



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: 18 May 2020
WHERE MADE: Melbourne

THE TRIBUNAL DIRECTS THAT:

1. RateSetter Australia RE Limited be given leave to serve, by 25 May 2020, supplementary evidence concerning the mystery shopper exercise that RateSetter conducted in June and July 2018 comparing cash prices and “interest free” prices offered by New Energy Tech merchants and installers.
2. In relation to the information provided by the Australian Securities and Investments Commission (**ASIC**) to the Tribunal pursuant to paragraph 4(a) of the directions made by the Tribunal on 7 May 2020 (**ASIC Provided Information**):
 - (a) any person wishing to claim confidentiality over the ASIC Provided Information is to file a written submission in support of the claim by 4pm on Friday 22 May 2020;
 - (b) any party wishing to oppose the claim for confidentiality is to file a written submission in opposition by 4pm on Monday 24 May 2020; and

- (c) subject to further directions, the Tribunal will determine any such claims for confidentiality on the papers.
3. ASIC is to serve a copy of these directions on each person whose information was included in the ASIC Provided Information by 4pm on Tuesday 19 May 2020.
4. Pursuant to s 102(6) of the *Competition and Consumer Act 2010* (Cth), the Australian Competition and Consumer Commission (ACCC) is to assist the Tribunal by serving on each of:
- (a) Flexigroup Limited (ACN 122 574 583);
 - (b) Ratesetter Australia RE Limited (ACN 166 646 635)
 - (c) Brighte Capital Pty Ltd (ACN 609 165 906);
 - (d) Devizo Pty Ltd (ACN 605 753 535);
 - (e) zipMoney Payments Pty Ltd (ACN 164 440 993);
 - (f) Australian Finance Industry Association Limited (ACN 000 493 907); and
 - (g) Australian Securities and Investments Commission,

notices issued today by the Tribunal pursuant to sections 90(6)(c) and 101(2) of the *Competition and Consumer Act 2010* (Cth) and regulation 22(1)(a) of the *Competition and Consumer Regulations 2010*, and to receive, collate and serve on all parties the responses to those notices.



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

DEPUTY REGISTRAR
Australian Competition Tribunal