



**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: 4 June 2020  
WHERE MADE: Melbourne

**THE TRIBUNAL DIRECTS THAT:**

1. Disclosure of the documents and information listed in Part 1 of the Annexure to these directions be restricted to:
  - (a) the Australian Competition and Consumer Commission (ACCC) and the external solicitors and counsel (and their direct staff) representing the ACCC; and
  - (b) the internal and external solicitors and counsel (and their direct staff) representing each party to this proceeding (being the applicant, the applicants for authorisation and the interveners).
2. Disclosure of the documents and information listed in Part 2 of the Annexure to these directions be restricted to:
  - (a) the ACCC and the external solicitors and counsel (and their direct staff) representing the ACCC;

- (b) the internal and external solicitors and counsel (and their direct staff) representing each party to this proceeding (being the applicant, the applicants for authorisation and the interveners) other than the Consumer Law Action Centre; and
  - (c) the external counsel (and their direct staff) representing the Consumer Law Action Centre.
3. Other than the disclosure permitted by paragraphs 1 and 2, the documents and information listed in Parts 1 and 2 of the Annexure to these directions (**Confidential Information**) must not be disclosed to any other person or otherwise made public.
  4. Without the leave of the Tribunal, the Confidential Information must not be used by any person to whom it has been disclosed other than for the purposes of this proceeding.
  5. Any written submission made to the Tribunal, or other document provided to the Tribunal, that refers to or incorporates the Confidential Information must be marked to identify clearly the Confidential Information.
  6. The Confidential Information must not be referred to orally during the hearing of this proceeding (whether in oral submissions made to the Tribunal or cross-examination) unless the Tribunal has directed that the hearing of the submissions or cross-examination is to take place in private pursuant to s 106(2) of the *Competition and Consumer Act 2010* (Cth).
  7. Until further order of the Tribunal, the Confidential Information is not to appear in any transcript of the proceeding before the Tribunal other than in a confidential copy of the transcript, which shall only be made available to the persons referred to in paragraphs 1 and 2 of these Orders (as applicable).



  
DEPUTY REGISTRAR  
Australian Competition Tribunal

## ANNEXURE

### Part 1

1. The letter dated 27 May 2020 from Devizo Pty Ltd (trading as Payright) to the Tribunal in response to a notice issued by the Tribunal and sent to Devizo Pty Ltd under cover of a letter from the Australian Government Solicitor on 19 May 2020 and the annexures to that letter.
2. The emails dated 29 May 2020 and 2 June 2020 from the solicitors for Flexigroup Limited to the Australian Government Solicitor in response to a notice issued by the Tribunal and sent to Flexigroup Limited under cover of a letter from the Australian Government Solicitor on 19 May 2020 and the (unmarked) attachment to the email dated 1 June 2020.
3. The email dated 28 May 2020 from the solicitors for RateSetter Australia Re Limited to the Australian Government Solicitor in response to a notice issued by the Tribunal and sent to RateSetter Australia Re Limited under cover of a letter from the Australian Government Solicitor on 19 May 2020 and the attachment to the email.
4. The letter dated 27 May 2020 from ZipMoney Payments Pty Ltd to the Tribunal in response to a notice issued by the Tribunal and sent to ZipMoney Payments Pty Ltd under cover of a letter from the Australian Government Solicitor on 19 May 2020 and the annexure to that letter.

### Part 2

5. The letter dated 29 May 2020 from Brighte Capital Pty Ltd to the Tribunal in response to a notice issued by the Tribunal dated 26 May 2020 and the annexures to that letter.