

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 OF ORDER: 6 May 2020
WHERE MADE: Melbourne

THE TRIBUNAL NOTES THAT:

1. Nothing in these directions shall prevent any person, based on what he or she has seen or heard during any hearing of this proceeding, making his or her own notes or written record of the proceeding or publishing a fair report of the proceeding.
2. A contravention of Direction 4 or Direction 5 may constitute a contravention of s 162 of the *Competition and Consumer Act 2010 (Cth)* and be punishable by a fine or imprisonment.

THE TRIBUNAL DIRECTS THAT:

1. Pursuant to s 106(2)(a) of the *Competition and Consumer Act 2010 (Cth)*, to the extent that, and for so long as, the *Stay at home directions (No 4)* under the *Public Health and Wellbeing Act 2008 (Vic)*, or procedures implemented by the Federal Court of Australia in response to the COVID-19 pandemic, operate to limit or

exclude members of the public from being able to attend at the Commonwealth Law Courts, Melbourne:

- (a) hearings of this proceeding will be conducted by way of video link, audio link or other appropriate means as approved by the Tribunal;
 - (b) any member of the public wishing to observe a hearing of this proceeding is to contact the Associate to O'Bryan J on + (03) 8600 3619 or by email to associate.obryanj@fedcourt.gov.au by 8.30am AEDT on the date of the relevant hearing so that they may be invited to observe the hearing via video link, audio link or other means being used by the Tribunal; and
 - (c) hearings of this proceeding will continue notwithstanding the inability of members of the public, who have not applied to observe the hearing in accordance with paragraph (b), to be present.
2. In any hearing of this proceeding, the legal representatives of the parties be permitted to deliver oral submissions by way of video link, audio link or other appropriate means as approved by the Tribunal.
3. If, in the course of a person giving evidence in any hearing of this proceeding by video link, audio link or other appropriate means as approved by the Tribunal it is necessary to put a document to that person, a copy of the physical document be transmitted to the Tribunal or that person as relevant.
4. Unless the Tribunal otherwise directs, no person, being:
 - (a) a legal practitioner or a party who is participating in the hearing of the proceeding by accessing any audio or video link or other means; or
 - (b) a member of the public who is observing the hearing of the proceeding by accessing any audio or video link or other means,may make any audio or video recording or photograph of the hearing or any part of it.

5. Unless the Tribunal otherwise directs, no person, being a member of the public, who is observing the hearing of the proceeding by accessing any audio or video link or other means, may participate in, or interrupt, the hearing.



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

DEPUTY REGISTRAR
Australian Competition Tribunal