




Speech By
Hon. Mark Bailey

MEMBER FOR MILLER

Record of Proceedings, 17 March 2020

**TRANSPORT LEGISLATION (DISABILITY PARKING AND OTHER MATTERS)
AMENDMENT BILL**

Second Reading

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (12.32 pm): I move—

That the bill be now read a second time.

I begin by thanking the Transport and Public Works Committee for its consideration of the Transport Legislation (Disability Parking and Other Matters) Amendment Bill 2019. I also want to acknowledge the role of the committee's chair, the member for Kurwongbah, in leading the parliamentary scrutiny of these reforms. I also want to acknowledge the committee's secretariat for its continued support of the committee and the important work that it undertakes. I also want to thank Guide Dogs Queensland, the RACQ, Ms Elisha Matthews of the No Permit No Park campaign, the BCC and Queenslanders with Disability Network for the time they have taken to examine and to comment on the bill.

I also want to acknowledge the member for Hinchinbrook, who introduced a private member's bill into the House on 16 October last year which also sought to amend the Traffic Regulation 1962 and the Transport Operations (Road Use Management) Act 1995 to expand the eligibility criteria for the Disability Parking Permit Scheme to include vision-impaired persons. I also want to acknowledge the important work and leadership of the Minister for Communities and Minister for Disability Services and Seniors, the member for Mundingburra. I acknowledge the advocacy of the member for Lytton and also the members for Hinchinbrook and Hill who have been very strong in this area and also the member for Bundaberg, who has made contributions as well.

The committee has now delivered its report and recommended that the Transport Legislation (Disability Parking and Other Matters) Amendment Bill 2019 be passed. The committee also made three other recommendations which I will address in more detail later in this speech. I want to highlight the main elements of the bill and the benefits that will be provided to Queenslanders who are legally blind. This bill amends the Transport Operations (Road Use Management) Act 1995 and the Traffic Regulation 1962 to expand the Australian Disability Parking Scheme to include vision-impaired people who have been diagnosed as legally blind.

Currently, the scheme provides parking concessions to people who are either unable to walk and always rely on a wheelchair or who have a severe restriction on their ability to walk, whether on a permanent or a temporary basis. People with vision impairments are not eligible unless they have an impairment that impacts on their functional ability to walk. These parking concessions make it possible for permit holders to go about their daily business by providing access to conveniently located disability parking bays, which are wider than a standard parking bay and are available at locations such as shopping centres, hospitals, medical centres, train stations, entertainment venues and other places. These parking concessions also allow permit holders free parking in local government metered and regulated parking bays for longer than any time limit stated on a sign.

Following community feedback, a review was conducted to assess the feasibility of expanding the eligibility criteria to include people with vision impairment and the impact this would have on the current scheme and existing permit holders. This bill recognises the unique mobility challenges faced by people who are vision-impaired. It expands the eligibility criteria for a disability parking permit to include people who are diagnosed as legally blind, whether on a permanent or temporary basis. The bill also introduces a definition of 'blind' into the Traffic Regulation 1962 that aligns with the term 'permanent blindness' relied upon by the Commonwealth government's Social Security Guide under the Social Security Act 1991. This definition aligns with the eligibility for the vision-impaired travel pass issued by TransLink. It will align Queensland with the eligibility for similar schemes in New South Wales, the ACT, Tasmania, Victoria and South Australia. I believe this is an appropriate criterion for government assistance.

Expanding the scheme to include people who are legally blind is not expected to have a substantial impact on the availability of disability parking bays. However, availability of these bays can be impacted by people who do not hold a disability parking permit occupying these spaces illegally. The Queensland Police Service has the authority to issue fines to people who illegally park in a disability parking bay, and it does so. However, local governments issue most parking fines across Queensland and this bill reflects the important role that they play in enforcing the misuse of disability parking bays.

To further deter this socially unacceptable behaviour and ensure disability parking bays are left available for permit holders, the bill increases the infringement notice penalty for illegally parking in a disability parking bay from a \$266 fine to a \$533 fine, a doubling of the fine. Setting a higher penalty recognises the seriousness of illegal parking in a disability parking bay. As I mentioned when the bill was introduced, several local governments currently take the state based law as their own, so I will be working with local governments right across Queensland to encourage them to adopt this much higher penalty.

People who illegally park in a disability bay may rationalise it to themselves that they are only doing it for a few minutes. However, a consequence of their action effectively means that a person who truly needs access to the wider parking bay to access necessary services—sometimes medical services—may be forced to abandon their trip and their outing altogether. A wheelchair bound person needs the extra space to get out of a car and into their wheelchair. A vision-impaired person who has a guide dog needs extra space to get their guide dog out of the car and into the harness. These tasks cannot be done in a standard car-parking space. It is expected that the prospect of a \$533 fine will discourage people from illegally parking in disability parking bays. Of course the penalty itself is only one element of deterrence, and for this reason a range of targeted measures will be employed to encourage compliance.

For the benefit of the House, I advise that I will be calling a disability parking summit to bring together key stakeholders, such as key Queensland government agencies, local governments, vision impairment organisations, shopping centre operators, car park operators and others with a focus on education, awareness and enforcement, to share ideas about further improving access to disability parking bays for scheme members. This is to ensure that we use all available means to support the compliance measures proposed in the bill itself.

This bill will improve the lives of legally blind Queenslanders and will assist in ensuring that members of the public recognise the importance of leaving disability parking bays vacant for those members of the community who hold a disability parking permit and need them. The bill also provides grounds to amend, suspend or cancel a disability parking permit where a person no longer meets the eligibility criteria, for example where the person has had corrective surgery. This will ensure the permit scheme is robust in the longer term.

As mentioned earlier, the committee made three recommendations for my consideration. The first is that I work with other Australian jurisdictions to undertake a review of the definitions contained in the Australian Disability Parking Scheme to include vision-impaired persons who are legally blind in the eligibility criteria. As a national scheme, every state and territory is responsible for administration under its own arrangements. The schemes currently administered in New South Wales and the Australian Capital Territory already contain an express eligibility criterion to include persons who are legally blind, which is consistent with the amendments proposed in the bill. While not expressly stating blindness in their respective eligibility criteria, Tasmania, Victoria and South Australia also allow blindness if a medical practitioner certifies that blindness impacts the applicant in a way that meets other criteria, for instance, on mobility. Western Australia and the Northern Territory are the only jurisdictions that do not currently include blindness in their eligibility criteria.

Further, under the national scheme, each jurisdiction recognises valid interstate parking permits. This allows permit holders in each jurisdiction to use their permit when travelling interstate. As such, I will seek to have the matter of disability parking added to the agenda for the next Transport and

Infrastructure Council. I will be seeking consistency in standards for disability parking permits and increased national focus on the importance of education and enforcement as part of maintaining scheme integrity nationwide.

Secondly, the committee recommended a review be undertaken of the amendments to the Disability Parking Permit Scheme 12 months after commencement and that the review examine whether the amendments have had an impact on the accessibility of disability parking spaces and whether alternative measures, including demerit points, need to be implemented. As outlined in the response I have tabled, the government supports this approach. A post-implementation review of the expanded scheme and increased infringement notice penalty was already planned as part of the bill and will be conducted 12 months after the commencement of the changes. The post-implementation review will include a review of whether the amendments have had an impact on the accessibility of disability parking spaces and will identify if further measures are needed, including the introduction of demerit points for the offence of illegally parking in a disability parking bay without a permit.

Lastly, the committee report recommended that legislative amendments be considered to authorise council officers to access areas where disability parking spaces are situated for enforcement purposes. This recommendation is not currently supported in this bill. Under existing transport legislation, owners of private property, such as car parks at shopping centres, may enter into an agreement with local governments to allow parking inspectors to access their private land and issue parking infringement notices. As transport legislation does not prescribe the form of any agreement or minimum matters it must contain, councils and property owners are free to have such arrangements that suit their own purposes. For example, Logan City Council and Gold Coast City Council have a number of these arrangements currently in place and I commend them for that.

Acknowledging the pivotal role local governments have in enforcing the misuse of disability parking bays, I will work with councils across Queensland to encourage them to adopt the higher penalty for the illegal misuse of disability parking spaces and to enter into arrangements with car park operators to ensure disability parking spaces remain available for those who need them wherever they may be. I would also have concerns about the potential impacts of such a change on private property owners. Further, this will be a matter for discussion with key stakeholders at the disability parking summit, where ideas can be shared about further improving access to disability parking bays for scheme members. Consideration of any changes to transport legislation will also be considered in the post-implementation review.

This bill also provides an explicit regulation-making power in the Transport Operations (Road Use Management) Act 1995 to recognise that regulations may also prescribe grounds for amending, suspending or cancelling approvals, such as vehicle registration. This amendment is a minor administrative change suggested by the Office of the Queensland Parliamentary Counsel during drafting of a previous amendment.

Finally, the bill makes technical amendments to Queensland's rail safety legislation to remove definitions of 'level crossing' and 'rail or road crossing'. The removal of these definitions will allow the definitions contained in the rail safety national law to apply in Queensland, providing a consistent national approach. I commend the bill to the House.