



COMMONWEALTH OF AUSTRALIA
Competition and Consumer Act 2010 (Cth)

IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No: ACT 1 of 2019
Re: Re Application for authorisation
AA1000439 lodged by Australian Energy
Council, Clean Energy Council, Smart
Energy Council and Energy Consumers
Australia in respect of the New Energy Tech
Consumer Code
Applicant: Flexigroup Limited [ACN 122 574 583]

DIRECTIONS

TRIBUNAL: Justice O'Bryan (Deputy President)
DATE OF ORDER: 7 April 2020
WHERE MADE: Melbourne

THE TRIBUNAL DIRECTS THAT:

- a. The timetable set out in paragraphs 16 to 30 of the Directions made on 4 February 2020 be varied as set out below:

Evidence

16. The Applicant is to file and serve any proposed evidence on or before Tuesday 21 April 2020.
17. The Authorisation Applicants are to file and serve any proposed evidence on or before Tuesday 5 May 2020.
18. Each intervener is to file and serve any proposed evidence on or before Tuesday 5 May 2020.
19. The Commission is to file and serve any proposed evidence on or before Tuesday 12 May 2020.
20. The Applicant is to file and serve any proposed evidence in reply on or before Tuesday 19 May 2020.

21. The Authorisation Applicants are to file and serve any proposed evidence in reply on or before Tuesday 19 May 2020.
22. The Applicant is to serve a draft Hearing Book Index listing all documents proposed to be relied upon at the hearing on or before Friday 22 May 2020.
23. The Authorisation Applicants and any intervener are to serve a list of proposed amendments to the Hearing Book Index on or before Tuesday 26 May 2020.
24. The Commission is to serve any proposed amendment to the Hearing Book Index on or before Friday 29 May 2020.
25. The Applicant must file and serve the Hearing Book (including its contents) on or before Tuesday 2 June 2020.
26. On or before Friday 22 May 2020, the parties and the Commission file an agreed document which identifies:
 - a. any witnesses to be cross-examined; and
 - b. any objection to evidence, with objections being identified with precision.

Submissions and authorities

27. On or before Friday 22 May 2020, the Applicant is to file and serve an outline of submissions with a list of authorities.
 28. On or before Friday 29 May 2020, the Authorisation Applicants are to file and serve an outline of submissions with a list of authorities.
 29. On or before Friday 29 May 2020, any intervener is to file and serve outlines of submissions with a list of authorities.
 30. On or before Friday 5 June 2020, the Commission is to file and serve any outline of submissions with any list of authorities.
- b. Subject to further directions, the Hearing Book to be filed with the Tribunal is to be in electronic form, which:
- i. is produced in a text-recognised PDF format;
 - ii. is paginated sequentially throughout;
 - iii. is divided into volumes such that each volume is a PDF file and the file name of each PDF file is the volume number; and

- iv. each PDF file contains electronic bookmarks to each document in that file.
- c. The proceeding is listed for hearing in Melbourne commencing on Tuesday 9 June 2020 with an estimate of 3 to 4 hearing days.
- d. The parties, the Commission, and any interested person have liberty to apply for further directions.



A handwritten signature in blue ink, appearing to be "N H", is written below the seal.

DEPUTY REGISTRAR
Australian Competition Tribunal