



# AUSTRALIAN COMPETITION TRIBUNAL

## Practice Direction No 2

### Review of Certain Decisions of the Commission

#### Div 1A of Part IX of the Competition and Consumer Act 2010 (Cth)

#### 1. Introduction

- 1.1. This Practice Direction concerns applications made to the Australian Competition Tribunal under Division 1A of Part IX of the *Competition and Consumer Act 2010* (Cth) (**Act**) by the notifying party of a notified acquisition to review a decision of the Australian Competition and Consumer Commission (**Commission**) under s 51ABZZG(7) of the Act.
- 1.2. A review under s 51ABZZG(7) is subject to a 14 day statutory timeframe (see s 100B(2)(a)). The purpose of this Practice Direction is to facilitate the efficient conduct of the review in accordance with the statutory timeframe.
- 1.3. This Practice Direction supplements:
  - (a) any requirements specified by legislative instrument made under s 100A(3) of the Act; and
  - (b) the directions contained in the General Practice Direction.
- 1.4. In this Practice Direction, terms defined in the Act have the same meaning.

#### 2. Applications for review

- 2.1. The application for review must:
  - (a) be made in accordance with regulations 17 and 18 of the *Competition and Consumer Regulations 2010* (Cth) and Form H;
  - (b) comply with any requirements specified by legislative instrument made under s 100A(3) of the Act;
  - (c) specify whether the applicant agrees to the application being determined on the papers or whether the applicant seeks a hearing of the application; and
  - (d) be filed with the Tribunal by sending a copy of the application to a Registrar of the Tribunal by email, with a copy of the email to be sent to the Executive Officer of the Tribunal and the chambers of the President of the Tribunal.
- 2.2. The applicant must give a copy of the application for review to the Commission on the same day it is filed with the Tribunal.

### **3. Determining the application**

- 3.1. Within 1 business day of receiving an application for review, the Commission must notify the Tribunal and the applicant whether the Commission agrees to the application being determined on the papers or whether the Commission seeks a hearing of the application.
- 3.2. If either the applicant or the Commission seek a hearing of the application:
- (a) the Tribunal will conduct a hearing in person or by videoconference;
  - (b) no later than 2 business days after the filing of the application for review, the Tribunal will notify the applicant and the Commission of the date and time for the hearing; and
  - (c) no later than 2 business days prior to the hearing, the Commission must file and serve:
    - (i) a statement of the facts and contentions upon which the Commission intends to rely and the issues as the Commission sees them; and
    - (ii) a copy of any information or documents upon which the Commission intends to rely which are additional to the information and documents provided by the applicant to the Tribunal.
- 3.3. If both the applicant and the Commission agree to the application being determined on the papers:
- (a) the Tribunal will determine the application on the papers;
  - (b) no later than 5 business days after the filing of the application for review, the Commission must file and serve:
    - (i) a statement of the facts and contentions upon which the Commission relies and the issues as the Commission sees them; and
    - (ii) a copy of any information or documents upon which the Commission relies which are additional to the information and documents provided by the applicant to the Tribunal; and
  - (c) no later than 7 business days after the filing of the application for review, the applicant may file and serve a further statement of facts and contentions that is strictly by way of reply and which is limited to 3 pages.

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