

TO: Committee Secretary, House of Representatives Standing Committee on Legal and Constitutional Affairs

SUBJECT: Parking for the Disabled [part of the draft Disability (Access to Premises - Buildings) Standards]

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Background

Although the submission is related to people with impairments, disabilities and Handicaps accessing premises and buildings I believe there are related issues that impinge on this topic and need a national regulatory response. One such aspect is transportation to, parking availability and access within such premises and buildings by way of scooters (or as they are called in South Australia – Gophers) as well as wheelchairs. Access to defined buildings needs to take into account the access and egress of people using gophers, the environmental considerations as well as the individual suitability and safety to use them. Hence my discussion is based on the growing use of Gophers and the imperative that they are included where ever wheelchairs are used in the draft. I realise that the submission is primarily focused on buildings and this submission also includes some aspects of roads – there is a parallel and it is via roads that people commute to buildings, parking is an integral component of transport and physical / cognition issues are very inter-related to function, problem solving and ability to interact with the environment (which includes buildings and their immediate surrounds).

Facts

- The aging of Australian society over the next two decades is a challenge to all of society
- Associated with aging is the needs of this cohort – physical, mental, societal and spiritual
- The health care needs will require significant investment of time and energy to develop plans aimed at hospital avoidance on one hand and maintenance of community function on the other. As generic health involves access to buildings such as hospitals, shopping centres and other locations I believe my comments have relevance.

- Parallel to this will be locomotion needs of both the aging and those with physical disability. This locomotion may involve disability parking availability as well as the accessibility of the structure to both the person and any mobility aids they use.

Determinants of health govern the inter-related aspects of the following

- Government policies – economic, welfare, health, housing, transport, taxation etc
- Healthcare system – access, availability, affordability, appropriateness etc
- Personal and psychosocial factors
- Priority groups, life style stages, settings and contexts
- Biological and physiological (Influencing morbidity and mortality)

My observations from a clinical perspective

- Aging persons requirements will increase exponentially over the next two decades as there will be an increasing incidence of impairments, disabilities and handicaps
- Related to this is transport needs and mobility aids of varying types.
- Toilet designs need to consider the appropriate design to allow access in wheelchairs, manoeuvrability within the cubicle and user friendliness to use such as door ease to open and hygiene needs available for person use.

Definitions

Impairment, Disability and Handicap are interesting words that tend to be used interchangeably by people and media alike, but medically should have specific meaning. During my Rehabilitation Physicians training this was drummed in to me time and time again so I resort to the Rehabilitation text book written by DeLisa et al "Rehabilitation Medicine". They quote the 1980 World Health Organisation international standards.

- **Impairment:** any loss or abnormality of psychological, physiological, or anatomical structure or function.

- **Disability:** any restriction or lack resulting from an impairment of ability to perform an activity in the manner or within the range considered normal for a human being.
- **Handicap:** a disadvantage for a given individual resulting from an impairment or a disability that limits or prevents the fulfilment of a role that is normal (depending on the age, sex, and social and Cultural factors) for that individual.

Gophers (Scooters)

I use this as an issue based on clinical observations. A device enabling a person to commute locally or within their community can range from a manually operated wheelchair, a motorised wheelchair to varied sized gophers. It is the latter that I have concerns with but at the same time are aware that their means of travelling is legitimate and we need to protect against discriminating against them.

- There is no licensing or testing process as to safety to use or comply with use within the community – crossing roads or use in public areas such as shopping centres, hospitals etc.
- Access to facilities is often inappropriate to enable a gopher to gain access.
- There is no national uniform regulations as to speeds, access, parking and alternative transport aids available if gophers are not freely permitted for a variety of reasons – ie leaving gophers parked at set locations and the availability and use of wheelchairs which can be managed manually or with the aid of a carer.
- Speed limitations are not standardised and should be attended to nationally as to within and outside of buildings.
- Footpaths are often poorly maintained promoting the gopher user to operate on a roadway rather than a footpath. This may be within the context of a shopping centre parking area or within the local community.
- There is no standardise legislation as to use within a hospital or public place as to where the mobility aid may be used, where it may be parked and what alternative transport aids may be available if suitable parking locations are created. Persons with a mobility disability are often requested to bring their wheelchair into hospital but this does not occur for gophers, which may

equally be important for mobility assessment and general state of repair, and building standards needs to consider this.

- There is no process for regularly assessing ability to safely use a gopher in a variety of locations as visual, auditory and/or cognition skills change over time.

From personal communications with members of parliament and the Council on the Aged in South Australia reveals the following and my comments.

- A person driving a motorised wheelchair cannot travel at over 10kph on level ground without a licence – 10kph is not always a safe speed in some community environments and a person with a disability may lack person awareness unless a speed monitor is incorporated into the function.
- The person comes under pedestrian Rule of the Australian Road Rules.
- There is no requirement to report to any licensing body as to concerns re safe use of gophers in varied environments and any concerns need to be addressed through the South Australian Police who may chose to investigate. Gopher users do not have Registration Numbers to clearly identify them when reporting unsafe commuting practices. Any unsafe use of gophers in any building is hard to report so as to enable specific follow up.
- Only gophers over 250kgm and capable of speeds over 10kph require vehicle registration licensing and insurance. There is still the issue as to access to specific buildings and parking availability if not permitted in specified buildings.
- There is no consistent legislation involving right of way and culpability if a gopher hits another pedestrian.
- Not all communities have safe, even grounded and well-maintained footpaths forcing gopher users onto the roadway and inconveniencing other road users.
- Parking of gophers in a community setting does not come under the jurisdiction of the road traffic legislation, but individual shopping centres and local councils. Equally speed restrictions in public areas such as shopping centres or hospitals are not consistently managed and often signage is lacking.
- There is an increasing use of gophers being used in hospital environments (attending appointments or visiting) and the parking in corridors often infringes OHS guidelines as to keeping corridors clear of objects that may

impact on routine and emergency activities. I have witnessed several episodes where a visitor in a hospital ward corridor parked a gopher and this impacted on the emergency transportation of a sick person or the attending team to a critical event being able to gain corridor access.

- There are no baseline health parameters that have to be met re the initial or continued use of a gopher – vision, hearing, cognition (especially the impairment of frontal lobe functions of problem solving, sequencing, planning and risk assessment) etc. People accessing buildings have as much right to a safe environment as a person with a disability using a mechanical means of transport.

Specific points

- There will need to be a greater need for disabled person parking spaces in any given parking allocation of land in reasonable proximity to accessing buildings.
- Cost of requesting “on the road” or “within a building complex” occupational therapy testing rather than revoking their license via letter to Department of Transport needs greater attention as to availability and cost subsidisation.
- Availability and cost of alternative transport – taxi, train, bus so as to be able to access various buildings such as supermarkets and health service providers.
- Lighting issues with the move to amber lighting from white light – increased incidence of night time visual loss poses a barrier to ability to commute in non day light hours and poses an increased risk of isolation.
- Signage font size and location to accommodate visual deterioration and reaction time – This is also valid for buildings so that a person with a visual disability can locate where they are and where they wish to travel to.
- Conflict of interest for the Local Dr who may have to check the health of the driving patient and advice cessation of driving needs to be addressed in a consistent manner at a National level. This may also impact upon a person with a disability accessing venues within the community.
- Communication issues between licensing of a person and vehicle registration (may take away license but not the registration of a vehicle licensed to that person). Anecdotal clinical histories are increasing of a person who does not

realise that paying for a car to be registered does not equate to being licensed to actually use that vehicle on public roads.

- Entertainment venues such as cinemas often make wheelchair access available but few have gopher access.

Recommendations

- As populated areas increase consider speed issues on roads and safety for aging population. This may be of greater concern as we develop highways to inter-connect areas and for rural persons. This should occur at a National level to create internal consistency.
- Improved availability for occupational therapy on road aged person functional assessment to take into account patient's orientation, visuo-spatial, judgment, problem solving and psychomotor and reaction time parameters. The same may be stated for persons wanting to utilise a gopher publicly together with periodic re-assessments. Various buildings need to overcome characteristics that are problematic to the problem solving and vision skills of persons with a disability who rely on transportation aids such as a gopher.
- Improved availability of alternative transport – especially to enable social, health and shopping needs with suitable access to salient premises such as shopping centres and health facilities.
- Appropriate lighting on roads and within buildings from an aged persons perspective needs consideration.
- Signage font and positioning to be assessed from an aged or visually disabled person's perspective.
- Working towards independent and regular driving assessment that is functionally based so as to assist the local Dr support the aged persons changing needs. I hold the belief that regardless of the weight and speed ability of a gopher there should be a national standard as to appropriateness and under what circumstances people should be able to use gophers or motorised wheelchairs to and within public buildings. If problem solving or

other sensory deprivation make them or others at risk then the building needs to avail that person of alternative methods by which the person with a disability can access that facility.

Conclusion

I believe that buildings need to adopt national standards as to access and egress with appropriate signage for people with a disability. This is heightened for the aged and for those using aids such as a motorised wheelchair or a gopher. Any final paper must consider both buildings and associated discussion of gopher access and appropriate environments in the same context as wheelchairs. Any building redevelopment or upgrade needs to reflect these changes in line with best practice.

References

http://www.dtei.sa.gov.au/roadsafety/safe_road_users/motorised_wheelchairs

An initial investigation of gopher usage in Adelaide prepared by Transport Systems Centre, University of South Australia (issues 13th July 2007)

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