

This will include the establishment of access arrangements which will be required under the Victorian Gas Access Code to be submitted by each owner and operator of a covered pipeline (including GTC, GTSO and each of the gas distribution companies) for regulatory approval. The access arrangements will include the terms and conditions under which the pipeline owner or operator must make available services to users or prospective users of the relevant pipeline. The ACCC will be the regulator for the purposes of approving GTC's and GTSO's access arrangements and the Victorian Office of the Regulator-General will be the regulator for the purposes of approving the gas distribution companies' access arrangements.

The terms of the Victorian Gas Access Code will be based on and consistent with the terms of the draft National Access Code, the latter which is anticipated will come into effect during the first half of 1998. In order to meet Victoria's reform timetable, the State has decided to introduce this interim regime. The Victorian Access Code will be given legal effect by amendments to the Gas Industry Act 1994 (Vic).

Privatisation of distribution and retail businesses

The proposed privatisation of the three "stapled" gas distribution and retail businesses is intended to commence in 1998, subject to market conditions.

Privatisation of transmission

The proposed privatisation of GTC is also intended to occur in 1998 again, subject to market conditions.

ESSO AUSTRALIA RESOURCES LTD V THE COMMISSIONER OF TAXATION: APPEALED*

At the annual conference of AMPLA in Brisbane the first instance decision of Sundberg J in the above case was the subject of a paper by Richard Shemesian. At the time of giving the paper it was reported that neither Esso or the Commissioner had appealed the decision of Sundberg J which was viewed with some concern due to the potential impact of the decision on the resources industry.

It can now be reported that both Esso and the Commissioner have lodged appeals to the Full Federal Court in relation to Sundberg J's decision of 12 May 1997. The Commissioner has appealed His Honour's judgement on the one ground for which he found for Esso and Esso have appealed the judgement on each of the four substantive matters upon which His Honour found for the Commissioner. The appeal is expected to be heard in October or November 1997.

* Peter Dinnick, Esso Australia Ltd, Melbourne.