



**Disability Council NSW**

# **Response to the Mobility Parking Scheme Review**

**July 2012**

## Introduction

The Disability Council NSW ('the Council') is the official advisory body to the NSW Government on disability matters. Established under the *Community Welfare Act 1987* its key responsibilities under the Act are:

- Advise the Government on policy, programs and services relating to disability.
- Raise community awareness about people with disability and their aspirations.
- Promote participation of people with disability in all aspects of the community.

The Council consists of a diverse group of 14 people with broad expertise in disability issues appointed by the NSW Government. The Council welcomes the opportunity to provide input into the Mobility Parking Scheme (MPS) review. This submission comments on the broader policy context of the MPS as well as a number of key areas raised by the Discussion Paper.

Broadly, the Council is gravely concerned that the more significant changes being proposed under the guise of standardisation and reducing abuse will instead potentially render the Scheme redundant for those genuine MPS users who rely on the Scheme to access parking for longer periods such as accessing their workplace. Council notes that this was one of the key drivers for introducing the Scheme in 1972.

Whilst these were overshadowed, the Discussion Paper does propose a number of other positive changes, including allowing Physiotherapists and Occupational Therapists to complete the assessment process, and a focus on better enforcement of the MPS scheme.

## Implementing the Social Inclusion Agenda

The Council believes it is essential that the review is informed by the broader policy context in relation to people with disability to ensure that the MPS supports the NSW Government's reform agenda. There are a number legislative and policy frameworks, including the *UN Convention on the Rights of Persons with Disabilities* and the *National Disability Strategy (NDS)*, which the O'Farrell Government has committed to. These place requirements on all NSW agencies adapting their approach to enable the full participation of people with disability in society. The NDS is of particular relevance to the review. When implemented, the NDS will transform participation in mainstream services and community life for people with disability and support greater equality as citizens. This transformation relies on the active engagement of agencies at all levels of government. NSW has drafted an NDS implementation plan which requires a whole of government approach to shift the way government agencies and programs operate to engender inclusive practice.

Many people with disability experience a high level of isolation and transport is a major barrier to social inclusion. Although the MPS is one of many government programs, it is an extremely effective example of enabling social, economic, and cultural participation for people with disability who are unable to use public transport.

The Council is pleased to note in the introduction of the Discussion Paper that social inclusion and participation are considered to be the overall aim of the review. It is

important that this aim remains consistent with the proposed changes throughout the Discussion Paper and the outcomes of the review.

### **Introduction of Functional Assessment Criteria (Question 1)**

The Council strongly supports a shift from diagnostic approach to functional approach. The same medical condition can impact differently on individuals and therefore, diagnosis alone provides very little indication of an individual's ability to access their communities.

An effective way of ensuring that permits are issued to those with genuine need is clear eligibility criteria combined with an accountable assessment process. The process should act as prevention for fraud without severely inconveniencing genuine applicants.

The existing process (Option 1) is optimal of those suggested. It relies on re-assessment at the end of the expiry period as it's control mechanism and could be made more effective by allowing a broader range of more qualified practitioners (including Occupational Therapists and Physiotherapists as proposed) to conduct this assessment.

Council members experience is that many General Practitioners have only the most basic understanding of the issues and limitations of their disability if it is not the medical professional they see most regularly so allowing allied health professionals to conduct this assessment would be beneficial.

The Council is **not** in favour of either Option 2 or Option 3 proposed in the Discussion Paper as the final decision is being made by someone (an assessor or administrator) who has had no contact with the applicant. This is likely to result in more genuine applications being refused without further material benefits.

The most important test for this process, given the fundamental and massive reliance which many genuine applicants have on the MPS, is that those with genuine need are not refused. The ability of the process to introduce additional rigour and prevent abuse must be secondary.

*The Disability Council therefore strongly recommends maintaining Option 1 with the additional improvement proposed of physiotherapists and occupational therapists being able to conduct the functional assessment to determine eligibility.*

### **Re-assessment against the new national eligibility criteria (Question 2)**

Council is supportive of this process despite the added inconvenience. An appeal process should be available where existing permit holders would lose their permit under the new national criteria as the efficacy of the national criteria has been excluded from the scope of this review.

### **Assessment by Occupational Therapists and Physiotherapists (Question 3)**

As noted above, the Council is supportive of this proposal as the shift to a functional review is an important improvement in the administration of the scheme.

Assessment should be done by the practitioner most familiar with the applicant's disability and so Physiotherapists and Occupational Therapists being able to conduct the functional assessment would be of reasonable benefit.

#### **Independent Review of MPS applications (Question 4)**

Independent review would help reduce fraudulent issuing of MPS permits. However, independent review in the manner suggested in Options 2 and 3 of the Discussion Paper would be detrimental overall. The alternative, of RMS maintaining a state-wide panel of independent assessors who are appropriately qualified, to perform the assessments is likely not feasible given the review needs to be conducted by the practitioner familiar with the applicant's functional disability.

*The Disability Council recommends that any independent review process be one where the applicant meets with the independent assessor directly. Alternative approaches suggested would introduce further bureaucratic process, delay critical accessibility, and have little or no impact on the fraudulent use of MPS permits.*

#### **Reducing Existing Concessions (Questions 5, 6 and 7)**

The MPS originated in 1972 with the aim to allow people with disability access to high population areas such as the Sydney CBD. Nearly forty years later, as of end of 2011, there were 347,853 permit holders with 69% of these are people 65 and over (239,788). Clearly the main target group of the MPS has shifted over time.

The original aim of the MPS is as critical as ever as the barriers experienced by people with disability accessing the community and employment have been exacerbated by the increasing demand on parking in general.

The proposed changes remove the ability to park for free and additional time concessions for metered spaces. This will render the MPS almost unusable for people who rely on the scheme to access their workplace particularly in Sydney and regional centres where time limited parking zones are widely used.

The proposal would also:

- Place massive additional demand on the already insufficient number of designated disability parking spaces in both the CBD and around regional transport hubs.
- Place further pressure on the accessibility of other modes of public transport as many users would be forced to attempt to use these services (possibly risking their safety) due to the inability to find an accessible parking space.

Community concerns raised with the Council highlight that this could prevent some affected individuals from accessing their workplace. The following actual case study illustrates some of the issues faced by people with disability in employment:

*Michelle works for a small NGO in Surry Hills and is unable to access public transport. The organisation cannot afford to pay for a parking space for her in*

*the basement. She parks on the street which is a 2hour parking zone. With the MPS permit she's able to park all day.*

*Should the proposed changes are adopted she can only park for 4hours and then she will have to move her car. It takes her more than 30min to get in and out of the car and attempt to secure another parking space. To do this every day will affect her work performance as well as her emotional and physical health.*

*Michelle would instead need to locate a 4hour parking zone which will allow her to park for 8hours. This means she has to park so far away she will not be able to get herself to where she needs to be.*

Other users may use the MPS permit to park adjacent to more accessible public transport, such as Ferries and a time limit would also prevent it being used for this purpose.

Section 5.1 and 5.2 are aimed at reducing the concessions with the intention to make the MPS less attractive to abuse. The Council is gravely concerned that this approach punishes those with a genuine need while providing no evidence to substantiate the amount of abuse this will reduce. For example, people may continue to use the permit inappropriately and risk being fined for parking overtime. This will still be cheaper than using parking stations.

There is a view that people who require untimed parking can choose to park in parking stations. However, many parking stations are not accessible. Some do not have lift access. A large number of car parks do not provide sufficient ceiling clearance for people to unload their wheelchair using a wheelchair hoist commonly mounted on the roof of their car. For people who use wheelchair hoists on-street parking is often a more accessible option because they can always unload their wheelchair and not be parked in.

The worse affected group will be young people who are new to employment. They have very little bargaining power to negotiate with employers for parking and without the option to use on street parking their choices of where they can work is very limited. This group also has little financial capacity to cover the costs of parking stations (assuming they are accessible) or use taxis as alternate means of transport. The potential for long-term disadvantage and significantly increased costs to the individual, family and to Government is not immaterial.

The proposed changes contradict the objectives of the *National Disability Strategy*. They will hinder the overall effectiveness of NSW achieving its objectives under this strategy. One part of Government seeking to increase access and participation while another part considering changes that will create additional barriers.

The Discussion Paper argues that it's necessary to adopt a national scheme to ensure consistency across the Australia. This argument is slightly misleading. The Australia Disability Parking Scheme (ADPS) was introduced in 2008 to provide a minimum standard for parking concessions. Although each state and territory continues to operate different parking schemes they have all agreed to provide the ADPS concessions as a minimum. This means when people travel interstate they

can still use their permit and expect the minimum level of benefit. It does not mean that NSW has to adopt a minimalist approach to parking concessions. The reality is that nearly every state and territory includes different features in their parking schemes that are not in the ADPS.

*The Council therefore strongly recommends maintaining the existing NSW parking concessions which allow fee free parking at metered, coupon or ticket parking spaces and additional time concessions.*

### **A two-tiered system (Questions 25 and 26)**

The Discussion Paper referred to the two-tiered system in Queensland but did not explore how a system can be relevant to NSW. Many permit holders do not use mobility aids. They park in designated parking spaces in car parks due to challenges of distance and availability rather than the need to access a wider space. On the other hand, people who do use mobility aids have a great difficulty fitting into a standard parking space and often run the risk of being parked in. There is a mismatch of what people need and what is provided. The Disability Community has argued for a two-tiered system for a long time. One type of permit for people who need wider spaces and another type for people who need to be close to their destination but can use standard spaces. This system requires a rethink of the kinds of designated spaces are needed and where they should be placed. Additional administrative resources may be needed to setup the two types of permits. If set up it has the potential to be much more effective at catering for diverse needs.

### **Availability of designated spaces**

Often the reason that people have difficulty finding a designated parking space is not because of abuse but due to short supply. Although the number of spaces available is not addressed by the review it remains a major issue of concern. As mentioned earlier, there are currently more than 347,853 permit holders and total is increasing at a rapid rate; between 3000 to 4500 new permits are issued every month. This places an enormous demand on the availability of designated parking spaces. Yet for most public facilities only one designated space is required for every 100 spaces. This is clearly disproportionate to the number of permit holders. A review of the ratio in building standards is urgently needed.

Introducing a two-tiered system will alleviate some of the demand on wider parking spaces if additional standard parking spaces are made available to permit holders who do not use mobility aids. An appropriate ratio of these additional spaces will need to be calculated proportionate to the ageing population.

### **Conclusion**

The MPS is essential to many people with disability accessing the community and their workplaces. In order to ensure that the scheme remains effective, and that the proposed changes do not in fact disadvantage the very individuals the review is seeking to protect The Council recommends that:

- The existing assessment process by a professional familiar with the person's disability should be maintained.

- Any independent review process should be one where the applicant meets with the independent assessor directly. Alternative approaches suggested in the Discussion Paper would introduce further cost, bureaucratic process, delay critical accessibility, and have little or no impact on the fraudulent use of MPS permits.
- Strongly recommends maintaining the existing NSW parking concessions which allow fee free parking at metered, coupon or ticket parking spaces and additional time concessions, noting that other states have incorporated the ADPS without resorting to a minimalist approach.

As proposed in the Discussion Paper, real improvements to the scheme could still be achieved by:

- Adopting functional rather than diagnostic assessment criteria.
- Allowing Physiotherapists and Occupational Therapists to conduct the functional assessment to determine eligibility.
- Improving currently insufficient numbers of designated parking spaces including the ratio of spaces included in current building standards.
- Better enforcement of the public using designated parking spaces without an MPS permit or in violation of the existing MPS rules such as where the vehicle is not being used to transport a person with disability.
- Considering the potential benefits of a two-tiered system against the cost of implementing and maintaining the required infrastructure to support this.