

PERTH PARKING MANAGEMENT BILL 2023

Committee

Resumed from 27 February. The Deputy Chair of Committees (Hon Steve Martin) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

Hon NEIL THOMSON: I have communicated to the minister that I do not intend to spend too much longer on this in Committee of the Whole, but for the knowledge and understanding of members, I expect that we will continue after question time. I appreciate that the officers from the department are here, so thank you for being patient with this progress.

Before we move off clause 1, I would like to ask an omnibus question about this rather detailed bill. There are a number of changes to the specifications for a whole range of processes for the CEO involving the granting of licences, the duration of licences et cetera. Has a regulatory impact statement been undertaken in relation to the bill? If there is an ability to comment generally, I note that there appears to be a lot of black-letter law in this bill and a lot of specification that was not there before. Has a regulatory impact statement been undertaken to date, and has that regulatory impact statement considered the impact on landowners, specifically in relation to reporting and compliance expectations?

Hon STEPHEN DAWSON: I am told that a regulatory impact statement was undertaken in about 2017 or 2018. It is important to remember that the beginning of the work on this bill started under the previous government, although the majority of the work has happened under this government. Although a RIS was undertaken early in the process, the advice was that we did not need to do a second one at a later stage. I do not believe that the impact on landowners in relation to reporting and compliance was considered as part of that.

Hon NEIL THOMSON: Although I have concerns generally about making sure that businesses comply with the new provisions, I also want to touch on the role of residential strata bodies and their requirements. I want to talk a bit about some of the mixed uses when we move on to clause 9, “Exempt circumstances”, particularly Airbnb situations within a strata body. What is the view of the obligations on a strata body to meet the requirements of this legislation, given that we will see a significant increase in penalties, for example? My concern, from the point of view of a residential strata, is that there may be some noncompliance at the edges of the law, and that might place a strata body in a difficult position. I imagine that potentially there will be increased exposure for those bodies simply due to the increase in penalties.

Was an assessment done by the department of the obligations of a strata body when it is a residential establishment, given that some bays within the apartment unit may be interpreted to be subject to the levy?

Hon STEPHEN DAWSON: There are a couple of things I could say. Detailed consultation on the bill took place in 2017–18 with relevant local governments, including the City of Perth, as well as other peak bodies, such as the Property Council of Australia.

In relation to strata, residential parking in a mixed-use strata development will continue to be exempt from the levy under the bill before us; however, strata companies will continue to be considered the property owner for the purposes of licensing parking bays within a development. It has been suggested that the Department of Transport should bill individual owners within a strata title development separately; however, the department has advised that it does not have the capacity or resources to implement this business practice. Since it has no access to information to distinguish between individual tenants and units within a mixed-use development, and no way of being kept up to date when there is a change in ownership, it is only practical to deal directly with the strata company to licence the overall site.

During drafting of the bill, the department was advised that strata companies have both the ability and the power to comply with the act, and it remains the strata company’s responsibility to ensure that the cost of the levy is not applied to residents. Residents within the strata development who are paying the levy should contact their strata company to resolve the issue.

Hon NEIL THOMSON: If we stay on clause 1, we may be able to close off this aspect in relation to strata units. From what the minister is saying, residential strata developments—apartments—will be exempt, although there will be parking lots that have individual parking bays that could be subject to the levy. Is that correct?

Hon STEPHEN DAWSON: Honourable member, just to be clear, there will be no change to the treatment of residential parking. As per the current act, residential parking solely for use by permanent city residents will continue to be exempted from the requirements of the act, regulations and policy. In relation to strata, there will be no change under the legislation before us from the existing act.

Committee interrupted, pursuant to standing orders.

[Continued on page 499.]