



## Mick Gentleman MLA

MINISTER FOR PLANNING  
MINISTER FOR ROADS AND PARKING  
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS  
MINISTER FOR CHILDREN AND YOUNG PEOPLE  
MINISTER FOR AGEING

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MEMBER FOR BRINDABELLA

Mr Tom Duncan  
Clerk  
Legislative Assembly for the Australian Capital Territory  
London Circuit  
CANBERRA ACT 2601

Dear Mr Duncan

*Tom*

Thank you for your letter of 5 May 2015 about E-petition No. 3-15 lodged by Mr Coe, MLA on behalf of 166 Australian Capital Territory residents.

I understand the petition brings to the attention of the Assembly that Giralang has been without local shops for a decade, and that the petitioners request the Assembly to express their support for the completion, without further delay, of the full approved development of the shops currently under construction. Further, they call upon the Assembly to enact legislation, if necessary, to limit further legal appeal by those opposing the development.

The redevelopment of Giralang shops is currently subject to judicial review in the ACT Court of Appeal.

This matter has been the subject of an ongoing and drawn out appeal since its approval during 2011. Initially the matter was appealed in the ACT Supreme Court, then in the ACT Court of Appeal, and eventually in the High Court.

On 10 December 2014, the High Court ordered that the matter be remitted to the ACT Court of Appeal for further hearing on limited grounds.

The submissions which the parties will make at the re-hearing by the Court of Appeal are now limited to a narrow point of providing the Court with an update in relation to the cases since 2013, relied upon by each of the parties.

Parties to the matter already made written submissions, and the matter is now listed for one day of hearing on 30 July 2015.

### ACT LEGISLATIVE ASSEMBLY

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I expect that the re-hearing by the Court of Appeal will bring final resolution to this long-standing matter.

In its submissions, the ACT Government has made all possible efforts to emphasise the significant delays caused by the legal action, and the resultant impacts on the Giralang community.

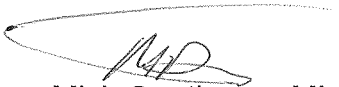
When Minister Corbell used his call-in powers on 17 August 2011 to approve the redevelopment of Giralang shops, the ACT Government already showed its support for the development.

It is open to the Assembly to "express their support for the completion, without further delay, of the full approved development of the shops currently under construction" as suggested in the petition. However, the timing of the decision of the Court of Appeal, after its hearing of the matter on 30 July 2015, is fundamentally in the hands of the Court.

Limitations on third party appeal rights are already in place in the ACT, and would not have prevented a judicial review appeal of this matter in the ACT Supreme Court, the ACT Court of Appeal, or the High Court. Judicial review of matters before the High Court is simply beyond the statutory jurisdiction of the Assembly.

I appreciate and welcome Mr Coe's openness to resolve this matter by other legislative means should the current legal process continue for an unreasonable timeframe. I will consider other available legislative avenues should this matter not be resolved through the upcoming decision of the Court of Appeal.

Yours sincerely



Mick Gentleman MLA  
Minister for Planning

23<sup>rd</sup> July 2015