



**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]

**DIRECTION**

TRIBUNAL: Justice O'Bryan (Deputy President)  
DATE OF ORDER: 27 February 2020  
WHERE MADE: Melbourne

**THE TRIBUNAL DIRECTS THAT:**

1. Disclosure of the following documents be restricted to the Australian Competition and Consumer Commission (ACCC) and external solicitors and counsel (and their staff) representing each party and the ACCC:
  - (a) Attachment C to the Clean Energy Council's submission to the ACCC dated 1 July 2019; and
  - (b) Attachments A, B and C to the Clean Energy Council's submission to the ACCC dated 5 September 2019.
2. Order 8 of the Tribunal's Directions dated 4 February 2020 be vacated.
3. On or before 3 March 2020, the ACCC is to file and serve any submission made to the ACCC, in connection with the making of its Authorisation Determination,

in relation to which confidentiality claims were made to the ACCC and are no longer maintained.

4. On or before 3 March 2020, the Commission is to serve on the external solicitors and counsel for the parties unredacted copies of all, or parts of submissions, made to the ACCC and excluded from the public register (**Confidential Document**) in connection with the making of its Authorisation Determination, with access to those documents restricted to the ACCC and external solicitors and counsel (and their staff) acting for the parties and for the ACCC.
5. Any application by a party in relation to access or use of a Confidential Document be made to the Tribunal on or before 20 March 2020.



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

DEPUTY REGISTRAR  
Australian Competition Tribunal