



Tonkin 10/10 Bill

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Working party on Tonkin 10/10 Bill

- Anne Tonkin
- Lisa Rischmiller
- Cathy Patton
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- Brett Dumbrell
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*“We represent **adults** and **children** with disabilities not disabled people”*

Collectively we have more than 160 years of collective knowledge on working, and living through the struggles and challenges of **adults** and **children** with disabilities and the impacts, and additionally we have consulted with our extensive network of subject matter experts including:

- ✓ NDIS business owners
- ✓ NDIS co-ordinators
- ✓ NDIS lead co-ordinators
- ✓ Registered and enrolled nurses
- ✓ A teacher who has transitioned to a carer
- ✓ Carers of adults and children
- ✓ Athletes with disabilities representing South Australia and Australia at the top level
- ✓ Autism SA Manager
- ✓ Families and friends where there is a person with a disability and,
- ✓ Manager of the Expo for disabilities

the overall consensus is that this is long overdue.

Goal

The Bill will set a common standard and protect the human rights of those with disability, by the rule of law. Once this is passed the goal is to take this to all states in Australia.

Proposal for a Bill to Parliament: Tonkin's 10/10 Law

A total of 5.5 million people in Australia have a disability, this equates to one in five people (21.4%) of the population (ABS 2022).

A Bill to ensure accessibility and inclusivity for all:

- *in **public and private venues** (paid and non-paid)*
- *public and private **transport** services*
- ***toilets** (public and private buildings where services are provided)*
- *all public and private **car parks** (paid and non-paid)*
- ***ticketing processes** from services/agents*

by legislating the allocation of seating at events and transport, public toilets and carparking, for individuals with disabilities, specifically wheelchair users and those requiring accessibility services at a minimum of 20% of their total available facilities, services, spaces and seating with equitable ticketing processes.

- *This Bill, Tonkin's 10/10 Law, seeks to ensure that individuals with disabilities, particularly those who require wheelchair access, have equal opportunities to enjoy readily available facilities and services, with accessible transport, toilets and car parking.*

- ✓ *By mandating 10% of capacity for wheelchair users with carers/companions and,*

- ✓ *10% for inclusive disability access for those with mobile disabilities,*

*the law promotes equity and human rights for those with disabilities and aims to create a fairer and more inclusive society, meeting the needs of the Australian population, and **remove current discriminatory practices across Australia.***

Purpose of the Bill:

- *The purpose of this Bill is to promote inclusivity and accessibility for individuals with disabilities, to foster an equitable experience in line with human rights, ensuring that public and private facilities and services are accessible to all, and existing discriminatory practices and tokenistic disability gestures are removed, by:*
 - a) *creating two disability categories*
 - *Wheelchair access category*
 - *All-inclusive disabilities access category or individuals with mobile disabilities with a **new graphic (see Annexe below)***
 - b) *And legislating public and private venues, transport, toilets and parking to ensure discriminatory practices are removed in these categories and providing equity and access to those with disabilities.*

Bill Overview:

1. Title of the Bill: This Act may be cited as the Tonkin's 10/10 Law.

2. Definitions:

- *All Public and private venues and services include (paid and non-paid)*

All Public venues and private venues including but not limited to; ALL Parks, Natural environments & Gardens, Sports and Recreation Facilities, Entertainment, Stadiums, Cultural & Arts, Conference and Exhibition, Cinemas, Civic and Government Buildings, Community and Social Centres, Educational Institutions, Shopping Centres, Transportation, Tourism, Heritage Site, Markets, Religious facilities, Festivals and Animal and Wildlife Parks where ticketing and non-ticketing platforms are used.

- *Public and private transport services: to apply to all public/private service transport offerings e.g. 10% access cabs for wheelchairs, e.g. 10 access cabs to support disabilities.*
- *Public toilets: for all public toilets and all organisations servicing customers and include an adult hoist and adult change table in at least one disability toilet (public and private)*
- *public car parks (paid and no paid) parking including commercial, public and private spaces where vehicles transporting individuals with disabilities can park within the space, e.g. and oversized car can park horizontally and use 2 parks.*
- *Wheelchair Access Category: For those with a disability requiring a wheelchair.*
- *All-inclusive disabilities access category: (Inclusive Disabilities or Mobile Disabilities) For those with disabilities that are not requiring a wheelchair.*
- *Carer/Companion: Someone who is caring for the individual with the disability.*
- *Accessible seating: Accessibility close to entry and exit points, without steps.*
- *Ticketing services/agents: Accessibility ticketing purchasing processes are available online 24/7 and are the same as regular ticketing purchases where carers/companions or the person with the disability can complete the process for tickets (for paid and non-paid ticketed events).*
- *Public and private venues to include a sensory room for all events.*

3 Requirements:

- *20% of all venues and services are allocated to those with a disability.*
- *Wheelchair: Allocating 10% of their capacity to individuals using wheelchairs (with space for carers and immediate family) and,*
- *All-inclusive disabilities access category: 10% of their capacity to be accessible for individuals with other disability needs (with space for carers and immediate family).*
- *Allocation must comply with other disability and access legislation, located close to exits and services.*

4 Venue Compliance:

- *New Venues:*

Must consider legislation in all planning.

- *Existing*

Venues/infrastructure/facilities are required to implement the changes with all future infrastructure plans within the of the passing of the Bill.

5. Maintenance and Reservation of Seats:

- *The designated accessible seating for both categories must have clearly marked allocated areas.*

6. Monitoring and Enforcement:

- *A national body, to be established by the relevant Minister, will be responsible for ensuring compliance with the law.*
- *Failure to comply with these regulations will result in fines for the provider and may result in further sanctions, including potential temporary closures for continued non-compliance.*

7. Financial

- *Support: To assist existing venues in transitioning to meet these new requirements, a government fund will be established to provide financial assistance grants to contribute to the costs associated with making venues accessible under this Bill.*

Human Rights & Legislation:

- *The Bill will set a common standard and protect the human rights of those with disability, by the rule of law. This law will address current gaps and also align with global, Australian and local legislation, standards and guidelines.*

1. International Human Rights Declarations and Laws

United Nations (UN) Conventions and Declarations

Universal Declaration of Human Rights (UDHR) (1948)

- *Recognises fundamental human rights, including equality and non-discrimination for all individuals, including those with disabilities.*

Convention on the Rights of Persons with Disabilities (CRPD) (2006)

- *The most comprehensive international treaty protecting the rights of people with disabilities.*
- *Australia ratified the CRPD in 2008.*
- *Covers areas such as accessibility, legal capacity, education, employment, health, participation, and equality.*

Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)

- *Provides a mechanism for individuals to submit complaints to the UN if their rights under the CRPD are violated.*

Declaration on the Rights of Disabled Persons (1975)

- *Proclaimed by the UN General Assembly, affirming equal rights and protections for people with disabilities.*

UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (1993). A framework to guide nations in formulating policies to ensure equal opportunities.

Other Key International Human Rights Treaties

International Covenant on Civil and Political Rights (ICCPR) (1966)

- *Protects civil and political rights, including non-discrimination based on disability.*

International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)

- *Protects economic, social, and cultural rights, including access to education, work, and healthcare for people with disabilities.*

Convention on the Rights of the Child (CRC) (1989)

- *Includes specific protections for children with disabilities, ensuring their right to education, healthcare, and full participation in society.*

2. Australian Disability Laws, Rights, and Standards

National Human Rights Protections

Disability Discrimination Act 1992 (DDA)

- *Australia's key anti-discrimination law that protects people with disabilities from discrimination in areas such as employment, education, public transport, and access to goods and services.*
- *Enforced by the Australian Human Rights Commission (AHRC).*

Australian Human Rights Commission Act 1986

- *Gives the AHRC powers to investigate complaints of discrimination, including those based on disability.*

Fair Work Act 2009

- *Protects workers, including those with disabilities, from discrimination in employment.*
- *Ensures reasonable adjustments for employees with disabilities.*

National Disability Insurance Scheme Act 2013 (NDIS Act)

- *Establishes the National Disability Insurance Scheme (NDIS), providing funding and support for people with significant and permanent disabilities.*

Disability Services Act 1986

- *Provides for the funding and regulation of disability services in Australia.*

Carer Recognition Act 2010

- *Recognises the role of unpaid carers supporting individuals with disabilities.*

Australian Disability Standards and Policies

Disability Standards for Education 2005

- *Ensures students with disabilities have equal access to education and reasonable adjustments are made in learning environments.*

Disability (Access to Premises – Buildings) Standards 2010

- *Ensures public buildings are accessible to people with disabilities.*

National Standards for Disability Services (2013)

- *Sets quality and safety standards for disability service providers.*

National Disability Strategy 2021–2031

- *A government policy framework aimed at improving the lives of Australians with disabilities through social inclusion and equal opportunities.*

Work Health and Safety Act 2011

- *Requires employers to provide a safe working environment, including reasonable adjustments for employees with disabilities.*

Australian Road Rules & Disability Parking Scheme

- *Ensures accessible parking spaces and road safety measures for people with disabilities.*

State and Territory Disability Laws

Each Australian state and territory has its own anti-discrimination laws that complement the national Disability Discrimination Act 1992:

- *Equal Opportunity Act 1984 (South Australia)*
- *Anti-Discrimination Act 1991 (Queensland)*
- *Disability Inclusion Act 2018 (New South Wales)*
- *Disability Act 2006 (Victoria)*
- *Disability Services and Inclusion Act 2023 (Western Australia)*

3. Other Relevant Global Standards

World Health Organization (WHO) Guidelines

1. World Report on Disability (2011)
 - Provides *recommendations* for improving health, rehabilitation, and social inclusion for people with disabilities.
2. Community-Based Rehabilitation (CBR) Guidelines
 - Promotes *inclusive* development and accessibility in community programs.

Accessibility and Inclusion Standards

3. Web Content Accessibility Guidelines (WCAG)
 - International *standards* ensuring digital content is accessible to people with disabilities.
4. ISO 9999: Assistive Products for Persons with Disabilities
 - Sets standards for assistive devices and technologies.

Conclusion

Current transport, access to public and private venues, toilets and car parks do not meet the needs of the 5.5 million people with a disability (21.4%) in Australia and ticketing processes are discriminatory for those with disabilities. The Tonkin 10/10 will provide equity to 20% of the population with disabilities. This Bill is not asking for anything above and beyond, it is legislating equality and accessibility and removing discrimination.

Australia has a strong framework protecting the rights of people with disabilities, aligning with international human rights laws such as the UN, laws, standards and guidelines. This Act will remove discriminatory practices and improve access and equity and support national laws and reinforce rights and access to services. By passing this Bill, equity and access for all those with disabilities will have improved human rights to access facilities and services which are currently barriers for inclusion. The Tonkin 10/10 Law is a basic human right.

Annexe

A group of subject matter experts have been consulted in the development of the Bill and Annexes.

Number 1:

Bill Justification: Car parking

- There are not enough car parks for wheelchairs and those with disabilities and the current car parks do not accommodate vans and oversized cars that have been modified to carry wheelchairs. The wheelchair is unloaded often into oncoming traffic. Currently there are tokenistic attempts to appease those with disabilities.
- Create a new symbol for disabilities that do not require wheelchair. This can also allow carers/companions to use the D parks. **NEW SYMBOL** See Annexe.
- Prior to David being in a wheelchair I was verbally abused for parking and David not being in a wheelchair but on a Walker, years ago hence the need to differentiate the disability symbols.
- The D signage for mobile people with a physical or intellectual disability (inclusive disability or mobile disability) will enable all mobile people with a disability including the carer/companion to rightfully park in a safe space as they are wider compared to the general narrow parking spaces. With more parks drivers can take up one or two parks to ensure a safe transition in and out of the car.
- By revolutionising the signage, you are removing the anger from citizens who believe they are the disability police, as the general public can be quite aggressive, as there is a clear difference between categories.
- I also get extremely frustrated with abled bodied people exit a wheelchair toilet, when we are waiting for one. They may only do this once in their lifetime (using a disability toilet), however for us, it is all the time.
- My daughter has a profound intellectual, cognitive disability. I have been abused by the general public for parking in a wheelchair disability space as my daughter is not in a wheelchair. The Disability

parking spaces are wider and enable the carer/companion greater movement and the ability to assist and support a person with severe, profound intellectual disabilities, to stop the car door from being pushed into neighbouring vehicles, to be able to enter and exit the vehicle safely and to assist the person from fleeing or absconding into traffic. There are not enough Disabled car parking spaces at entertainment venues, cinemas, swimming centres, shopping centres, business premises, hospitals, medical centres, parklands and on street parking etc. We have focused on generic parking spaces and we have catered extensively for parent parking/seniors in shopping centres but have failed to cater for the wider population who require Disability parking. Regular parking and parent parking spaces are covered extensively. The right to access the Community which forms part of the NDIS goals for people with a disability with the support of their carers/companions is not being met sufficiently due to the parking barriers and tokenistic parking spaces.

- The length of the disability parking for wheelchairs are not long enough for all disability vehicles as these are not all standard size. To ensure the safety of the person assisting the person in the wheelchair from exiting the rear of the vehicle. On reversing the wheelchair from the rear of the vehicle puts the carer/companion and the person with a disability in the centre of the carpark traffic. Therefore, all people are at risk of being hit by moving vehicles in the carpark. This has been reported.
- Did you know we wait for disabled toilets to be available whilst parents take in their children to these spaces to toilet safely. We also wait for other wheelchair people to access toilets as there aren't enough.
- Why do people take it upon themselves to knock on engaged disability toilets? By legislating the allocation of toilets, will improve equity and accessibility and the basic human right to go to the toilet.

Number 2:

Bill Justification: Monitoring

- Fines need to be applied to those who use the carpark a without disability parking permits or companion cards.

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- By providing additional toilets, parents/carers/companions have access to more suitable toileting facilities rather than occupying disabled toilets.
- There are fines for cars parking in bike lanes, why are there not fines for able bodied people using disabled toilets when this is their only choice?

Number 3:

Bill Justification: Toilets

- Toilets need to be in easier to access locations, not have a 90 degree turn and include more equipment. All disability toilets need automatic doors and are not in easy to access locations and often have a hard 90-degree turn. This is the same with ramps. It can take several manoeuvres to enter the door of the toilet.
- Ramps to toilets and venues must not have 90 degree angles but be curved.
- Current Disability toilets are often located in hard to access locations e.g Entertainment Centre where wheelchairs which are on wheels are required to turn in at 90degree angles and there are not enough.
- Wheelchair toilets are used by able bodied citizens, and we are forever waiting for toilets to be available. 90% of the time, non-wheelchair toilets are held up by those not in wheelchairs and we are waiting.
- By having the 10/10 rule families and carers/companions can use access non wheelchair toilets.
- assist those with wheelchairs and will divert users who are with families, people who are needing assistance are not holding up wheelchair accessible toilets.
- Disability toilets will support carers/companions taking high needs clients out, families who need to assist children and all those with non-wheelchair disabilities.
- NDIS participants have goals to access and engage in the community and the 10/10 law will increase accessibility in all areas.
- All disability Accessible toilets should include Hoists and Adult Change table or should be labelled.

- A hoist will assist the movement of an adult from the wheelchair to the toilet or changing table and back again. The type of Hoist required should be one which enables the person with a disability to operate themselves or for those with a disability that cannot operate the hoist, will enable their carer/companion to operate and provide the support. Currently 1 swimming centre (The Arc) has 1 change room with 1 hoist. At times there are more people waiting in line for this change room compared to the general change rooms for people that do not have a disability.
- This is particularly important in all facilities e.g. swimming is an important part of therapy, rehabilitation, sensory, enjoyment and social inclusion and these facilities would promote inclusion.
- Hoists need to be available in all business and commercial venues. If a Hoist is not available and the person is not able to have their continence aids changed this will result in the person experiencing urine and faeces leakage, hygiene issues, infections and the feeling of embarrassment and degradation.
- Adult Changing Table
- As my daughter outgrew the baby changing table in the shopping centre's public toilet rooms, I had no option but to lay her on the dirty toilet floor to perform a nappy change. My daughter at the time was not able to sit or use the toilet and she was too long to use the baby changing table. All disabled toilets should have an adult changing table to accommodate people with a disability that do not have the ability or capacity to use the toilet. It is not sufficient or hygienic to have to lay them down on the toilet floor. People with a disability are subject to contracting infections and diseases from public floors. The general public are not forced to lay on the toilet floor so why are we expecting people with a disability to do this. Public changing tables should be included in all accessible toilets.
- There are not enough accessible toilets in most public and business areas, swimming centres, entertainment venues, parklands etc and the Tonkin 10/10 law would rectify this problem.

Number 4:

Bill justification: Ticketing Agent/Issuer problems.

- Abled bodied people can buy tickets 24/7. We cannot! Access tickets cannot be purchased on weekends or online, or outside of business hours! **This is discrimination!** Ticketed Events companion cards need to be preregistered and can use the same ticketing process as able-bodied customers. Currently access tickets can only be purchased on Ticketek for 5 out of 7 days a week. **This is discrimination!**

Current process:

- The options are ringing during business hours resulting in a laborious process often waiting 1-2 hours to get through to a ticketing officer or applying for tickets through an application process and often never hearing back. We are also often cut off from ticketing agencies after 45-50mins meaning we need to restart the process.
- Attempting to purchase tickets that are as rare as hens' teeth is a timely and laborious process through Ticketek or Ticket Master and most of the time you do not get notified even if you complete the application process. (The Fringe is best practice). It is like your request goes into the abyss. Able bodied people are not exposed to this application process and the disability sector participants must jump over more hurdles. This is discrimination and is unreasonable. Currently abled bodied people can book 24/7, however disabled people are reduced to business hours through an arduous process. If companion cards were pre-registered and seating capacity increased, this would reduce discriminatory practices.
- When booking tickets to the Cinema, only the person with a disability can book a seat online. The Carer, who is the Companion, cannot, as the online booking system does not allow for Companion card bookings to be processed. The Carer must attend the Cinema in person to book the tickets to ensure the Companion card is validated and to ensure the seats are booked together to provide the support required. This can be an issue as the person with a disability may have to queue with the Carer for a lengthy period and if they have sensory issues can feel overwhelmed which can trigger behavioural issues in a public setting. If the movie is also popular, or there is limited seating they may not be able to sit together or select the appropriate seating

for their disability needs and therefore the person with the disability would not be getting the physical, emotional or sensory support they require. The online system should have the capacity to enable the Carer to book online with a Companion Card, as it does with all other bookings in the mainstream community.

Number 5:

- **Bill Justification: Seating**
- Disabled seats need to be numbered allocated with a space for a carer/companion. Like a numbered parking space. Currently they are just spaces (see photos from the tennis) and people don't move to let you in! Ticket Master say they are ticketed but no one at the stand knows what is happening which happens at the basketball and at the Adelaide international tennis tournament. Able bodied people don't have random spaces and let the patrons work it out. It's like war in the access seats. (Note the tennis volunteer came up to apologise for our treatment and hand me a badge as she was so sorry for my experience). The 10/10 rule must be located in the front half of the venue and not in hard to view location or with impaired visibility.
- Seats have been previously allocated in the worst locations, behind rails where visibility is poor.
- I cannot tell you how many times we have been asked to move! ESPN cameras have also been in our seats for events. When we are asked to move up, or squeeze together to make room, I note that able bodied people are not put through this process. They are not told, "sorry, squeeze together they have over sold the space!" If there were specific spots with larger spaces for wheelchairs this would eliminate the feelings of anxiety, frustration and discrimination prior or during an event, which you go to for enjoyment and inclusion.

Number 6

- **Bill Justification: Seating with family and friends**
- Ability to book a disabled seat and a carers/companion seat with other family members or friends.
- Currently families are not able to sit together for events and outings. The current system promotes isolation as you cannot sit with friends

or family. Seating options need to be flexible to provide inclusive environments where the person with a disability can sit with family.

Number 7

- **Bill Justification:** In addition to the 10/10 rule all events must have accessibility to **all** function and events offerings.
- Currently there are no accessible areas for aspects of the Basketball. E.g Coors area/courtside and this is discrimination.

Number 8

- **Bill Justification:** The Bill needs to include guide Dogs in training and their handlers.
- They need to be included to build experience and skills for the vision impaired.

Number 9

- **Bill Justification:** Venues to include Sensory and Inclusion rooms.
- This will support neurodiversity, cognitive impairment or other sensory conditions such as and not limited to; Autism, ADHD, Dementia or Parkinson'[s disease. This will enable people with a disability to attend events within a safe space that is conducive to their support needs. The rooms should be in the format of a lounge setting with facilities and sensory equipment to assist with sensory overload and stimulation gained from being in a different environment. The room should also have a viewing platform and TV, so people can still see and listen to the concert/event. There should also be a quiet break out room.
- Example; if a family or group of friends attends a concert or event and the person with a disability requires the sensory and inclusion room, they along with their carer/companion or immediate family members, can access this room. This will provide a positive outcome of inclusivity enabling the person with a disability to function and be able to process their environment in a more sensory conducive way. This will support their needs whilst enabling other family/friends to enjoy the concert of event as a complete family and not have to leave the event immediately due to sensory overload. In the past we have had to leave events due to our daughter being overwhelmed and overstimulated by the noise which meant that our son had to miss out

as we had to leave early. There was no quiet area or sensory room to go to.

Number 10

- **Bill Justification:** Sensory room and technologies
- Events must include Speech language impairment i.e., Auslan interpreter services
- Visually impaired - services - consultation requirements required.
- Hearing impaired - Hearing Induction Loop and closed caption devices - a system for people with hearing loss or who are deaf. It is a screen that displays closed captions as the movie is playing - Hoyts offer this
- Mobility impairment - Walking aids and wheelchairs
- Booster seats
- Sensory impairment - bags containing head phones, fidget toys, weighted lap pad and wobble cushions

Number 11

- **Additions :** Advertising campaign to educate the public
- **Justification:** To promote clear communication of new symbols and the Bill/Law.

Number 12

- **Bill Justification: Transport**
- There is a distinct lack of access cabs... can they be bolstered or provided a rebate for this service??
- I have pulled a wheelchair onto a tram and there was a pole in the middle of the space, and I backed right into it with people then laughing at me. Spaces need to be cleared and accessible.
- All transports need to include wheelchair and accessible seating areas and legislated that services can be provided to support inclusion and equity.

Example of proposed new signs



OR

