



# AUSTRALIAN COMPETITION TRIBUNAL

## Practice Direction No 1

### General

#### 1. Introduction

- 1.1. This Practice Direction replaces the Practice Direction issued by the Australian Competition Tribunal (**Tribunal**) on 3 April 2019.
- 1.2. All references to statutory provisions contained in this Practice Direction shall be taken to be references to provisions of the *Competition and Consumer Act 2010* (Cth) (**Act**) and the *Competition and Consumer Regulations 2010* (Cth) (**Regulations**).
- 1.3. Practitioners and parties are encouraged to contact the Tribunal if they have any queries in respect of the matters set out in this Practice Direction or in respect of the practice of the Tribunal more generally. The Tribunal can be contacted by email ([registry@competitiontribunal.gov.au](mailto:registry@competitiontribunal.gov.au)) or by telephone (1300 720 980).

#### 2. Filing Documents

- 2.1. The Tribunal maintains its files in electronic form. Wherever possible, documents should be filed with the Tribunal in native PDF (Portable Document Format), rather than scanned PDF. If it is necessary to file a document produced in scanned PDF, then it must be subjected to an Optical Character Recognition process before filing, sufficient to enable text searches of the document to be conducted.
- 2.2. All PDF documents which contain multiple underlying documents or exhibits, annexures and attachments must be bookmarked and/or hyperlinked, such that each underlying document, exhibit, annexure or attachment is able to be readily accessed.
- 2.3. A document (including a document which commences an application) may be filed with the Tribunal by:
  - (a) emailing the document to [registry@competitiontribunal.gov.au](mailto:registry@competitiontribunal.gov.au);
  - (b) lodging the document on a USB drive (or similar device) at a Registry of the Tribunal; or
  - (c) through prior arrangement with the Tribunal, uploading the document to the Tribunal's cloud storage facility.
- 2.4. The Tribunal's security firewall may cause a delay in the delivery of an email. It will also block emails with attachments of more than 35MB in size. For these reasons, if you seek to file a document by email urgently, please call the Tribunal to confirm that it has been received.

- 2.5. When a document is accepted for filing, either:
- (a) the seal of the Tribunal will be affixed to the first page of the document; or
  - (b) a cover page bearing the seal of the Tribunal will be attached to the document.

In either case, the date of filing will be endorsed on the document. In the case of a document which commences an application, this date will stand as the date on which the application for review was filed for the purposes of calculation of time.

### **3. Confidentiality**

- 3.1. Parties should assume that unless a claim of confidentiality is made, any document filed with the Tribunal will:

- (a) be added to one or more of its registers;
- (b) be uploaded to the Tribunal's website; and
- (c) be made available for download and inspection without restriction.

- 3.2. If a party wishes to make a claim of confidentiality in respect of the *whole* of a document, then the file name must commence with the words "Confidential Version", and the first page of the document must be endorsed with the words "Confidential Restriction on Publication Claimed". The document must be accompanied by a submission which sets out the basis of the claim of confidentiality.

- 3.3. If a party wishes to make a claim of confidentiality in respect of *part* of a document, then two copies of the document must be filed as follows:

- (a) A confidential version. The file name must commence with the words "Confidential Version", and the first page of the document must be endorsed with the words "Confidential Restriction on Publication Claimed". The confidential parts of the document must be highlighted.
- (b) A public version. The file name must commence with the words "Public Version". The confidential parts of the document must be redacted.

The document must be accompanied by a submission which sets out the basis of the claim of confidentiality.

- 3.4. If a claim of confidentiality is made in respect of a document, then until the claim is determined by the Tribunal, the document will be treated as confidential and will not be disclosed to any person (other than the Australian Competition and Consumer Commission (**Commission**) – see paragraph 13 below) before that request is determined. However, if a public version is provided, then it should be assumed that the public version will be uploaded to the Tribunal's website and made available for download and inspection without restriction.

- 3.5. Any request to withhold information from the Commission must also be made in writing and supported by a submission. As the Tribunal relies upon the assistance of the Commission, requests to withhold confidential information from it will be acceded to only in exceptional circumstances.

- 3.6. The Tribunal will endeavour to determine claims of confidentiality as quickly as possible. If a claim is refused, then the party making the request will be given the opportunity to withdraw the document, either in whole or in part.
- 3.7. It should be assumed that, unless good reason is shown not to do so, the Tribunal will make the following order at the initial case management hearing:

Subject to further order specifically varying the operation of this order, all orders as to confidentiality, and all claims as to confidentiality made by a party or other interested person, shall be taken to expire 5 years after the commencement of this proceeding.

**4. Initial Case Management Hearing**

- 4.1. All matters will be listed for an initial case management hearing before the President of the Tribunal. If the President of the Tribunal is unavailable, the initial case management hearing will be listed before a Deputy President.
- 4.2. At the initial case management hearing the applicant and any other interested party should be prepared to address the Tribunal on the following matters:
- (a) possible dates for any public hearing of the application;
  - (b) the expected duration of the hearing;
  - (c) the location of the hearing;
  - (d) whether any part of the hearing should be held in closed session;
  - (e) any issues of confidentiality;
  - (f) the involvement of any third parties; and
  - (g) any impediment to the determination of the application within any timeframe mandated by statute.

**Justice Michael O'Bryan**  
**President**  
**1 July 2025**