

OPENING STATEMENT – Jamie Kent – The Joint Committee on Disability Matters.

Not disabled enough.

I am Jamie Kent from Waterford and a little over twenty years ago, then aged 28 I was involved in an accident while competing on the Cork 20 International Rally event in Cork. It was a split second that would change my life forever.

Before October the 4th 2003 I was a very active person running my own signage and graphics company during the week and like so many other people my age enjoying my hobby and living life to the full.

That day I broke my knee, my pelvis, my back in two places and had multiple fractures in my skull. Along with this I also suffered three bleeds in my brain and more in my brain stem, so as you can imagine this left me with very little if any chance of survival. Luckily with the help of the medical team and life support equipment at Cork University Hospital I regained consciousness some two and a half weeks later. During a seven month stay in CUH I became a toddler all over again, I spent that time learning to walk, talk and I even went back to nappies, At 28 it was truly devastating. From there I was transferred to the NRH for an extra two and a half months further rehabilitation.

The years that followed involved extensive physiotherapy, hydrotherapy and follow up operations but this still only allows me to live what the old me would consider to be a limited day to day life.

Now I am a Traumatically Acquired Brain Injury “survivor” in receipt of Invalidity Pension due to my high level of disability. My Injuries left me with paralysis down my left side. With time and determination “some” use has come back in my left leg making it a little easier for me to get around.

In 2005 I applied for a Primary Medical Certificate so I that could avail of tax relief under the disabled drivers and passenger’s scheme. This was instantly denied on the grounds that at this stage I had one good arm and one good leg so therefore not disabled enough to qualify under the strict rules laid out by the Government.

As the committee will be aware to qualify for tax relief under the scheme, you must have a valid Primary Medical Certificate.

A Primary Medical Certificate is a document that you can use to confirm you are severely and permanently disabled and one of the following applies:

You are completely or almost completely without the use of both legs.

You are completely without the use of one of your legs and almost completely without the use of the other leg to the extent that you are severely restricted as regards movement in your legs.

You are without both hands or both arms.

You are without one or both legs.

You are completely or almost completely without the use of both hands or arms and completely or almost completely without the use of one leg.

You are a person with restricted growth syndrome (dwarfism) and have serious difficulties with movement of your legs.

Naturally I appealed this decision to the Disabled Drivers medical board of appeal at the NRH but my appeal was rejected.

I have applied 5 times since then and been rejected 4 times. On the 5th attempt the board of appeal was suspended so I was left with nowhere to go.

Between all my applications I have spoken to TDs, Senators and Medical professionals in the hope that they might be able to help me but the answer is always the same. "That the criteria needed to obtain a PMC is so strict that their hands are tied and there is nothing that they can do." To put it simply this is a disgrace and clearly breaches *The United Nations Convention on the Rights of Persons with Disabilities*. The criteria needed to obtain a PMC is so archaic that it's not fit for purpose in today's world.

As I've said already I am in receipt of Invalidity Pension but I also have a disabled parking permit and a Plus Companion travel pass due to my mobility and balance being so bad. On refusal of my first application for a PMC I was successful in acquiring a "Motorised Transport Grant" (which are no longer available) to adapt my car to my needs. To sum things up the system is totally mixed up, how can numerous departments recognise my disability yet one stands alone and rejects my disability repeatedly saying "I am not disabled enough" in effect the state is contradicting themselves.

Even today I am not able to use public transport as there wasn't anybody available to escort me on the journey. So traveling by car while the safest option is expensive for a person like me with no relief on fuel and parking close by not to mention no Remission of vehicle registration tax (VRT), Repayment of value-added tax (VAT) on the purchase of a vehicle, Repayment of VAT on the cost of adapting a vehicle, An exemption from motor tax on the vehicle or Tolls if I was able to avail of scheme set out in the Disabled Drivers and Disabled Passengers Tax Concessions.

“HOW CAN WE ENSURE ACCESS AND HUMAN DIGNITY IN PUBLIC SERVICES?”

- The requirements for a primary medical certificate need a complete overhaul.
- The tax relief scheme applicable on obtaining a Primary Medical Certificate would greatly improve my quality of life and my remaining years living with a disability.
- Broadening the tax relief scheme applicable to obtaining a Primary Medical Certificate would greatly improve the quality of life for people like myself.
- With a PMC we could have better independence.
- As the cost of living is increasing day by day if I could avail of the disabled drivers and passengers scheme as I have to drive an adapted vehicle it would ensure I could continue to drive without worry of the rising costs associated.
- As I constantly live in chronic pain my need for a PMC is only going to get more so for me this criteria needs to change sooner rather than later. It isn't that we want to get something from the Government, its just not to be forced to pay something against UNCRPD in the first place.