




Speech By
Steve Minnikin

MEMBER FOR CHATSWORTH

Record of Proceedings, 17 March 2020

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

 **Mr MINNIKIN** (Chatsworth—LNP) (12.45 pm): I rise to make a contribution to the Transport Legislation (Disability Parking and Other Matters) Amendment Bill. At the outset I congratulate the committee for the work that has been done on this bill. I would like to call out the member for Bundaberg, and I will comment further about his contribution later on in my speech. The LNP's attitude is that you do not disagree for the sake of it. This legislation before the House makes eminent sense. Recognising vision-impaired members of the community face specific mobility challenges, the LNP will support this bill. We note the main purpose is to expand the eligibility criteria for a disability parking permit to include vision-impaired persons who are legally blind. As a former shopping centre manager, I can say that some of the commentary that the minister has outlined in his contribution is on the mark. This is a very vexatious issue that has caused a lot of angst for people over many years throughout this state and this legislation is welcomed and is, I believe, long overdue.

In considering the Transport Legislation (Disability Parking and Other Matters) Amendment Bill, the Transport and Public Works Committee made four recommendations, the first of which was that the bill be passed. The committee also recommended that the Minister for Transport and Main Roads work with other jurisdictions to review the definitions contained in the Australian Disability Parking Scheme and to include vision-impaired persons who are legally blind in the eligibility criteria; furthermore, review the amendments to the Disability Parking Permit Scheme 12 months after the commencement of this particular bill; and also a legislative amendment be considered to authorise local government officers to access areas where disability parking spaces are situated for enforcement purposes.

To be specific, the objectives of the bill are very straightforward and, amongst many, they include to extend the disability parking eligibility criteria to include vision-impaired persons who are temporarily or permanently blind; to increase the penalty that applies for using a disability parking area without a permit; to omit the Queensland-specific definitions of 'level crossing' and 'rail or road crossing' so as to rely on the national law definitions; and to provide that the grounds to amend, suspend or cancel an approval by the chief executive can be specified in a regulation under the Transport Operations (Road Use Management) Act, the TO(RUM) Act as it is often referred to.

The specific details of the bill as it pertains to the Disability Parking Permit Scheme include that under Queensland's scheme at the moment those who are issued with a permit can access convenient parking spaces which are provided at facilities such as shopping centres, hospitals and entertainment venues and precincts. At present eligibility for the scheme is based on the applicant's ability to walk, hence the need for this particular legislation. Although vision-impaired individuals face heightened mobility challenges they are currently excluded from this scheme. Representative organisations, some of whom the minister outlined in his contribution, and the broader community have requested that eligibility for the scheme be expanded to include vision-impaired persons who are, in fact, legally blind.

Accordingly, the bill expands the eligibility criteria so that individuals who are blind will be eligible to apply for a permit and increases the penalty of stopping in a disabled parking bay without a permit. As I outlined, in my previous career as a shopping centre manager and also as a developer I have seen the amount of angst that this causes to people who are uninitiated with this area of life. At times the number of complaints and the amount of angst it causes is off the charts.

Therefore, as the opposition spokesperson I again stress that this legislation is long overdue and it will be supported by the LNP. The availability of disability parking bays is impacted by individuals who do not hold permits unlawfully occupying designated parking spaces, much to the frustration of the people who need them. The amendments in the bill increase the police issued fine amounts from two penalty units, or \$266, to four penalty units, or \$533. I note that this represents one of the highest fine categories for the offence in Australia.

The bill addresses issues with the rail safety national law and a reliance on national definitions. The committee noted that the Rail Safety National Law (Queensland) Act 2017 adopted the rail safety national law as a law of Queensland to reflect the different requirements applying to signed and unsigned crossings for heavy rail and trams. Specific Queensland definitions of 'level crossing' and 'rail or road crossing' were inserted when the law was adopted in Queensland 2017. When new national law definitions were made in 2019, a transitional regulation was required until amendments could be made to Queensland's application law to recognise those new definitions. The bill removes the Queensland-specific definitions so as to rely on the national law definitions.

The bill covers the grounds to amend, suspend or cancel an approval. For legislative clarity, the bill amends section 18 of the Transport Operations (Road Use Management) Act to insert an express regulation-making power to support the grounds on which approvals of registrations and exemptions may be amended, suspended or cancelled by the chief executive officer.

It is pretty obvious that without the benefit of sight a person's ability to judge or evaluate risk within a busy environment such as a car park is removed. This impacts and impairs their ability to move freely and increases the possibility of harm occurring. Very importantly, by expanding the eligibility criteria under the Disability Parking Scheme, the bill will improve the lives of permanently and temporarily blind Queenslanders by allowing them to access disability parking spaces, which for them are the equivalent of gold. The move to expand the eligibility criteria not only will improve the safety and independence of vision-impaired Queensland but also—and this is a very important point—will help to standardise access for permit holders between states, which is a long overdue mechanism.

It is noted that the expansion of the scheme is not expected to have a substantial impact on the availability of disability parking spaces, with an anticipated increase of approximately 7½ per cent in permit eligibility. If vision-impaired people are unable to access dedicated disability parking spaces because they have been used illegally, which very sadly happens more often than not, they and their sighted guide are obligated to negotiate a range of hazards to move around car parks into, for example, medical facilities or supermarkets.

Hopefully the increase in police issued fines associated with using a disability parking space without a permit will encourage other members of the public to leave disability parking bays vacant for those who are legally entitled to use them. To give an indication of the level of illegal usage, in the five years to April 2019 police officers issued 7½ thousand fines. I have already mentioned this twice so for the third time I can tell that House that, having worked in a shopping centre environment, it comes as no surprise to me that in the five years to April 2019 7½ thousand fines have been issued. It should be noted that that would be a relatively small percentage of detected offences given the much larger number of fines issued by local councils for illegal parking in disability spaces.

Local governments have a very important role to play. They will be encouraged to either increase their own penalties and/or increase their education and promotion activities to lift awareness around this important communal issue. Importantly, rather than relying on heavier fines to deter the illegal use of disability parking spaces, education campaigns should support an awareness of disability parking issues. Therefore, they are a key element to be included in the mix. Transport and Main Roads will aim to strengthen its education and communication efforts to help ensure that disability parking bays are used only by valid permit holders and not by unthinking people who are simply keen to secure a convenient parking spot.

The LNP recognises the support provided by organisations representing vision-impaired persons and they need to be listed in this contribution. As the minister did in his contribution, I acknowledge the work of the Queensland Blind Association, Vision Australia, Guide Dogs Queensland, Physical Disability Australia and the RACQ. Their support has led to these amendments to expand the Disability Parking Permit Scheme.

The proposed amendments to the national definitions of 'level crossing' and 'rail or road crossing' are technical in nature and will maintain consistency in the application of the rail safety national law. This is of particular relevance for operators that work across different jurisdictions. It might appear to be a bit dry, but it is an essential element of the bill.

In my remaining time, I will turn to the history around the bill. The issue was initially raised with the Minister for Transport and Main Roads by the LNP members and, in particular, the LNP member for Bundaberg, Mr David Batt. The great start-up work that the member for Bundaberg contributed to getting us to where we are today needs to be acknowledged. I salute the great work that he did. It is understood that the minister's office initially resisted the request to expand the scheme. At that time, the response was that there would be no changes to the eligibility criteria on the basis that there would be insufficient parking spaces to accommodate the extra vision-impaired permit holders. Following the tabling of a petition and further follow-up by the member, in March of last year the minister advised that the department would conduct a review into the criteria for the scheme. The LNP member for Bundaberg, Mr David Batt, originally raised the issue with the minister. When it looked like the eligibility criteria would not be expanded, to his credit the member launched a petition, which was tabled in February, with 3,200 signatures.

Therefore, the LNP recognised the many challenges faced by people with a disability. Typically, it has listened to, planned for and acted on behalf of people with a disability, including in regard to this request to support the vision-impaired. We seek to always work in a spirit of partnership with individuals and representative organisations to ensure better opportunities are available for all Queenslanders. I would simply say that if you have a family member, a friend or a neighbour who is vision-impaired and you spend time with them, particularly going to a shopping centre, a supermarket or anything like that, you will know that their degree of frustration is absolutely echoed every single time.

This legislation comes better late than never, as they say. I firmly believe that the legislation is long overdue. I also agree with the recommendation that there be a summit to make sure that this is just the start of good dialogue and good consultation to make sure that the lives of Queenslanders are enriched, no matter their faculties.