

state governments contributing funds. The hardworking federal member for Flinders is prepared to get in and work towards a three-way deal, but the state government's response to funding requests has been negative.

The Minister for Community Services in the other place, Gavin Jennings, wriggles out of it by fobbing it off as an after-school service and conveniently handballing it into the federal arena. I ask the minister to take some responsibility. I implore him to visit the Casey Kidz Klub and witness firsthand this terrific respite and social activities program that delivers positive outcomes in the lives of disabled children. It was embarrassing to hear that the local MP, the member for Cranbourne, has never set foot in the place. He does not care about kids with disabilities or hardworking mums and dads who seek respite services. I entreat the minister and the member for Cranbourne to get out from behind their desks and meet with Amanda Stapledon, this wonderful woman who seeks a small amount of government support —

The ACTING SPEAKER (Mr Seitz) — Order!
The member's time has expired.

Sir Edward Dunlop Medical Research Foundation

Mr LANGDON (Ivanhoe) — Last Friday I had the great pleasure of attending the centennial gala dinner of the Sir Edward Dunlop Medical Research Foundation. The dinner celebrated 100 years since the birth of Sir Edward 'Weary' Dunlop. His name and his reputation do not need me to expand on this event, but it was an honour to be there. The foundation was set up to honour Sir Edward, and I will refer to one of his statements:

The impact of the stress and strain of war upon the physical and mental health of veterans and upon ageing processes is a vital area of research, with ultimately immense application to the community as a whole.

The purpose of the gala dinner was to fund greater research into what Sir Edward wanted us to do more work on. It was a great pleasure to be there, and I commend the organisers of the event for such a fabulous dinner.

The ACTING SPEAKER (Mr Seitz) — Order!
The member for Frankston has 39 seconds.

Climate change: federal policy

Dr HARKNESS (Frankston) — The Bracks government is steadfastly tackling climate change and increasing water supplies with strong and sensible

solutions based on expert advice and detailed design work. However, John Howard has been asleep on climate change. He has attempted to address his 11 years of inaction on climate change by saying he would introduce an emissions trading scheme, but he has refused to set a date. He has also refused to sign the Kyoto protocol on climate change. The good news, however, is that federal Labor has strong and detailed plans on climate change, including ratifying the Kyoto protocol, setting up a national emissions trading scheme, cutting Australia's greenhouse gas emissions by 60 per cent on 2000 levels for 2050, and setting up the \$500 million national clean coal fund.

The ACTING SPEAKER (Mr Seitz) — Order!
The member's time has expired, and the time for making statements has now ended.

ROYAL CHILDREN'S HOSPITAL LAND BILL

Statement of compatibility

Mr THWAITES (Minister for Water, Environment and Climate Change) 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 Royal Children's Hospital (Land) Bill.

In my opinion, the bill, as introduced in 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 bill

The bill will:

remove the permanent reservation on the proposed site of the new Royal Children's Hospital in Royal Park to facilitate development of the new hospital;

ensure that the project does not result in any net reduction in the size of Royal Park, by limiting the size of the new hospital and requiring the return to parkland of the surplus construction site land and the site of the old hospital; and

allow the committee of management of the new hospital to enter into a lease or a licence over the new site for a period up to 30 years.

Human rights issues

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

The right to freedom of movement is relevant to the bill. This right is protected by section 12 of the charter. 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 right's broad focus is to protect against arbitrary restrictions on people's ability to move freely. A particular aspect of the right is protection of people's ability to choose their own route when exercising their right to move freely within the state. The bill will touch upon this aspect of the right.

Presently, all of the open areas of Royal Park are available to people to choose as part of their route when moving freely within Victoria. The new hospital site is part of that area. People are presently free to pass through the site, as with any other area of the park.

When the bill removes the new hospital site from Royal Park, people will no longer have the Crown's implied permission to enter and pass through the site. People will need to choose alternative routes, such as walking around, rather than through, the new hospital site. This consequence can be perceived as a limitation on the right to freedom of movement protected by section 12 of the charter.

Section 20 of the charter, which protects against deprivation of property other than according to law, also requires consideration in the context of this bill. This is because clauses 5 and 10 of the bill remove reservations over land associated with the project. 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:

there are no leases or other proprietary interests in the land affected by clause 5 (being land currently forming part of Royal Park and set aside for the new hospital site); and

although there will be some leases (or similar interests) over the land affected by clause 10, the bill makes it clear that the status of those leases (and similar interests) is not affected by clause 10. The leases referred to include those already in place over the old hospital site, and any short-term construction leases created over the new hospital site during the construction phase.

For these reasons, it is not expected that this bill will deprive any person of property. 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)

To the extent that the right to freedom of movement will be limited, I consider that the limitation will be reasonable, in accordance with section 7(2) of the charter. I provide the following reasons for this view.

(a) the nature of the right being limited

The right to freedom of movement is a fundamental human right which protects against restrictions on people's ability to move freely within the state. The right is not an absolute right at international law, and under the charter may be subject to such reasonable limitations as are demonstrably justified in a free and democratic society.

(b) the importance of the purpose of the limitation

The aspect of the bill which will limit freedom of movement is the excision of the new hospital's construction site from Royal Park. The purpose of this aspect of the bill is to enable construction of the new hospital to proceed and for the land to be dealt with in a manner which reflects its status as the site for a hospital. The new hospital will provide world-class medical facilities to the children of Victoria in a central, easily accessible and peaceful location. This objective will serve all Victorians by providing them with access to outstanding paediatric medical services for many years to come. It is of high importance.

Further, the excision of the new hospital's construction site from Royal Park will protect the safety of the public by effectively revoking the Crown's implied permission for the public to enter the construction site. The purpose of doing so is to allow construction to occur, and to occur safely, without endangering members of the public who enjoy Royal Park. This purpose is also of high importance.

(c) the nature and extent of the limitation

The limitation resulting from this bill will only affect people insofar as they will no longer be able to move freely through the construction site for the new hospital. They will still be able to move freely elsewhere, including around the perimeters of the construction site and throughout the balance of Royal Park. All other aspects of the right to freedom of movement — including Victorians' rights to freely enter and leave the state, to choose where to live, and to move around the state — will remain unaffected. Having regard to the overall breadth and nature of the right to freedom of movement, the extent of the limitation is considered to be relatively negligible.

(d) the relationship between the limitation and its purpose

The excision from Royal Park is necessary because it would be dangerous, if not impossible, to construct the new hospital on the proposed site while simultaneously preserving the site's existing status as public park. Excision of the construction site from Royal Park is a proportionate legislative response to the objective of constructing a new hospital because it would, put simply, be impossible to construct the hospital without doing so. Accordingly, the resulting limitation on the right to freedom of movement is also a proportionate outcome given the purpose of the excision, namely to allow for the safe construction of the hospital.

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

There are no less restrictive means available to achieve the purpose of facilitating the development of the new hospital.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it will not limit the property rights protected by section 20, and, although it

will limit the right to freedom of movement, the limitation is reasonable.

JOHN THWAITES, MP

Minister for Water, Environment and Climate Change

Second reading

Mr THWAITES (Minister for Water, Environment and Climate Change) — I move:

That this bill be now read a second time.

The purpose of this bill is to enable the development of the new Royal Children's Hospital on Crown land in Parkville.

The Royal Children's Hospital is a world-class paediatric hospital. However, the current design of the hospital is no longer consistent with this status. To preserve the hospital's outstanding reputation into the future, and to better support modern approaches to the provision of high quality medical care and leading research, the government believes it is now time for the Royal Children's Hospital to be rebuilt.

To realise this vision, in May 2005 the Victorian Premier and the Minister for Health announced that a new Royal Children's Hospital will be built for the children of Victoria. The new hospital will be more spacious, with more single rooms, neonatal cots and operating theatres. It will be able to treat 35 000 more patients every year and will have:

improved accommodation and other facilities for parents and siblings;

more play areas, better park access and expanded child care;

new facilities for mental health, rehabilitation and research; and

more shops, cafes and other amenities for staff, patients and other campus users.

The \$850 million facility will be delivered under the government's Partnerships Victoria policy, using the skills and abilities of the private sector to design, build, finance and maintain the hospital. Management of the hospital and provision of all clinical services will continue to be the responsibility of the state.

This bill will allow the new hospital to be developed on Crown land immediately to the west of the existing hospital. A majority of the new site presently forms part of Royal Park. The bill will facilitate the development

by removing part of the Royal Park permanent reservation, as it relates to the new site.

The site was chosen after a rigorous examination of alternative site options. A range of factors were considered, including the size, cost, access, construction impacts and community feedback. This process took almost a year and involved extensive consultation with hospital staff, families and the community. Ultimately, the chosen site was selected as the one that best meets the needs of sick children and their families.

The new hospital will continue to be surrounded by parkland, which provides one of the most powerful forces in lifting a child's morale and helping them feel better. It will also remain within the Parkville medical precinct, which means the new hospital will be surrounded by Victoria's latest medical research and technology, giving our kids the best possible treatment. The Parkville location also ensures that the new hospital will continue to enjoy good accessibility by public transport and road for all users of the hospital.

The removal of the permanent reservation will affect only the land required for the development of the new hospital. The land will include an area to accommodate the final hospital site as well as areas to accommodate construction site activities, equipment and offices, as well as a safety buffer to protect the public from those activities.

The government is committed to minimising the impact of this development on Royal Park. For this reason, the bill includes a framework to ensure that the final size of the development is contained to protect against any net reduction in the size of Royal Park. When the old hospital is demolished and the final boundaries of the new hospital site are settled, a range of deeming provisions in the bill will be triggered. The provisions will:

limit the size of the new hospital to less than 4.1 hectares, which is less than the size of the old hospital;

return project land not forming part of the final hospital site (such as the land used for construction site purposes) to Royal Park, by permanently reserving it for public park purposes;

add all of the land cleared by demolition of the old hospital buildings to Royal Park by permanently reserving it for public park purposes; and

temporarily reserve the new hospital site for hospital purposes under the Crown Land (Reserves) Act

