

NOTICE OF LODGMENT

AUSTRALIAN COMPETITION TRIBUNAL

This document was lodged electronically in the AUSTRALIAN COMPETITION TRIBUNAL and has been accepted for lodgment pursuant to the Practice Direction dated 3 April 2019. Filing details follow and important additional information about these are set out below.

Lodgment and Details

Document Lodged: Application for Directions

File Number: ACT1 of 2019

File Title: 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 and the determination made by the ACCC on 5 December 2019

Registry: VICTORIA – AUSTRALIAN COMPETITION TRIBUNAL



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

DEPUTY REGISTRAR

Dated: 15/05/2020 2:43 PM

Important information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Tribunal and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.



IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No: ACT 1 of 2019

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 and the determination made by the ACCC on 5 December 2019.

Applicant: Flexigroup Ltd (ACN 122 574 583)

**APPLICATION FOR DIRECTIONS
REGARDING THE PROVISION OF INFORMATION BY RATESETTER
(BY RATESETTER'S CONSENT)**

A DIRECTIONS SOUGHT

1. The Consumer Action Law Centre seeks directions from the Tribunal pursuant to r 22(1)(a) of the *Competition and Consumer Regulations 2010* (Cth) that:

At or by **noon on 19 May 2020**, RateSetter provide to each of the parties the results of a mystery shopper exercise that RateSetter conducted in June and July 2018, to compare cash prices and “interest free” prices offered by New Energy Tech merchants and installers (“**the information**”).

B BASIS FOR SEEKING THE DIRECTIONS

2. A direction may be sought for the purpose of ‘*securing... that all material facts and considerations are brought before the Tribunal by all persons participating in any proceedings before the Tribunal*’: r 22.
3. RateSetter consents to produce the information, subject to any claims that may be required for confidentiality.

Filed on behalf of (name & role of party) Consumer Action Law Centre (intervener)

Prepared by (name of person/lawyer) Ursula Noye

Law firm (if applicable) Consumer Action Law Centre

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(include state and postcode)

4. In assessing the respective public benefits to be obtained, on the one hand, from the availability of unregulated buy-now-pay-later (**BNPL**) credit for solar and new energy technology consumers, and on the other hand, by protecting those consumers from predatory or unfair practices associated with the provision of unregulated BNPL finance, it is necessary to examine any material available concerning the existence and extent of price inflation as a feature of BNPL finance in the sale of new energy technology. That is the subject matter of the information now sought.

Dated: 15 May 2020

Consumer Action Law Centre
Signed on behalf of the Consumer Action Law Centre