

Read second time; by leave, proceeded to third reading.

*Third reading*

Motion agreed to.

Read third time.

**PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL**

*Second reading*

Debate resumed from 15 September; motion of Mr HULLS (Attorney-General).

Mr BATCHELOR (Minister for Community Development) — In concluding this debate I would like to thank those members who have made a valuable contribution to it. I wish the bill a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

*Third reading*

Motion agreed to.

Read third time.

**LAND (REVOCAION OF RESERVATIONS AND OTHER MATTERS) BILL**

*Statement of compatibility*

Mr BATCHELOR (Minister for Community Development) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Land (Revocation of Reservations and Other Matters) Bill 2009.

In my opinion, the Land (Revocation of Reservations and Other Matters) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of the bill**

The purposes of the bill are to:

revoke the permanent reservation and restricted Crown grant over the land occupied by the Montefiore Homes Community Residence in St Kilda;

revoke the permanent reservation over two parcels of land on the Altona Memorial Park cemetery reserve, to facilitate duplication of Dohertys Road by VicRoads;

revoke the permanent reservation over a parcel of Crown land on the J. R. Parsons Reserve, Sunshine, to enable construction of a bus lane by VicRoads;

revoke the permanent reservation over a parcel of Crown land at the Seaford Caravan Park, near Kananook Creek reserve, to enable a land exchange with a parcel of private land;

repeal the Kew and Heidelberg Lands Act 1933 and the Kew and Heidelberg Lands Act 1958 and dissolve the Yarra Bend Park Trust to allow for the transfer of responsibility for the Yarra Bend Park reserve to Parks Victoria;

revoke the permanent reservation over a section of the fenced perimeter of the Melbourne Zoo, which has encroached onto the Royal Park reserve;

revoke the permanent reservation over the Crown land at the 'Tabaret car park' site at Caulfield Racecourse to enable an exchange of freehold land with the Melbourne Racing Club and facilitate a commercial-mixed use development in the 'Phoenix precinct';

repeal the Footscray (Recreation Ground) Lands Act 1968 and the Footscray (Western Oval Reserve) Lands Act 1981, revoke the permanent reservation over the David Spurling-Whitten Oval reserve, remove Maribymong City Council as the committee of management and temporarily re-reserve the land to facilitate its overall redevelopment; and

amend the Geelong (Kardinia Park) Land Act 1950 to allow the Geelong City Council to grant licences, as well as leases, over the Kardinia Park reserve.

**Human rights protected by the charter that are relevant to the bill**

*Property rights*

Section 20 of the charter protects against deprivation of property other than according to law. This bill does not engage section 20 property rights because no private land interests are affected by the bill.

*Freedom of movement*

The bill engages section 12 of the charter, which protects the right to freedom of movement. Section 12 stipulates that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

The construction projects to be undertaken by VicRoads and which are facilitated by this bill may temporarily restrict public access to areas of the Altona Memorial Cemetery reserve (clause 4) and the J. R. Parsons Reserve (clause 5), which may engage the right to freedom of movement in section 12 of the charter.

However, these temporary restrictions will allow VicRoads to conduct works without hindrance and in a safe manner, and will be in place only until completion of the projects. Alternative arrangements will be made for public access to the Altona Memorial Cemetery and J. R. Parsons Reserve

during these times. The projects will ultimately benefit the public by providing improved road and public transport services. Therefore I do not consider they amount to a limitation on the freedom of movement.

A number of proposed developments dealt with by the bill, such as the Phoenix precinct at Caulfield (clause 17), the Montefiore Homes Community Residence (clause 3) and Whitten Oval (clause 25), may involve the construction of buildings, fences or other structures that could alter the course through which the public walk through these sites. However, the sites will still be generally accessible by the public and so such course alterations do not amount to a limitation.

Overall, the developments will have wide-ranging benefits for local communities including the provision of new sporting, social and community facilities and the creation of business opportunities.

I therefore consider that the minor and temporary restrictions on freedom of movement that may be imposed by certain developments do not amount to a limitation on the right to freedom of movement in section 12 of the charter.

#### Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because although it engages the section 12 right to freedom of movement, the engagement with this right does not amount to a limitation on it.

Peter Batchelor MP  
Minister for Energy and Resources

#### *Second reading*

**Mr BATCHELOR** (Minister for Community Development) — I move:

That this bill be now read a second time.

The purpose of this bill is to facilitate a range of changes to the status of land in the Crown land portfolio and to Crown land legislation.

In some cases, the bill revokes permanent reservations and Crown grants made under the Crown Land (Reserves) Act 1978, which can only be removed by legislation. In other cases, it removes or amends legislation and changes management and leasing arrangements for Crown land sites.

The bill will:

- facilitate projects and developments on Crown land;
- allow the government to sell surplus land and enter into land exchanges;
- improve the management of Crown land sites; and
- provide for more accurate recording of the Crown land portfolio.

#### **Montefiore Homes Community Residence**

The Montefiore Homes Community Residence at 619 St Kilda Road which is managed by Jewish Care Victoria provides valuable aged-care and accommodation services to the Jewish community. The home sits on Crown land permanently reserved under the Crown Land (Reserves) Act 1978 and is subject to an outdated Crown grant restricting the land use to 'a Jewish alms house and asylum for Jews who have been reduced to poverty'.

After nearly 160 years of operation, Jewish Care wish to purchase the site to redevelop and improve the aged-care facilities at the home. This bill will revoke the permanent reservation and restricted Crown grant on the site, which will allow the government to sell the site to Jewish Care.

In recognition of the historic and social values of this land, this site will be sold on the condition that it continues to be used for aged-care and community services.

#### **Altona Memorial Park cemetery**

The Dohertys Road duplication will see the upgrade of a section of Dohertys Road between Fitzgerald Road and Grieve Parade. By creating two lanes in each direction and improving a number of intersections, the project will improve traffic flow, increase safety and reduce transport costs on one of Melbourne's key freight routes.

As part of the road duplication, VicRoads plans to construct a roundabout at the intersection of Dohertys Road and Gordonluck Avenue, which will ensure large vehicles have access to retail outlets along Gordonluck Avenue. VicRoads also plan to upgrade the intersection of Dohertys Road and Grieve Parade.

To complete the roundabout and intersection upgrade, VicRoads requires two Crown land parcels sitting within the Altona Memorial Park cemetery on Dohertys Road. The cemetery is permanently reserved under the Crown Land (Reserves) Act 1978.

This bill will revoke the permanent reservations over these two land parcels, which will enable the land to be transferred to VicRoads for completion of the roadworks.

#### **J. R. Parsons Reserve, Sunshine**

The SmartBus system offers a frequent and efficient 'cross-town' transport link between Melbourne's middle and outer suburbs, connecting with major