

To continue to grow the Victorian economy we need to increase our exports and seize the opportunities abroad, particularly in fast-growing economies. To identify how we can make the most of our overseas presence and connections, the government has recently undertaken a review of the Victorian government's international networks.

This review identified a series of reforms for the Victorian government's overseas offices, which will boost Victoria's economic performance and standing in the global economy. The reforms included the recommendation that the Premier appoint commissioners for Victoria, as statutory appointments, to Victoria's network. This will ensure that any such appointments are based on merit and made via a transparent process. This bill will give effect to implementing this recommendation.

The purpose of this bill is to create a new class of statutory officeholders to complement Victoria's representative to the United Kingdom, the Agent-General. These new officeholders will be known as commissioners for Victoria. This bill will continue to provide for the position of the Agent-General, a longstanding connection between the United Kingdom and Victoria.

Commissioners based overseas will undertake similar roles to the Agent-General, who will also hold office as a commissioner. These positions are designed to replace a range of existing Victorian representatives outside Australia with similar responsibilities but different titles and arrangements.

In some cases, commissioners can be resident in Victoria to provide representation to a specific overseas location. The success of this model is evidenced by the work of Sir James Gobbo, Victoria's recently retired Commissioner for Italy. Sir James has been an excellent representative, using the wealth of his experience to provide a vital connection between Italy and Victoria, and furthering the extensive commercial, cultural and community links between us.

The creation of commissioners for Victoria will form a brand for Victorian trade and investment promotion professionals, increasing the international profile of the state in an increasingly global market.

The creation of this category will also complement the government's recent investment in Brand Victoria and Brand Melbourne, focusing on differentiating ourselves amongst myriad other competitors for international trade, business, tourism and exchange.

The bill sets out clear functions and duties. Commissioners will be responsible for furthering Victoria's commercial, economic, cultural, scientific and technological relations outside the state. This list reflects the diversity of Victoria's products, services and skills which we can proudly offer to the world, including trade, tourism, culture, sport and major events.

The bill will enable the Victorian government to attract and appoint high-calibre individuals with demonstrated leadership skills, considerable experience and appropriate qualifications to these specialist trade and promotion roles. These recognised leaders could come from a range of fields, including commerce, business, tourism, government and public administration.

The bill reflects the existing Agent-General's Act 1994, but updates it to reflect the current needs of Victoria's expanding market opportunities overseas. Importantly, this update also incorporates greater accountability mechanisms, including making commissioners subject to specific provisions of the Public Administration Act 2004, with a requirement for annual reports and more stringent criteria regarding suspension and removal. These provisions will make commissioners for Victoria and their overseas operations transparent and accountable. This approach reflects the government's commitment to more accountable government for Victorians. 11:32

The bill will also repeal the existing Agent-General's Act 1994 with transitional provisions to ensure the continuity of the office, which has proudly served Victoria for more than a century.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 25 October.

MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL

Statement of compatibility

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) 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 Act, I make this statement of compatibility with respect to the Melbourne and Olympic Parks Amendment Bill 2007 ('the bill').

In my opinion, the bill, 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 purpose of the bill is to amend the Melbourne and Olympic Parks Act 1985 to consolidate land management arrangements in the Melbourne and Olympic parks precinct.

The Melbourne and Olympic parks precinct is an increasingly important part of Melbourne's sport and major events infrastructure. Already host to the Australian Open Tennis Championships, the Victorian Institute of Sport, Collingwood Football Club and key entertainment events, the development of the new rectangular stadium will make it a key focal point for football (soccer), rugby league, rugby union and the Melbourne Football Club. Efficient land management arrangements are crucial to the operation of this area, particularly to facilitate the changes required to accommodate arrangements for the new stadium.

The bill provides for parcels of land adjacent to the National Tennis Centre and Olympic Park within the precinct to be incorporated into the National Tennis Centre and Olympic Park lands and reserved for 'tennis, other sports, recreation and entertainment' and 'sports, recreation and entertainment' respectively. Some of these parcels of land are currently unreserved while others are reserved as public park but separated by roads or rail corridor from other areas of public park. Most of these lands are already being used by the Melbourne and Olympic Parks Trust ('the trust'), by agreement with the relevant land manager, for purposes related to the management of the National Tennis Centre and Olympic Park. Some very small pieces of land around the edges of the National Tennis Centre and Olympic Park within the precinct are included to tidy up the boundaries at those points.

The bill provides for the area known as Gosch's Paddock to be permanently reserved as public park under the management of the trust. It is recognised that Gosch's Paddock is a highly valued area of public open space that needs to be protected. Some of Gosch's Paddock is currently public park land managed by the City of Melbourne while two other sections of Gosch's Paddock are unreserved. The bill will rectify an inefficient land management arrangement while protecting the public open space.

The bill provides for the trust to grant non-exclusive licences to use Gosch's Paddock for purposes that are not substantially detrimental to its reservation as a public park, subject to:

- written approval by the minister; and
- approval of the minister responsible for the Crown Land (Reserves) Act 1978 by order published in the *Government Gazette*, including a statement of reasons; and
- consideration by both houses of Parliament where it must be tabled and may be disallowed by a resolution of either house.

It is intended that the purposes for licences would include use of the existing sports facilities in Gosch's Paddock, consistent with current practice. Licences would be for a period of not more than 21 years. The trust would also be able to grant

permits to use Gosch's Paddock for events such as community fun runs. There will be no capacity, however, to provide leases for exclusive possession of any part of Gosch's Paddock.

In recognition of the importance of Gosch's Paddock as public open space, the trust would be required to account for its performance in maintaining public access to Gosch's Paddock its annual report to Parliament under the Financial Management Act 1994.

The bill provides that the trust must not construct or carry out works in Gosch's Paddock without the written approval of the minister, who must consult with the minister responsible for the Crown Land (Reserves) Act before giving approval. This requirement does not, however, apply to minor works including temporary structures such as tents, maintenance and repair works, horticultural works and plantings and works required to maintain public safety.

Human rights issues

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

The bill consolidates land management arrangements in the Melbourne and Olympic park precinct. The bill includes provisions to:

- (a) incorporate small parcels of land that are reserved as public park, into the National Tennis Centre and Olympic Park.
- (b) enable the trust, with the written approval of the minister and the minister responsible for the Crown Land (Reserves) Act 1978, and subject to disallowance by resolution of either house of the Parliament, to issue non-exclusive licences for the use of Gosch's Paddock for periods up to 21 years.

The above provisions of the bill limit the right to freedom of movement in section 12 of the charter, which provides that:

Every person lawfully in Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

It is therefore necessary to consider whether the limitations on the right to freedom of movement are demonstrably justified having regard to the factors set out in section 7(2) of the charter.

Section 20 of the charter, which protects against deprivation of property (of natural persons only) other than according to law, also requires consideration in the context of this bill. This is because clauses 11, 12 and 13 of the bill remove trusts, limitations, reservations, restrictions, encumbrances, estates and interests from a number of parcels of land. In doing so, these clauses could also be perceived to take away proprietary interests, which would amount to a deprivation of property in contravention of section 20 of the charter. However there will not be any deprivation of property as a result of these clauses, because:

Clause 14 of the bill provides that any leases and licences over the land to which new sections 30G and 32B apply will be protected; and

Removal of any property rights of natural persons over other lands affected by the bill would not be arbitrary because it is part of a highly structured and circumscribed process relating to a limited number of small parcels of land. Further, the proposed changes to reservations will be conferred under statute.

For these reasons, it is not expected that this bill will deprive any person of property other than in accordance with law. Accordingly, there will not be any limitation of the property rights protected under section 20 of the charter.

2. *Consideration of reasonable limitations — section 7(2)*

(a) *The nature of the right being limited*

The right to freedom of movement is an important right in international law. It includes the right to move freely within Victoria, including freedom from physical barriers and procedural impediments. It can be impacted by proposals that involve changes in land use that limit the ability of individuals to move through, remain in, or enter or depart from areas of public space.

(b) *The importance of the purpose of the limitation*

The purposes of the limitations are of critical importance to the efficient operation of the Melbourne and Olympic parks precinct. The limitations are necessary to facilitate the changes required to accommodate arrangements for the new stadium. They are also necessary to accommodate increasing popularity of, and attendance at, the precinct for key events such as the Australian Open. The trust requires efficient management arrangements and flexibility to maintain and improve its high levels of performance in managing its ongoing business.

(c) *The nature and extent of the limitation*

The extent of the limitations is insignificant.

The incorporation of lands that are reserved as public park into the National Tennis Centre reflects current use of the land and does not significantly further limit freedom of movement in those areas. The relevant pieces of land are isolated from other areas of public parkland by the rail corridor and/or roads and in practical terms already function as part of the precinct. For example, the 'throwing cage and adjacent land' is used in conjunction with athletics activities in the precinct.

The change in reservation means that the land will be able to be used for purposes of 'tennis, other sports, recreation and entertainment' and that the 'no detriment' test that applies to proposals for development in public parks will no longer be relevant to those areas. This may limit the right to freedom of movement to a minor extent. The existing planning and building approval requirements, however, will continue to apply.

The treatment of Gosch's Paddock in the bill affirms the right to freedom of movement. Significant sections of Gosch's Paddock are currently unreserved, and the bill will reserve the area for public use and thereby protect the right to freedom of movement in the area. The provision in the bill for the trust to grant licences for use of sport facilities in the park continues current practice in terms of use of the park. Indeed it is expected that use of the playing fields may be decreased under the new arrangements because of a need to maintain the surfaces at a higher standard.

The bill provides a substantial safeguard in that any licence for use of Gosch's Paddock must be approved in writing by the minister, approved by the minister responsible for the Crown Land (Reserves) Act 1978 by Order published in the *Government Gazette*, including a statement of reasons, and laid before both houses of Parliament where it may be disallowed by a resolution of either house. While the bill provides for licences to be issued for up to 21 years in order to give licensees certainty, this is in effect largely the same as the current arrangement in which three year licences are renewed upon expiry.

(d) *The relationship between the limitation and its purpose*

There is a rational and proportionate relationship between the limitations imposed by the bill and the purposes of the limitations. The insignificant extent of the limitations on the right to freedom of movement are proportionate to the important purpose the limitations seek to achieve.

The lands to be incorporated into the National Tennis Centre and Olympic Park are rarely trafficked because of their size and inaccessibility. The limitation on the right to freedom of movement by these provisions of the bill is proportionate to the important purpose of facilitating arrangements to accommodate the new stadium and enabling the trust to efficiently manage continued growth of key events. Further, the lands will continue to be generally accessible and used for highly valued public purposes as part of the lands managed by the trust.

The limitation on the right to freedom of movement which will occur as a result of the granting of licences of up to 21 years for use of Gosch's Paddock is rational and proportionate to the purpose of providing accommodation for the new stadium, and the need for efficiency in managing the demands on the precinct.

Mechanisms to keep the relationship between the limitation and its purpose in proportion are provided on an ongoing basis by the significant checks and balances instituted by the bill. These include the requirement for licences to be approved by two ministers in writing and the provision that licence approvals made by the minister responsible for the Crown Land (Reserves) Act 1978 must be laid before both houses of the Parliament and may be disallowed. The obligation on the trust to report annually on maintenance of public access to Gosch's Paddock is another significant measure.

(e) *Any less restrictive means reasonably available to achieve its purpose*

As previously stated, the limits in the bill are minor and they are balanced against provisions that promote and protect public access to Gosch's Paddock as a public park.

The nature and scope of the limitations in this bill, such as they are, arise from the need to give the trust increased flexibility to manage its ongoing business more effectively and meet new challenges such as facilitating arrangements to accommodate the new stadium and the increasing popularity of, and attendance at, key events.

There are no less restrictive means available that would reasonably achieve the purpose of the limitations. Other potential management arrangements, like the current

arrangements, are inefficient and would continue to hinder the trust in managing its business.

(f) *Any other relevant factors*

The trust encourages public access to walkways and other open areas throughout the National Tennis Centre and Olympic Park. These are frequently used by recreational walkers and joggers.

Incorporation of marginal lands in the precinct into the National Tennis Centre and Olympic Park under the direct control of the trust will enable the trust to achieve a more integrated appearance as well as functionality for this vital part of Melbourne and Victoria that plays host to many interstate and international visitors.

The provision that the trust must not construct or carry out works in Gosch's Paddock without ministerial consultation and written approval affirms the right to freedom of movement because it reinforces protection of Gosch's Paddock as a public park. This test would have essentially the same effect as the process prescribed by the Crown Land (Reserves) Act 1978 in relation to development in public parks. The ability for the trust to undertake minor works as defined is also consistent with practices in other public parks.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it only limits, restricts or interferes to a minor extent with a human right, being the right to freedom of movement under section 12 of the charter, and the limitation is reasonable and proportionate. This is in view of the important objective of the legislation, which is to consolidate land management arrangements in the Melbourne and Olympic park precinct and to permanently reserve Gosch's Paddock as a public park, and the significant measures in the bill to minimise the nature and scope of the restrictions, as detailed in this statement.

JAMES MERLINO, MP
Minister for Sport, Recreation and Youth Affairs

Second reading

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I move:

That this bill be now read a second time.

The Melbourne and Olympic parks are at the heart of Melbourne's most important sports and entertainment precinct. The parks' proximity to the CBD and quality and flexibility add enormously to Melbourne's competitive advantage in hosting major events and accommodating sports teams who represent and inspire Victorians.

The precinct hosts one of Australia's most important sporting events — the Australian Open. It regularly hosts important international events such as the Commonwealth Games, the World Swimming Championships, the World Gymnastics

Championships, and the World Track Cycling Championships.

It is currently, or will become, the home for tennis, athletics, the Victorian Institute of Sport, Melbourne Storm, Melbourne Victory, the Melbourne Football Club and the Collingwood Football Club.

Following the completion of the new rectangular stadium, the Melbourne and Olympic parks will contain in excess of three-quarters of a billion dollars in sport and entertainment assets under the management of the Melbourne and Olympic Parks Trust.

Because of the history of the area, the Melbourne and Olympic parks precinct is a patchwork of land titles and management arrangements. Part of the land is managed by the Melbourne and Olympic Parks Trust, part by the City of Melbourne, part by the minister responsible for the Crown Land (Reserves) Act 1978 and a part by VicTrack. Some of the land has no formal management arrangements.

The range of different organisations managing and maintaining this land is inefficient, cumbersome and makes it difficult to plan and coordinate a long-term vision for the precinct.

The lack of a cohesive land management structure limits the government's long-term ability to support and improve facilities within the precinct for major events and to provide for key stakeholders such as the Australian Open and the precinct's other tenants.

A recent demonstration of the existing complex management arrangements occurred when the Collingwood Football Club moved its training base from the oval where the rectangular stadium is to be built to its current location in Gosch's Paddock. In this case, the club was required to obtain agreement from the Melbourne and Olympic Parks Trust, who in turn had to get two licences to provide the Collingwood Football Club with a training oval. One licence was required from the Secretary of the Department of Sustainability and Environment for most of the southern oval and another licence from the City of Melbourne for the rest of the oval. These licences then needed to be approved by the minister responsible for the Crown Land (Reserves) Act 1978.

Historically, the majority of the precinct has been and is still currently used by the Melbourne and Olympic Parks Trust and its tenants. This includes the throwing cage area used as a warm up and training facility for athletics, Gosch's Paddock used as a training venue for Collingwood Football Club and Melbourne Storm, four tennis courts in the north-western corner of the tennis