

Our ref: DG37375

Your ref: A501345

19 NOV 2019

Mr Shane King MP
Chair
Transport and Public Works Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr King

Thank you for your letter of 24 October 2019 seeking information to assist the committee with its inquiry into the Transport Legislation (Disability Parking Permit Scheme) Amendment Bill 2019, introduced to the Parliament on 16 October 2019 by Mr Nick Dametto MP, Member for Hinchinbrook.

As you know, the Bill seeks to expand the eligibility criteria for the Disability Parking Permit Scheme to include an individual that has:

- total loss of vision or a permanent severe visual impairment; or
- a temporary severe visual impairment.

The Bill also proposes other amendments that support the proposed expansion of the eligibility criteria.

The scheme is administered by the Department of Transport and Main Roads (TMR) in conjunction with local governments and the Queensland Police Service (QPS). TMR is responsible for issuing permits to applicants who meet the eligibility criteria and investigating complaints of permit misuse.

Local government and QPS have responsibility for enforcement of the misuse of disability parking bays. Local government is also responsible, through the building approval process, for ensuring the minimum number of parking bays are provided as set out in the Disability (Access to Premises – Building) Standards 2010.

The information requested by the committee is enclosed. I have also provided background information to assist the committee's understanding of the scheme's history and administration.

The departmental officer to act as the committee's point of contact for the inquiry is
Mr Andrew Mahon, General Manager (Land Transport, Safety and Regulation), by email at
[REDACTED]

I trust this information is of assistance.

Yours sincerely



Neil Scales
Director-General
Department of Transport and Main Roads

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Disability Parking Permit Scheme

Background

The Disability Parking Permit Scheme (Scheme) provides permit holders convenient access to facilities in wide parking bays.

When first established in Queensland in 1998, the Scheme consisted of two tiers, blue permits with eligibility criteria based around total inability to walk, and red permits for those with mobility impairment to a lesser standard.

Following a Commonwealth review of all state and territory schemes in 2010, a national eligibility criteria was developed. It was agreed by jurisdictions that the Scheme was a mobility Scheme and the assessment process should focus on the applicant's functional ability to walk.

People with intellectual disability, psychiatric, cognitive and sensory impairment, such as vision, did not meet the eligibility criteria, unless they also had an impairment that impacts on their functional ability to walk.

Some jurisdictions who previously granted permits to other impairment types, such as blindness, retained these eligibility categories in their schemes.

Queensland adopted the national eligibility criteria, and blue permit holders were transitioned to the Australian Disability Parking Permit (ADPP). To ensure that red permit holders were not disadvantaged by the change, this permit type was grandfathered, provided the holder continues to meet the red permit eligibility criteria. No new red permits are issued.

ADPPs are issued for 5 years or for a temporary condition of at least 6 months up to a maximum of 12 months duration. A disability parking permit currently costs \$18.05. This fee is charged on initial application only.

The *Transport Operations (Road Use Management) Act 1995* (TORUM), section 111 'Parking permits for people with disabilities', authorises the chief executive to issue permits to a person with a disability or to an organisation.

The *Traffic Regulation 1962* Part 12A 'Disability parking' provides the framework for granting permits, duration of permits, conditions of permit use.

The *Transport Operations (Road Use Management - Road Rules) Regulation 2009* (Queensland Road Rules), section 203 'Stopping in a parking area for people with disabilities', provides an offence for a driver who stops in a disability parking bay without a disability parking permit. The offence attracts an infringement notice penalty of 2 penalty units or \$266. The maximum penalty when imposed by a court is 20 penalty units or \$2669. Police Officers are authorised to issue infringement notices for this offence.

Local governments are provided the power under TORUM to make local laws and set penalties with respect to parking in their area. Most local governments have adopted the Queensland Road Rules penalty amount, however, some local governments have developed their own local laws. The fine amount in these local government areas can therefore differ to the state-based penalty. Local governments enforce their own local laws.

Current requirements for obtaining a disability parking permit

ADPP

A person is eligible for the grant of an ADPP if they are a Queensland resident and:

- They are unable to walk and always require the use of a wheelchair, OR
- Their ability to walk is severely restricted by a permanent medical condition or disability, OR
- Their ability to walk is severely restricted by a temporary medical condition or disability, of at least 6 months duration, as certified by a doctor or occupational therapist, OR
- To an organisation for a specified vehicle with a gross vehicle mass of not more than 4.5 tonne, if the organisation transports persons who are eligible for a permit.

Applicants are required to complete the relevant application:

- Australian Disability Parking Permit Application (Individual) F4814 (**Attached**)
- Australian Disability Parking Permit Application (Organisations) F4881 (**Attached**)

Current processes for assessing disability parking permit

First time applicants for an ADPP, must have their doctor or occupational therapist certify their condition on section 2 of the form. The doctor or occupational therapist must also indicate a medical condition or disability affecting the applicant's mobility.

Applications are processed centrally by TMR. Unsuccessful applicants are forwarded a letter explaining the reason for refusal with details of the process for requesting a review of the chief executive's decision.

No certification is needed by a doctor or occupation therapist for the renewal of a permit application.

Comparison of the requirements of obtaining a disability parking permit in other Australian jurisdictions

Jurisdiction	Eligibility criteria
ACT	<ul style="list-style-type: none"> • Cannot walk because of permanent or temporary loss of the use of one or both legs or another permanent medical or physical condition, OR • Physical condition is detrimentally affected by walking 100m, OR • Need to use a walking frame, crutches, callipers, scooter, wheelchair or a similar mobility aid, OR • Permanently blind as per Social Security Act.
NSW	<ul style="list-style-type: none"> • Unable to walk because of permanent or temporary loss of the use of one or both legs or other permanent medical or physical condition, OR • Unable to walk because of other permanent medical or physical condition, OR • Physical condition is detrimentally affected as a result of walking 100m, OR • Requires use of crutches, walking frame, callipers, scooter, wheelchair or other similar mobility aid, OR • Permanently blind as per Social Security Act.
NT	<ul style="list-style-type: none"> • Permanent mobility limitations.
QLD	<ul style="list-style-type: none"> • Unable to walk and always require the use of wheelchair, OR • Ability to walk is severely restricted by a permanent medical condition or disability, OR • Ability to walk is severely restricted by a temporary medical condition or disability, of at least 6 months duration, as certified by a doctor or occupational therapist.
SA	<ul style="list-style-type: none"> • A temporary or permanent physical impairment: <ul style="list-style-type: none"> - speed of movement is severely restricted by the impairment; and - ability to use public transport is significantly impeded by the impairment. <p>Note: A vision impairment is considered to be a physical impairment.</p>
TAS	<ul style="list-style-type: none"> • Permanent and severe disability that impacts on mobility. <p>Note: A vision impairment is considered to be a disability.</p>
VIC	<p><i>Category One Permit</i></p> <ul style="list-style-type: none"> • Significant ambulatory disability and inability to access a vehicle in an ordinary parking bay, or required to use a complex walking aid that prevents access to a vehicle in an ordinary parking bay, OR • Either an acute or chronic illness in which minimal walking may endanger health, OR • A significant intellectual disability which makes them an extreme danger to themselves and others in a public place without assistance by a carer. <p><i>Category Two Permit</i></p> <ul style="list-style-type: none"> • Significant ambulatory disability or severe illness which does not affect ability to walk, however rest breaks required when continuous walking is undertaken.
WA	<ul style="list-style-type: none"> • Unable to walk and always require the use of a wheelchair; or • Ability to walk is severely restricted by a permanent medical condition or disability; or • Ability to walk is severely restricted by a temporary medical condition or disability.

Number of disability parking permits currently issued

There are approximately 191,000 individual disability parking permits currently issued in Queensland (consisting of approximately 181,000 ADPP and 10,000 red permits) as well as approximately 11,000 organisation permits granted to over 1,000 organisations.

Impacts on the disability parking permit scheme should the scheme be expanded to include visually impaired persons

Increasing the number of people included in the Scheme may impact the availability of disability parking bays.

Equally, increased misuse can have a negative impact on availability of parking bays. QPS advised that for the five years to 30 April 2019, its officers issued approximately 7638 fines statewide for parking illegally in a disability parking bay. This volume of offending is likely to be vastly underrepresented as local governments traditionally issue the majority of parking fines in their respective areas.

Requirements regarding the availability of disability parking bays

ADPP Permit holders have access to disability parking bays in commercial and private facilities as well as those provided on-street by councils. These bays are wider than a standard carpark bay to enable access for a person in a wheelchair or other complex mobility device.

Under the Queensland Road Rules section 206, ADPP holders can also park in regulated and metered council parking areas for an indefinite period where a sign allows parking for 30 minutes or more. In addition, loading zones can be used for dropping off and picking up of a person with a disability (Queensland Road Rules section 179).

The *Disability (Access to Premises – Buildings) Standards 2010* details the minimum number of off-street disability parking bays that must be provided. Local governments are responsible for ensuring the standards are met during the building approval process.

The minimum number of disability parking bays that must be supplied depends on the type of premises and the overall number of carpark spaces provided at the premises. For example, nursing homes and schools require a minimum of one disabled parking bay for every 100 (or part thereof) car park spaces provided. Shopping centres require one disabled parking bay for every 50 (or part thereof) car park spaces provided.

Other issues the department considers relevant

Expansion of the Scheme, depending on the size, could have impacts on TMR resources and budget.

Australian Disability Parking Permit Application (Individual)

Transport Operations (Road Use Management) Act 1995



Queensland
Government

This form is to be used to apply for the grant or replacement of a Disability Parking Permit for an individual.

Once completed, please lodge and pay the non-refundable fee (if applicable) online at www.tmr.qld.gov.au, in person at a Department of Transport and Main Roads Customer Service Centre, or mail to: Department of Transport and Main Roads, Disability Parking Permit Scheme, PO Box 525, Fortitude Valley Qld 4006. Further information on the Disability Parking Scheme, fees and application process is available at the department's website at: www.tmr.qld.gov.au/disabilityparking or you can telephone 13 23 80.

Notification of approval or refusal of a permit will usually be sent by mail within approximately 28 days of the application being received for processing.

Tick the type of permit requested:

☐ Australian Disability Parking Permit (ADPP) Are you:

- . A new applicant including:
 - interstate issued permits
 - 5 year ADPP expired more than 3 months
 - Red permit expired more than 3 months

☐ Complete sections 1 and 2 PLEASE NOTE: A FEE APPLIES

- . A 6-12 month permit holder new or expired

☐ Complete sections 1 and 2 PLEASE NOTE: A FEE APPLIES

- . An existing 5 year ADPP holder applying for a new ADPP

☐ Complete section 1 only

- . An existing Red permit holder to applying for ADPP

☐ Complete sections 1 and 2 only

☐ Red permit Are you:

- . An existing Red permit holder
- . An existing Red permit holder and permit has expired more than 3 months

☐ Complete sections 1 and 2 only

☐ See ADPP: A new applicant above

☐ Replacement permit (Complete section 1 only) Reason for permit replacement:

Damaged ☐ Destroyed ☐ Lost ☐ Stolen ☐ Permit not received ☐

NOTE: Expired permits cannot be used.

Section 1. Applicant details

Permit number (if applicable)

QLD

Expiry date (if applicable)

/ /

CRN (The CRN is your Qld Driver Licence/Adult Proof of Age card number, or your reference number issued by the department)

Given name/s

Family name

Residential address

Postcode

Postal address (if different)

Postcode

Male ☐

Female ☐

Date of birth

/ /

Contact number

()

Mobile number

Declaration

I declare that the information provided in this application is complete, true and correct in every detail and that I may be prosecuted for giving false or misleading information. I understand that I must supply this information in accordance with the *Transport Operations (Road Use Management) Act*; failure to complete the application in full and sign the declaration below may result in the application not being processed; a departmental officer may contact my Health Professional/agent/carer or other government agency for clarification; if this permit is no longer required or has expired, I must return the permit to the department within 14 days; any permit granted as a result of this application, must be used in accordance with the conditions of use; and I have read and consent to the privacy statement on this application.

Applicant's signature

If applicant is over 18 years of age state why applicant is unable to sign application form.

OR

Signature of applicant's agent/parent/carer

Date

/ /

Relationship to applicant/contact number

Privacy Statement: The Department of Transport and Main Roads (the department) collects the personal information requested for the purpose of managing the disability parking permit scheme as authorised by the *Transport Operations (Road Use Management) Act 1995*. The department may disclose some of this information to relevant health professionals and where a legislative authority exists, other government agencies. Your personal information will not be used by the department or its contractors for any other purpose, nor will it be disclosed to other third parties without your consent unless authorised or required to by law.

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Section 2: Medical Certification

To be completed in full by a Medical Practitioner or Occupational Therapist

The availability of disability parking spaces is limited. To ensure disability parking spaces are available to those who need them most, it is vital that permits are only granted to applicants who meet the eligibility criteria. Your valuable assistance in helping to achieve this outcome is most appreciated.

In Queensland, the Disability Parking Scheme is a mobility scheme. The below eligibility criteria for the Australian Disability Parking Permit (ADPP) are based on a person's functional impairment to their ability to walk.

Applicants with intellectual, psychiatric, cognitive or sensory impairment (for example sight and hearing impairment) alone do not meet the eligibility criteria unless the applicant also has a mobility impairment that impacts on their functional ability to walk.

Eligibility Criteria

To be eligible for an ADPP, the applicant must be a Queensland resident and meet one of the following eligibility criteria:

- Must be unable to walk and always requires the use of a wheelchair; or
- Their ability to walk is severely restricted by a **permanent** medical condition or disability;
- Their ability to walk is severely restricted by a **temporary** medical condition or disability.

A temporary medical condition or disability must be of **at least six (6) months'** duration, as certified by a doctor or occupational therapist.

Guiding scenarios

Please find below examples of some types of mobility impairments that might be a severe restriction on an applicant's ability to walk:

- The applicant is unable to walk and **always** requires the use of a wheelchair.
- The applicant **always** requires the use of a mobility device (for example, walking frame, elbow crutches). *Please note a shopping trolley should not be considered a mobility device.*
- The applicant has a severe mobility restriction affecting their ability to carry out basic activities (for example, the applicant cannot walk from a parked car to the entrance of a building such as a shopping centre, bank or medical facility, without stopping several times due to severe pain, extreme fatigue or loss of balance).
- The applicant has a severe mobility restriction as a result of a chronic condition (for example, of the heart, lung or kidneys and relies on portable oxygen to assist them to walk or walking could cause angina and/or heart attack or severe breathlessness).

1. Applicant's name

2. Date of birth

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3. Medical Practitioner or Occupational Therapist recommendation

In your opinion does the applicant's mobility restriction meet the above eligibility criteria? (Please Yes ☐ No ☐)

4. Please describe the primary disability or medical condition AND how it severely restricts the applicant's ability to walk

5. Please describe any other disability or medical condition AND how it severely restricts the applicant's ability to walk

6. Is the Applicant's mobility restriction: (Please tick)

Temporary in duration ☐ Expected duration (must be over 6 months)
Permanent ☐

Medical Practitioner/Occupational Therapist's Certification

I certify that I have seen the applicant in a professional capacity and my signature below verifies ALL of the following:

- I understand that the Department of Transport and Main Roads collects the information on this form to assist in assessing the eligibility of the applicant requesting a Disability Parking Permit in accordance with the *Transport Operations (Road Use Management) Act*.
- The information supplied within this application is correct to the best of my knowledge and I agree to be contacted to verify this.
- Where a review is requested, this information may be released to the Queensland Civil and Administrative Tribunal.
- The personal information collected will not be disclosed to any other third party without my consent unless required or authorised to do so by law.
- I am not the applicant or an immediate family member of the applicant.

Health Practitioner's name

Health Profession

Provider number

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Health Practitioner's signature

Date

Contact telephone number

Facsimile number

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Section 3: TMR Office use only section

Receiving Officer's username

Receiving centre

Phone number

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Receiving Officer's signature

Date

Receipt number

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Australian Disability Parking Permit Application (Organisations)

Transport Operations (Road Use Management) Act 1995



Queensland
Government

This form is to be used by an organisation to:

- apply for the grant or replacement of an Australian Disability Parking Permit (ADPP)
- nominate or remove vehicle/s used by the organisation for the purpose of transporting eligible individual/s.

This application will be considered if:

- the organisation has a Queensland address
- this form has been completed and signed by the organisation's contact person
- accompanied with the **non-refundable fee** (if applicable).

Once completed, please lodge online at www.tmr.qld.gov.au, in person at a Department of Transport and Main Roads Customer Service Centre, or mail to: Department of Transport and Main Roads, Disability Parking Permit Scheme, PO Box 525, Fortitude Valley Qld 4006

ADPPs can not be used on:

- vehicles over 4.5t Gross Vehicle Mass
- vehicles that are used as a taxi or limousine.

1. Type of application

To be eligible for a permit the organisation must transport at least one individual who is a Queensland resident and:

- is unable to walk and always requires the use of a wheelchair
- their ability to walk is severely restricted by a permanent medical condition or disability
- their ability to walk is severely restricted by a temporary medical condition or disability.

A temporary medical condition or disability must be of at least six (6) months' duration, as certified by a doctor or occupational therapist.

In Queensland, the Disability Parking Scheme is a mobility scheme. The eligibility criteria are based on a person's functional impairment to their ability to walk. It is not based on intellectual, psychiatric, cognitive or sensory impairment, unless in addition to this impairment, the person also has a severe impairment to their ability to walk.

(a) Is this organisation responsible for transporting individuals who meet the above eligibility criteria?

No ☐ Your organisation is not eligible to apply for a permit.

Yes ☐

(b) Has the organisation previously held a permit?

No ☐ **Note:** A non-refundable fee applies. Please provide business/company/organisation identification. (For requirements, please refer to the Evidence of Identity Information Sheet (F4362) available at www.tmr.qld.gov.au)

Yes ☐ If your permit is expired more than 3 months, your application will be assessed as a new application (see above note).

(c) Do you need to notify the department of the: addition of new vehicles ☐ removal of vehicles ☐

(d) If you require a replacement permit, indicate permit number, reason for replacement and complete applicant details and declaration.

Permit Number Damaged ☐ Destroyed ☐ Lost ☐ Stolen ☐ Permit not received ☐

2. Applicant details

CRN (The CRN is your reference number issued by the department)

Australian Company Number (ACN)/Business Number/Incorporation Number

Organisation name

Telephone number for day contact

Name of contact person (responsible for management of permits) Position of contact person

Business address

Postcode

Postal address

Postcode

Number of nominated vehicles?

What is the total number of staff (including volunteers) that provide the service of transporting eligible individuals?

Privacy Statement: The Department of Transport and Main Roads (the department) collects the personal information requested for the purpose of managing the disability parking permit scheme as authorised by the *Transport Operations (Road Use Management) Act 1995*. The department may disclose some of this information to relevant health professionals and where a legislative authority exists, other government agencies. Your personal information will not be used by the department or its contractors for any other purpose, nor will it be disclosed to other third parties without your consent unless authorised or required to by law.

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4. Declaration

Authorised person's signature _____ Date ____/____/____

Authorised person's name (if different from contact person)	Position

5. Departmental Office use only

Receiving Officer's name and position	Receiving centre	Phone number
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Receiving Officer's signature	Date	Receipt number
	/ /	

Number of specified vehicles	Number of staff driving specified vehicles	Number of permits granted	Number of permits refused

Comments

Authorising Officer's name and position	Authorising Officer's signature	Date
		/ /