



**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: 7 May 2020  
WHERE MADE: Melbourne

**THE TRIBUNAL DIRECTS THAT:**

1. The time for RateSetter RE Limited to serve its evidence is extended until 8 May 2020.
2. The time for the Commission to provide the Tribunal with details of any information the Commission suggests the Tribunal seek from the parties or any other person pursuant to ss 90(6) and 102(1) of the *Competition and Consumer Act 2010 (Cth)* be extended to 12 noon on 15 May 2020.
3. The proceeding be listed for a further case management conference at 9.30 am on Monday, 18 May 2020.
4. Pursuant to sections 90(6) and 102(1) of the *Competition and Consumer Act 2010 (Cth)*, alternatively regulation 22(1) of the *Competition and Consumer Regulations 2010 (Cth)*:

- (a) on or before 15 May 2020, the Australian Securities and Investments Commission (**ASIC**) is to produce to the Tribunal, for inspection and copying by the parties to this proceeding, the information set out in Annexure A to these directions; and
- (b) on or before 14 May 2020, Flexigroup Ltd is to produce to the Tribunal, for inspection and copying by the parties to this proceeding, the information set out in Annexure B to these directions.



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

DEPUTY REGISTRAR  
Australian Competition Tribunal

## **ANNEXURE A**

### **Information to be produced by ASIC**

Details of consumer complaints received about buy-now-pay-later (**BNPL**) credit providers in connection with the sale of:

(a) any consumer products; and

(b) new energy tech (solar) products,

(differentiating between each of the two categories) between the period 1 January 2016 and 30 April 2020, including:

(c) the date of the complaint;

(d) the type and source of the complaint (consumer, consumer rights organisation, external dispute resolution scheme / regulator etc);

(e) the BNPL provider the subject of the complaint;

(f) a brief description of the conduct complained about; and

(g) the details of ASIC's response to the complaint.

## **ANNEXURE B**

### **Information to be produced by Flexigroup Ltd**

Details of consumer complaints received in connection with the sale of new energy technology (solar) products, between the period 1 May 2018 and 30 April 2020, including:

- (a) the date of the complaint;
- (b) the name of the merchant in question;
- (c) the type and source of the complaint (consumer, consumer rights organisation, external dispute resolution scheme / regulator etc);
- (d) a brief description of the conduct complained about; and
- (e) the details of the response to the complaint.