



Harmonisation of disability parking permit schemes in Australia Response to the Discussion Paper.

1. Summary

Overall MS Australia welcomes the initiative to harmonise the disability parking arrangements across the country. This is one of a number of program areas (such as aids and equipment schemes) that Governments have agreed to streamline over the next few years to improve the system overall for people with disabilities. Parking is a big issue for people with MS and the disability parking scheme has high value. People who have used the system have a lot to say about the lack of spaces, the physical infrastructure around spaces (pram crossings etc) and enforcement.

MS Australia recognises the limited scope of this harmonisation initiative, but is also aware of the importance of other elements involved in the broader operation of disability parking and transport more generally.

This submission has been written from a national perspective and focuses on the three areas under consultation by this initiative. It also makes reference to other important issues raised with us by people with MS that relate to the successful operation of the scheme.

2. About Multiple Sclerosis

Multiple Sclerosis is a progressive neurological disease that affects the central nervous system and can, to varying degrees, interfere with the transmission of nerve impulses throughout the brain, spinal cord and optic nerves. There are a number of types of MS and the disease course is unpredictable. Some people are minimally affected by the disease while others have rapid progress to total disability, with most people fitting between these two extremes. Although every individual will experience a different combination of MS symptoms, there are a number of distinct patterns relating to the course of the disease. The types of MS are:

- **Relapsing-Remitting MS**
In this form of MS there are unpredictable relapses (exacerbations, attacks) during which new symptoms appear or existing symptoms become more severe. This can last for varying periods (days or months) and there is partial or total remission (recovery). The disease may be inactive for months or years.
- **Secondary Progressive MS**
For some individuals who initially have relapsing-remitting MS, there is the development of progressive disability later in the course of the disease often with superimposed relapses.

- **Primary Progressive MS**

This form of MS is characterised by a lack of distinct attacks, but with slow onset and steadily worsening symptoms. There is an accumulation of deficits and disability which may level off at some point or continue over months and years.

- **Relapsing Progressive MS**

This form of MS is characterised by a gradual progression of disability from the onset of the disease and is accompanied by one or more relapses.

3. Mobility, Multiple Sclerosis and Parking

Impaired mobility is a common manifestation of all types of MS in varying degrees however there are a number of individual contributing factors to any person's situation.

Many symptoms of MS are invisible but pervasive. Extreme fatigue, muscle weakness, heat intolerance and vision disturbance are all recognised symptoms of MS that give rise to impaired mobility, and can be triggered by heat, stress and the disease course itself. Depending on the type of MS a person has and its impact, the intensity and duration of these symptoms will vary across the MS population.

The intensity of these symptoms and the degree of disability may vary slightly from day to day and season to season. On some days people may be able to walk short distances unaided and on other days will need to use a mobility aid such as a walking stick or a wheelchair. Many people with MS are also unable to get around without a wheelchair or other significant assistance at all times.

For many people with MS, as their impairment increases and mobility decreases, a disabled parking permit is an essential part of managing their life, particularly with the variability of symptoms.

I do not use a walking stick and my physiotherapist has told me to stay away from using a stick for as long as I possibly can! There is no way I could park too far away from any shops as I'd never make it back. It has been nearly 6 years since I have been able to do a full grocery shop; because I simply can't walk around the whole shop as well as the walk into the shopping centre.

On good days if I can get a park that's maybe a few spaces away from disabled parking I do, but on bad days I can't. When I go to the big shopping centre if I can't get parking in disabled or very close I drive back home because I simply can't do it and there are so many of us that are the same. I'm trying to keep my independence as long as I can. Sure I could get Homecare to do my shopping BUT then I would never get to leave the house. (Karen H, NSW)

People with MS who currently use the disabled parking scheme have reported incidents of abuse and ridicule when using a marked disabled parking space. Anecdotes about relatively young people with MS attracting accusations of rorting the scheme and not deserving a permit as they walk to or from their cars are common.

4. National Minimum Standards for parking permit concessions

MS Australia generally supports the consistent national minimum standards regarding parking permit concessions. However we need to stress that we see them as a starting point, as they only relate to parking time. Minimum National Standards will simplify and clarify the rules about parking time in non-marked parking bays for people when travelling interstate or around their home State or Territory. This will be useful for many permit holders.

Proximity

For people with MS proximity is the key need when parking. The additional time offered by the proposed standards is of little value if the only available parking space is beyond a person's mobility range. Many people with MS who do not use wheelchairs can generally use a regular-sized parking bay as long as it is close to the marked bays. Karen's comment above about going home in preference to parking well away from the shops is representative of the mobility issues for people with MS. But having said this, additional time is also essential and of great value given the extra time it often takes people with MS to get around.

We recommend that the next steps in the development of the National Disability Parking Scheme to include proximal regular sized parking spots made available exclusively to permit holders (as you would see marked out bays for parents with prams at shopping centres).

Parking meters

While the additional time in regular parking spots is going to be welcome for many permit holders, the poor accessibility of parking meters and ticket machines will mean that permit holders may still be at risk of infringement because they cannot access the machines. This could be because of poor design (height, display visibility or terrain), distance from the vehicle (in the case of a ticket machine) or both.

As this is going to vary with meter design and the capacity of permit holders, it provides an enforcement and equity challenge for local councils. The accessibility metering systems will need to be a subsequent effort by local administrators

As enforcement is outside the scope of this initiative and will continue to be locally administered, we recommend the National Minimum Standards include a reference about enforcement of these standard concessions to the effect that infringements will not be pursued in a metered area where the meter is inaccessible to the permit holder.

5. Nationally Consistent Eligibility Criteria

MS Australia supports the implementation of standard eligibility criteria, and the standardising of application and certification. The extension of the life of the permit to 5 years is also more realistic. The main aims of the system are to provide permits to people with genuine need and to prevent misuse where possible. The intent of the common eligibility criteria is to ensure that the benefits of permits go to people with legitimate need due to a diagnosed condition.

Concerns have been raised by people with MS that the criteria may exclude people who have significant mobility restrictions but do not use wheelchairs. We are aware of a number of emails that have been circulating during the consultation period warning of a more difficult eligibility threshold. This may have been generated by initial media reports or interpretation of the criteria themselves.

These interpretations are at odds with the stated intention of the review and the comments made by the Parliamentary Secretary on ABC radio:

The truth of the matter is if you've got spina bifida or if you've got multiple sclerosis and it does affect your mobility, you will not be worse off. What will happen though is that New South Wales which does have quite good standards in some categories for impairment parking and these standards will apply elsewhere but I have no interest in reducing anyone's pre-existing conditions.

I can absolutely guarantee that if you need a disability parking permit because you have got a severe impairment, it's business as usual.

When read as a whole, people with mobility impairments related to diagnosed permanent conditions will remain eligible, but reading criteria 2 on its own with its exclusion of walking sticks has already resulted in a range of interpretations.

It will be important to ensure absolute clarity in the final eligibility criteria for applicants and medical certifiers alike so that people with genuine need for a permit are not unreasonably excluded because of a literal or limited interpretation. Criteria must also ensure eligibility for those with episodic impairments.

FAHCSIA representatives at the public consultations advised that work would be done with the medical profession to inform and educate them about the new national criteria and their role as certifiers. MS Australia supports this program of work as medical practitioners will clearly play a key role, and they need to understand the dynamics of the scheme and the nature of mobility impairments. It is also vital that information and awareness be increased for those who are likely to be eligible for permits, to help them self-manage the seeking of a permit, and to help them to inform medical professionals of how the system is intended to operate.

In addition, when reissuing permits at the 5 year mark for people with MS, a medical re-assessment should not be required. A simple re-application process should be enough as MS does not stop 5 years after the issue of the first parking permit.

We recommend that if the 3 criteria remain unchanged then an overriding statement be included advising that the criteria be considered together rather than each on their own to ensure their application is consistent with the stated intention not to further limit eligibility.

Temporary Permits

The creation of a 12-month temporary permit is a useful part of the proposed national scheme for people with MS.

People can experience sudden and serious mobility problems as a consequence of a disease relapse or change. Due to the uncertainty of the time and level of recovery from a relapse, a temporary permit is the likely entry point to the disability parking scheme for many people. These people still need full access to marked disabled parking bays because of their proximity, so a new temporary permit is of better value than a step-down permit offering additional time.

This transition will be common for people with MS due to the progressive nature of the disease course. We expect that if a person who has a temporary permit and needs to convert it to a 5-year permit, then this will be able to be achieved with minimal red tape

Transition to the National scheme

MS Australia supports the introduction of a unitary permit system (either temporary or permanent) in place of the range of step down permits (such as the Victorian Green Permit). The National Concessions framework offers the additional time currently these step-down permits offer.

We have 2 related concerns with the transition to the national scheme:

- Many people with MS are granted a step down permit when they apply early in the disease process, and need to reapply for a permanent as their mobility is further compromised. Given that people have a genuine need for proximal parking even at these early stages, it is essential that the proposed eligibility criteria do not disadvantage people who apply at these early stage now that there are no step-down permits
- People with MS who currently have a step down permit will have to re-apply for a new permit. Given the above, we would expect that having been recognised as needing particular parking rights under the old schemes will entitle people to a permit under the new scheme.

We recommend that holders of current step-down permits be automatically granted permits in the national scheme. This will ensure that people with a genuine need for a permit continue to receive access to the new scheme.

6. Nationally consistent parking permit design

MS Australia supports the implementation of a nationally consistent permit design, however we have received a range of views from people with MS about the design features that serve to emphasise some key issues that warrant attention in relation to some details of the permit design.

The consistent design would improve recognition and the operation of the scheme, particularly with enforcement and security.

In addition to the design imperatives listed on p13 of the consultation paper, the permit must be portable and include microchip technology to identify ownership. Permit holders will travel in a number of vehicles, including hire cars and those owned by family members, friends or paid carers. The permit also needs to be durable and not damage or mark the vehicle in which it is used.

There has been support for both proposed designs in the consultation paper as well as a hard plastic permit that would sit on the dashboard.

Hanging permit

Comments received about the hanging permit are:

- It may not be able to be retrieved if it fell onto the floor of the vehicle when it is being put on the mirror
- It would need to be double-sided to ensure that people did not put it on facing into the vehicle
- Its size should make it clearly visible but not cumbersome to store within reach in the vehicle while driving or when it is being used by another driver

Sticker permit

Comments received about the sticker permit are:

- It needs to be sticky enough to stay on the window but must be easy for people with reduced sensation in their hands and fingers to peel off
- The weight of an ID card in the proposed pocket may make it harder to stay stuck to the windscreen

There is no doubt that people will have a range of preferences in regard to the design, and we recommend that multiple design options with consistent features be provided to suit the abilities and preferences of permit holders.

7. Other issues

The issues around disability parking are clearly broader than this current harmonisation initiative but need to be resolved through other avenues such as the National Disability Strategy and the Draft Access to Premises standards.

The following are other issues that have been raised with us during the consultation

- **More Parking spaces.**
 - The most significant issue raised by people with MS is need for additional disabled parking spaces. With the ageing of Australia's population, the number of permit holders will increase and a plan is needed to ensure that this demand for spaces is met with a nationally coordinated planning program.

- **Enforcement**
 - While not directly canvassed by this consultation other than through some of the design features of the permits, enforcement of the rules of the scheme will be important. A vigilant and consistent enforcement regime will need to be in place to protect access to parking bays for permit holders and to reduce the incidence of misuse of the scheme. Until there is a dramatic increase in the number of disabled parking spaces, enforcement will be a key mechanism to maintain the integrity of the scheme in practice.

- **Certification**
 - Certification of eligibility is the other key element of the scheme that needs to be well managed. Education of medical practitioners about the scope and operation of the new scheme needs to be factored into its implementation.

- **Promotion of the Scheme**
 - In addition to the targeting of the medical profession, other stakeholders (including local Governments and people with mobility impairments) will require detailed and accessible information about the scheme. The promotion of the new national scheme to the general public is also needed as a way of reducing stigma and promoting respect for people using disabled parking spaces.

- **Consistent administrative practices**
 - Once the concession standards, permit design and eligibility criteria have been settled, efforts will need to be directed to developing nationally consistent administrative practices by the States and Territories (e.g. retrieval of permits from deceased people, time standards in processing applications, transfer of permits as people move interstate).

Further information

If further information is required please contact

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29 July 2009