

**PERTH PARKING MANAGEMENT AMENDMENT REGULATIONS (NO. 2) 2009 —  
DISALLOWANCE**

*Motion*

Pursuant to standing order 152(b), the following motion by **Hon Ken Travers** was moved pro forma on 20 October —

That the Perth Parking Management Amendment Regulations (No. 2) 2009 published in the *Government Gazette* on 30 June 2009 and tabled in the Legislative Council on 11 August 2009 under the Perth Parking Management Act 1999, be and are hereby disallowed.

**HON KEN TRAVERS (North Metropolitan)** [5.06 pm]: This motion seeks to disallow the amendments announced as part of the budget and introduced on 30 June, which was the last possible date they could be implemented to apply from 1 July this year.

The fee increases for parking in the Perth parking management area increased the fees for parking by approximately 200 per cent. There are short-term and long-term parking fees, but when we average it out the increase is around the 200 per cent mark. Traditionally in this place, we have relied on the Joint Standing Committee on Delegated Legislation to monitor these increases to ensure that they are justified and that the government has a purpose for the increase. I might add that there is a requirement that fee increases are only for cost recovery. In this case, the Perth Parking Management Act has provision for a taxing component, so fees can be raised, but the act is very clear that the increase must be used for specific purposes within the Perth parking management area. I think it would be fair to say that anyone in this house would have expected that when the government made an increase in fees of this magnitude, it would have a purpose or a reason for the increase.

I will go to some of the evidence that was given to the Joint Standing Committee on Delegated Legislation a little later, but for the purposes of the debate at this stage, I inform the house and members that they can read a copy of the transcript, which is now on the internet. Government officers were unable to demonstrate to the committee why the fees have been increased by this massive amount. I might add that the rise in fees will increase the amount of money collected under the Perth Parking Management Act from about \$10 million to \$26 million—that is, \$16.4 million per annum or \$64 million over the period of the forward estimates. We all remember the old expression: what is the sixty-four thousand dollar question? What we have here tonight is: what is the sixty-four million dollar question? What is the purpose; why has the government increased these fees? I used to have a boss who always used to use a saying. Because of the nature of it, I wanted to check whether it was unparliamentary. I did a bit of research and found out that it is an old English colloquial term first coined by Sir Bernard Ingham—“cock-up before conspiracy”. I think the question before us today is: was the increase in these fees a cock-up and the government simply does not want to admit it or is it a conspiracy in that it has a purpose for these fees and it will not tell the house or the people of Western Australia why it has done that? That is important in this debate because under the act the government is required to consult the City of Perth on the expenditure. Therefore, if the government has a purpose for these fees that it is not telling anyone about, it is in breach of the act because it has not consulted anyone as it is specified it should by the act. Under the standing orders pertaining to delegated legislation, the committee is required to consider whether people would have a reasonable expectation of a decision. I argue that an increase of this amount without any explanation for its purpose is not meeting the reasonable expectations of the community. Another quote I found quite interesting was, “Never attribute to malice that which can be adequately explained by stupidity, but don’t rule out malice.” One of the questions we must ask ourselves is: was there a cock-up in the first place and, as a result of that cock-up, did the government seek to engage in a conspiracy to try to cover it up, rather than just admitting it? As a result, people who come to Perth must now pay dramatically increased parking fees. One of the interest groups that contacted me after I had moved the disallowance motion was the Australian Hotels Association, which pointed out that the fee increase will have a significant impact on hotels. Members who represent regional areas and think this is a matter for only the Perth metropolitan area will find that when they come to stay in Perth, they will pay these fees. It will cause hotels to increase their fees, which will affect people of regional Western Australia.

What is the history of this? I quote from a briefing note the minister received on 22 May which points out —

Despite numerous communications to Treasury requesting confirmation and documentation of Cabinet’s decision, no response was given prior to the budget being handed down. Therefore previous DPI calculations were based on a new total revenue of \$16.4 million as verbally discussed with them.

Before the budget was brought down, the department thought it was supposed to increase the fees from \$10 million to \$16.4 million. It was only post the budget that the department discovered it was expected to get an additional \$16.4 million. Even when the department thought it was increasing the fees from \$10 million to \$16.4 million, departmental people thought that was an excessive amount of money that would cause a

significant backlash in the community and be hard to explain. One proposal has been floating around, although again, I understand that the government has not formally signed off on it—that is, there is a requirement for seven additional CAT buses to operate in the Perth metropolitan area. It will cost about \$2.5million per annum and an up-front capital cost of, I think, \$3 million to \$4 million. As has been done in the past, that would be amortised over a couple of years, so the department would be looking at about \$3.5 million or \$4 million maximum, to fund those additional CAT buses. I put on the public record here and now that the Labor Party would have supported that measure. We believe it is important.

However, now there is the additional amount of \$65 million, which the parliamentary standing committee, as it is charged to do on our behalf, was unable to get an explanation from the government for where that money would go. The committee clearly saw this as an issue because it placed on it a protective notice of motion until the hearing. After a hearing, we usually expect a representative of that committee to come into this place and tell the house that the committee's concerns have been satisfied. As we know, when that disallowance motion was withdrawn by the committee, we did not get that explanation. We are still unaware whether the committee's concerns were satisfied. I have served on that committee and I know that the advisory officers have a great deal of expertise that they can assist members with. As is often the case, it is the committee's report, but a lot of researched detail goes into it, and that helps inform the house. On this occasion, the house has been denied an opportunity to understand it. We have been denied the opportunity to know what the members on that committee thought. I believe it is an extraordinarily bad situation. I might come to it a bit later.

I found the report tabled this morning interesting, and it raises the issue of parliamentary privilege in relation to committees. The matter this morning concerned the City of Joondalup. I think it puts bodies such as the City of Joondalup in a difficult position when a parliamentary committee asks them to consider amending their by-laws without being able to discuss receiving a letter from the committee. That is a bit of an aside to this debate; we can have that discussion when that report is tabled. As I say, I believe there was a cock-up in the first place with the amount of money sought to be raised. I say that because I believe that when government increased the revenue for Perth parking, it believed it would be able to put it into consolidated revenue and it would be another one of the many taxes we have seen this government impose since it has been in power. The Waste Avoidance and Resource Recovery Amendment Bill is another example. The Minister for Fisheries has introduced some taxes and a bill was introduced today that will impose a tax on the mining industry. This government has brought in more taxes than I can remember.

I believe the government thought it could use this as a taxing measure for the benefit of consolidated revenue. It was only after the event that it discovered it could not use it for that purpose. We are then left with the question: what do we do with the money? Rather than the government putting up its hands and saying, "We don't have a purpose; we don't need the money", it has chosen to plough on. The question now is: what is it going to do with the money? During the Standing Committee on Delegated Legislation hearing, the chairman of the committee commented to one of the officers as follows —

Is it feasible that either cabinet or the government, in a different section to your own, is considering spending money on infrastructure that complies with this and it just has not, for whatever reason, told you about that?

Mr Fischer replies —

It happens in government all the time, I am sure.

To labour the point, the chairman then goes on to ask —

Is it quite feasible that there are other plans for the use of these funds that are being considered by the minister or by cabinet?

**Mr Fischer:** I acknowledge that that could easily happen.

**Hon KEN TRAVERS:** The chairman was not happy with asking the question once, or twice; he asks again for a third time —

Is it quite feasible that that could be the case?

**Mr Fischer:** Yes.

**Hon KEN TRAVERS:** The question we must ask ourselves is: what does the chairman of this committee know that the rest of us do not know? What do members of that committee know that this house cannot have the benefit of knowing about how this money will be used? I put on notice a question today. It is a shame the Minister for Transport is away on urgent parliamentary business. We have known this motion would be debated today. It is amazing that this motion has been brought on when the minister is away. I was hoping to get an answer from the minister during this debate tonight about whether he has had any conversations with members of that committee about this. Hon Alyssa Hayden, one of the members of the committee is shaking her head, so I

will take it the minister has not spoken to her. The question to the Minister for Transport is: has he spoken to any other members of the committee? I am sure Hon Alyssa Hayden would not necessarily know.

**Hon Alyssa Hayden** interjected.

**Hon KEN TRAVERS:** The person who could answer it would be the Minister for Transport, but, unfortunately, he is not here.

**Hon Norman Moore:** I understand he has a very important medical appointment.

**Hon KEN TRAVERS:** I understand that he has a very important meeting at this point of time. The government has brought on this debate at this time. This motion has been listed for more than 12 sitting days.

**Hon Norman Moore:** We were not going to spend all day listening to you.

**Hon KEN TRAVERS:** I find it quite extraordinary. The government does not want the Minister for Transport to be in the house tonight because it is part of its conspiracy and cover-up.

**Hon Norman Moore** interjected.

**Hon KEN TRAVERS:** The minister has been in the house all day today. We could have had this debate earlier but the government chose to bring it on at this point while the minister was away on an urgent meeting.

**Hon Peter Collier:** The minister will more than likely be back. That is his intention. You are so wrong on this, I can promise you.

**Hon KEN TRAVERS:** I am not wrong about the fact that the government had the opportunity to bring this on. The minister's problem is that the Minister for Transport will walk in here having not heard the debate.

**Hon Norman Moore:** He has heard it about 17 times already because it has been going around and around in circles for about the past six months. This is nothing new. You should be chucked out for tedious repetition.

**Hon KEN TRAVERS:** I am happy for the Leader of the House to point out in *Hansard* where we have previously had this debate. Silence; there is not a case!

I have asked questions about this matter. Again, based on some of the questions that were being asked by government members on the Joint Standing Committee on Delegated Legislation about how this money might be used, it made me start to wonder whether there is a conspiracy going on that the government does not want to tell us about. I therefore asked a question of the Minister for Transport, which is recorded on page 8728 of *Hansard*, on how the money would be used and whether the minister could assure the house that none of the money would be used to fund Western Australia's contribution to the Northbridge Link project, including the new bus terminal. The minister replied —

As I have said for months now when asked by Hon Ken Travers and other members sitting alongside him, I am the minister responsible for overseeing the trust account in which these levy moneys reside. As I have already indicated to the house, under law, I will take proper custody of those moneys and they will not be disposed of other than in accordance with the act.

I know that part of it, but he still did not answer my question with regard to the Northbridge Link. He was clearly being equivocal about that. I thought I would see whether it might be, as Joe Francis suggested, that they have plans for this money somewhere else in government and no-one has told anyone. I then asked the parliamentary secretary representing the Treasurer a question that is recorded on page 8913 of *Hansard* of 12 November, which was —

Can the Treasurer guarantee that none of this increased revenue will be used to fund the WA government's contribution to the Northbridge Link project, including the new bus terminal?

The answer was —

Utilisation of the Perth parking levy will be considered as part of the overall assessment of public transport requirements within the central business district, including the Northbridge Link precinct.

To make it very clear, I asked the Treasurer —

Does the Treasurer believe that this massive increase in fees without any proposals for spending the increased revenue meets the legitimate expectations of the people affected by this increase; and, if so, why?

The response was —

Yes. It is expected that the general public will take some comfort from the fact that the government will assess requirements properly before making spending decisions, including those associated with projects such as the Northbridge Link.

I had not mentioned the Northbridge Link in that question, yet the Treasurer volunteered that that was a possible use of that money. If that is the case, the government should have the decency to come into this place, be up-front and honest with us. It should say that is why it has put this massive tax increase on the parking public of Perth and that it is to fund the Northbridge Link project, which we know is one of the black holes in the budget.

It got more confusing. Hon Ed Dermer had the good sense to ask this question on 17 November, which is recorded at page 9028 of *Hansard*, when he asked the Minister for Transport —

Has the minister advised the Department of Transport —

Remember, this is after the Treasurer said that he intended to do it —

to include any Northbridge Link projects in its consultations with the City of Perth on the possible uses of the additional funds raised under the Perth Parking Management Act?

The answer was no. One would then assume that either the Minister for Transport does not know about the Treasurer's instructions or he has chosen not to talk to the City of Perth. That is very important, because under the act it is very clear that the money cannot be spent without consulting the City of Perth. There is one final piece of this jigsaw puzzle that needs to be before the house before we vote on it. This was contained in a briefing note that was sent to the Minister for Transport by the then Department of Planning and Infrastructure on 22 May. I will read the whole paragraph because I think that is probably the easiest thing —

As outlined in our previous advice to you both the CAT and FTZ system have been directly funded from the parking licence fee revenue stream since they were introduced. This cycle of hypothecation, where the revenues are only spent in the immediate area where they have been rendered, has enhanced the acceptance of parking licence fees by the liable parties. In this instance, Treasury have advised (at the meeting 19 May) —

In another document we learnt that that was an urgently convened meeting. I think that is probably the meeting at which the then Department of Planning and Infrastructure advised Treasury that it could only use this money for limited purposes. It continues —

that no proposals are to be submitted to draw upon the additional revenue in this way, and that the additional revenue will be accumulated without corresponding spending at this point in time.

I think that sums it up. That is the clearest statement to this house that this government is pooling this money and that it does not have a purpose. That is beyond the powers under the act and also beyond the legitimate expectation of the Perth parking public. This matter should be disallowed. As I mentioned earlier, it is an absolute disgrace that we do not have the benefit of the advice given to the Joint Standing Committee on Delegated Legislation on this matter. We know that those concerns have not been satisfied, because they would have been expressed to the house when the disallowance motion was withdrawn. It is incumbent on all those members to explain to this house and the other place, because it is a joint standing committee, why they support this increase when it is clear that the government has never been able to explain what this money will be used for. In those circumstances, it has always historically been the case in this house, and historically the case with that committee, that we disallow any fee increases of this nature. I believe that is what we should do on this occasion. That is why I moved the disallowance motion. I commend the disallowance motion to the house.

**HON MAX TRENORDEN (Agricultural)** [5.28 pm]: On behalf of the National Party, I did some research and examined this matter. I spoke to a range of people and heard the argument put together by the Australian Hotels Association, which clearly defines that many of these hotel parking bay fees are charged to country residents—Mr President, your constituents and mine—who have come to Perth and do not have the capacity to avoid the payment of these fees. It is not as though people who come from the country park at Armadale or Midland and travel to Perth by train if they have luggage, children and the like. We had some concern about that. We also bore in mind that there had been a strong push by various bodies, including the Labor Party, to increase the costs of parking in the metropolitan area for the sensible argument about metropolitan transport. I can remember on many occasions Ms MacTiernan giving quite a few speeches on that subject. In balance, the National Party did have concern about the proportion of these payments that country people are not going to be able to evade. However, we are not convinced by the argument and we will not be supporting the disallowance.

**HON ALISON XAMON (East Metropolitan)** [5.29 pm]: The Greens (WA) also share the concerns that have been expressed by the Australian Labor Party and by Hon Ken Travers. I certainly concur that I also would have

appreciated the opportunity to have heard the response from the Joint Standing Committee on Delegated Legislation. I think it is disappointing that we were not given the opportunity to hear that.

I suppose the thing that dismays me about this particular grab for money is that it seems that the intent is pretty similar to what we have seen with the waste levy. I have not spoken on that particular bill yet, but I will do so tomorrow. We have in place legislation that imposes a tax of sorts for ostensibly good purposes and now there is an attempt to hijack those funds for purposes that are contrary to what has been prescribed in the act.

I will make reference to the act by which the parking levy was originally established. I point out that it was established by a Liberal government. The original objectives were laudable. They were to promote a balanced transport system to gain access to central Perth; to limit the growth of traffic congestion and deterioration of air quality in the central area; and to improve the quality, character and amenity of the city centre. When this particular legislation was passed, it was at a time when there was not necessarily comprehensive understanding—certainly not in the way there is now—of the impact of climate change. The Greens certainly got it, but I am not sure that anybody else did.

**Hon Ken Travers** interjected.

**Hon ALISON XAMON:** I am sorry, Hon Ken Travers. I am sure that there were other people who understood those concerns, but I am sure that the member would agree that they are far more comprehensively understood now.

That legislation for the levy was a very positive initiative. Therefore, it is very disappointing that this Liberal government has not seen fit to take the same approach when it comes to levies for the purposes of environmental management. I am also concerned about the lack of consultation with the City of Perth on the increased levy. That was most disappointing. The Greens do not oppose an increase in the levy as such, although I recognise that the amount that has been levied is quite a jump from what it was previously. We absolutely share any concern that the moneys that are meant to go into public transport initiatives or initiatives to relieve congestion and improve air quality through the use of public transport could be siphoned off for general revenue.

I am pleased that it has taken the actions of Hon Ken Travers to bring this issue to the attention of the delegated legislation committee. It is very disappointing that it took his intervention for that to occur, but I am certainly glad that he did.

We now have a big question mark over what is intended to be done with these moneys. I am disappointed that there appears to be no plan in place for how these moneys will be spent. I am sure that if this government decided to engage in some basic consultation with a number of stakeholder groups on public transport—the bicycle groups and the like—they would find a number of ways in which this money could be spent to significantly help deal with the issue of congestion in the city. For example, some of the things that \$64 million could be spent on over four years include a range of initiatives for bike riders, such as a central bike locker station; end-of-trip facilities, such as lockers, showers and secure bike storage; traffic calming; improved pedestrian safety—how is that for an idea?—better linkages to inner city areas; and an extension of the central area transit network. Anyone who goes into the city regularly would recognise that the CAT network has been a success. We should look at extending that service even further. We need to look at improving the bike network.

In conclusion, the Greens will support this disallowance motion on the basis that we are very concerned that there is no plan for these moneys. We certainly would support an increase in this levy if there had been consultation. It is most disappointing that this government, once again, is using legislation that has been enacted to achieve positive environmental outcomes to raise money that can be channelled into consolidated revenue.

**HON SIMON O'BRIEN (South Metropolitan — Minister for Transport)** [5.35 pm]: Firstly, I apologise for being out of the chamber for the start of this debate. I had some urgent, longstanding business to deal with. However, I am familiar with the arguments, as members will hear in a minute. I have heard them before and I have just received a precis of what has been argued in my absence.

The Perth Parking Management Act 1999 was brought in during the time of the second Court government. This act is the genesis of the things that we are discussing today. That act requires that all non-residential parking bays within the Perth parking management area be licensed. That is the first thing it does. A map with an area on it called the “Perth parking management area” is set out in a schedule to the act. Apart from residential parking bays, and there are plenty of them, parking bays must be licensed.

In addition, the Perth Parking Management Regulations 1999 prescribe various matters relating to that licensing regime, including the fees that are payable for a licensed bay. They also prescribe exemptions from the requirement to pay the annual licence fees. A series of exemptions relate to specific types of bays, including disabled access; loading bays that are drop-off bays; and up to six bays for each business. Even though those bays are considered to be licensed, the business owner is exempt from paying the licence fee. Probably about 40

per cent of business premises fall into that category; that is, they have six bays or fewer and therefore are not required to pay the fees that some members opposite object to so violently on this occasion. Between those business there are about 2 000 business bays. To put that into perspective, out of a total of about 50 000 business bays, 2 000 bays are eligible for exemption from this licence fee.

The purpose of these arrangements is basically twofold. Firstly, it is a measure to try to provide balanced transport outcomes for the central city by the promotion of the use of public transport and the management of parking. That is an active measure to discourage people from parking cars in the middle of Perth. The discouragement is that they have to pay a fee. The fee is payable by the owner of the bay, but in many cases mechanisms can be found whereby that fee is not absorbed by that owner or business, but is passed on to whoever it is who wants to park in that bay. Indeed, many of the bays are owned by major parking providers. For example, Wilson Parking Australia—I know how it can charge—is certainly passing on its levy fees to its commercial customers, including, I am sure, to members in this place from time to time. There is also the City of Perth. It charges for parking as well! It derives very substantial sums of money from parking—\$58 million is the raw figure that it will gross from parking this year. I will come back to the City of Perth and its attitude to some of these matters in a minute. That is the first thing it does.

As the last speaker said in her remarks, this is something that should be applauded and should be supported—a policy to discourage congestion and to discourage the central business district from being overtaken by cars. Presumably the Labor Party, which also wants to disallow the matter before us now, also approved of it. The Labor Party has gone along with it since 1999. It was not knocked on the head in this place when it was introduced. It did not knock it on its head throughout its time in government. What offends in the first instance is the quantum of fees being charged. In the May budget, following the government's Expenditure and Economic Review Committee recommendation, the parking licence fees were raised, in round terms, by about \$1 a day, to generate significant revenue. That was the first part of the regime.

The second aspect to the regime is that, having raised that money, what it is then spent on. The act itself is very precise about this. There is a special account into which the funds are put. Expenditure from that account can occur only for certain purposes, and it has to be authorised by the responsible minister. At the moment the person occupying the position of the responsible minister, I have the honour to inform the house, is me. I am the one who has had this placed in his hands for administration. As I have said a number of times in this chamber and elsewhere, I will do that to the best of my ability and I will do it in accordance with the laws of the land. I can reassure the previous speaker that this revenue is not going into consolidated revenue; it is going into this discrete account. It will not be spent for purposes other than those prescribed by law.

I am not allowed to talk about some matters until they are resolved, but I have proposals in train for a number of things that some of these dollars can be spent on. Again, it is laid down—it is for promoting the cause of reducing traffic congestion, in general terms. For example, central area transit free buses obviously provide a positive incentive for people not to bring their cars into the CBD and, instead, to use our free transport service. I use it quite frequently, I must admit. There is also the free transit zone within the boundaries of the Perth parking management area. One can just hop on and off the bus or train for free. I use that quite often, and have done so for years. If going up to Malcolm Street from downtown, it is a good way to get around.

Funds can also be applied to the theme of reducing congestion and the effects of congestion. For example, we can encourage the use not only of public transport but also of bicycles and motorcycles. At the same time as the regulations were amended to increase the fees that everyone is jumping up about, another major change was made. It was made at my initiative and at my insistence. I do not think that has been referred to this afternoon. Charges have also been levied on motorcycle parking on the basis that a parking bay is a parking bay. The price for a motorcycle bay—which would be a third of the size, if that, of an ordinary vehicle parking bay—I think was set at about \$91 when we took over from the previous government. Earlier than that, it had been a lot less, but I do not have those figures immediately at my fingertips. But it was \$91. When we add \$1 a day to that, we come up with a very large per annum percentage increase. It sends out the wrong message, when we are trying to reduce congestion, if there is suddenly a 400 per cent increase on motorcycle parking bays. I put the proposition to cabinet colleagues and to Treasury—people are wasting their time with Treasury, but I put it to certain cabinet colleagues!—and my view managed to prevail on this occasion. That view was that at the very least we need to provide relief for motorcyclists, not only by not imposing that extra charge, which I felt would be very counterproductive, but in fact we also had to show active support for people who were prepared to bring scooters into the CBD instead of motor cars. We got rid of that fee for motorcycle bays completely. Again, I think that is a good thing. It must be, because I have not heard boo since July from members opposite. No—I did hear something once. It was when it was a prospect that the motorcycle fees were going to go up before we had brought in the regulation. They were all over me like a rash.

**Hon Ljiljanna Ravlich:** Not prospect; it was all there. It was only public pressure that stopped the minister.

**Hon SIMON O'BRIEN:** There was no public pressure on that point at all. It was purely my own initiative.

**Hon Ljiljanna Ravlich:** Rubbish; because we asked questions in Parliament.

**Hon Ken Travers:** The member did—I remember that!

**Hon Ljiljanna Ravlich:** I did!

**Hon Norman Moore:** Is the member suggesting she had a good idea?

**Hon SIMON O'BRIEN:** Apparently I did not.

That is the parameters of what we are talking about. Nonetheless, when an increase is introduced in the way this one was introduced, from the place from which it was generated, not surprisingly oppositions and others who are involved tend to jump up and down. That is understood. I am not falling around in dismay and shock that people do not like to pay a greater level of tax than they were paying before. I understand that. Indeed, I complained about it when I was on the receiving end of certain taxes. That is understood. I get it!

I also note that the City of Perth has put up its parking fees substantially. It has done this before. While it was out crying crocodile tears and putting out press releases about what a terrible thing we had done, it jumped in for its whack and put up its prices far, far above the cost recovery that it is blaming us for. It is raising a very significant amount of money. I think it will raise \$58 million for this year from parking fees. That is only from the city's own bays; not from Wilsons and all the others around town. That is only from the City of Perth bays. That is very significant. And, for the first time, it has come up with an innovation, as I did with motorcycles. Its innovation is to meter and charge for motorcycle bays on which they pay no fee to the government. That is the City of Perth's contribution! It is jumping in for its whack and hitting motorcyclists. Again, I do not hear members opposite jumping up and down about that. By gee, the motorcycle fraternity is. Go and talk to Dave from the Motorcycle Riders Association of Western Australia and people like that. Members will find that they appreciate very much indeed the measure that was taken to exempt motorcycle bays. They are dismayed at what the City of Perth is doing in respect of that matter. However, in a sense of approaching yuletide goodwill, I will not talk any more about the City of Perth. I will simply turn to some concluding remarks about what this disallowance really means.

The disallowance was moved on fees that have been imposed since 1 July 2009. Members can imagine the effects it would have if such a regime were to be disallowed now. What would happen is that we would go back to the former situation. But fees have already been paid, so it would create a tremendous degree of near anarchy within the system if this disallowance were to be agreed to. We would then have to go back and start again and wonder what other sorts of fees there might be and what pattern they might have. If these regulations were to be disallowed, what existed before would be revived. Part of the instrument that Hon Ken Travers is seeking to disallow says that the schedule existing pre 1 July is deleted and replaced by what we now have before us. Therefore, if we disallow that instrument, what was there before will be revived. All the charges for motorcycle bays will come back. Will that not upset the City of Perth, because it is creating more motorcycle bays and putting parking meters on them? It will cause a considerable amount of confusion. New rental regimes and new leasing regimes have already been worked out. Money has changed hands. Life has gone on and the world has not ended. Yet Hon Ken Travers and those who share his view seem to think that we need to turn all that on its head.

Let me conclude by offering a couple of other comments. Other points have been raised this afternoon, I am sure, and they have also been raised in the past by Hon Ken Travers, by Hon Ljiljanna Ravlich and possibly by others. I have sat in this very place and responded time and again during the formal budget estimates hearings. I have been over the road at the committee office, I think, to respond to questions about this. Just recently there was a separate hearing, with officers from the Department of Transport being grilled by our friendly Rottweilers on the bench opposite as they attempted to sustain —

**Hon Ken Travers:** Great Danes.

**Hon Ljiljanna Ravlich:** And I want to be a Dalmatian!

**Hon Ken Travers:** I'm a Great Dane and she's a Dalmatian!

**Hon SIMON O'BRIEN:** All right. I am a dog lover, so let the record show that there is a sense of goodwill and good cheer as these casual remarks are flying around the chamber. However, because I upset my good friend Hon Ljiljanna Ravlich yesterday with some remark about knuckles, if I were to adopt the member's view that she is a bit like a Dalmatian, I do so in a very affectionate way, but, for the purposes of the record, I am not referring in any way to her Dalmatian's gender! Okay; I want to make that quite clear.

**The PRESIDENT:** Order! I think we are talking about parking fees for vehicles, motorcycles and so on, not dogs.

**Hon SIMON O'BRIEN:** Okay. I think we need to conclude very quickly; there may be other speakers. The only way I can bring the debate back to the streetscape of parking bays is by dragging a fire hydrant or something into it, so I will not go there.

I have answered the questions put forward again and again. Even though I was not personally the initiator of these increases, I am a member of the government and I take responsibility for this. Therefore, if members opposite want to express the anger of people who are concerned about taxes going up, as I have said to members in the past, they should express it to me and I have to take it, and I note it. Nonetheless, this is the way we are proceeding.

Finally, the other very relevant matter is that the Joint Standing Committee on Delegated Legislation, which boasts eight members—four of them from this chamber—stopped and had a look at this matter, and it looked at it for a very long time, for all the reasons that I am sure motivated various members in this house. The committee put a protective disallowance on this matter. A protective notice of motion for disallowance was given on the committee's behalf by Hon Robin Chapple, in his capacity as a member of that committee. Despite what his personal views as a private member might be, he moved that so that the committee could stop and say, "Hang on; we're going to have a good look at this." The committee had hearings and had a look at it, and in the end it came back to the chamber and requested that this house take the disallowance motion off the notice paper because, having examined it, it found that it was not unlawful.

**Hon Ken Travers:** We don't know that, minister. Is that what it found? Do you know that?

**Hon SIMON O'BRIEN:** Will the member just pipe down for a minute. He is just getting overexcited. That is what we know, because that has been commented publicly.

**Hon Ken Travers:** The committee hasn't told the house.

**Hon SIMON O'BRIEN:** Hang on. What I will say, so that the member's blood pressure does not get too bad —

**Hon Ken Travers:** You might know the answer. If you know it, tell us.

**Hon SIMON O'BRIEN:** Only from what I have seen reported in the public record. But Hon Robin Chapple can jump up and tell us if I am wrong. Hon Ken Travers can tell us if I am wrong. Is Hon Ken Travers saying that the collection of this levy is beyond power and that it is unlawful? No, because it is not; and if the member were to say that it is, he cannot demonstrate that. It is clearly within power. What that leaves us with is another avenue of recourse for members if they want to oppose this matter. Whether a member is on the Joint Standing Committee on Delegated Legislation or not does not matter. If members want to oppose this, they can. If they just do not like it, sure, they can vote against it, and I respect that. However, I appreciate the support of my colleagues on this side of the house, I appreciate the support of the National Party members just offered, and I look forward to this house now finally disposing of this matter.

**HON NORMAN MOORE (Mining and Pastoral — Leader of the House)** [5.57 pm]: In the couple of minutes available, I want to comment on some matters raised by Hon Ken Travers in his comments and his reflection on the fact that the house is dealing with this matter at this time of the day. I explain to him, albeit he understands this, that it has become a tradition, and not necessarily a good tradition, over many years that these disallowance motions are in fact debated on the day—sometimes in the last half an hour—on which they have to be resolved. I took the decision today that a whole heap of legislation needed to be dealt with, and the house dealt with it. My view was that had we begun the day on this disallowance, we probably would have just about finished the disallowance by now, and very little else would have been achieved. But who knows, because one never knows for how long members will speak. Hon Ken Travers is a great speaker. He speaks at great length often. The disallowance motion had to be dealt with today—it could not be adjourned to another day—so I adopted the process that we normally adopt with these things and brought it on. However, it seems to me that the member had adequate time to present his case. As I said, this matter has been around for a while. We have heard it all before. It has been to committees and it has been in the public domain, and the member has asked questions about it. It is not altogether new.

**Hon Ken Travers:** And the minister didn't respond to any of the issues I raised.

**Hon Simon O'Brien:** I have done it over and again.

**Hon Ken Travers:** No, you didn't answer the questions I asked during my speech.

**Hon NORMAN MOORE:** In my view, the minister arrived in time to respond more than adequately to the issues raised in this matter. They are the circumstances surrounding the way in which this debate was held today. I hope that in future we might have a better way of dealing with disallowances, so that they can be subject to

Hon Ken Travers; Hon Max Trenorden; Hon Alison Xamon; Hon Simon O'Brien; Hon Norman Moore

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longer debate if that is necessary. We have done that on the odd occasion and brought the disallowance on first. However, it is an issue that the house perhaps needs to contemplate in the context of its review of the standing orders. Sometimes—not today—people are not given the time to debate a matter that they would seek to.

I also want to say that I am interested in the comments that Hon Ken Travers made about the Standing Committee on Delegated Legislation. As I understand it, and to the extent that I do not know what has gone on, this matter was raised and discussed by that committee, and the chairman, or the deputy chairman, has come into this house and asked that the disallowance motion, put on the notice paper by him on behalf of the committee, be discharged. I can only assume that the committee has made the decision that a disallowance is not appropriate. I do not know why, but that is the decision the committee has taken. Whether it was a decision made with an absolute majority, or whether it was a unanimous decision, or a decision of a majority of one, I do not know, but the bottom line is that whatever the decision is that is taken by a committee, whether it is by consensus or by a majority of one, it makes no difference; the outcome is the same.

Question put and a division taken with the following result —

Ayes (12)

Hon Matt Benson-Lidholm  
Hon Helen Bullock  
Hon Robin Chapple

Hon Kate Doust  
Hon Jon Ford  
Hon Lynn MacLaren

Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ken Travers

Hon Giz Watson  
Hon Alison Xamon  
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat  
Hon Jim Chown  
Hon Peter Collier  
Hon Wendy Duncan  
Hon Phil Edman

Hon Brian Ellis  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Nigel Hallett  
Hon Alyssa Hayden

Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Norman Moore  
Hon Helen Morton  
Hon Simon O'Brien

Hon Max Trenorden  
Hon Ken Baston (*Teller*)

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Pairs

Hon Jock Ferguson  
Hon Adele Farina  
Hon Sue Ellery

Hon Philip Gardiner  
Hon Col Holt  
Hon Mia Davies

Question thus negatived.