

DR HARRY N NEW

MBBS DPM FRANZCP

Consultant Psychiatrist

4 July 2003

Attention: Delwyn Rance  
Disability Discrimination Act Inquiry  
Productivity Commission  
LB 2, Collins Street East  
Melbourne 8003

Dear Madam

My wife and I together have been active in pursuing improvements in regard to issues relevant to The Disability Discrimination Act. It has been a struggle to obtain responsible cooperation from controlling bodies such as the operators, owner's or managers of various services in the community. Even local government or state government had not always been responsive in certain matters. As my wife will be away overseas a request has been made for permission for me to appear before the productivity commission and I have been given the opportunity to attend at 3:30 PM on Wednesday 23 July.

The following two issues, we have found, need to be addressed as they appear to be instances of contravening The Disability Discrimination Act 1992 and moreover we have found that there exists a stubborn resistance to any change for the better.

- Enclosed is a copy of a letter we had sent to the Minister of Transport and the Taxi Directorate regarding gross inadequacies we and others in the community have continued to experience over many years in regard to the management of taxi services for wheelchair bound disabled people. To date we have had no response either from the Minister of Transport (apart from acknowledgement of receipt of the letter) or the Taxi Directorate. This letter would give you some insight into the difficulties we have faced in common with others who are disabled and which I believe represents a failure of the operation of the Disability Discrimination Act.
- Despite some improvements we still find that many facilities such as many restaurants and reception places have failed to conform to the Australian Building Code as well as the Disability Discrimination Act. Some examples would include the following:
  - a) The Windsor Hotel in Melbourne, although having undergone a 40 million dollar refurbishment, and although accessible, does not provide for accessible toilets for wheelchair bound disabled people. Apparently, because it is heritage listed, the latter could not be provided for and on a visit there for a reception I had been directed to an empty guest room; the toilet there was not accessible and therefore I had to urinate into a receptacle which my wife then emptied into the toilet.
  - b) Breezes restaurant at Crown Casino has steps at its main entrance; I was compelled to enter and leave via the swimming pool area, which was found to be closed off at 10 PM so that when we left at 11 PM we had to return to the restaurant who thereupon called the security guard to open up the

doorway into the swimming pool area; this was certainly not access with dignity.

- c) The Events Warehouse being used as reception areas where we have attended on three occasions for receptions and where access for wheelchairs had been sadly lacking. We have been told, however, that this has been rectified for sheds number 6, 7 and 8 but shed 9 still remains without proper access. In regard to this issue please refer to the enclosed letter.

Yours faithfully

Harry New

**DR HARRY N NEW**  
**MBBS DPM FRANZCP**  
Consultant Psychiatrist

**MRS MYRA NEW**

4 March 2003

Dorothy Robinson  
**Events Warehouse**  
Shed 9 Southwharf Road  
Southbank  
Victoria 3006

Dear Madam

**Re: Access for Wheelchairs to Sheds on Southwharf Road**

My wife and I wish to draw your attention to the deplorable facilities that are presently available for wheelchair access including access to appropriate toilets at the sheds comprising the Events Warehouse located at the above address.

We had attended a wedding celebration and reception at shed 9 on 9 February and furthermore we had attended a similar function at shed 7 about 18 months ago when we had encountered the same problems. The facilities available at these premises, now that they have become a public venue, would be required to fulfil the standards and responsibilities expected by the Disability Discrimination Act 1992 as well as the Australian Building Code. We considered that these sheds were in breach of both of these statutory requirements.

On this last occasion when we had attended shed 9 on 9 February it brought home to us not only the failure to meet the requirements for access but it was outright dangerous presenting a serious safety issue. An able-bodied person, a woman wearing high-heeled shoes, one of the bridesmaids, twisted her ankle and a woman on crutches had to move precariously along the wharf. There was inadequate lighting to get out of the venue after nightfall. Not being able to operate the wheelchair myself, being quadriplegic and relying on my wife who had to push me and manoeuvre the wheelchair, it was a considerable strain on her, particularly on her recently strained back which had been aggravated by this arduous journey, which we had encountered. Relying on a ramp to be placed into position in order to access the toilets was perceived to be degrading. But the most significant point of all, the essence of this letter, is to point out that the facilities provided at this venue was not up to standard and in fact appeared to be in breach of the statutory requirements of the DDA and the BCA.

In case you do not realise or appreciate what these requirements are, the DDA sets out the specific areas in which it prohibits a person being discriminated against on the ground of their disability. The areas include services and facilities. Most importantly for the present discussion, they include access to or use of "any premises that the public, or section of the public, is entitled or allowed to enter or use".

Furthermore, people who design, build, own, lease, operate or manage such premises have responsibilities under section 23 of the DDA (and also under State and Territory anti-discrimination laws). Responsibilities include not discriminating against people on the ground of disability in relation to the access to and use of those premises.

As a matter of interest may I remind you that the DDA definition of 'premises' is very broad and includes heritage buildings and car parks. By the way, there is no signage to indicate the location of any car parking facility for disabled people. Moreover there is a general lack of signage to indicate directions as to where to gain the available, albeit woeful, access into the premises at the warehouse venue. It seemed to us that there would be some potential to improve access by making available a suitable ramped entrance/s from Southwharf Road at the front of the venue.

We look forward to a favourable response within 21 days otherwise we intend to take the matter to the Equal Opportunity Commission.

Yours respectfully

Harry and Myra New

CC: Roger Hart, Southwharf Pty Ltd, Level 10 257 Collins Street Melbourne 3000

Melbourne City Council Planning Department 90 -- 130 Swanston Street Melbourne 3001

Heritage Victoria 80 Collins Street Melbourne 3000

Friday 7th March 2003

Dr Harry & Mrs M New  
Vic

Dear Dr and Mrs New,

**Re: Access to Wharf Sheds on South Wharf Road**

Thank for your letter dated 4th March 2003 regarding disabled access to Events Warehouse and the South Wharf Precinct in general.

Since receiving your first telephone call following the wedding you attended on February 9th 2003, I contacted an agency representing the interests of disabled people for advice, but unfortunately heard nothing from them.

Upon receipt of your letter I contacted the Equal Opportunity Commission and the Melbourne City Council in order to find a group or consultant to assist in the appraisal of our facilities and to offer suggestions as to how we may improve access for wheelchairs.

As I mentioned in our phone conversations, we are unable to construct or alter anything on the exterior of these buildings without Heritage Victoria's permission, which doesn't mean that it is impossible, but it can be a quite lengthy process.

I have contacted Wilson Parking regarding the designation of carpark spaces for disabled parking in the Melbourne Exhibition & Convention Centre carpark adjacent to our venue, and hope to have a positive response from them next week.

Whilst I sympathise with your sense of outrage over having to use the timber wharf as access and the use of a portable ramp inside, I must point out that our staff did attempt to assist you in every possible manner on the evening you were guests in venue, as it is most important to us that all guests are comfortable and treated with utmost respect

At the moment I am waiting for a reply to my enquiries, and will keep you informed of progress

Yours Sincerely,

Dorothy Robinson  
Managing Director

Monday 25th March 2003

Dr and Mrs New  
Vic

Dear Dr and Mrs New,

Further to our recent correspondence. I wish to inform you of the steps we have taken to address your concerns regarding access for people with disabilities, into the Events Warehouse premises.

I have had a Disability Management Consultant inspect the building to assess the situation and he has highlighted some specific access issues which can be alleviated.

We will be reconfiguring the ramping from the wharf into the venue as soon as my builder is available, to make it safer and more manageable for wheelchairs and other guests with disabilities.

As I mentioned in our previous conversation, I have spoken with Wilson Parking regarding a designated parking bay for people with disabilities. I have met with their representative only this morning and he is conferring with the MECC to see how they can assist. At present they feel that they have complied with requirements for the MECC, but I pointed out that we may require parking near our venue on occasion as well. I will continue to follow them up.

We have reserved spaces directly outside the venue in the staff carpark in the past. so that parking is assured when there is a large event on at the Exhibition Centre. On the occasion of your visit we were specifically asked to reserve a space for you by the Mother of the Bride, for your convenience, but I believe you did not wish to use the reserved space.

It was suggested that a permanent ramp be constructed from the bar area to the foyer level and I have contacted my landlord regarding the possibility of going ahead with this as soon as possible. When a functional, safe and aesthetic design is developed that is safe for all patrons, I will put it to my landlord and the council and aim to proceed with the ramps implementation.

We are currently investigating direct access access on the carpark side of the building, however due to the significant rise will involve a significant development. This may involve heritage approval, council approval and landlord authorisation. I will keep you in the loop with this development.

I hope this correspondence outlines our commitment towards creating a more accessible venue for all and I appreciate you highlighting some of the access barriers for people with disabilities. I look forward to the development of a positive relationship and improved access for people with disabilities to the Events Warehouse over a timed period.

Yours Sincerely,

Dorothy Robinson  
Managing Director

**DR HARRY NEW**  
MBBS DPM FRANZCP  
Consultant Psychiatrist

**MRS MYRA NEW**

29th May, 2003

Hon. Peter Batchelor MP  
GPO Box 2797Y  
MELBOURNE VIC 3001

Dear Sir,

I wish to inform you that today, and for the past 13 years, we have been trying to obtain a reliable and efficient taxi service for the disabled along the same lines as the regular taxi service is providing for the community. Yet this discrimination by Black Cabs, denial of the lack of service by VTD, and your departments still seem to need enlightenment about the current situation.

After many letters regarding this situation to the various ministers of Transport, it doesn't matter which government is in office, and after many phone calls to Jeff Dalman of the VTD, the situation remains the same as prior to CBS and during the days of CBS. We have had a permanent booking for a taxi since 1990, for 3 mornings a week; for the month of April, out of 15 permanent bookings we received 13, and for the month of May out of the 12 permanent bookings we received 6.

The VTD is responsible for the enforcement of regulations relating to Victorian taxi services. In the 25 years, Dr Harry New, a disabled person, has been in medical practice at 301 Hawthorn Road, Caulfield, we can assure you that when a taxi is called for a patient, able bodied people are able to obtain a taxi within 10-15 minutes. Yet today, disabled people are still being denied a reliable and adequate taxi service. Being told that a taxi is not in the area, and having to wait anywhere from half an hour to an hour for a pick-up, is failing to meet the needs and reasonable expectations of the disabled community who rely on the services of the M50 vehicles.

The Taxi Survey Report by Polio Network Victoria, November 2000, and Media Release, March 2001, by your department, still needs to address the issues we have raised. There are many disabled people out in the community who are experiencing the same problems I have raised. Taxi drivers and services have a moral obligation to provide this service to the community. Even with the introduction of a lifting fee and an incentive fee, these drivers are still thinking with their hip pocket and not the community they are meant to be serving and choosing which pick-ups they are to do, usually choosing those involving the greatest distances.

How much longer do the disabled community need to wait before they are provided with the same

level of reliability, respect and consideration that is provided for the rest of the community?

I would appreciate a response from you regarding this continuing situation.

Your sincerely,

Mrs Myra New & Dr Harry New

CC Steve Stanko, Director VTD  
Jeff Dalman, Manager, VTD  
Villamanta Legal Service  
Disability Discrimination Legal Service  
Herald-Sun