

# A Story of Renewal

Jennifer Kellaway

I have a story for you, dear Reader, who is permanently disabled and has already medically proven that to the RTA, and is now off to the RTA to renew your Mobility Parking Scheme (MPS) Card.

You should not have to provide yet another medical certificate with your MPS renewal application.

Simply provide a brief dated and signed letter "I consent to RTA viewing my RTA medical record for the purpose of this MPS renewal application..."

Even more, if the RTA has already printed your private medical information on your driver's licence, then ask the RTA to simply look at what the RTA itself has already published and made public on your licence.

The RTA can hardly require you write a letter of consent to its looking at your licence you are producing with your application!

Simply ask the RTA to just read all about your once private medical information here on your licence, where the RTA itself wrote it!

If the RTA says no, you must produce a medical certificate, say to it that the precedent has been set, and please follow it. (RTA finally did so for one permanently disabled person, so why not for everyone else who is permanently disabled, and who would be promptly provided a renewed MPS Card if they simply slipped that magical medical certificate across the RTA counter?!)

My story is set in New South Wales.

It may be of interest to those in other States and Territories if you have similar Mobility Parking Schemes.

My story began way back in September 2003, when I went to the RTA to renew my MPS Card. I was informed that under new rules, not only must I furnish a medical certificate, but also now pay a \$30 fee.

Since that distant September, over 60 letters and emails have been written in this story within a group including Mr Tony McGrane, the then MP for Dubbo, the Office of the Late Mr Tony McGrane, Mrs Dawn Fardell, the present MP for Dubbo, an assortment of Ministers for Roads - four at last count, Messrs Scully, Costa, Tripodi and Roozendaal, the Attorney General, The Hon Duncan Gay MLC, the Infringement Processing Bureau (IPB), and various disability and support organisations. Press Releases have been issued and the story aired on radio and television and in the local newspaper. Mrs Dawn Fardell has made a Private Member's Statement in Parliament!

As a double amputee, I have held an MPS Card for over 30 years. I also have a gold licence and an excellent driving record.

I have many times over the years supplied medical certificates all re-certifying my amputee status, with protest. Now, I was asked that September day to pay for the RTA to process yet another medical certificate.

I left the RTA without a renewed card because I thought the rules so offensive to the disabled that I could not comply.

I contacted Mr Tony McGrane, our local Member of Parliament at the time, and found that he, like Mrs Fardell and Mr Gay, was supportive of the principle that "permanent disability is permanent disability" and should not have to be constantly re-proven. Various Ministers for Roads keep promising to 'fix' this situation. As you well know, we are all still waiting.

I believe that the existing requirements are discriminatory, offensive and harmful, and a waste of taxpayers' money. I believe the medical certificate condition is degrading, insulting and offensive to the permanently disabled and to the RTA employee paid to tick a box 'yes, she still is a double amputee'. It seems to me to breach the RTA Code of Conduct 'Respect for People'. No citizen should be asked to comply with it.

The \$30 fee pays the RTA employee to perform a demeaning task, and so again seems to me to breach the RTA Codes of Conduct 'Working Ethically' and 'Respect for People'.

The Ministers for Roads say that the fee is to reduce frivolous and fraudulent applications.

So if a disabled person parks in the disabled spot, they have to pay extra for law enforcement when the persons parking in the 1P spot and the loading zone do not. As clearly genuine users, we are asked to contribute to the cost of legal processing of abusers. The disabled are being asked to pay to reduce the numbers of able bodied people fraudulently posing as disabled!

One year after all this correspondence started, I received a parking fine. I parked in a disabled parking spot, and I displayed my old expired card, clearly not 'a current card'. When I received the fine, the RTA was still demanding a medical certificate for MPS renewal. Over a year after my first letters on the point, the RTA removed that demand in its letter sent about a month after I received the fine. So it was that the condition, to which I was grossly offended, to the point of non-compliance, fell over. The RTA finally expressed appreciation of the view that I should not have to reprove medical eligibility when I have held an MPS card for many years and I hold a current conditional driver's licence as a double amputee!

However, in removal, it imposed a new and again, I believe, discriminatory and absurd condition.

I was told that on MPS renewal application, because the RTA must comply with the Privacy Act, I no longer needed to prove medical eligibility, but I would need to supply a letter of consent to RTA accessing my licence medical records. Yes, even though I not just consented, I requested from Day 1 that the RTA simply look at the records I knew it had!

But for MPS renewal, I am also required to produce acceptable proof of identity such as a driver's licence.

My driver's licence has written on reverse 'must wear artificial legs". It is the RTA's own document. I asked the RTA, what more does the RTA need? And when else would a citizen producing a driver's licence, be required also to produce under the Privacy Act a signed letter giving the recipient permission to look at that licence?

By early 2005, in desperation, I went public.

Our present Member of Parliament, Mrs Dawn Fardell, made a Private Member's Statement to Parliament. It may be seen on the web at <http://www.parliament.nsw.gov.au/prod/PARLMENT/hansArt.nsf/V3Key/LA20050223031>

Our local paper, and radio and television stations were supportive and sensitive in their coverage. The newspaper article, with photo, may be seen on the web at [http://www.dubbo.yourguide.com.au/detail.asp?story\\_id=371676](http://www.dubbo.yourguide.com.au/detail.asp?story_id=371676)

An RTA spokesperson came on to our local radio in response!

The IPB was still pursuing the parking fine of October 2004. I requested the authorities to exercise their discretion and waive the fine in the circumstances.

I was given three options:

1. Produce a renewed card - yes, do what you have protested all along, give the RTA yet another medical certificate and form for it to process and pay the fee, so it (the RTA heavily subsidises the scheme) spends resources on satisfying itself that you still are a double amputee and you still are not a frivolous fraud!
2. Pay the fine.
3. Go to Court.

I was told that my case was not within the approved guidelines for leniency, and the appropriate authority to determine if leniency may be granted was the local court.

The day in court never came. The fine expired under statutory time limits.

Meanwhile,

- the RTA STILL is insisting on a medical certificate for renewal; see [http://www.rta.nsw.gov.au/rulesregulations/mobilityparking/mobilityhowtoapply/mobility\\_medicalcert.html](http://www.rta.nsw.gov.au/rulesregulations/mobilityparking/mobilityhowtoapply/mobility_medicalcert.html)
- The Minister for Roads and the RTA STILL promise to recognise that Permanent Disability IS Permanent Disability, have been promising to 'fix' this for years now, and are STILL promising.
- I consider my privacy is STILL invaded because the RTA insists on publishing details revealing my amputee status not in code, but in plain English on the back of my driver's licence in face of my repeated requests to not do so and even though my health information is personal and private, and information on my licence is public.
- A charge of (now) \$31 is STILL made – 'to deter fraudulent applications', so where is the refund to the genuine, and why are the disabled made to pay more for law enforcement than everyone else?

- I still believe that we elect governments to govern and we pay them to do so - not to refuse ordinary and vulnerable citizens who genuinely need a resolution, as I did, and give them no choice but to go to the courts as the Department of the Minister for Finance asserts is the appropriate course, or to cave in.
- We WON!!! I do now have a renewed MPS Card, with precedent set of no medical certificate, no letter of consent. I paid the \$31 fee with protest that it is discriminatory, wasteful and wrong and with notice that I will NOT pay it on next renewal. So unless we DO get 'The Fix' long promised and still undelivered, in a couple of years' time this renewal problem will all be back.
- If you have similar problems with MPS renewal, let Mrs Dawn Fardell MP for Dubbo and the Hon. Duncan Gay MLC and your own local Member of Parliament know.
- I am still battling for 'The Fix' and for the RTA to apply 'The Precedent' to all permanently disabled and to cease breaching my privacy.
- Dear Reader, are you able to help write the victorious conclusion to our story?

