

Disability Parking Legislation Reform

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### **Infringement Data (all data used was sourced via OpenData)**

While there has been consistent decline in the number of infringements issued by police in Queensland over all in the past 5 years, we don't believe this is linked to a decline in behaviour, but rather other influencing factors. The years which the No Permit No Park Campaign had a stronger presence in media and those which we worked directly with Queensland Police had higher numbers of penalty issues than other years where the campaign has been less visible. Public pressure has proven to have a direct influence on QPS blitzes and increased awareness of officers themselves.

Overall the numbers have declined in greater metropolitan areas, however the data shows regional areas tend to be more consistent.

This data is limited representation of the actual scale of the issue because many offences that occur go undetected and unreported. We are also lacking in data from councils on the numbers of these infringements they issue. The few available were consistent with QPS figures year by year showing increase from 2013 to a spike in 2014/15 and a decline after. We find this consistent with the visibility of the No Permit No Park Campaign within this period.

Logan City Council had similar changes. No data for other councils was immediately available for comparison.

Councils however, despite having a restricted area which they are able to monitor, still issue, respective of policing regions, from 50% to 150% more infringements than police do for disability parking offences.

### **Issues Impeding on Issuing Infringements**

Two areas of government are the main entities authorised to issue PINS (Parking Infringement Notices) in Queensland. The Police Service and Council Compliance officers.

Discussions with management of both entities exposed difficulties on both parts when issuing infringements.

Queensland Police Service members expressed the attitude that issuing PINs was beneath their qualifications and could be better handled by council to leave police available to deal with matters councils cannot deal with.

Councils express their frustration in the restriction to the areas they can monitor outside of council jurisdiction. For example a shopping centre car park where under the building code and Access to Premises Standards they are required to provide disability accessible parking police are able to patrol freely as the carpark, being accessible to the public, falls under the Road Rules Legislation definition of a road related area, which police are able to monitor for the purpose of upholding traffic laws. Council however cannot monitor or issue PINs as it is not a council controlled area. They require permission of the building owner or manager. While some councils have successfully negotiated agreements with shopping centres to patrol, many have also objected. It's also a deterrent with time consuming paperwork for councils to actually undertake this action.

Considering the restrictions on areas council can patrol Logan City Council issued more PINs for disability parking offences than the Logan District Police did within the same period. For the period of the financial year ending 2014 to 2016 Police in that district issued 583 disability PINs while council issued 861. This example I believe would be consistent across most council areas where they are proactive in policing disability parking.

I propose that the state government visit legislation to make the changes necessary to allow council parking inspectors to enter into these highly abused areas for the purposes of monitoring disability parking without restriction to take the pressure off police and allow more effective management of disability parking laws. This would also encourage councils to be able to accept reports with photographic evidence of offences which they can, like police, at their discretion, issue PINs retrospectively.

## **Attitudes of Offenders**

At the beginning of the No Permit No Park Campaign much of our focus was on educating the community. While there was a general of the community who felt this offence in some circumstances was a harmless offence, our campaign helped them to understand the impact it can have on permit holders to not be able to find an accessible park. As the number of permit holders continues to increase while the Access to Premises standards have made no adjustment to the minimum requirements for ratios of accessible spaces, there is increasing competition in some high traffic areas such as hospitals, shopping centres and recreational facilities for these spaces and thus eliminating the abuse of these spaces has become a necessity.

There is still the small element of the community who are, for whatever reason, oppositional to compliance with the law. Disability parking spaces are a common target for their abuse of the law, mostly because of the assumption of convenience. This is found most commonly in areas where disability parking is in the proximity of supermarket entrances, bottle shops, ATMs and the like. It was also found there is an attitude that affected disability parking abuse at places the community assumes people with disabilities don't go such as night venues and gyms.

There is also the unfortunate element of hatred of people with disabilities. We can only explain this via the comments made to us on social media disputing the necessity of both the work we did with the campaign and the necessity for designated accessible parking for people with disabilities.

"I don't see why I should have to drive around looking for a parking space as a tax payer while people with disabilities don't work and have nothing better to do than shop."

"Disabled people have carers who help them and they can't drive anyway so they can park anywhere, they don't need special spaces."

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“I have a very large car that doesn't fit in regular spaces so I have no choice but to use the larger spaces.”

“I've got a job to do and if delivering my goods isn't more important than your precious parking I don't know what is.”

This are just some examples of the very real barriers we face in trying to achieve inclusion for people with disabilities in our community. People with this attitude are rarely deterred by fines and are known to incur large fine amounts without concern. Of course we should not look past the “do you know who I am” offenders (numerous members of government have been guilty of this) and the Clive Palmer “I'll just pay the fine” offenders (Courier Mail 10 Jan 2014)

This is why demerit points are more effective in deterring offenders. The loss of licence is far more inconvenient than the paying off small amounts to SPER for fines incurred.

There have been a number of studies globally supporting this finding.

2007 – NSW Bureau of Crime Statistics

The effect of higher fines on recidivism studied 70000 motorists in NSW and found higher fines had no effect on people's attitudes to breaking road rules.<sup>2</sup>

Centre For Road Safety NSW stated that double demerit points during holiday periods can be attributed to a 30% reduction in casualty crashes.

NSW Parliamentary Inquiry commissioned study by the University of Sydney stated their research indicated 75% of drivers considered demerit points more of a deterrent than fines.

A study in Spain revealed a downward trend amongst high risk drivers participating in traffic offences, because the demerit point system rather than the monetary penalty system affects all drivers regardless of their income.<sup>1</sup>

A paper on Assessing specific deterrence effects of increased speeding penalties using four measures of recidivism, from QUT, outlines after reviewing a number of global studies, outlines that monetary penalties alone do not deter drivers from committing traffic offences, even dangerous ones. High risk drivers identified by criminal psychology were more likely to be deterred by a combination of more severe penalties such as imprisonment, loss of licence and the threat of detection.

Threat of detection was noted in numerous studies which is why I strongly recommend the changes to legislation that allow council to monitor more areas. As well as an increased presence of law enforcement, the visibility of PINs on vehicles shows drivers that these areas can and will be patrolled for disability parking offences. Awareness of the capacity to be issued with a penalty deters the type of drivers who would commit this offence intentionally.

### **The Argument Not to Add a Demerit Point to the Penalty**

Several times over when we have asked in the past for a demerit point to be added, the reason for rejection has only been that demerits are reserved for dangerous driving offences (Transport Department spokesperson, Brisbane Times September 11 2017) and that the offences occur in low numbers (Mark Bailey, Courier Mail August 18 2018).

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While we have already shown that these offences do not occur in low numbers we have also found numerous offences that have demerit points applied to them, we feel, would not pass the pub test for being considered a dangerous offence.

Failing to display Learners or Provisional plates – 2 points

Driving on a painted island WITHOUT AN EXCUSE – 3 points

Wilfully starting or driving a vehicle that makes unnecessary noise or smoke – 2 points

Drive, Park or permit use of a light vehicle when stationary noise level is not more than 10db(A) above the vehicle standards – 1 point

Drive, Park or permit use of a light vehicle when stationary noise level is at least 10db(A) above the vehicle standards – 1 point

Drive, Park or permit use of a light vehicle when stationary noise level is above 10db(A) above the vehicle standards – 1 point

Drive, park or permit use of a light vehicle that is defective BUT NOT UNSAFE – 1 point

Modifying a silencing device – 1 point

When the offence specifically states “But not unsafe” or “Without and excuse” it is hardly a valid argument that we couldn’t possibly apply a demerit point to disability parking offences.

However if it’s a matter of demonstrating safety, we are more than willing to take committee members on a trip through a busy shopping centre car park in a wheelchair behind moving vehicles to show the dangers of not having safe and adequate accessible parking, meaning preventing people access to these spaces would make it a dangerous offence.

I propose that the government adds to the penalty one demerit point.

It has been proven there is the capacity to do it as demonstrated by NSW since implementing it in 2014 and also the capacity for council officers to issue the demerit point with the infringement.

### **Expanding the Permit Scheme to Include Vision Impaired**

We support the changes to made to expand the eligibility criteria to include people with Vision Impairment. This inclusion will make it easier for people who require assistance with walking while vision impaired. We understand many vision impaired people manage their mobility independently however it is not the case with everyone, especially those who are young or recently acquired their disability and are learning how to navigate. Medical practitioners filling out forms for these people should be guided on whether or not they believe the person will be able to eventually gain the independence to navigate so decision makers can ascertain whether to issue a permanent or temporary permit.

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## Summary

While we support the proposed bill we feel there is more effective work that can be done to eliminate disability parking offences in Queensland making our state more accessible and inclusive for people with disabilities. I strongly recommend further changes to the bill before it is handed down.

1. Include a demerit point with the penalty
2. Allow councils to patrol high offending areas such as shopping centres without requiring permission
3. Fund the capacity for relevant departments including Police and Department of Disabilities to run education campaigns via media and social media about the risk of detection when committing these offences.

## Sources

<sup>1</sup> Impact of the Penalty Points System on Road Traffic Injuries in Spain: A Time–Series Study

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2951942/>

<sup>2</sup> **The deterrent effect of higher fines on recidivism**

<https://www.bocsar.nsw.gov.au/Documents/CJB/cjb106.pdf>

<sup>3</sup> Assessing specific deterrence effects of increased speeding penalties using four measures of recidivism

<https://eprints.qut.edu.au/87304/3/87304.pdf>