to places like shopping centres or to take part in community events due to the impacts their attendance may have on family and friends that are currently required to act as sighted guides to make their access possible. These considerations seem largely based on “being a burden” to their loved ones by adding time and organisation to manage the transition between the carpark and the shopping centre or venue, due to not being able to access disability parking spaces located near the entrance.

Consequently, for many blind and vision impaired Queenslanders, this has led to feelings of exclusion and depression, and a lack of opportunities to participate.

This is the main reason why so many individuals and families have asked GDQ to be an advocating voice representing them, so that with a simple change to allow the use of accessible parking, they can enjoy the sort of freedom and safety that many sighted community members take for granted when leaving their homes.

## **5. Survey of Queenslanders who are blind and vision impaired**

GDQ conducted a “Disability Parking Survey” of GDQ clients in February 2019 to obtain suitable data to further support the campaign for change that was started by former Board Director and Guide Dogs Client, Dr John Vance OAM in 2010.

The survey was distributed to 1,175 GDQ clients on Tuesday 26 February, and received 202 responses from clients across Queensland.

The key findings of this survey are listed below:

- 92% of respondents do not feel safe in carparks, with 58.5% responding that they do not feel safe at all and either avoid carparks altogether or won't move through carparks unassisted.
- 83.5% of respondents cited car movements that they cannot detect as the main issue in carparks, with acoustics of the traffic environment and impatient



drivers the other main causes of stress at 58.5% each, and a lack of tactile ground surfaces to lead from car parks to exit points or building entries close behind on 53.5%.

- When asked about what mobility tools are used to get through car parks, 72% of respondents required a sighted guide (a person assisting their travel) to feel safe, while 54.5% also used a white cane and 20% a Guide Dog to enable them to be safely mobile.
- Over 64% of respondents have been hit or experienced a near collision in the past five years while moving through a car park. Over 54% of these respondents have been hit or had a near miss with a vehicle more than three times, 31% experiencing these hits or near misses over five times, and 16% over 10 times in the past five years alone.
- Cars were by far the biggest culprit of these hits or near misses on 68.5%, followed by bicycles and mobility scooters on 24.5% and 16% respectively.
- 93% of respondents believe their mobility is impaired due to their blindness or low vision.

While 72% of respondents said they required a sighted guide (a person assisting their travel) to feel safe enough to move through a car park, this in itself raised a number of further issues identified in the survey:

- **Travelling two abreast** – sighted guides provide a vital support to blind and vision impaired persons, but must do so two abreast to allow for safe movement. This is however especially difficult and dangerous when alongside carpark traffic lanes and when walking behind parked cars, due to the need for at least one person to walk in the lane of traffic.
- **Distraction** – if the sighted guide is distracted even for a moment, there can be disastrous consequences. Many clients have reported being unintentionally guided into a traffic environment, into an obstacle or hazard, or even being left to wait alongside traffic while the sighted guide is momentarily distracted.

- **Travelling with children** – children can often be unpredictable and the responsibility and stress for the sighted guide is amplified with needing to care for the safe movements of both children and blind or vision impaired person/s in their care. If a child or children in the care of the sighted guide (who is often a parent) is blind or vision impaired, the stress of moving through a carpark increases exponentially.
- **Travelling with groceries/shopping** – guiding someone safely while also trying to manage grocery bags or a full trolley is often very difficult in a traffic environment, requiring a wide travel path and exposing people to unnecessary risk and stress.
- **Dropping-off** – it is a common practice that blind and vision impaired persons are dropped off near the front entrance, requiring them to wait (sometimes for extensive periods) for their sighted guide to return after finding a parking bay for the vehicle. This not only exposes the blind and vision impaired person to risk (through robbery, abuse, danger from hazards, etc.), but is also often humiliating for the person, left to stand alone and wait with nothing to do until their sighted guide returns.

Respondents to the survey also noted a number of other concerns that traveling through a carpark environment created, such as:

- hazards like uneven ground, carpark wheel stops, abandoned trolleys, gutters and stairs;
- width of regular carpark spaces making it near impossible for car doors to be opened wide enough to allow a Guide Dog to get out, and especially too narrow for a person to be safely guided (two abreast), resulting in the use of mobility devices that can scratch or dent adjacent cars; injuries from colliding with side mirrors; or people forced to feel their way to the end of a vehicle between cars and then step out into the traffic environment; and
- burning of Guide Dogs' paws during summer on the hot bitumen while trying to navigate out of a carpark.

The results from this survey now form a factual base for our campaign to change the eligibility to disability parking in Queensland.

The survey results were shared in full in March 2019 with the Transport and Main Roads consultant appointed by the department to investigate eligibility criteria for blind Queenslanders to the disability parking scheme.

Further direct feedback submitted from survey respondents can also be found in Appendix 1 attached.

## **6. Other jurisdictions**

GDQ recognises the importance of the Australian Disability Parking Scheme (ADPS) and its efforts to set a nationally consistent eligibility criteria and national minimum parking concessions to help reduce the barriers for permit holders when travelling interstate. We note that as per the Department of Social Services website, these national minimum standards for disability parking concessions also give the States and Territories the flexibility to provide additional concessions to meet the needs of local permit holders.

New South Wales, the Australian Capital Territory, South Australia and Tasmania already recognise the impact of blindness and vision impairment on mobility and allow for disabled parking permits to be issued to the blind and vision impaired members of their communities. This allowance builds confidence and independence in these constituents and provides for much safer travel due to parking availability in close proximity to navigation points at locations like shopping centres and community facilities, greatly reducing the risk of injury.

The more inclusive scope of ADPS eligibility in these jurisdictions highlights a serious inequity for blind and vision impaired Queenslanders, as well as anyone who moves to Queensland, as they cannot access the same support that the parking scheme offers in other jurisdictions.

This Queensland exclusion therefore works against the intentions of the ADPS, which was designed to simplify and standardise the access that permit holders would have when moving between states. The expansion of the eligibility criteria in Queensland to include legally blind persons and subsequently provide access to the disability parking scheme will help remove this inconsistency and allow seamless transition between jurisdictions.

## 7. GDQ's position

It is GDQ's position that the current application of the Australian Disability Parking Scheme (ADPS) in Queensland to only meet the minimum required national standards does not meet the community's needs or expectations. We believe the eligibility criteria of the current scheme does not provide a broad enough scope of inclusion, with the notable exclusion of people in the community who are blind and vision impaired, even though they experience heightened and specific mobility challenges due to their lack of vision.

People who are blind or vision impaired – even with the use of mobility devices – lack the advance information that sight provides to make a sound decision to keep them safely mobile. This is especially prevalent in a busy traffic environment such as a carpark, where secondary senses like hearing are mostly ineffective in helping promote safe travel and navigation.

Access to disability parking at the entrances to centres and buildings largely mitigates the risks experienced when travelling through a carpark, providing great benefits to someone who is blind or vision impaired.

GDQ believes that the eligibility criteria for a disability parking permit in Queensland must be expanded to include vision impaired persons who are legally blind. We strongly support the *Transport Legislation (Disability Parking and Other Matters) Amendment Bill* and ask the Transport and Public Works Committee to support the proposed amendments in full.

## 8. An expanded scheme in action

GDQ believes that the current definition for *blind* proposed in the *Transport Legislation (Disability Parking and Other Matters) Amendment Bill* is suitable for use to define eligibility to the proposed expanded ADPS scheme in Queensland. We further commend the expansion of certification to healthcare professionals such as Ophthalmologists and Optometrists.

We also note from the Minister's introduction speech of the Bill to Parliament on 26 November 2019, the advice he received that under an expanded scheme (using the definition of *blind* as stated above), a further 14,400 new applications are expected to the scheme (or a 7.5% increase on the current scheme membership). GDQ believes this number is overstated, with an estimate of 4,000 new applicants provided to Transport and Main Roads in March 2019, based on the amount of "active" clients in Queensland that GDQ and other service providers currently assist. This estimated figure also took into consideration the many older Queenslanders with vision impairments that may already have access to the scheme based on other age-related degenerative conditions that have affected their mobility.

GDQ also recommends in the interest of reducing burden on Transport and Main Roads that the application for the *Vision Impairment Travel Pass* is extended to include a section for access to an ADPS permit on the same application form. This would mean a reduction in the amount of forms and amount of applicant evidence that needs to be processed by the department, as well as reducing the number of forms that individuals would need to complete to "prove their permanent blindness" to access the benefits of the different schemes.

## 9. Conclusion

The benefits of providing access to disability parking under the state's application of the ADPS for blind and vision impaired Queenslanders are many, including (but not limited to):

- Solutions or part-solutions to all the aforementioned issues of navigating safely through carparks and reducing risk (and liability concerns).
- Reducing stress and anxiety for the blind and vision impaired community and their carers/sighted guides, while promoting independence and confidence.
- Providing equity and fairness between both state/territory rules to provide a more nationally consistent approach, and also between other disabilities that have recognised mobility issues that affect a person's ability to walk.
- Meeting community expectations for the level of access to disability parking bays that the state should be providing.
- Providing a known entrance point to buildings. This helps build familiarity and confidence in people to safely navigate their path from that point. This can also be reinforced in orientation and mobility training.

GDQ welcomes the approach of the Queensland Government to build a better Queensland and notes the development and implementation of the state disability plan *'All Abilities Queensland: opportunities for all'*, that promotes opportunities for all Queenslanders and commits to building a fairer, more inclusive Queensland.

Providing access to disability parking for the blind and vision impaired members of our community will go a long way towards achieving this in a recognisable way and will help to achieve the ultimate goal of this plan:

*"People with disability are welcomed, valued and respected members of their communities, and community activities, sports, arts, tourism and recreation are accessible and inclusive of all Queenslanders with disability."*

*(All Abilities Queensland: opportunities for all, State disability plan 2017-2020)*

## Appendix 1 – Feedback from GDQ Clients

Below is a sample of the direct feedback received from GDQ Clients during the “Disability Parking Survey” conducted in February 2019. The survey was distributed to 1,175 GDQ clients and received 202 responses from clients across Queensland.

“The sighted person who takes me to places I need to go to needs to have a permit so they don’t have to try to navigate me across carparks. Whenever we go out, I have to avoid side mirrors on cars that are parked close together, reversing cars, abandoned shopping trolleys and cars entering an individual parking bay. There is not a lot of room for us both to walk side-by-side and avoid these obstacles.”

“Yes. I don’t believe that the general public or the powers that be realise the navigational difficulties for blind and vision impaired people. They seem to think that because you are walking you don’t need to be dropped off near the front of a business or shop. Or they may believe that whoever is driving can escort the blind or vision impaired person through the carpark or to the business door, however this does not take into account children and babies in the car (to unload everyone is quite an ordeal). Nor does it take into account that the driver is not always well known to the blind or vision impaired person, it may be an acquaintance or a stranger like a taxi driver so asking for an escort is uncomfortable and embarrassing, and if they are unfamiliar with you or anyone blind or vision impaired, then they don’t know how to escort and will grab your arm or your cane. Nor does it take into account that it affects our independence in that we are made completely dependent on the driver for a lift as well as orientation.”

“Yes. It is especially difficult to unload or board a guide dog in the space permitted in normal parking unless they are parked in to some distant part of the carpark; and blind persons will be viewed as vulnerable, easy targets, by thieves or other miscreants, and hazards may include moving obstacles such as vehicles, reversing or driven by persons concentrating on finding a space; or purpose of the white cane or simply not looking where they are going (e.g. texting). Furthermore, other states view legally blind persons as having top category requirement for disability parking.”

“I haven’t really thought about audio cues, signage or markings – I simply get too anxious about the cars and getting lost, no bearings, no idea how to get to an exit or shop entrance until I am close to it anyway. No easy help on hand – like security personnel patrolling?”

“As I’m not entitled to disability parking permit, I have had to find a regular park and walk through the carpark which makes my dog anxious as Guide Dogs are trained not to walk in front of cars with the engine running. Need disability permits so that we are closer to the entrance.”

“I have on occasion felt vulnerable when we have needed to park a long way from the entrance. Regular car spaces are becoming narrower in some carparks. It is difficult to judge the distance between vehicles. On some occasions there are people hanging around the carparks, especially at a distance from the shopping centre entrances who seem to be behaving erratically sometimes offensively and even fighting.”

“Having to walk through carparks while cars are reversing and to navigate around obstacles such as bollards and car stops without vision can impact my ability to do this safely and can put undue stress on my guide dog or sighted guide. It would be much safer to be able to park closer to entries than to have to navigate through car parks.”

“As a vision impaired person I would like to keep as much independence as I can while still having some dignity in the way I navigate my surrounds. Without a Disability Parking Permit I have to rely on people to help me to and from always changing car spaces. This includes many times walking down the middle of the lane with reversing cars, turning traffic and impatient people. All my friends and associates are shocked when they hear that I don’t have a permit. This puts an added responsibility on them as well. Having to harness a Guide Dog in the middle of the road is just barbaric.”

“People with vision impairments are often not accommodated for in car parks, which means often walking long distances in bright sunlight or situations with lots of large posts. These things make it difficult to see vehicles that are moving. There are often no safe pathways from the carparks to the door of the building. Combine this with the bollards or tyre stops which present a trip hazard for someone with low vision. Lastly, other road users cannot easily tell if someone has low vision and they are expecting pedestrians to give way. This is not necessarily legal but it is what actually happens. The person with low vision cannot always see where or when to give way. These situations put them at a disadvantage.”

“Obstacles and moving cars in car parks have to be safely navigated. The ability to do so safely without vision definitely impacts on safe and efficient mobility.”



“Trying to safely get children through a carpark is hard enough but when two of your children are vision impaired, it’s a nightmare. They are most disadvantaged because they are taking risks with their lives every time they try to navigate through a carpark with multiple moving vehicles they cannot see. Also falls in carparks that often have rough surfaces cause significant injuries to little children.”

“Absolutely. As the result of having multiple falls I am now facing having two total knee replacements and live with pain which has further increased my mobility issues. Being severely impaired also hinders a safe access.”

“Of course blindness impairs mobility, taking away one of our major senses i.e. sight impairs the ability to orientate and move safely in one’s environment especially in an environment such as a noisy carpark, either underground or on street level, where distorted acoustics and traffic noise impairs the only sense left to a blind person to help navigation – hearing. Thus the blind or VI person is significantly impaired in mobility. Mobility does not equate to the ability to be physically able to ambulate. That is only a simplistic definition of mobility. Rather mobility is the ability to move around in and navigate one’s environment independently and safely.”

“Of course it is. Why else would there be a need for O&M training (*Orientation and Mobility training*)? We use mobility aids to aid our mobility as we cannot safely travel without them.”

“My and my mother’s condition is affected by bright sunlight and low light environments. Also the sound echoing in covered car parks makes it hard to tell where a vehicle is coming from. We have both walked into the path of vehicles because of this. We have experienced abuse and threatening behaviour in carparks because we get confused.”

“The fact that this question has to be asked is absolutely devastating. How can my blindness not be recognised as an impairment? It affects every area of my life and I am constantly relying on other people to help me in public spaces, especially in unfamiliar places. Carparks and crossing roads are terrifying, there are cars reversing, speeding, turning corners quickly, and I cannot just rely on my hearing or a mobility aid to help guide me. Being able to travel a shorter distance in carparks would be a huge help not only to me but also the people who help me every single day and could potentially save my life.”