



**COMMONWEALTH OF AUSTRALIA**

*Competition and Consumer Act 2010 (Cth)*

**IN THE AUSTRALIAN COMPETITION TRIBUNAL**

File No: ACT 4 of 2021  
Re: Application for Review of Authorisation AA1000542  
Determination made on 21 September 2021  
Applicant: National Association of Practising Psychiatrists

**AND**

File No: ACT 5 of 2021  
Re: RMSANZ Application for Review of Authorisation AA1000542  
Determination made on 21 September 2021  
Applicant: Rehabilitation Medicine Society of Australia and New Zealand Ltd

**DIRECTIONS**

TRIBUNAL: Justice O'Bryan (Deputy President)  
DATE: 12 May 2022  
WHERE MADE: Melbourne

**THE TRIBUNAL DIRECTS THAT:**

**Applications to intervene**

1. By 13 May 2022, the ACCC is to give written notice to all persons who made submissions to the ACCC in connection with its Authorisation Determination advising them:
  - (a) that in these proceedings, the Authorisation Applicants will contend that the Tribunal should affirm the ACCC decision to grant authorisation but vary the Authorisation such that:
    - (i) the period of Authorisation is extended from 5 to 10 years; and
    - (ii) the condition preventing Major PHIs from joining the HH Buying Group is removed in respect of medical specialist contracting; and
  - (b) that they may apply for leave to intervene in accordance with directions 2 to 4.



2. Any application for leave to intervene in these proceedings, and any material relied on in support of any application, be filed and served on or before 4.00pm on Thursday 19 May 2022.
3. Any submissions responding to an application to intervene be filed and served on or before 4.00pm on Tuesday, 24 May 2022.
4. The Tribunal will determine on the papers any application made under direction 2.

### **Evidence**

5. Directions 12 to 17 made on 10 March 2022 be vacated.
6. The Applicants are to file and serve any evidence upon which they intend to rely, or otherwise to confirm that their Applications filed on 8 October 2021 is to be taken as constituting their evidence upon which they wish to rely, on or before Monday, 16 May 2022.
7. The Authorisation Applicants and any intervener are to file and serve any evidence upon which they intend to rely on or before Monday, 6 June 2022.
8. The ACCC is to file and serve any evidence upon which it intends to rely on or before Monday, 13 June 2022.
9. The Applicants are to file and serve any evidence in reply on or before Monday, 20 June 2022.
10. The ACCC has leave to provide the Tribunal at any time up to and including Friday, 24 June 2022 details of any information that the ACCC suggests the Tribunal seek from the parties or any other person pursuant to s 102 of the *Competition and Consumer Act 2010* (Cth), with such requests to be notified to the parties.
11. On or before Friday, 24 June 2022, the parties are to file an agreed document which identifies:
  - (a) any witnesses to be cross-examined; and
  - (b) any objections to evidence, with objections being identified with precision.

### **Hearing book**

12. Directions 18 to 21 made on 10 March 2022 be vacated.
13. The ACCC is to serve a draft index for the Hearing Book listing all documents proposed to be relied upon at the hearing on or before Thursday, 23 June 2022.
14. The Applicants are to serve a list of any additional documents to be included in the Hearing Book on or before Monday, 27 June 2022.

15. The Authorisation Applicants and any intervener are to serve a list of any additional documents to be included in the Hearing Book on or before Thursday, 30 June 2022.
16. The ACCC is to file and serve a Hearing Book containing the documents referred to in directions 13, 14 and 15 by 4.00pm on Monday, 4 July 2022 which is in electronic form and:
- (a) includes a final index;
  - (b) is produced in a text-recognised PDF format;
  - (c) is paginated sequentially throughout;
  - (d) is divided into folders such that each folder comprises a single PDF file and the file name of each PDF file is the folder number;
  - (e) each folder (being a PDF file) contains electronic bookmarks to each document in that folder; and
  - (f) the file name for each document is limited to 25 characters.



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

REGISTRAR  
Australian Competition Tribunal