Extract from Hansard

Thursday, 6th February 2025

MOTOR VEHICLES (DISABILITY PARKING PERMIT SCHEME) AMENDMENT BILL

The Hon. A. PICCOLO (Light) (16:20): I would like to make a small contribution to this bill. I think it is a very important bill. First of all, I would like to thank the people who have actually made this possible. I would like to acknowledge and thank the former Assistant Minister for Autism, the Hon. Emily Bourke in the other house, who is now the Minister for Autism. I would also like to thank the Minister for Transport in this place, his staff and the people in the department, because while this may not be one of the biggest reforms we bring in, it will change the lives of a lot of ordinary people in a big way. That is the important thing.

The member for Chaffey has outlined a case that was brought to his attention. I am sure there are cases like that right across the state. I certainly have had parents in the past talk to me about the difficulty they have had with children who are neurodivergent in trying to actually get them in and out of a car to a place, whether it is going to the doctor, shopping or schools. The school one is an example I would like to highlight to show how big an issue this is.

For parents who have children who are neurodivergent, getting them across the road or getting them from point A to point B when there is a lot of activity around, particularly around school time, attending school or leaving school, is quite a challenge. If you have two or three children who are neurodivergent, the challenge becomes impossible. Under the previous scheme, they were ineligible for a disability parking permit and often had to park either far away from an entrance to a school or they had to park sometimes in loading zones or some zone which was closer for their own child's safety.

I remember hearing a case about a grandparent who was a carer looking after their grandchildren. They were in a special class in one of my schools. They parked in a

loading zone for the children's safety. They got booked by the council officers, and the council would not remit the penalty. They had to pay the penalty.

The current scheme, unfortunately, allows council officers to choose not to exercise the discretion in what I think is an appropriate way. This person could clearly demonstrate their grandchildren had a disability, etc., but no, these people applied the rules for the rules' sake. My view is you apply rules for the purpose they are intended. What is the objective behind the rule? You need to understand that. When you get told, 'We applied the penalty because it is against the rules,' no—what are the rules trying to achieve? Unfortunately, the current rules do enable council officers to do that, in my view, wrongly.

That was really highlighted to me, and that is not the only case. I have had a number of these cases in my electorate, and I am sure there are a lot of other families who have not come to me or their local MP and have just worn it, unfortunately. It is sad that people on the ground, who have to implement the rules, cannot show more judgement at times; but that is another story for another day.

These changes are also important in another way, apart from the practical changes in people's lives day to day. As I said, it is not a big reform, but it is a big change for those people who benefit from this. It is not a one-off thing: it is people who experience this issue every day. Every day they take their child to school, every day they take their child or a family member to a shop. Every day it is an issue for them. You can understand why they will ask, 'Why are these rules like that?'

It is also important because it changes our thinking about people living with disability from a disability having to be seen, having to be visible, to acknowledging there are people living with invisible disabilities. One of the things that we are also supporting is the Sunflower Project, which tries to get the message out that not all people with disabilities have disabilities that can be seen. There are neurodivergent people and a whole range of other people whose disability is not obvious or is invisible. It does not mean that they do not experience some disadvantage and challenges with everyday life. This bill helps to remove some of those disadvantages and barriers for those lives.

The Metropolitan Fire Service has a program called the Sunflower Project, which is supported by the Office for Autism in our state. It was something that was championed by the former Assistant Minister for Autism, now the Minister for Autism, to make sure the message gets out that we should not make judgement so quickly about the rights of people with disabilities. That is very important. I am going to use a word which has now become a slightly dirty and derided word: this is about inclusion. Unfortunately, in the political world this has become a word you are not supposed to use, or it is used in a negative sense.

For me, inclusion means giving people a fair go. In Australian culture, if there is one thing we strongly believe in it is a fair go for everybody. In other words, it means

we give people a fair go to an education, a fair go to work, a fair go to access the health system. We do believe in a fair go. The reason we have one of the best health systems in the world is that we believe that everybody should have a fair go to health irrespective of their wealth. Health should not be linked to a person's wealth: health should be linked to a person's need.

This bill gives a whole range of people and their families a fair go so when they are taking their child to school they have a fair go taking that child to school in a safe way, also making sure that it is as easy as possible to do so. It is a fair go when they go to the shopping centre, where there is a lot of activity, and it gives those people a fair go to take their children with them. As one of the previous speakers said, the assumption is that if they are children they can be easily managed. I have seen some children—and I am not a tall person, I accept that, but some of these children are big, and they are not easily physically managed.

Having in proximity parking that provides for disability is really important for that family. Often, for the people who do not have a child or family member living with disability, it is hard to grasp, but when you have to put up with this every day, it is a real challenge. It is really important that this new provision makes it. It has been a long time coming, but it is here. Like the member for Playford said, we should applaud this reform, but let's not forget there are probably other reforms we need to think about. There are others we need to do as well.

This reform is great. It will increase demand for parking for people living with disability. That is just reality because it will make more people eligible, quite rightly, and it will increase demand, so we need to monitor the impact of the scheme and whether we need to review those matters in terms of the number of parking spaces made available for people with disability.

It also means as a community we need to be responsible and not misuse them in the sense that if you do not have a parking permit to park in the area, do not use it, irrespective of the amount of time. All the excuses in the world do not count, so I think it is important to do that.

I have received feedback from some people who do have a parking permit to park in an area reserved for people with disabilities and that is that some people would like to see harsher penalties. We need to see how things go, how they settle down and whether that is appropriate. We need to see what is happening interstate and what is best practice. I have a person in my community who has been advocating for some years that if you park in a car park reserved for a person with disability and you do not have a permit, if you get caught the expiation should be demerit points, like with any other licence infringement.

I cannot put the case whether that is the right or wrong thing to do, but certainly we need to look at what happens from here onwards, and given that there will be an increase in demand do we need to make sure that we further disincentivise people from parking illegally.

With those introductory comments I would like now to perhaps address the issues of the bill itself and the regulations. I think it is important to acknowledge that this bill amends the Motor Vehicles Act 1959. Importantly, this scheme has not changed since 1998 and clearly things have changed in terms of our thinking about people who are living with a disability in that time.

The bill amends part 3D of the Motor Vehicles Act. The amendments include terms and language more appropriate for today's usage. It removes the requirement that an applicant's ability to use public transport must be simply impeded. As the member for Chaffey quite rightly mentioned, in a lot of parts of our state there is no alternative to parking, there is no public transport or the public transport is overused, etc. There are a whole range of different reasons. Even the department itself acknowledges that if you are more than 500 metres from a bus stop or a train station, that often denies people the appropriate access to public transport.

Also importantly, and something which I will fully support, is that it allows the eligibility criteria for these parking permits to be prescribed in regulations. It enables us to then review things and work out if changes need to be made and can be made more quickly and it is much more responsive. I think we need to respond as community attitudes also change to a whole range of things.

Changing the language is important. It talks about our values as a society and, as I said, even though the word 'inclusion' unfortunately is now used in a pejorative way, I still think that for many the word 'inclusion' means giving people a fair go and language which reflects that should be supported.

At the moment people who are eligible for a parking permit have to demonstrate a physical disability, where speed of movement is severely restricted by the impairment. I will read here, 'whose ability to use public transport is significantly impeded by the impairment'. That will change. Those two things have been a significant barrier for a whole range of people with a disability from living meaningful lives, or without additional barriers to their lives and their families, importantly.

The regulations will retain the existing physical mobility impairment criteria. Applicants who have a temporary or permanent physical impairment will still need to show that their speed of movement is severely restricted. So while the criteria has only changed in one element, it does change who is actually eligible, and that is the big change: who is eligible for this new permit.

There are a number of things that are not changing, but it is removing any legislative barriers to the regulations, specifically including applicants for a disability parking permit who have a significant intellectual, cognitive, behavioural or neurological impairment that prevents the person from being able to 'independently mobilise safely without the continuous support of another person'. That is the technical language for saying if a parent or family member or carer has to actually assist that person to

get from point A to point B then they have met the criteria.

Often, that is very clear for their safety as well, not only in terms of their being able to physically do it but for their safety. Often, I have parents tell me that their child would literally run away or run off as soon as they are out of the car, and because they are parked so far away from a whole range of things there is an increase in risk to their personal safety. So that is going to be addressed.

I also understand that no changes have been made to the wider arrangements, which I think in this case is okay. The penalties will stay the same as they are at the moment, as I understand it, but hopefully they might be reviewed if people do not use them responsibly. The visual impairment requirement I understand is not changing. Again, they are people who have actually been eligible already.

As I said, we need to now monitor the increase in the use of car parking. We need to look at that. As has been previously mentioned, the framework for the number of car parks available is actually in a national code, and that is something that the Minister for Planning will need to monitor, to see whether that needs to change. Hopefully, we will not have to do that. Hopefully, we can actually use the existing parking areas responsibly, to make sure that that works. If that does change, we will need to then look at whether we need to do that.

Just one final point: based on what has happened in the other jurisdictions where they have changed the rules to reflect what we are proposing here, like Victoria and the ACT, parking demand has not increased, so we are hopeful that the existing stock of car parks available for people with disability will suffice.

The changes will commence on proclamation, and this will certainly occur after the regulations have been made. I assume that some thought has been given to the regulations already, so they will not be a long time in coming. One would hope that they are made very quickly. I understand that once the changes have been made the department plans to capture data and report on the types of disabilities or conditions for which DPPs are being issued.

Again, by having it in the regulations if this scheme needs to be fine-tuned there will be a quicker capacity for the government to make the regulations in the Executive Council and to fine-tune those. In conclusion, I would just like to say that this reform is a worthwhile one, and certainly it will bring relief and fairness to a number of families in our state.

TIME EXPIRED