



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: 11 June 2020
WHERE MADE: Melbourne

THE TRIBUNAL DIRECTS THAT:

1. Disclosure of the documents and information listed in the Annexure to these directions (**Confidential Information**) 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 RateSetter Australia Re Limited;
 - (c) the external counsel (and their direct staff) representing the Consumer Law Action Centre and the following internal solicitors: Ursula Noye and Rex Punshon;
 - (d) the external counsel (and their direct staff) representing RateSetter Australia Re Limited.

2. Other than the disclosure permitted by paragraph 1, the 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.



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

DEPUTY REGISTRAR
Australian Competition Tribunal

ANNEXURE

1. Confidential Exhibit TM-5 to the Third Statement of Taras Mysak dated 8 June 2020.