



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: 16 June 2020
WHERE MADE: Melbourne

THE TRIBUNAL DIRECTS THAT:

1. Disclosure of the documents and information listed in Annexure A 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. Other than the disclosure permitted by paragraph 1, the documents and information listed in Annexure A to these directions (Confidential Information) must not be disclosed to any other person or otherwise made public.
3. 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.
4. 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.

5. 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).
6. 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 paragraph 1 of these Orders (as applicable).



A handwritten signature in blue ink, consisting of a stylized 'A' followed by a 'U'.

DEPUTY REGISTRAR
Australian Competition Tribunal

Annexure A

1. In Volumes 1 to 6 of the electronic Hearing Book, and Part D of Volume 7 of the electronic Hearing Book:
 - (a) documents identified as wholly confidential by a coloured pink header stating "wholly confidential"; and
 - (b) information identified as confidential by yellow highlighting in partially confidential documents

other than the submission made by flexigroup Limited on 8 November to the ACCC during its authorisation process (doc ID 1000439.001.0030) appearing at pages 3499 to 3500 in Volume 6 of the Hearing Book.