



**Response to
Review of the NSW Mobility Parking Scheme
Discussion Paper**

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Council of Social Service of NSW (NCOSS)

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About NCOSS

The Council of Social Service of NSW (NCOSS) is the peak body for the non-government human services sector in NSW. Through its organisational membership, NCOSS represents a vast network of service delivery and consumer groups.

NCOSS has a vision of a society where there is social and economic equity, based on cooperation, participation, sustainability and respect.

NCOSS provides independent and informed policy development, advice and review and plays a key coordination and leadership role for the non-government social and community services sector in New South Wales. We work with our members, the NSW Government and its departments, and other relevant agencies, towards achieving our vision in New South Wales.

Recommendations

1. Any changes to the Mobility Parking Scheme should be made for the purpose of improving the social inclusion and participation of people with mobility disabilities.
2. Compliance should be improved through the introduction of more rigorous monitoring or enforcement mechanisms and not by inappropriately restricting front-end eligibility.
3. An information campaign should be conducted to address the discrimination experienced by some permit holders – particularly those with ‘hidden’ disabilities, and to raise awareness of the importance of the scheme and the impact on people with disability when permits are misused.
4. The functional assessment criteria should not focus exclusively on an applicant’s ability to walk, but rather on their ability to access venues and services.
5. The assessment process should be designed to ensure that people whose mobility may vary on a daily basis due to their condition are not excluded from the scheme.
6. Permit holders should only be required to undertake an assessment against the new national eligibility criteria when their existing permit expires with individual’s circumstances taken into consideration during the transition phase.
7. In addition to medical practitioners, physiotherapists and occupational therapists should be able to conduct the functional assessment to determine eligibility.
8. The decision on eligibility for the Mobility Parking Scheme made by the medical practitioner, OT or physiotherapist should be accepted without further scrutiny, as is currently the case. If additional scrutiny of applications is deemed necessary,

the process should not inconvenience applicants nor diminish the effectiveness of the current scheme.

9. Temporary permits should be available to applicants with conditions that will severely restrict walking for less than six months.
10. The current NSW parking concessions should be maintained.
11. A review of the adequacy of existing disability parking spaces – the number of spaces, their size and location – should be conducted prior to the introduction of new policies introducing timed disability parking spaces.
12. Wheelchair accessible taxis should have access to disability parking spaces while passengers with disability enter or exit the vehicle.
13. The use of permits should not be restricted to situations when the permit holder is immediately entering or exiting the vehicle.
14. Permit holders should not be liable for misuse of the permit issues to them when they are not present at the time of misuse.
15. Penalties consistent with existing parking fines should be applied to the driver of the vehicle at the time of permit misuse. In cases where penalties apply to a permit holder, revoking a permit, or banning someone from the scheme, should be the last resort.
16. Enforcement officers should be allowed to write to the registered operators of vehicles displaying cancelled, expired or revoked disability parking permits.
17. Extensive consultation with the disability and ageing sectors should be conducted prior to the introduction of any two-tiered system.

Introduction

NCOSS appreciates the opportunity to provide input into the *Review of the NSW Mobility Parking Scheme*.

The Mobility Parking Scheme plays an important role in supporting people with disability to access employment and education, health and other services, and social, family and community networks. Any changes to the scheme should be made for the purpose of continuing to improve the social inclusion and participation of people with mobility disabilities.

Any changes to the Mobility Parking Scheme should be made for the purpose of improving the social inclusion and participation of people with mobility disabilities.

NCOSS recognises that there is some concern within the community that the mobility parking system is being misused. Misuse of the system also makes it less effective for those people the scheme is designed to assist. Any changes made to prevent misuse or abuse of the scheme should not, however, undermine or limit the effectiveness of the scheme. Compliance should be improved through the introduction of more rigorous monitoring or enforcement mechanisms and not by inappropriately restricting front end eligibility, or by disadvantaging all participants through the introduction of a more cumbersome administrative process.

Compliance should be improved through the introduction of more rigorous monitoring or enforcement mechanisms and not by inappropriately restricting front-end eligibility.

There is also a need for an information campaign to inform community perceptions about the scheme. This should address the discrimination experienced by some permit holders – particularly those with ‘hidden’ disabilities, and raise awareness of the importance of the scheme and the impact on people with disability when permits are misused.

An information campaign should be conducted to address the discrimination experienced by some permit holders – particularly those with ‘hidden’ disabilities, and to raise awareness of the importance of the scheme and the impact on people with disability when permits are misused.

Responses to specific questions posed in the discussion paper are below.

Question 1

Do you think that the functional assessment criteria will improve the assessment process to ensure that only people who genuinely meet the criteria will receive a permit? If no, why not?

NCOSS supports the move towards nationally consistent eligibility criteria, and towards an assessment process based on functionality rather than on medical criteria.

The Australian Disability Parking Scheme criteria, however, when considered together with the proposed application questions, has a very strong focus on an applicant's ability to walk, rather than on applicant's ability to access venues and services independently or otherwise. NCOSS is concerned that this focus may exclude some applicants who would otherwise benefit from the scheme. For example, NCOSS supports the NSW Government's position that people who are permanently blind will continue to be eligible for the scheme. Although someone who is blind may be able to walk, the scheme facilitates their social inclusion and participation by minimising exposure to unfamiliar environments and the risks associated with traffic. This same principle should apply to other groups who would benefit from the scheme, such as people with intellectual or other cognitive impairments.

Based on the information provided in the discussion paper, it is also difficult to understand how the assessment process would apply to people whose mobility may vary on a daily basis due to their condition. The process should be designed to ensure that these people are not excluded from the scheme.

The functional assessment criteria should not focus exclusively on an applicant's ability to walk, but rather on their ability to access venues and services.
The assessment process should be designed to ensure that people whose mobility may vary on a daily basis due to their condition are not excluded from the scheme.

Question 2 / 7

Do you think all existing permit holders should undertake an assessment against the new national eligibility criteria when they first renew their permit under the ADPS? If no, why not?

It is proposed that only applicants who permanently require the use of a wheelchair be exempt from further eligibility medicals when renewing their permits. All other applicants will be required to undertake an assessment of their functional ability to walk. Is this appropriate?

Permit holders should only be required to undertake an assessment against the new national eligibility criteria when their existing permit expires. For some permit holders, a change in eligibility status may have a profound impact on their lives; affecting their ability to travel to work, or to live in a particular location. Individual circumstances should therefore be taken into consideration during the transition phase to ensure that changes to the scheme do not unfairly disadvantage existing permit holders.

Permit holders should only be required to undertake an assessment against the new national eligibility criteria when their existing permit expires with individual's circumstances taken into consideration during the transition phase.

Question 3

Do you agree that in addition to medical practitioners, physiotherapists and occupational therapists should be able to conduct the functional assessment to determine eligibility? If no, why not?

NCOSS agrees that physiotherapists and occupational therapists should be able to conduct the functional assessment to determine eligibility. Physiotherapists and occupational therapists are likely to be in a position where they have a more in depth understanding of an applicant's functional abilities.

In areas where the availability of general practitioners is limited, access to the scheme will be improved by broadening the range of health practitioners able to conduct a functional assessment.

In addition to medical practitioners, physiotherapists and occupational therapists should be able to conduct the functional assessment to determine eligibility.

Question 4

Do you think there needs to be an additional independent review of an applicant's eligibility before a permit is issued? Why do you think this?

NCOSS does not believe that an independent review of an applicant's eligibility is necessary. Nor would it improve the efficiency or effectiveness of the scheme.

As far as NCOSS is aware, there is no evidence to suggest that permits are currently being issued to people who do not genuinely meet the eligibility criteria for the Mobility Parking Scheme. The requirement for an additional independent review would increase administrative costs associated with the scheme. While participants are currently able to receive a permit immediately on submitting their application, an independent review would cause a delay between when an application is submitted and when a permit is received. For many applicants, such a delay may cause additional stress and result in unnecessary inconvenience.

According to the processes outlined in the discussion paper, the independent assessor or administrator would not have access to additional information about an applicant's circumstances or mobility. We consider that the medical practitioner, physiotherapist or occupational therapist is therefore in a better position to determine an applicant's eligibility.

If additional scrutiny of applications is deemed necessary, we strongly recommend that the process does not inconvenience applicants nor diminish the effectiveness of the current scheme. For example, permits could be issued on application, with a decision matrix used to identify those cases where further investigation or an independent review of eligibility is warranted. Alternatively, an independent review could be conducted only in cases where this has been requested by the assessing practitioner and/or client.

The decision on eligibility for the Mobility Parking Scheme made by the medical practitioner, OT or physiotherapist should be accepted without further scrutiny, as is currently the case. If additional scrutiny of applications is deemed necessary, the process should not inconvenience applicants nor diminish the effectiveness of the current scheme.

Question 5

Is a minimum six months and maximum 12 months for temporary permits appropriate for a disability parking scheme focused on an applicant's functional ability to walk? If it is not appropriate what would be a better timeframe for temporary permits?

Temporary permits should not be restricted to applicants with conditions that will severely restrict walking for more than six months. As is currently the case, people with conditions that will have a short-term impact on their mobility should be able to access the scheme. People who will be disadvantaged by the proposed change include those suffering from short-term injuries or from illnesses such as cancer.

In many cases it can be difficult or impossible to predict the length of time during which an injury or illness will impact a person's mobility. A six-month restriction on eligibility for temporary permits will mean that some people will be initially assessed as ineligible, yet will go on to experience mobility limitations for months or years.

An injury or illness that temporarily affects someone's mobility can have a significant impact on their lives. Access to the Mobility Parking Scheme may help people affected in this way to maintain their employment or to stay connected to services and to social networks during challenging circumstances. This is likely to lessen the overall impact of an injury or illness – for the individual involved and their family, and will reduce the likelihood that such an event will initiate a longer-term cycle of exclusion.

Temporary permits should be available to applicants with conditions that will severely restrict walking for less than six months.

Question 9

Will moving to the national minimum standards still allow the majority of disability parking permit holders to complete their business and social activities? If no, why not?

NCOSS previously recommended that the national minimum standards should be set at the highest or most accessible time limits now existing amongst the jurisdictional schemes. Given that the national minimum standards are less generous than the existing concessions in NSW, we recommend that the current NSW parking concessions be maintained.

The national minimum standards appear to assume that people with mobility limitations simply require more time than others to complete their business and social activities. However, many people with mobility limitations may also need to access services more frequently, and may not be able to choose alternative forms of transport or to access

services at times of day when parking is more readily available. In some cases parking can pose a significant cost burden. This is particularly problematic for people on low fixed incomes. The fee free parking at metered, coupon or ticket parking spaces currently available through the NSW scheme should therefore be maintained.

The current NSW parking concessions should be maintained.

Question 10 / 11

Do you think the introduction of timed disability parking spaces in combination with the national minimum parking concessions will be sufficient to ensure that the majority of disability permit holders can complete their business and social activities? If not, why not?

Do you think a policy ensuring that timed spaces can only be introduced in areas where there are more than one disability parking space will improve turnover and access to wide bay parking spaces? Why do you think this?

The introduction of timed disability parking spaces may improve turnover and therefore support access for a greater number of people. However, it is not possible to decide on an effective policy about areas in which timed spaces can be introduced without first understanding whether the number of spaces is adequate. Disability stakeholders consistently report that in some locations – such as hospitals – there are too few disability parking spaces. While the introduction of timed spaces may improve access in some circumstances, it also has the potential to limit access to those people who are able to complete their business and social activities within the specified time period – therefore further excluding those people with more severe mobility limitations.

A review of the adequacy of existing disability parking spaces – the number of spaces, their size and location – should be conducted prior to the introduction of new policies introducing timed disability parking spaces.

Question 12

Is it necessary for wheelchair accessible taxis to have access to disability parking spaces for up to 15 minutes while waiting for passengers with a disability to enter or exit the vehicle? Or are there other alternatives you can suggest that would assist passengers with a disability using wheelchair accessible taxis?

Many people with disability find taxis problematic due to the lack of appropriate locations in which they can enter or exit the vehicle. For this reason wheelchair accessible taxis should have access to disability parking spaces while passengers with a disability enter or exit the vehicle. In addition, the needs of passengers with disability should be given greater consideration in the development of taxi stands, health facilities, shopping centres and urban streetscapes.

Wheelchair accessible taxis should have access to disability parking spaces while passengers with disability enter or exit the vehicle.

Question 13

Should permits only be used if the permit holder is immediately entering or exiting the vehicle? Is this reasonable use?

It is often necessary for a permit holder to be dropped as close to their destination as possible and for the driver of the vehicle to then park in a disability designated parking space. This is particularly important in cases where disabled parking spaces are not available immediately outside a destination. For people with very limited mobility, door-to-door transport makes accessible a much wider range of services and venues.

By using a disabled parking spot after dropping a permit holder at their destination, a carer or driver can return to the destination as quickly as possible. When a permit-holder requires significant care and support, this can be crucial. In health transport workshops hosted by NCOSS in 2012, stakeholders reported that for this reason, both well-designed drop-off zones *and* nearby parking were imperative in ensuring clients with limited mobility could access health services. The same principle applies to many other services and venues.

Restricting the use of a permit to situations where a permit holder is immediately entering or exiting the vehicle will limit access for many permit holders, and will reduce the scheme's effectiveness in meeting the objective of improving the social inclusion and participation of people with mobility disabilities.

The use of permits should not be restricted to situations when the permit holder is immediately entering or exiting the vehicle.
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Question 16/ 18

Should penalties be applied to the permit holder or to the person using the permit without the permit holder being present? If yes, what type of penalty should be applied?

Is it reasonable to make all permit holders liable for misuse of the permit issued to them? If no, what alternative process do you suggest for managing repeated misuse of permits issued to children or incapable adults?

Permit holders should not be liable for misuse of the permit issues to them when they are not present at the time of misuse.

Many permit holders are vulnerable and may not be in a position to prevent their permit from being misused. Some permit holders may be unaware that the permit has been used in their absence, while others may not be a position to object when a permit is being misused.

Penalties should only be applied to driver of the vehicle at the time of permit misuse. However, the permit holder should be notified of any misuse of their permit to ensure they remain informed. This is also likely to reduce the incidence of further misuse.

Permit holders should not be liable for misuse of the permit issues to them when they are not present at the time of misuse.

Question 15 / 19 / 20

What should happen to permit holders whose permit has been misused on more than one occasion?

Do you think good behaviour periods could be introduced for disability parking permit holders? If a further offence was detected while on a good behaviour period is it reasonable to revoke the permit and prevent the person from re-applying?

Should a person with a disability be banned from holding a disability parking permit if it can be proven that they knowingly allowed their permit to be misused? Would this be fair?

As stated above, penalties should not apply to permit holders whose permit has been misused in their absence.

NCOSS recognises the need for improved enforcement mechanisms, but anecdotal evidence suggests that generally, permits are not being misused by permit holders themselves, but by others with access to permits. Penalties consistent with existing parking fines should therefore be applied to the driver of the vehicle at the time of permit misuse.

In cases where penalties apply to a permit holder, revoking a permit, or banning someone from the scheme should be the last resort, with preferred approaches including good behavior periods and/or fines (consistent with existing parking fines).

Penalties consistent with existing parking fines should be applied to the driver of the vehicle at the time of permit misuse. In cases where penalties apply to a permit holder, revoking a permit, or banning someone from the scheme should be the last resort.

Question 21 / 22

Do you think enforcement officers should be allowed to write to the registered operators of vehicles displaying cancelled, expired or revoked disability parking permits seeking return of the permit and for the name of the driver at the time to be nominated?

Do you think there should be a fine for failing to nominate the driver in this circumstance just as there is for other situations where a registered operator fails to nominate the driver? Why?

Yes, enforcement officers should be allowed to write to the registered operators of vehicles displaying cancelled, expired or revoked disability parking permits seeking return of the permit and the name of the driver at the nominated time.

NCOSS considers it reasonable for a fine to be issued where a registered operator fails to nominate the driver.

Enforcement officers should be allowed to write to the registered operators of vehicles displaying cancelled, expired or revoked disability parking permits.

Question 26

Would you support the introduction of two tier scheme knowing that this is not compatible with the ADPS and may prevent you using your permit in other jurisdictions? If yes, what do you think the tiers should involve?

NCOSS recognises that people's mobility can be restricted in different ways. A two-tier scheme could potentially provide more generous concessions to those with more severe mobility limitations while supporting the needs of a wider range of people, including those who may not be eligible within the current or proposed schemes. However, extensive consultation with the disability and ageing sectors would be required in defining the tiers and determining the level of concessions available.

Extensive consultation with the disability and ageing sectors should be conducted prior to the introduction of any two-tiered system.

Further Information

For further information or to discuss any of the issues raised in this paper, please contact Ms Rhiannon Cook, Senior Policy Officer, on 9211 2599 ext. 128 or email rhiannon@ncoss.org.au