

AUSTRALIA / JUDGMENT

Re George Chistopher Pini [1987] ATPT 2

COURT
IN THE TRADE PRACTICES TRIBUNAL)

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CATCHWORDS

Trade Practices ~ Trade Practices Act 1974 - Application for review of determination of the Trade Practices Commission - Interest of applicant for purpose of bringing application for review.

Trade Practices Act 1974 - s. 101.

GEORGE CHRISTOPHER PINI

RE: Application for Review of Determinations made by the Trade Practices Commission on 31 August 1987.

Nos. NSW 2, 3 & 4 of 1987

LOCKHART J., Dr. B.I. Aldrich, Mr, A.C. Fitzgerald

6 November 1987

Sydney

IN THE TRADE PRACTICES TRIBUNAL)

RE:

RE: LOCKHART Jd. (President)
DR. B.I. ALDRICH
MR. A.C. FITZGERALD
6 November 1987
ORDERS

THE TRIBUNAL
DETERMINES THAT:

- 1.
 - 2.
- Nos. NSW 2, 3 & 4 of 1987
GEORGE CHRISTOPHER PINI
Applicant
APPLICATION FOR REVIEW OF

DETERMINATIONS MADE
BY 'THE:

TRADE PRACTICES COMMISSION ON
THE 31ST DAY OF AUGUST 1987.
The application be dismissed; and
There be no order as to costs.
IN THE TRADE PRACTICES TRIBUNAL) Nos. NSW 2, 3 & 4 of 1987
RE: GEORGE CHRISTOPHER PINI
Applicant
RE: APPLICATION FOR REVIEW OF
DETERMINATIONS MADE BY THE
TRADE PRACTICES COMMISSION ON
THE 31ST DAY OF AUGUST 1987.
LOCKHART J. (President)
DR. B.I. ALDRICH
MR. A.C. FITZGERALD
6 November 1987

REASONS FOR DECISION

THE TRIBUNAL

This is an application by Mr. G.C. Pini for review of a determination of the Trade Practices Commission ("the Commission") of

31 August 1987. The Commission by that determination granted

authorisation to the following conduct of RSL Ex-Servicemens Cabs and Co-Operatives Members Limited ("RSL"), namely, the penalising or suspension from the use of radio booking facilities by RSL of its members or drivers as a result of the failure by members or drivers to display radio numbers and or decals of taxi hiring account systems which have been approved from time to time by the directors, and or

failure of those members or drivers to accept the said hiring account —

systems in satisfaction of fares for any hirings.

The authorisation was subject to certain limitations which are specified in paragraph 6.2 on page 5 of the Commission's determination, and I need not refer to it. The question has arisen

whether the applicant, Mr. Pini, has a sufficient interest in the

2.

matter for the purpose of bringing this application for review, within

the meaning of the expression "sufficient interest" in s. 101 of the

Trade Practices Act 1974 ("the Act").

There were other applicants at earlier stages of this

application. They have all withdrawn their applications, save for Mr.

Pini.

Mr. Pini has filed documents in accordance with earlier directions of the Tribunal stating, amongst other things, the interest which he asserts he has, and the grounds in support of the assertion. He has also given evidence this morning relevant to those and other

matters, and has been cross-examined on behalf of RSL.

The test of whether an applicant for review has a sufficient interest is one to be approached broadly and liberally, in accordance

with well established principles. However, having carefully

considered the evidence that has been given today, it is the view of the Tribunal that the dispute between Mr. Pini and RSL, which seems a very real and live dispute, is one that is being litigated, where indeed it ought properly to be litigated, in the District Court of New South Wales. It is unnecessary to recite the history of the matter; it is fully and carefully set out by Mr. Pini in the documents filed by him, and given in his evidence. Mr. Pini obviously feels very strongly that he has been dealt with by RSL most unjustly over a number of years, and he is endeavouring to right the wrongs which he

says have been done to him. RSL denies that any wrong has been done

to Mr. Pini.

3.

As to the merits of that contest, the Tribunal says nothing whatsoever. However, Mr. Pini, although at one stage holding taxi Plates and membership of the RSL, no longer has either of those benefits, and does not own a taxi, though he does hold a taxi driver's licence. Nor at the moment does he drive a taxi. These matters are

directly related, amongst other things, to the fact that on 14 August

1984 he had a serious car accident, which caused him physical injury.

Having carefully heard the evidence, and the submissions of Mr. Pini, although we do approach the matter on the basis of a fair and liberal interpretation of the section relating to sufficiency of interest, it is our view that Mr. Pini's dispute is truly one in the civil courts, and has nothing relevantly to do with a sufficiency of interest for the purpose of bringing an application for review under

the Act of the conduct authorised by the Commission.

Accordingly, the Tribunal finds that the application for

review must be dismissed. Order accordingly.

I certify that this and the two (2) preceding pages are a true copy of the Reasons for Decision herein of the Trade

Practices Tribunal.

Associate Wt, —

Dated: 6 November 1987

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Prepared on 28 October 2026 · Esheria