

Legislative Assembly for the Australian Capital Territory



Standing Committee on Justice and Community Safety

**(incorporating the duties of a
Scrutiny of Bills and Subordinate
Legislation Committee)**

**The electronic version of this report does not contain attachments,
these can be obtained from the committee office**

SCRUTINY REPORT NO. 7 OF 2000

23 May 2000

Terms of reference

- (1) A Standing Committee on Justice and Community Safety be appointed (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee).
- (2) The Committee will consider whether:
 - (a) any instruments of a legislative nature which are subject to disallowance and or disapproval by the Assembly (including a regulation, rule or by-law) made under an Act:
 - (i) meet the objectives of the Act under which it is made;
 - (ii) unduly trespass on rights previously established by law;
 - (iii) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or
 - (iv) contain matter which should properly be dealt with in an Act of the Legislative Assembly.
 - (b) the explanatory statement meets the technical or stylistic standards expected by the Committee.
 - (c) clauses of bills introduced in the Assembly:
 - (i) do not unduly trespass on personal rights and liberties;
 - (ii) do not make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;
 - (iii) do not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;
 - (iv) inappropriately delegate legislative powers; or
 - (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.
 - (d) the explanatory memorandum meets the technical or stylistic standards expected by the Committee.
- (3) The Committee shall consist of four members.
- (4) If the Assembly is not sitting when the Committee is ready to report on Bills and subordinate legislation, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation.
- (5) The Committee be provided with the necessary additional staff, facilities and resources.
- (6) The foregoing provisions of the resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Members of the Committee

Mr Paul Osborne, MLA (Chair)
Mr John Hargreaves, MLA (Deputy Chair)
Mr Trevor Kaine, MLA
Mr Harold Hird, MLA

Legal Adviser: Mr Peter Bayne
Acting Secretary: Mr Mark McRae
(Scrutiny of Bills and Subordinate
Legislation Committee)
Assistant Secretary: Ms Celia Harsdorf
(Scrutiny of Bills and Subordinate
Legislation Committee)

Role of the Committee

The Committee examines all Bills and subordinate legislation presented to the Assembly. It does not make any comments on the policy aspects of the legislation. The Committee's terms of reference contain principles of scrutiny that enable it to operate in the best traditions of totally non-partisan, non-political technical scrutiny of legislation. These traditions have been adopted, without exception, by all scrutiny committees in Australia. Non-partisan, non-policy scrutiny allows the Committee to help the Assembly pass into law Acts and subordinate legislation which comply with the ideals set out in its terms of reference.

BILLS

Bills - No Comment

The Committee has examined the following Bills and offers no comments on them.

Financial Relations Agreement Consequential Amendments Bill 2000

This is a Bill for an Act to amend the *Duties Act 1999*, the *Financial Institutions Duty Act 1987*, and the *Payroll Tax Act 1987* in consequence of the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations.

The Committee commends the high quality of the Explanatory Memorandum.

Gambling Legislation (GST) Amendment Bill 2000

This is a Bill for an Act to amend the *Bookmakers Act 1985* and the *Gaming Machine Act 1987* to accommodate the introduction of the GST.

Magistrates Court Amendment Bill 2000

This Bill would amend the *Magistrates Court Act 1930* in respect of the jurisdiction of that court to make restraining orders under Part 10. Section 197 empowers the court to make such orders. The Bill would enable an employer of an aggrieved person to apply for an order but the court could not proceed with the application unless it were satisfied that the aggrieved person consented to the making of the application.

Occupational Health and Safety Amendment Bill 2000 (No 2)

This Bill would amend the *Occupational Health and Safety Act 1989* to the effect of establishing the position of Occupational Health and Safety Commissioner as a corporation sole. The Executive would appoint the Commissioner for a term of not more than 7 years. There are provisions to ensure the independence of the Commissioner, but the Minister may give to the person written directions about the performance of her or his functions, either generally or in relation to a particular issue.

Public Health Amendment Bill 2000

This Bill would amend the *Public Health Act 1997* to introduce a scheme whereby persons may apply to be registered to carry on a registrable public health risk activity. Registration may be denied in only limited circumstances. There is provision for review of decisions that affect applicants for registration, and in respect of cancellation of registration. The Minister may declare which public health activities may be registered. The Bill would make other amendments of a technical nature.



Rates and Land Tax Amendment Bill 2000

This Bill would amend the *Rates and Land Tax Act 1926* to state in the law the basis upon which the Commissioner will apportion the value of a residence where it is one of a number of residences on land the subject of a single title.

Rates and Land Tax Amendment Bill 2000 (No 2)

This Bill would amend the *Rates and Land Tax Act 1926* to adjust the fixed charge and rating factors for general rates for the 2000-01 rating year.

Spent Convictions Bill 2000

This is a Bill for an Act to create a spent convictions scheme that would permit certain convictions to be disregarded in appropriate circumstances after a period of time has elapsed.

Subsidies (Liquor and Diesel) Repeal Bill 2000

This Bill would repeal the *Subsidies (Liquor and Diesel) Act 1998*. It is a step consequential upon the making of the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations.

Transplantation and Anatomy Amendment Bill 2000

This Bill would amend the *Transplantation and Anatomy Act 1978* to enable the blood to be donated by persons 16 years and older without their needing to obtain parental permission.

Bills - Comment

The Committee has examined the following Bills and offers these comments on them.

Artificial Conception Amendment Bill 2000

This Bill would amend the *Artificial Conception Act 1985* to insert in it a new Part 3. The provisions of this Part would enable a person, or a couple of persons being a man and a woman, to apply to the Supreme Court for a parentage order in respect of a child. (In the Bill, these persons are referred to as 'substitute parents'.) The relevant child must be one in respect of whom the applicants for the order had, in a substitute parent agreement made under the *Substitute Parent Agreements Act 1994*, indicated an intention to become the parents by means of a parentage order. (The relevant agreement must not, however, be a commercial substitute parent agreement.) In addition, either (or both) the man must be the child's genetic father, or the woman the child's genetic mother. An application must be made within 6 months of the birth of the child, but not within 6 weeks of the birth. The Supreme Court must make the parentage order if satisfied of a number of matters. The Bill also contains provisions concerning the names of a child the subject of an order, and in relation to the property and other entitlements of the child. The general effect is that the child becomes in law the child of the substitute parents. The

Bill also contains provisions concerning access by the child and by other persons to information concerning the making of the order.

Paragraph 2 (c) (i) - undue trespass on personal rights and liberties

The *Substitute Parent Agreements Act 1994* defines “substitute parent agreement” to mean “a contract, agreement, arrangement or understanding under which -

- (a) a person agrees to become, or to attempt to become, pregnant and that a child born as a result of the pregnancy is to be taken to be (whether by adoption, agreement or otherwise) the child of another person; or
- (b) a person who is pregnant agrees that a child born as a result of the pregnancy is to be taken to be (whether by adoption, agreement or otherwise) the child of another person”.

The Act makes it unlawful for persons to enter into the narrower category of “commercial substitute parent agreement” (section 5), but it only makes other kinds of substitute parent agreements void (section 9). This means that they may be entered into, and this has occurred in the Territory.

That Act made no provision concerning the parentage of a child born as a result of the pregnancy. It also made no attempt to distinguish between various ways in which the woman might become pregnant.

The *Artificial Conception Act 1985* regulates the cases where a married woman has, with the consent of her husband, undergone a procedure as a result of which she has become pregnant. The relevant procedures are artificial insemination, or the planting in the uterus of the woman of an embryo that has been fertilised outside her body. In such cases, the husband shall be conclusively presumed to be the father of any child born as a result of the pregnancy, and, if any of the semen used in the procedure was produced by some other man, that man shall be conclusively presumed **not** to be the father of any child. Likewise, the woman shall be conclusively presumed to be the mother of the child, and, if the ovum used in the procedure was produced by some other woman, that woman shall be conclusively presumed **not** to be the mother of any child.

Where the procedure is carried out in respect of a woman who is not married, or in respect of a married woman otherwise than with the consent of her husband, any man who produced semen used in the procedure shall be conclusively presumed **not** to be the father of the child.

It is fair to say that the law as it is now does not prohibit non-commercial (or ‘altruistic’) surrogacy arrangements, but that its failure to deal explicitly with the parentage of a child discourages the practice.

Should the other person or persons (the commissioning parent(s)) to a surrogacy arrangement wish to obtain some legal rights in respect of the child, he, she or they might seek to either adopt the child through the usual procedures, or, to seek a parenting order under the *Family Law Act 1975* (Commonwealth).

The purpose of this Bill is to provide another and perhaps more complete means for the commissioning parents to become the parents of the child, and for the child to become the child of those parents.

We will discuss the rights aspects of the Bill on the assumption that it is aimed primarily at accommodating the situation in which the substitute parent agreement envisages gestational surrogacy. That is, where the commissioning parents produce an embryo that is transferred to the ovum of the woman who becomes pregnant, and where it is intended that the child will live as the child of the commissioning parents.

It is usually recognised that the commissioning mother is not the only ‘biological mother’.

The once simple concept of mother has been changed by the new artificial reproduction techniques. In vitro fertilisation separates the process of producing eggs from the act of gestation. Two different women to make a biological contribution to the creation of a new life. The woman who provides the eggs (the egg donor) should properly be called the genetic mother (a biological mother). The woman who contributes her womb during gestation should be called the gestational mother (or surrogate mother). She also is a biological mother: K Schultz, "Assisted reproduction and Parent-Infant Bonding", in D Evans, (ed) *Creating the Child* (1996) 229 at 234-5.

But even recognising this, there are two opposing sorts arguments that are brought to bear on the question of which woman should be regarded, as a starting point, as the 'mother'. In the words of Schultz (ibid at 235):

The ethical question raised by the separation of the biological contribution to motherhood into genetic and gestational components is: Who has the weightiest moral claim to the baby after its birth in case of dispute, the genetic or the gestational mother'?

The question may be answered in two different ways.

According to the first answer, the gestating woman (the surrogate mother) is the primary mother because the criterion is gestation. This position is adopted by George Annas and Elias, who have argued on the basis of "the greater biological and psychological investment of the gestational mother in the child". A related reason is

the biological reality that the mother at this point has contributed more to the child's development, and that she will of necessity be present at birth and immediately thereafter to care for the child.

The related reason focuses on the interests of the child and also focuses on the importance of parent infant bonding in this sensitive period.

Schultz refers to a book by G Annas, in which he said:

The current legal presumption that the gestational (birth) mother is the legal mother should remain. This gives the child and society certainty of identification at the time of birth (a protection for both mother and child), and also recognizes the biological fact that the gestational mother has contributed more of herself to the child than the genetic mother, and therefore has a greater biological investment and interest in it. If any agreements regarding transfer, relinquishing of parental rights, or adoption are to be made, they should be made only by the gestational mother, and only after she has had a reasonable time after the birth to consider all her and her child's options: G J Annas, *Judging Medicine*(1988) 62.

Schultz characterises the opposing arguments in this way:

In the second answer, the genetic contribution is viewed as determinative for motherhood, and the woman who makes the genetic contribution is the primary

mother. There are two moral reasons that could be invoked in support of this position. The first stems from the notion that people 'own' their own genetic products, and it reflects the desire of each individual to have genetically related children. The second reason for assigning greater weight to the genetic contribution is a concern for the child. It is said to be in children's best interests to be reared by parents to whom they are genetically related.

A third moral reason supportive of the legal recognition of gestational surrogacy is that the intent of the commissioning couple may make them better parents. M Schultz has argued that "because parenting involves long-term and multi-faceted commitment, personal intention seems a desirable basis for selecting between two biological claimants who are arguably equally situated": M Schulz, quoted in L B Andrew, "Beyond Doctrinal Boundaries: A Legal Framework for Surrogate Motherhood" (1995) 81 Virginia Law Rev 2343 at 2368.

Some writers deny that the two claimant mothers "arguably equally situated". Hill argues that no one but the intended parents stands in the relationship with the child of being the *but for* cause of the child's existence": J L Hill, "What Does it Mean to be a 'Parent' The Claims of Biology as the Basis for Parental Rights" (1991) 66 NYU Law Rev 353 at 415.

Some of the more specific concerns that have been raised go the to question of the role of legal regulation before the recipient woman becomes pregnant, and some to the question of what happens before birth takes place. But some concerns relate to the interests of both this woman and the child after birth. In the list that follows, see 5, 6 and 7.

This extract is from C Di Renzo et al, "Control of Human Reproduction", in D Evans, (ed) *Creating the Child* (1996) 29 at 38-39:

This separation of gestational from genetic maternity is obviously a conceptual acquisition that is going to weigh on human aspects of maternity as the figure of the wet-nurse did in the past times May be it will be resolved in time with the creation of an artificial biotechnological uterus (not yet at all advanced stage of design) as the wet-nurse was replaced by bottle-feeding, inconceivable in the first twenty years of this century.

However, the surrogacy procedure, although easy to perform from a clinical standpoint, may produce some important effects on both contractors and offspring. These may, for instance, be psychological. Particular issues that may arise include the following.

1. Health screening, of all appropriate sort, of both recipient and couple. In the latter case the screening may be comprehensive, including genetic screening.
2. Concerns of the couple about the self-care and the habits of the surrogate during pregnancy - for instance, smoking, use of alcohol, and substance abuse (with its attendant risk of transmission of infections). In fact, the surrogate mother might be less concerned about the welfare of the child than a pregnant woman who will go on to rear her own child.
3. Concerns about the surrogate generally, as a pregnant woman and particularly, as the recipient of a pre-embryo (making it necessary to test the gamete providers for

infections that could be transmittable to the gestational mother through the pre-embryo).

4. The nature of the consent obtained, which must be voluntary and informed.
5. The involvement of the gestational mother in the family relationship (the couple's relationship) when she is a friend or relative.
6. The fear of any bonding between the gestational mother and the foetus, and concerns about any decision to keep the child.
7. The child's right to know the identity of the gestational mother, which raises the issue of the child's own identity.

Since this Bill, if it becomes law, will facilitate surrogacy, the question whether it should be passed does implicate the debate about the desirability of such laws. But this is too wide an issue to be canvassed here. Rather, the particular question is whether the procedure that would be put in place is an undue trespass on the rights of any persons.

What the law aims to do is to provide another answer to the question – with whom should the child born as a consequence of a surrogacy arrangement live?

The discussion above is designed to pose some of the competing ethical and rights issues involved in the consideration by the Assembly as to whether it accepts that the answer given by the Bill is appropriate.

We suggest that attention be paid in particular to the list of matters in respect of which the Supreme Court must be satisfied before it makes a parentage order. We draw attention to these matters in particular.

- The Supreme Court must be satisfied that the parentage order is in the best interests and welfare of the child.
- The Court must be satisfied that both birth parents – that is, the birth mother and any man who is the birth husband – “freely, and with full understanding of what is involved, agree to the making of the order” (paragraph 11(1)(e) of the proposed new provisions of the Act).
- The Court must be satisfied that no unauthorised payment in respect of the arrangement has passed between the commissioning parents and the birth parents.

The Committee raises a query here. Given that the order must be in the best interests of the child, is there a point to prohibiting the making of the parentage order if there has been an unauthorised payment? Does this undervalue the interests of the child? Would not the relevant penalty provisions of the *Substitute Parent Agreements Act 1994* be a sufficient remedy?

- The Committee notes that the application of paragraph 11(1)(e) – concerning the consent of the birth parent(s) – may be displaced where these persons are dead or incapacitated, or cannot be contacted.

Again, given that the Supreme Court cannot make an order unless it is satisfied that it is in the best interests of the child, is there a point to adding qualifications in addition to proof that these persons are dead or incapacitated, or cannot be contacted? Do the provisions of subsection 11(2) undervalue the interests of the child?

Smoking Products Legislation Amendment Bill 2000

This Bill would amend the *Tobacco Act 1927* and the *Smoke-free Areas (Enclosed Public Places) Act 1994* in order, primarily, to regulate the sale and use of herbal cigarettes in the same way as tobacco smoking products. The Bill also makes a number of amendments of a technical nature to both Acts.

Paragraph 2 (c) (i) - undue trespass on personal rights and liberties

The definition of “smoke” in the *Smoke-free Areas (Enclosed Public Places) Act 1994* would be broadened (see clause 16 of the Bill) to encompass a situation where a person holds or has control over an ignited substance while it is ignited. A relevant substance is one prepared for human consumption, including a substance containing a drug or tobacco, a herb or other plant matter.

This is a very broad definition and may catch persons who have no intention to inhale or puff the smoke of the ignited substance. The person may be attempting to remove the ignited substance. It is to be noted that by subsection 13(1) of the *Smoke-free Areas (Enclosed Public Places) Act 1994*, it is an offence to smoke in an enclosed public place if smoking in that place is prohibited. If this definition is retained, there is a case to amend any relevant offence provisions to permit of a “reasonable excuse” defence.

Subordinate Legislation - No Comment

The Committee has examined the following items of subordinate legislation and offers no comment on them.

Subordinate Law 2000 No 18 being the Environment Protection Regulations Amendment made under the *Environment Protection Act 1997* amends the Principal Regulations by amending regulation 3; repealing Regulation 15 and inserting a new regulation and Division 1A – Controlled pollutants; inserting a new Division 4 – Transport of controlled waste; inserting new division 1A – Interpretation; and amending regulations 25, 27, 31 and 32 and Schedule 2.

Determination No. 107 of 2000 made under section 165 of the *Environment Protection Act 1997* determines fees payable for the purposes of the Act.

Determination No. 108 of 2000 made under section 22 of the *Electoral Act 1992* appoints a prescribed person as the Electoral Commissioner for a period of 5 years commencing on 1 April 2000.

Determination No. 109 of 2000 made under section 4 of the *Public Place Names Act 1989* determines the names of certain public places in the Division of Ngunnawal.

Determination No. 110 of 2000 made under paragraph 7 (1) (a) of the *Health Professions Boards (Procedures) Act 1981* and subsection 6 (2) of the *Pharmacy Act 1931* appoints a specified person to be a member of the Pharmacy Board of the ACT for a period of twelve months commencing 13 April 2000.

Determination No. 111 of 2000 made under subsection 8 (2) of the *Radiation Act 1983* appoints a specified person to be a member of the Radiation Council for a period of three years coming 13 April 2000.

Determination No. 115 of 2000 made under subsection 115 (1) of the *Road Transport (General) Act 1999* revokes Determination No. 302 of 1999 made under the *Motor Traffic Act 1936* and determines the maximum taxi fares payable, including provision for the toll at the Canberra International Airport as set out in the Schedule.

Determination No. 116 of 2000 made under section 78 of the *Water Resources Act 1998* revokes determination No. 204 of 1999 and determines fees payable for a water allocation in relation to certain licences which may be granted under the Act.

Determination No. 117 of 2000 made under section 4 of the *Public Place Names Act 1989* revokes a street name and determines two new street names in its stead in the

Division of Greenway.

Determination No. 118 of 2000 made under paragraph 75 (1) (b) of the *Tenancy Tribunal Act 1994* is a variation to the Commercial and Retail Leases code of Practice.

Public Sector Management Standard No. 1 of 2000 made under section 251 of the *Public Sector Management Act 1994* amends Public Sector Management Standard No. 1 of 1994 to provide the authority for a Chief Executive to require an officer to furnish a medical report as set out in Schedules A and B to the Instrument.

Public Sector Management Standard No. 4 of 2000 made under section 251 of the *Public Sector Management Act 1994* amends Public Sector Management Standard No. 1 of 1994 to clarify that any registered First Aid training provider may award certificates for the purposes of attracting First Aid allowance as set out in Schedules A and B to the Instrument.

Public Sector Management Standard No. 5 of 2000 made under section 251 of the *Public Sector Management Act 1994* amends Public Sector Management Standard No. 1 of 1994 to include a provision that enables the relevant Chief Executive to increase rates of salary based allowances in conjunction with relevant Agency pay increases and add maximum periods of sick leave. (This amendment was incompletely tabled as Standard 4/1999 on 29 February 2000 and ceased to have effect on 2 March 2000 pursuant to subsection 6 (6) of the *Subordinate Laws Act 1989*.)

Public Sector Management Standard No. 6 of 2000 made under section 251 of the *Public Sector Management Act 1994* amends Public Sector Management Standard No. 1 of 1994 concerning motor vehicle allowances and overtime meal allowance. (This amendment was incompletely tabled as Standard 5/1999 on 29 February 2000 and ceased to have effect on 2 March 2000 pursuant to subsection 6 (6) of the *Subordinate Laws Act 1989*.)

Subordinate Legislation - Comment

The Committee has examined the following items of subordinate legislation and offers these comments on them.

Subordinate Law 2000 No 19 being the Epidemiological Studies (Confidentiality) Regulations Amendment made under the *Epidemiological Studies (Confidentiality) Act 1992* inserts new regulation 7 which declares the scientific trial known as the *Supervised Injecting Place Trial* and a study that is part of or ancillary to the trial are declared to be studies to which the Act applies.

The Committee notes that it is not possible to evaluate this regulation in terms of the Committee's terms of reference without information concerning the trial to be known as the *Supervised Injecting Place Trial* and any study that is to be part of or ancillary to that trial.

Determination No. 112 of 2000 made under section 8 of the *National Exhibition Centre Trust Act 1976* appoints a specified person as a Member of the National Exhibition Centre Trust until 31 October 2001.

The Committee notes that the explanatory statement indicates the appointment had been approved by Cabinet and that the Standing Committee for the Chief Minister's Portfolio had been consulted in accordance with section 4 of the *Statutory Appointments Act 1994*. The Committee points out that as from 25 November 1999 the Standing Committee for the Chief Minister's Portfolio became the Standing Committee on Finance and Public Administration (incorporating the Public Accounts Committee).

Determination No. 114 of 2000 made under subsection 55 (1) of the *Betting (ACTTAB Limited) Act 1964* amends the rules of betting in relation to totalisator bets.

Missing Explanatory Statement

Unfortunately, there was no Explanatory Statement attached to this instrument.

Determination No. 113 of 2000 made under subregulation 20 (2) of the Road Transport (Offences) Regulations declares the period Thursday 20 April 2000 to the last moment of Tuesday 25 April 2000 (inclusive) as a holiday period.

Under which Act is the instrument made?

This instrument is a declaration of a declared holiday period made under the Road Transport (Offences) Regulations, however it would be helpful if future instruments could indicate under which Act these regulations are made, although the Committee notes this information is given in the explanatory statement.

INTERSTATE AGREEMENTS

The Committee notes the letter from the Chief Minister in relation to the requirements of the *Administration (Interstate Agreements) Act 1997*. It welcomes her advice that officers will be made aware of the need to comply with this legislation. Concerning the Subsidies (Liquor and Diesel) Repeal Bill 2000, we are concerned that the requirements of the Act may not have been complied with in relation to this Committee.

The Committee notes the Treasurer's response to its comments on the Cooperatives Bill 2000 in Report No. 5 of 2000. The Treasurer said that there is no formal interstate agreement in place on the development in relation to cooperative legislation. He went on to note, however, that the Standing Committee of Attorneys-General resolved at its July 1996 meeting that each jurisdiction would reform its cooperatives legislation by adopting a set of core consistent provisions. The Committee is concerned that the drawing of a distinction between a formal agreement and what appears to have been an agreement in the Standing Committee will undermine the intention of the *Administration (Interstate Agreements) Act 1997*. In this case, however, we note that the relevant agreement preceded the coming into effect of the Act.

GOVERNMENT RESPONSES

The Committee has received responses in relation to comments made concerning:

- Subordinate Law No. 6 of 2000 – Road Transport (Third-Party Insurance) Regulations 2000 made under the *Road Transport (General) Act 1999* (Report No. 5 of 2000).
- Subordinate Law No. 8 of 2000 – Road Transport (Alcohol and Drugs) Regulations 2000 made under the *Road Transport (Alcohol and Drugs) Act 1999* (Report No. 5 of 2000).
- Determination No. 73 of 2000 made under the *Road Transport (General) Act 1999* (Report No. 5 of 2000).
- Cooperatives Bill 2000 (Report No. 5 of 2000).

Copies of the responses are attached.

The Committee thanks the Treasurer and the Minister for Urban Services for their helpful responses.

Paul Osborne, MLA
Chair

May 2000