

PERTH PARKING MANAGEMENT BILL 2023

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 3: Objects of Act —

Debate was interrupted after the clause had been partly considered.

Mr R.S. LOVE: I think we were discussing the objects of the act. I had been asking about the fact that the proposed act will be the Perth Parking Management Act 2023, yet the objects of the act refer to the parking management area—the PM area—in the metropolitan region. It is not clear to me whether that is referring to what we understand to be the Perth parking area now, whether there is potential for further expansion, or whether it is envisaged that there might be other parking management areas, such as in the centre of Joondalup or somewhere else. Could the minister just expand on that and whether my interpretation of the words is correct? Will it leave it open for there to be further or different definitions of the parking management area throughout the metropolitan region?

Ms R. SAFFIOTI: It is only one area. It will be defined through regulations. I also take the opportunity to point out that the Perth parking policy that sits under the act states that one of its objectives is —

Ensuring the continued economic and social vitality of central Perth;

This concept of having economic and social vitality has been around a long time and even exists under the existing legislation. The original act looks more broadly at measures to support the economic and social vitality of the area.

Mr R.S. LOVE: Does the minister accept that this legislation will take a wider interpretation of what might be acceptable to spend the money on than has been the case under the current act?

Ms R. SAFFIOTI: Yes, that is one of our intentions. Another point to note, though, is that we believe that transport will continue to be a big part of the expenditure, with nearly half of our annual licence fee funds being committed to the CAT bus network, free public transport around the city, traffic management and other types of initiatives. We still see transport as being key, but this will give us the ability to fund some other projects in the future.

Mr R.S. LOVE: The objects of the act are split into two parts. Paragraph (a) is about managing parking to mitigate traffic congestion, promote balance between different modes of transport and improve accessibility, economic activity or urban amenity. I think that is also reflected in the act. Paragraph (b) refers specifically to licence fees and revenue. That sets up an object of the act. It does not refer within the objects to the existing system of the Perth parking policy. Am I to take it that there will be a policy to drive where those fees will be spent?

Ms R. SAFFIOTI: The existing policy helps determine, for example, the number of car bays for developments and so forth. It is about managing parking and creating an area. The expenditure is there to meet the objectives of the act. There is not an existing policy on how we spend the funds. It is a policy that more generally manages parking in the Perth parking management area.

Dr D.J. HONEY: When the minister was making a comment about the deterioration of the car park at the Perth Concert Hall, she said that it may be appropriate to spend some of the money in the fund on that car park. Would that not already be possible given that the car park is a transport matter?

Ms R. SAFFIOTI: As I said, we committed \$130 million to the concert hall. It would be hard to say that improvements made to the concert hall would come under the existing legislation. The proposed changes to the act will broaden the purposes for which the fund can be used, so funds could potentially help fix the concert hall.

In relation to the car park, the real issue relates to the podium level of the concert hall and its impact on the car park. As it currently operates, we would be hard pressed to use the Perth parking levy to fix the Perth Concert Hall.

Dr D.J. HONEY: I will not labour the point too much, but I would have thought that the provision of parking would fall within this legislation and if parking could not be provided, moneys from the fund could be spent on that. I appreciate that general repairs to the concert hall would fall outside the scope. I guess I am asking whether it would be possible to sequester part of the cost of those total repairs that relate to transport.

Ms R. SAFFIOTI: No. We have never used the existing Perth parking licensing account to create car parks. That was not the intention of the account. If we think about it, the whole purpose of the act was to reduce congestion and improve air quality. Building car parks is probably not consistent with the act; it is quite contrary to the act. It is all about pushing people out of cars. The state government collects funds through the Perth parking levy. The City of Perth collects a lot of funds because it collects the revenue from the Perth Concert Hall car park. The issue is that the car park and the building have deteriorated to the point that state taxpayers are now putting \$130 million into the account. If we look at the concept of “need and nexus”, we could suggest that those people who visit the concert hall and use the car park are contributing a payment, in a sense, for a car park and some of that revenue

should be used to redevelop the concert hall. There is a bit of a need and nexus when it comes to cultural institutions and the existing car park levy. The car park levy has collected funds from a lot of the commercial or non-residential car parks throughout the parking management area. In return, we have provided CAT buses and free public transport, upgraded the CAT buses to electric and carried out a number of other measures. We have not been able to upgrade the facilities that, in essence, people are contributing to when they park at these cultural institutions.

Clause put and passed.

Clause 4: Terms used —

Mr R.S. LOVE: I will run through a couple of definitions in clause 4. They will probably be pretty simple for the minister to explain. I refer to the definition of “development approval” on page 4 of the bill, which states —

(a) means —

...

(ii) a prescribed approval, authorisation, consent or permission, under any written law, for the development of land;

That is different from a development approval in a planning sense. Can the minister give an example of the circumstance in which such an approval may be given? Would there be any interaction between approvals given under the Planning and Development Act 2005 or under the Metropolitan Redevelopment Authority Act 2011? Perhaps other bodies could be giving that approval. Would that include Main Roads down the track under the amendments being made to the Main Roads Act 1930 that are currently before Parliament?

Ms R. SAFFIOTI: This is more a case of futureproofing, so it will basically pick up anything that requires approval under the Planning and Development Act. If any other types of approvals are needed in the future, the legislation will include all development approvals.

Mr R.S. LOVE: I turn to the definition of “PM Area Account” at line 4 on page 6 of the bill. It refers to proposed section 126(1). We could perhaps talk about it when we consider clause 126. Is that the same account that is already reflected in the budget or is it a different account? Does a separate account have to be established for this money? Does it have any money in it at the moment?

Ms R. SAFFIOTI: It will replace the existing parking licence account, which will be renamed.

Mr R.S. LOVE: There are a few explanations of terms including the word “relevant”—“relevant approval holder”, “relevant licence holder”, “relevant owner”, “relevant pre-authorisation holder” and “relevant vehicle”. I think they are all related to a position whereby there might be multiple persons or a multiple right to have a licence. Would that generally be the case—that a number of potential persons may have that right?

Ms R. SAFFIOTI: They are parliamentary drafting terms used to ensure that they relate to the vehicles or owners in question. They are trying to describe a certain vehicle or owner rather than any vehicle or any car bay or any owner. They are really just terms used to help, in a sense, narrow or apply to certain considerations in the legislation.

Mr R.S. LOVE: We could move on to a different point, because there are further questions that I can ask on clause 5 about the relevant owner. I might leave it there and ask a question on the next clause.

Clause put and passed.

Clause 5: Owner —

Mr R.S. LOVE: On page 8, subclause (1) of clause 5, “Owner”, has the definitions of different scenarios relating to potential situations for trustees, bankruptcies, public authorities and a whole range of things. Subclause (2) on page 9 tries to define what an owner, in relation to land, means. I am trying to get an understanding of this. In part, the clause defines who is an owner, in relation to land, if the land is common property, or a lot, in a community titles scheme, strata scheme, survey strata, crown land and various other matters where there might be a freehold estate et cetera. What will happen in a tenancy-in-common situation? Will the owner of the land be the relevant owner? In a social grouping of four or five people who own a block, must one of them be the designated relevant owner or will all the responsibilities and ongoing rights be shared equally between those tenants in common? Can the minister give me an understanding of how that will work?

Ms R. SAFFIOTI: The rights and obligations would be shared as in any situation with a tenancy in common. It would apply to all the owners who are on the land title.

Mr R.S. LOVE: I will conclude with that, but I will probably ask more on the penalty clause around what that might mean for people.

Clause put and passed.

Clause 6: Parking management area (PM area) —

Mr R.S. LOVE: I refer to what we were talking about a minute ago in the parking management area. Clause 6(1)(a) states that an area may be prescribed as the parking management area if —

- (a) the area is in the metropolitan region; and
- (b) at least part of the area has, or is capable of having, 1 or more parking spaces.

That would imply that it will not just be the existing area; there may well be other areas. Is the government looking at further extensions or new areas for a similar type of scheme to reap some benefits for the licensing of parking spaces?

Ms R. SAFFIOTI: No. We are not looking at having a new parking management area.

Clause put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Exempt circumstances —

Mr R.S. LOVE: Clause 9 deals with circumstances in which an area—not a parking bay; the occupation of a parking bay will be exempt—might be exempt under the bill. Clause 9(1) states that “relevant accommodation” means “prescribed short-term, temporary or specialised residential accommodation” and, further down the page, that the “residential land” does not include that relevant accommodation. In the case of an apartment complex, will there be some calculation of the level of occupancy through Airbnb or some other type of short-term accommodation and would that then mean there will be a difference in the residential exemption for car parking in the area?

Ms R. SAFFIOTI: It all depends on what planning approval the people have; for example, if they wanted to register as an Airbnb, they should have the relevant planning approval, so that would then prescribe what they would fall under. They would attract the levy if they were a registered Airbnb. But the current issue with Airbnbs is no-one is sure exactly where they are.

Mr R.S. LOVE: Thank you, minister; that was the nub of the question. An apartment complex can be a mix of apartments, some of which are later made into Airbnbs. It is not unheard of for people to do that after they have taken ownership of the property. In fact, the uses of an apartment have changed and do change with having an Airbnb, having someone renting permanently or having an owner-occupier in the apartment. Is there a calculation required by Revenue WA, or something else, that would apportion a charge to that complex based on the level of relevant accommodation within the complex?

Ms R. SAFFIOTI: In many instances, there may be a mix of residential and commercial anyway, so there are existing provisions that identify which bays have a levy on them and which bays do not. In relation to Airbnb, it depends on the planning approval. If people are using a residential apartment for an Airbnb but not disclosing it to anyone but their clients, they would probably avoid paying the levy, but they are probably contravening their strata title agreements and the planning approvals for their apartment.

Clause put and passed.

Clause 10 put and passed.

Clause 11: Owners of land must not permit parking in unapproved parking spaces —

Mr R.S. LOVE: Clause 11 outlines some of the offences and penalties under the legislation. This goes back to the question that I was asking before about tenancy in common. There may be people who are the owners of the land but are not involved in the management of it—other people might have actively sought to manage that land. What will happen when a person who owns the land “in common” allows unauthorised parking without having the approvals in place and they incur a penalty? Will the penalty go only to the person who was actively undertaking that or will it be a shared responsibility between the tenancy in common? It could be as simple as the tenancy in common being a husband and wife or some other arrangement whereby one of them is unaware that the land is being used for that purpose? If it is the case that it is a shared responsibility, will the fine be apportioned or will each person be responsible for the full amount?

Ms R. SAFFIOTI: It will depend on the structure of the tenancy-in-common arrangement. In areas of tenancy in common, with multiple owners, it would be a shared obligation. Again, with strata title, it would depend on the structure of the strata arrangement, and the strata company would be responsible, as the strata company would be defined as the owner.

Mr R.S. LOVE: I am not looking specifically at a strata company but at fee simple and joint owners—tenants in common. It might be a family arrangement or a husband and wife or the children of the husband and wife who eventually own it. I know that there are a number of commercial properties that families over the years eventually own and there are different levels of interest in the management of them. I can see a possibility whereby people might be exposed to a penalty when they are perhaps not aware of what the land is being used for. I am trying to understand what would happen in that circumstance. Perhaps that is not the most common circumstance, but it does happen.

Ms R. SAFFIOTI: I do not expect it would be the most common circumstance. I am well aware that in family tenants in common relationships, there are sometimes multiple names on the land title and maybe one person is more proactively managing those issues. However, just as there is a joint benefit, there is a joint responsibility. The joint benefit, of course, is being a part owner of a property. Joint benefit and joint responsibility have everything to do with tenancy in common.

Mr R.S. LOVE: The provisions are quite similar for a number of these examples. The provisions in clause 11 are for fines, depending on the number of vehicles or spaces that might be involved. Clause 11(f) has the maximum penalty in any other case, which is \$250 000. That is quite substantial. It then refers to a daily penalty, which is a fine of \$2 000 for each day or part of a day during which the offence continues. Can the minister explain how that will work? Will it be a \$250 000 fine and it is done? Could the person be found to be liable for \$250 000, plus \$2 000 per day that the offence continues or will it be a maximum of \$250 000? Can the minister explain how it will be structured?

Ms R. SAFFIOTI: This is the maximum fine. The court will not have to apply the maximum penalty. The maximum fine would be \$250 000, depending on how many vehicles were in question. As the member can see, it is a graduated system. The \$2 000 penalty would apply if the court made a determination that the owner still was not complying with the legislation.

Mr R.S. LOVE: Thank you. I turn now to page 20 and clause 16, “Responsible occupiers must not advertise parking on land without parking space approvals”. It goes on to give some offences, specifically in subclauses (2) and (3), which refer to the defences to those particular matters. Again, I think they are reflected in other clauses further in the bill. I will not talk about them all. Can the minister give me an understanding of the defences to these charges? How would someone honestly and reasonably believe that an approval was in place if it was not? How would that be determined? Could the minister explain how subclauses (2) and (3) will work? They are both part of that defence.

Ms R. SAFFIOTI: An example is occupiers or leaseholders who assumed that their car space was properly licensed and things changed without them knowing. The owner might have changed the circumstances without informing them and they honestly believed that the parking bay was still licensed. If they were caught with an unlicensed car bay in that circumstance, that would be a reasonable defence.

Clause put and passed.

Clauses 12 to 21 put and passed.

Clause 22: Grants of parking space licences without approval from Minister —

Mr R.S. LOVE: We are making steady progress. Looking at the clock, I think the advisers will not hit too much traffic—or maybe it will be peak hour.

Clause 22(3) states —

Despite any development approval referred to in subsection (2)(b), the CEO may grant fewer parking spaces, or fewer parking spaces of a specified category, under a parking space licence than the maximum allowable under the development approval.

I am trying to get an understanding of this because it is a theme throughout the bill. The point is illustrated in other clauses. Without the approval of the minister, how would the flexibility between what the development approval may have stipulated and what the CEO may grant manifest?

Ms R. SAFFIOTI: Regarding the planning policy, the example was the planning on an approval for 20. The policy will determine only 15. The CEO can approve only the 15, which is consistent with the planning policy, but the Minister for Transport can approve up to 20, or over, depending on the minister’s wish. This is trying to pick up when there is a differentiation between the planning approval and the policy recommendation or determination for that site.

Clause put and passed.

Clause 23 put and passed.

Clause 24: Grants of parking space licences with approval from Minister —

Mr R.S. LOVE: Could the minister provide me with some understanding of circumstances in which the owner of land in the parking management area makes an application under proposed section 21 for a grant of a licence, and the CEO refuses to grant the licence, and the owner then gives written notice to the CEO for the action to be considered under the provision? Under what circumstances would a minister exercise ministerial discretion in this matter? Is it simply the case that the minister has described in which the minister might override those considerations? Perhaps the minister could explain practically how this will work.

Ms R. SAFFIOTI: Clause 24 gives the points that will need to be considered when making determinations that are not consistent with the policy. This has happened in the past in general anyway. I remember when I was minister responsible for the Metropolitan Redevelopment Authority—now DevelopmentWA—there were circumstances in which developments at Elizabeth Quay required changes to be consistent with the Perth parking policy. It occurs from time to time. That is why this bill will allow for differential rates, more consistency in the development application process, and some flexibility with new buildings versus refurbishments to buildings, which has been an issue in the past.

Mr R.S. LOVE: In practical terms, the CEO would have to consider the application to be reasonable, shall we say, and justifiable according to all the criteria outlined, and then send that referral to the minister for consideration. Would there be any circumstances in which the minister might reject that application?

Ms R. SAFFIOTI: Yes.

Mr R.S. LOVE: If the minister were to reject an application made when the CEO thought it passed all the criteria outlined, would that be subject to judicial review? What would happen at that point?

Ms R. SAFFIOTI: No.

Mr R.S. LOVE: Would there be any circumstances in which the minister could grant an approval when the CEO was not of the view that those criteria had been met?

Ms R. SAFFIOTI: It would have to be considered meritorious by the CEO for it to be referred to me.

Clause put and passed.

Clauses 25 to 27 put and passed.

Clause 28: Applications for pre-authorisations —

Mr R.S. LOVE: The application for a pre-authorisation is one of those streamlining provisions within the legislation that I think is meritorious. Some parts of the legislation may be less so, but I am not contending that. I want to get an understanding of the ability for a pre-authorisation to survive if there is a succession in the project management or ownership, or ownership of the land, or the proposal that has been put forward for the land. Will pre-authorisations be transferrable; and, if so, what will be the process for that to occur?

Ms R. SAFFIOTI: It will be attached to the DA, so it will be transferrable to owners—similar to development applications themselves.

Clause put and passed.

Clauses 29 to 32 put and passed.

Clause 33: Applications for special purpose authorisations —

Mr R.S. LOVE: There is reference to a fee structure in clause 33(3). I understand from the briefing that a fee has not yet been set. Can the minister give me an idea whether it is the case that the fee will be set? How will that fee be set, when will it be set and will it simply be an amount of money determined to be the cost of the application or will it be determined as something that is more or less a tax?

Ms R. SAFFIOTI: We do not see that a significant fee will be required, and we will be consulting on this, but it will be prescribed by regulations.

Clause put and passed.

Clauses 34 and 35 put and passed.

Clause 36: Duration of special purpose authorisations —

Mr R.S. LOVE: Special purpose authorisations are a good thing to have. Clause 36(3) refers to a special authorisation granted for a period. The clause goes on to state that it will be for a period of 30 days or a longer prescribed time. What is the reason for a prescribed period? Is the intention that there will be some period set in the yet-to-be-redrawn regulations? What circumstances might affect what that matter would be?

Ms R. SAFFIOTI: The “30 days” is there because normally events do not go for longer than 30 days, but the “longer prescribed period” is for parking for construction purposes. For example, one of the development blocks at Elizabeth Quay at the moment is full of parking bays for, I think, not the Chevron building, but the next Brookfield building development. This provision prescribes temporary parking for special events or other construction purposes.

Mr R.S. LOVE: Will each of those particular matters need a fresh authorisation or is there another category, if you like, for a construction site and the period over which the construction is carried out? Is it some other measure? How will that be dealt with in future?

Ms R. SAFFIOTI: The regulations will specify the types of parking. This provision gives us the ability to go into further detail in the regulations.

Clause put and passed.

Clauses 37 to 55 put and passed.

Clause 56: Applications to transfer parking space licences —

Mr R.S. LOVE: Clause 56 (1) outlines the process to be undertaken by a person who wishes to become the new owner and it mentions a period of 20 days. The clause also outlines the fee structure. Is there a fee for the transfer of parking licences at the moment or is this a new fee; and, if so, has that been set or how will it be set? Will that be done per licence or as some other value? If we have the system that is proposed in the part of the legislation that sets different licence fees, will different fees be set for the transfer of that licence?

Ms R. SAFFIOTI: It is unlikely that any fee will be set for the transfer of the licence. If a fee is set, it will be contemplated at a cost-recovery level, but we are not planning to do that at this stage, and it would be done by regulation.

Clause put and passed.

Clause 57: Transferring parking space licences —

Mr R.S. LOVE: Clause 57(2) says that the CEO may transfer the licence if satisfied that the owner will do various things and that the fees are paid et cetera. Subclause (3) sets out what will happen to the licence if the CEO refuses to transfer it. If the CEO is satisfied by the conditions set out in subclause (2), under what circumstances would a refusal to transfer a licence occur?

Ms R. SAFFIOTI: We have never had that situation with a transfer, but an example is if someone has not paid their licence fee on multiple occasions. The CEO may potentially consider not transferring a parking bay licence to someone who has a past record of not paying their fee, and this can be reviewed by the State Administrative Tribunal.

Mr R.S. LOVE: If we have a new owner of the land and the licence transfer is refused, I would have thought that could have a deleterious effect on the use of the land. Is there a process by which that decision can be reviewed?

Ms R. SAFFIOTI: Notice will have to be given of the upcoming decision, and the decision can be reviewed as well. That is the legal process. As I said, it has never happened before and it is unlikely to happen, but that is the process.

Clause put and passed.

Clauses 58 to 62 put and passed.

Clause 63: Period of suspensions —

Mr R.S. LOVE: This clause deals with the suspension of parking approvals and when they will take place. It is pretty straightforward as to how these measures are brought forward. In terms of suspensions, are the days set out in this provision equivalent to those in the existing act or have some changes been made to the provisions related to the suspension periods and processes?

Ms R. SAFFIOTI: The suspension powers in the current act have never been exercised, but there is no time limit on those existing powers.

Clause put and passed.

Clause 64: Effect of suspensions —

Mr R.S. LOVE: Clause 64(4) states —

A licence holder whose parking space licence is suspended is liable for licence fees for the licence during any period of suspension.

Why is that provision there? If a person is unable to use the bay, it would seem reasonable for the suspension to mean a suspension of the charge. Why is that provision written in that way?

Ms R. SAFFIOTI: This is part of the compliance tool kit. It is part of a range of measures being used to ensure that people comply with the legislation.

Clause put and passed.

Clause 65 put and passed.

Clause 66: Cancelling parking space approvals —

Mr R.S. LOVE: This is a similar discussion, but we are talking here about cancellation rather than suspension. I would imagine that the cancellation could be because, as it says in clause 66(1)(f), there is a development approval

affecting the situation, or there might be a whole range of reasons. In the ordinary course of events, under the existing legislation, have there been cancellations due to lack of compliance with conditions, or are they normally because of some change in use or change in other circumstances of that type?

Ms R. SAFFIOTI: No, not yet.

Clause put and passed.

Clauses 67 to 69 put and passed.

Clause 70: Licence fees —

Mr R.S. LOVE: Division 12 is titled “Licence fees for parking space licences”, and clause 70 is “Licence fees”. I want to confirm that this is the provision that allows for the variation in fees that the minister has spoken about. Clause 70(2) refers to —

- (iv) the location of the parking spaces specified under the licence, with different rates for different locations;
- (v) categories of parking spaces under the licence, or parking spaces in specified locations, for which nil fees are payable;

Can the minister, perhaps for context, explain the rationale for the change and whether there are any immediate plans to change the fee structure following the passage of this legislation; and, if so, can she explain whether that would be within the existing footprint, or is there a plan to increase the footprint? For instance, if we look at the map with the CAT bus route, is the minister going to fill in the bit in the middle with some sort of differential rate? Is there a plan at the moment? I will let the minister answer that and then I will ask some other things.

Ms R. SAFFIOTI: There are no plans to increase the rate. Differential rates, which industry in particular was very keen to see, are subject to further regulation and a lot of further work. We will have to consult with business and key stakeholders like the Property Council of Australia about what would be included. It is trying to pick up, for example, that there are some parts of the parking management area that are not in as close proximity to the CBD central transport network as others. They are things that we will be considering, but it is something we will do in consultation with all the key stakeholders.

Mr R.S. LOVE: With whom specifically would the minister consult? Obviously, it would be with the affected landowners in that particular area, or is it a situation whereby a landowner or parking licence holder may come and say, “I’d like you to review the rate for this area”? How will the process work in practice?

Ms R. SAFFIOTI: There are a couple of things. Firstly, we will consult with the Property Council and relevant local governments, and we will generally look at, from our perspective, the nexus between the development and existing public transport. The second thing is covered in the next clause, and that is exemptions. Normally, businesses or developers seek exemptions for their development. That is what normally happens to allow them to transition their development into normal operations, and that is what we would normally get a request for.

Mr R.S. LOVE: In terms of the immediacy of the development of the system, when will we begin to see people able to be involved in those consultations, and can the minister again outline a bit of a rough time frame on how she sees that progressing?

Ms R. SAFFIOTI: Once the bill has passed, we will start that process of consultation and regulation drafting. I will not put a time limit on it, but we will seek to start negotiations very soon after the bill has passed.

Clause put and passed.

Clause 71: Exemptions from licence fees —

Mr R.S. LOVE: This clause is about exemptions from the licence fees, and I think the minister just touched on this herself. A whole range of exemptions might apply beyond the strict exemptions for residential and others that are already incorporated in the act. I assume we are talking here about matters that are not already covered elsewhere in the legislation. Can the minister give us an understanding of how the exemption process will work and how an application for an exemption will be made? Again, I would imagine that we are talking about regulations, but perhaps the minister could explain something of the process.

Ms R. SAFFIOTI: This is the clause that tackles the COVID experience. In a state of emergency or a major public health outbreak such as COVID, businesses may apply for an exemption. This arises from our experience during COVID; it was really something that we wanted to introduce, so we are going to create a regulation that allows us to enact these exemptions for those particular purposes.

Clause put and passed.

Clause 72: Notices of decisions —

Mr R.S. LOVE: The table here lists to whom the CEO must provide written notice of a decision in a variety of situations; I think 28 different situations are listed. Also, if it is a reviewable decision, they must state the reason for the decision and that the person has a right to apply for a review under part 4. Are these notices also made public, or is this entirely a communication between the notifiable person and the decision-maker?

Ms R. SAFFIOTI: It is confidential information, so it will be limited to the person whose application has been refused.

Clause put and passed.

Clause 73: Parking space register —

Mr R.S. LOVE: This clause states that the CEO may establish and keep a register of parking space information relating to all the approval matters laid out in the clause.

Where will that register be kept? Will it be publicly available? Is there any idea of the format the register will take? Will it be in paper form in the office or on a website? How will it be made available?

Ms R. SAFFIOTI: A register is kept and will continue to be kept. An owner-occupier can contact the department to access information from that register, but it is not intended to be public.

Clause put and passed.

Clauses 74 to 123 put and passed.

Clause 124: Ancillary area —

Mr R.S. LOVE: The minister might be able to provide some further examples and illustrations of what constitutes an ancillary area and who will determine the ancillary area. The minister will make the declaration, but what process will lead to the declaration? Will it be purely at a ministerial or cabinet level? Will it come through the department? Could other people make an application or suggest that a project should be considered an ancillary area? Perhaps the minister could give us an idea of those matters for a start.

Ms R. SAFFIOTI: They will be gazetted. We are very keen on areas that are contiguous to a parking management area. Examples include the ability to provide funding from the Perth parking area account so that we can land a bridge in the Victoria Park area; for a bike path that stretches from one part of the city into South Perth; for a ferry system from Perth to Coode Street, not just Mends Street; for a bike path that connects from just outside Newcastle Street into the city; or for a CAT bus that goes to Nedlands or Subiaco. Those are examples of areas that are contiguous and ancillary and those sorts of projects could be funded from this account.

Mr R.S. LOVE: Is the minister saying that the ancillary area will have to be contiguous? Could it not be an area that might be connected by a continual bike path from Perth but might be some distance away, such as Curtin University? Will it have to be a contiguous connection between something that is divided already by some physical barrier, be it the river, the freeway or some other barrier? Is that the definition we are talking about here?

Ms R. SAFFIOTI: Yes, there would have to be some connectivity with the parking management area. That is the point. As I said, the Nedlands CAT bus is universally loved and owned by many people. A lot of people claim credit for the purple CAT bus. We had to draw an incredibly convoluted—I would even go so far as to say mischievous—boundary to allow the purple CAT bus to be funded from the Perth parking licensing account, because we had to draw a map that followed the road but did not capture any properties, because if it had, the properties would have been liable for the payment of the levy. We did not want the good folk of Nedlands or Subiaco to pay that levy, so we created a situation that allowed the purple CAT bus to be funded. As I said, the whole point is to enable services or infrastructure that will link into the city and bring significant benefits to the parking management area to be funded. It is possible that we could fund, as one project, the bridge to Victoria Park, for all those people who run the bridges, the ferry service from Perth to South Perth, and a CAT bus into Nedlands to deliver those services.

Mr R.S. LOVE: I think I have the same map here; I was in the briefing that the minister just described. The area that is now connected by the CAT bus is outlined on the map. That is surely not considered an ancillary area; is that not just an extension of the parking management area itself?

Ms R. SAFFIOTI: I am confused by the member's question. The map that the Leader of the Opposition has now, as he can see, is for the Nedlands CAT bus. This bill will do away with the need to change the boundary to allow that CAT bus to be funded. We would not need to do that boundary change for the parking management area. We could have funded it, because it is contiguous and could be defined as an ancillary use. Landing a bridge on the foreshore on the other side of the river was an example. Let us say the good member for South Perth lobbies me about the extensive use of South Perth cycleways and the congestion between walkers and cyclists who do the circuit. Those people are running and cycling in and out of the parking management area. I think that project would benefit the city, because people start in South Perth and Victoria Park and head into the city. If we were to try to fix that by partly funding it from the parking levy account, we would somehow have to draw a line that covers just the

footpath that we wanted to increase and not capture any other land, because that would then be subject to the licensing levy. This allows us to do the Nedlands CAT bus service—I think it was a bit mischievous, but we did it—without extending the parking management area to follow a certain bus route; otherwise, we would be doing that for quite a bit, and possibly into Subiaco and across the river.

Mr R.S. LOVE: Yes. But that does not really tie in with the definition of “ancillary area” in this legislation as I read it. Clause 124, “Ancillary area”, states, in part —

(2) The Minister may make a declaration of an ancillary area under subsection (1) if —

(a) the ancillary area is outside but contiguous with the PM area;

But the University of Western Australia is not contiguous because Crawley is in between. How do we meet that definition unless the map has changed from the one I have here? It does not meet the specifications outlined in the legislation to my reading. I am here for the minister to explain why I am wrong.

Ms R. SAFFIOTI: I do not quite get what the member is saying. The CAT bus will leave the parking management area and then go into another area and then go back. To me that is contiguous. I do not understand. The council area is contiguous to the parking management area and it will run through that. I do not understand.

Mr R.S. LOVE: If the minister would let me ask some further questions, is the minister saying that the route is the contiguous area, not the area that it binds?

Ms R. Saffioti: Yes.

Mr R.S. LOVE: If that is the case, any route that comes in and out of the Perth metropolitan area, no matter the Perth parking area, could be considered contiguous. It could be quite an extensive network of cycleways, for instance, that somehow or other spider their way back into the area. It is a very loose definition if that is the case. It is not that the land in which the route lies is contiguous. It is simply that the route starts from the parking management area.

Ms R. SAFFIOTI: First of all, it is primarily going to benefit the parking management area, and all this will be in the City of Nedlands. The City of Nedlands area is contiguous to the City of Perth parking management area. That is how I would define it.

Clause put and passed.

Clause 125: Infrastructure, projects or services —

Mr R.S. LOVE: This clause refers to some of the infrastructure projects or services that we may seek to fund. They were defined in clause 123, which we skipped over, but this clause refers to their use and what might be paid for by the fund. It states —

- (a) capital costs relating to the infrastructure, projects or services;
- (b) costs other than capital costs including running or administration costs relating to the infrastructure, projects or services.

That is pretty straightforward if we are running the CAT buses or something else because we are running a service and obviously we have to pay for that. But is the intention that there would be ongoing commitments to the running costs of some of those infrastructure projects into the future, or is the minister prepared to rule that out at this point?

Ms R. SAFFIOTI: I will give the member the example of the new pedestrian Causeway bridge. I suspect there will be some cleaning and continual maintenance of that bridge and that could be funded from here.

Mr R.S. LOVE: Let us look at the situation with Perth Concert Hall and an application that was made there. Would it be considered that there should be ongoing funding of that or the Perth Convention and Exhibition Centre or whatever project it is that we put large amounts of capital money into? Is the minister conceding that we will pick up related running costs into the future?

Ms R. SAFFIOTI: The running costs could be considered, but they are probably not what we are planning for. It is mainly to do with, in particular, large transport infrastructure—things such as bridges and other maintenance. It may be something that is considered by future governments, although the member is repealing the parking levy. Regarding his access to the parking levy, I just clarify that he is repealing the parking levy.

Mr R.S. Love: No, I am not repealing the parking levy. I said it should have been paused or it should have been examined —

Ms R. SAFFIOTI: Are you committing to pause it?

Mr R.S. Love: It should have been examined for the amount of money that you are charging the taxpayers—the motorists.

Ms R. SAFFIOTI: Sorry, I am asking: are you pausing the payment of the levy?

Mr R.S. Love: At a reduced amount of money that you are talking about —

Ms R. SAFFIOTI: You are committing to reduce it.

Mr R.S. Love: I would have reduced it —

Ms R. SAFFIOTI: You are committing to reduce it.

Mr R.S. Love: — for a period time so that you could catch up with the projects because you are at a time of a cost-of-living crisis.

Mr J.N. Carey: He doesn't have a policy position.

Ms R. SAFFIOTI: No, he does.

Several members interjected.

Point of Order

Dr D.J. HONEY: Please, Acting Speaker!

Several members interjected.

The ACTING SPEAKER (Mr P. Lilburne): Thank you very much, members!

Several members interjected.

The ACTING SPEAKER: Thank you very much, members! Points of order will be heard in silence, thank you. Member for Cottesloe.

Dr D.J. HONEY: We have a minister sitting behind the Minister for Transport shouting across the chamber and the minister is interrogating the Leader of the Opposition. It is quite clear that this is the consideration in detail stage and the minister is answering questions from the Leader of the Opposition without interjections from other ministers.

The ACTING SPEAKER: I thank the member for Cottesloe. Minister, if you would like to have interjections across the chamber, please put them through the chair. Please continue, minister, with your last response; thank you.

Debate Resumed

Ms R. SAFFIOTI: Thank you. I think it is clear that the Leader of the Opposition has committed to pausing the levy. I think he has to be proud of that decision and his first election commitment that he has made—a commitment that will cost about \$200 million. Unlike in the previous election, the Leader of the Opposition will be asked to cost his election commitments because he needs to be held to account. He is saying he would pause the levy. To me, that is an election commitment and it is worth about \$200 million. As I said, if that is what he wants to do to appeal to the densely populated areas of the city, we welcome his announcement. But it will be costed, and then he will have to work out the impact on the state's finances, which is probably more than what he did when the Nationals WA were in government.

Back to the use of the funds, as I said, it will be considered by the minister. The minister will be held to account, as we are in the expenditure of funds, and we will make sure that we continually support transport and the assets of the city.

Clause put and passed.

Clause 126: PM Area Account —

Mr R.S. LOVE: I note that we spoke before about the parking management area account and the minister confirmed that a special purpose account exists already. My reading of this is that the fund is to be established. Will this be a new fund or will this be a continuation of the fund, as the minister stated earlier in the discussion?

Ms R. SAFFIOTI: It is the same fund but with a new name.

Mr R.S. LOVE: Money is already in the special purpose area fund, which is a different fund. The minister has just confirmed a new fund has to be created, so will all that money flow into the new fund?

Ms R. SAFFIOTI: Yes. Clause 182 covers the transition provisions, which describe the transfer of the funds.

Mr R.S. LOVE: Thank you.

Clause put and passed.

Clause 127: Approval by Minister for payments from PM Area Account —

Mr R.S. LOVE: Clause 127(1) states that the minister may approve money in the account for payment of the following —

- (a) a fundable project in the PM area;
- (b) a fundable project in an ancillary area to the PM area.

Does that imply that there is an amount of money that is purely programmatic and funded in the normal course of decision-making by the CEO or the department and that only new projects and undertakings will require ministerial approval outside the normal budgetary process?

Ms R. SAFFIOTI: I have to approve ongoing programs each year.

Clause put and passed.

Clause 128: Regulations —

Mr R.S. LOVE: Is it the case that a completely new set of regulations will start from scratch? Is it not expected that what is already in place will simply be transferred with a few new words here and there or maybe a few new provisions? Will there be a complete rewording of the current regulations? Can the minister also outline the review process for those regulations? There will be a considerable change and a considerable body of work will be needed. What will be the process for further review and consultation going forward about the efficacy of the new regulations and so forth?

Ms R. SAFFIOTI: Some—very few—regulations will be transferred. During the drafting of the new regulations, there will be wideranging consultation with key stakeholders. I am sure that if they are not comfortable, they will make it known to me and the Parliament. As occurs with all regulations, a level of consultation will be undertaken.

Clause put and passed.

Clause 129: Parking policy —

Mr R.S. LOVE: Can the minister outline the status of the current parking policy that was attached to the old act? When was it last reviewed? Will it be considered as part of the body of work for the new policy that will be developed?

Ms R. SAFFIOTI: It was last reviewed in 2014. As part of the new legislation and regulations, it will be reviewed and restated.

Mr R.S. LOVE: I just confirm that it is a new piece of legislation and we will have new regulations, but the policy itself will be reviewed so there will not be a “back to the drawing board” type of arrangement. Since 2014, we have seen a lot of change in transport. We will see a lot of change in technology going forward. I could have spoken about infrastructure and all the rest.

For instance, will there be an emphasis on electrification and the needs of the transport sector to provide more parking facilities that include charging bays, and the effect of that on infrastructure? Will the parking levy be used for any of those matters going forward? Will the government also look at some of the disruptors that might occur? In a very short period of time, we may see computer-guided vehicles plying the streets. What effect will that have? Is that something the government will look at in this policy or will it just pick up the 2014 policy, dust it off the shelf and make a couple of tweaks here and there?

Ms R. SAFFIOTI: The member is right; there have been a lot of changes since 2014. For example, rideshare as opposed to taxis was a big issue. I received complaints from taxi and rideshare drivers about pickups and short-term deliveries. Another big issue that is raised with me relates to delivery trucks and access to sites. Another issue that has emerged more recently relates to the location of charging stations. All those things can be considered as part of the rewrite of the policy to reflect more modern practices. Another issue is food delivery. More generally, whether it is in Perth or across the suburbs, there is changing demand for how businesses and hospitality venues interact with Uber Eats and other food delivery services. There are probably not enough short-term parking spaces for food delivery services, which sometimes makes it a bit dangerous when delivery drivers park on footpaths or other areas. All those sorts of things will be considered as part of our future policy.

Mr R.S. LOVE: The old policies were fairly stakeholder driven. Will the minister undertake to make public the process of new policy development so that people with diverse ideas can make contributions going forward, including persons who may have expertise in making cities more connective but who are not necessarily working in one of the cities, the Property Council of Australia or some other body? Surely there must be a benefit from having a wider view of the policy going forward, regarding not only the provision of parking bays per se, but also some projects that could be funded and different methods of transport that come into the mix.

Ms R. SAFFIOTI: The policy will not be a determinant or provide guidelines on expenditure; it will be more about land use planning and types of parking and their location. It also requires that I consult the Minister for Environment and the Minister for Planning to ensure that we try to balance all issues.

It is not a bad idea to seek feedback from users more generally. It is more of a land use document. It will not involve expenditure of funds; it will create a policy on how parking spaces are approved and also the types of parking around the area.

Mr R.S. LOVE: The minister said that the policy will not involve expenditure as much as land use. Is it not the case that part of the considerations for the policy will be decisions the minister will make on infrastructure and services going forward? I understand that the current arrangement provides a place for that.

Ms R. SAFFIOTI: To confirm, under the existing Perth parking policy, there is a section that deals with the objectives of the act. We will move the objectives into the legislation, and the policy will become more of a guideline on approving parking licences in the parking management area. As I said, it will provide the guidelines and rules about the number of parking bays, the types of parking bays and the interaction between residential and commercial and other parking. It will set the rules and framework of the licensing of the bays.

Mr R.S. LOVE: That will be an interesting change in emphasis for the policy document. What approach will be taken to planning the expenditure for the parking fund going forward? Will there be a formal document with a plan for the fund, or will it be done on a year-by-year, case-by-case basis? Who would be consulted in those decisions? Is it the case that we will move from a planned use of the fund to whatever the minister of the day thinks is important? The Deputy Premier might not always be the minister of the day; there could be another one somewhere down the track. I would have thought that when we are talking about the interaction with local government and industry and a whole range of other players, there would be a place for planning not just parking management, but also expenditure of the levy fund.

Ms R. SAFFIOTI: Currently, the Premier and Minister Michael, the Minister for Local Government, meet with the City of Perth every six months, and sometimes budget priorities are discussed—for example, our future expenditure of the parking management area. In relation to a joint plan, I am one of those strange people who think that ministers should make decisions and be held to account for their decisions, and that is what we do. If there is a decision that people do not support, I am sure I will get negative feedback. The decisions that I have made on the expenditure of the fund include the purple CAT bus, which everyone loves so much that they have taken credit for it, and the Causeway pedestrian bridge, which again was pretty well supported. The decisions that we have taken in consultation with others have been very widely supported, and I suspect they will continue to be widely supported.

We could have retrofitted the Matagarup Bridge with expenditure under the parking levy to bring that account down, but we did not do that. With the Sunday free travel, we could have calculated the cost of free travel in the city or wider as soon as someone hit the parking management area and we could have tried to use that for the parking levy area, but we did not. We could have funded a number of things from the parking levy area, which we have not done. I would rather have a holistic view. We upgraded the Perth train station. People will now see that there are beautiful, colourful lights on the exterior of the train station. We upgraded the forecourt to improve safety at a cost of \$2.5 million. We could have funded that from the parking levy, but we did not.

As I said, the major decisions that we have funded are the purple CAT bus and the Causeway bridge, and I am very, very happy to be held to account for those decisions.

Mr R.S. LOVE: I take the minister's point about ministerial discretion and the like. I refer to an issue identified by the Auditor General in her report on the Perth parking levy as it existed under the previous regime. That regime had a policy with some level of planning attached to it. The Auditor General mentioned that there was an absence of a specific planned agreement across government as to how the collected levy would be expended, and went on to say that there remained uncertainty with stakeholders about what future projects, such as the Perth City Deal, might be funded from the increasing account balance. Will the minister lay out a five-year plan for the funding rights? Will it be something that will be done each budget year? Will the minister give me an idea of how that will work? Will the minister be calling for input from others on those decisions at any stage?

Ms R. SAFFIOTI: I have a couple of things to say. There is a statutory budget process and I have never been one to try to abuse that process. That process is that the Expenditure Review Committee, cabinet and Parliament make annual budget allocations and they will continue to undertake that. The whole idea that this is a special purpose account does not mean that we will designate every dollar of that account for the next five years—that is not the case.

To be honest, I was surprised by the Auditor General's assessment because it appeared to be an assessment not, in a sense, on the nature of the expenditure, but more of a political assessment. I found it quite surprising, to be honest, that somehow the Auditor General asked me to do things that are not required. Somehow I should be laying out and committing every dollar of the account over the next five years according to a plan, which has never been required and never been done. It is what other people want, but I was assuming that Auditors General looked at how one acquits funds to make sure that the process is strong and there is no abuse of the process, but that did not seem to be the case.

In relation to opening up for ideas, I get ideas all the time about how to spend money. I walk down the street and people give me ideas on how to spend money. Councils will come in every week and give me ideas on how to

spend money. Every time the government meets with councils, they give us ideas on how to spend our money, so we are constantly reviewing how to spend money. Would members go and tell every land tax payer how they would spend their revenue in every budget? We do not do that; we consider these issues properly. We make decisions that I think are of benefit to the community—the Causeway pedestrian bridge and the purple CAT bus being two benefits. There was the idea that somehow I should have just spent it on anything to run the account down. Like I said, I have never quite seen an Auditor General criticise someone for not spending enough and not spending recklessly. That is what she was calling for me to do—to run the account down to zero every year. There is no requirement to do that. There are many special purpose accounts wherein we accumulate funds to then spend on a major capital item. When one of us wants to buy a car, what do we try to do? We try to save. It is basic financing. Like I said, the criticism was that I did not spend enough and I did not run the account down to zero. That is a bizarre criticism—I am going to say that. We budget prudently.

In relation to the expenditure, I will continue to make sure, both as transport minister and now as Treasurer, that we meet the growing demands and needs of the state. For example, the member for Nedlands is consulting with her community about a CAT bus to Subiaco, and I think she has lots of signatures already. That may be something that we consider and will have discussions about. But I am not going to run the account to zero to satisfy the Auditor General. It is not a legal requirement. It is not a budgeting requirement. I do not know what it is, to be honest. It was a political requirement from someone else. I do not know. I am not going to run the account to zero just so it looks clean. I think it would be a reckless way to deal with this account.

Mr R.S. LOVE: Does the minister not accept the Auditor General's views on the need for a plan for the expenditure of the fund going forward?

Ms R. SAFFIOTI: I am not sure on what basis that would be made. As I said, I do not understand that. We have plans for expenditure and they are considered each year as part of the budget process. That is a good Expenditure Review Committee budget process. A transport plan was developed in conjunction with the city that included a lot of different footpaths. We are funding tonnes. We funded the Trinity footpath, the Roe Street footpath and the Kings Park footpath. We have done a good amount of work. The Auditor General never talked to me before determining that report. I was never given the ability to present what strong budgeting is under our government. Strong budgeting is just the same as the former government did when it accumulated funds and then spent them on the busport.

Did the former government have a plan out there for everyone to consult on? No. The former government accumulated funds and spent them on the busport. There is no legal requirement. There is the annual budget process. I do not accept it. Claims were made about me in that report that I was never given an opportunity to either see or discuss. That is my point.

Clause put and passed.

Clauses 130 to 194 put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MS R. SAFFIOTI (West Swan — Minister for Transport) [4.53 pm]: I move —

That the bill be now read a third time.

MR R.S. LOVE (Moore — Leader of the Opposition) [4.53 pm]: I will not take long discussing what we went through in consideration in detail. I think that confirmed the difference in view between the opposition and the government on the Perth Parking Management Bill 2023. I would like to thank the advisers for their good advice to the house and for their time and professionalism. As always, they have done a great job. The minister has also assisted in providing clarity to the questions that were asked of her, and I thank her for that. We had only one or two tense occasions throughout the discussion.

I think we have a better understanding of some of the nuances of the new Perth Parking Management Bill that will replace the 1999 act. It has within it some very good measures that will streamline some of the approvals processes to give a better understanding of some of the exemptions that will exist. We will get pre-approvals laid out and processes that will provide certainty for development going forward around the parking bays and parking licences that are required for developments to go ahead.

There was a little bit of discussion around some ancillary matters. Perhaps time will tell how that will work out. There does seem to be some agreement at least about connecting contiguous areas to the parking management area. I think, on balance, they are supportable matters. Of course, there will be the ability to charge a differential rate, if you like—a differing rate of fees—depending on the access to transport services and the centrality of

some of the locations within the area. At the moment, that is pretty well from Kings Park across to Thomas Street, Newcastle Street and back to the Swan River. That has within it areas of different amenity and needs. Having the ability to provide that difference in rates will be a benefit going forward and I strongly support that.

I thank the minister for her answers, but it is clear that we have a different view about the need to incorporate a planning process laying out the future expenditure of the fund. I have said that the minister had the option—it is in the Auditor General's report as well—to examine the need for the levy to be set at the rate it is at because, seemingly, the government was unable to spend it in the way that the 1999 act required. We have heard about some of the differences between the 1999 act and the current bill with regard to planning. The objects that are laid out in the act were laid out in the old Perth parking policy arrangements. That is where they will be found. As I understand it, within that were projects that were mentioned and there were thoughts about infrastructure, not just the land use matters, that will apparently now be part of the Perth parking policy. It is clear that the money that already has been accumulated through the special purpose account will be reflected in the budget even though it will move to a newly named account and be collected under a different regime. It will be expended under the new regime, which has a different ethos and way forward in how the moneys will be expended.

The discussion has confirmed those differences, but I think it was a productive discussion and a good airing of some of the different points of view as we went forward. The opposition opposes the bill because of the cost-of-living situation and the fact that the government did not need that amount of money to presumably undertake things like the CAT services and those matters that already have been undertaken. The government is now spending the money on projects that have a much looser nexus to the collection of the funds for traffic congestion and amenity issues that were the focus of the 1999 legislation. There are differences. I think we will have to accept that we have a difference of opinion between the two sides on those matters.

I conclude by saying that there are very supportable matters in the legislation but that, on balance, we have chosen to oppose it because of the impost on taxpayers when the government clearly did not have a plan to expend the money in a way that the money had been expected to be spent when it was collected.

Division

Question put and a division taken, the Acting Speaker (Mr P. Lilburne) casting his vote with the ayes, with the following result —

Ayes (33)

Mr G. Baker	Ms M.J. Hammat	Ms S.F. McGurk	Dr K. Stratton
Ms L.L. Baker	Ms J.L. Hanns	Mr D.R. Michael	Mr C.J. Tallentire
Ms H.M. Beazley	Mr T.J. Healy	Mr K.J.J. Michel	Mr P.C. Tinley
Dr A.D. Buti	Mr W.J. Johnston	Mr S.A. Millman	Ms C.M. Tonkin
Mr J.N. Carey	Mr H.T. Jones	Mr Y. Mubarakai	Mr R.R. Whitby
Mr R.H. Cook	Mr D.J. Kelly	Mr S.J. Price	Ms E.L. Hamilton (<i>Teller</i>)
Ms D.G. D'Anna	Dr J. Krishnan	Mr J.R. Quigley	
Mr M.J. Folkard	Mr P. Lilburne	Ms R. Saffioti	
Ms K.E. Giddens	Mrs M.R. Marshall	Mrs J.M.C. Stojkovski	

Noes (5)

Ms M.J. Davies	Mr R.S. Love	Ms M. Beard (<i>Teller</i>)
Dr D.J. Honey	Mr P.J. Rundle	

Question put and passed.

Bill read a third time and transmitted to the Council.