

COMMONWEALTH OF AUSTRALIA

Competition and Consumer Act 2010 (Cth)



IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No: ACT 5 of 2021

Re: RMSANZ APPLICATION FOR REVIEW OF AUTHORISATION
AA1000542 DETERMINATION MADE ON 21 SEPTEMBER
2021

Applicant: REHABILITATION MEDICINE SOCIETY OF AUSTRALIA
AND NEW ZEALAND LTD

DIRECTIONS

TRIBUNAL: Justice Middleton (President)

DATE OF ORDER: 17 December 2021

WHERE MADE: Melbourne

THE TRIBUNAL DIRECTS BY CONSENT THAT:

1. Proceedings numbers ACT 4 of 2021 and ACT 5 of 2021 be case managed together.
2. Any document required to be filed by these Directions must also be served on:
 - (a) the Applicant;
 - (b) nib and HH (referred to as the '**Authorisation Applicants**');
 - (c) any intervener (the Applicant, the Authorisation Applicants, and interveners are together referred to as the '**parties**');
 - (d) the Australian Competition and Consumer Commission (ACCC).

Third parties and applications to intervene

3. By 23 December 2021, the ACCC is to give written notice of the Applicant's application to all persons who made submissions to the ACCC in connection with its Authorisation Determination advising them of the terms of directions 4 and 8.
4. Any application for leave to intervene in these proceedings, and any material relied on in support of any application, be filed and served on or before Tuesday, 1 February 2022.

5. Any submissions responding to an application to intervene be filed and served on or before Tuesday, 8 February 2022.
6. The Tribunal will determine on the papers any application made under direction 4.

Information to be provided by the ACCC

7. The ACCC is to file and serve an index to and copies of all non-confidential versions of submissions made to the ACCC in connection with the making of its Authorisation Determination:
 - (a) on or before Monday, 10 January 2021; or
 - (b) with respect to interveners who have been granted leave to intervene in these proceedings by the Tribunal under direction 6 after Monday, 10 January 2022, within 5 days from being notified by the Tribunal that such leave has been granted.
8. Any application by the parties or a third party for any confidentiality order in respect of submissions, or parts of submissions, made to the ACCC and excluded from the public register in connection with the making of its Authorisation Determination, and any material relied on in support of any such application, be filed and served on or before Monday, 17 January 2022.
9. The Tribunal will determine on the papers any application made under direction 8.
10. Subject to any further order, the ACCC is to file and serve a consolidated index of submissions and copies of all, or parts of submissions, made to the ACCC and excluded from the public register in connection with the making of its Authorisation Determination:
 - (a) on or before Monday, 7 February 2022; or
 - (b) with respect to interveners who have been granted leave to intervene in these proceedings by the Tribunal under direction 7 after Monday, 7 February 2022, within 5 days from being notified by the Tribunal that such leave has been granted.
11. The ACCC has leave to provide the Tribunal at any time up to and including 13 May 2022 details of any information the ACCC suggests the Tribunal seek from the parties or any other person pursuant to s 102 of the *Competition and Consumer Act 2010* (Cth), with such requests to be notified to the parties.

Statements of Facts, Issues and Contentions

12. The Applicant is to file and serve a Statement of Facts, Issues and Contentions, or otherwise are to confirm that its Application filed on 8 October 2021 is to be taken as constituting its statement of facts, issues and contentions, on or before Friday, 11 February 2022.

13. The Authorisation Applicants and any intervener are to file and serve a Statement of Facts, Issues and Contentions on or before Friday, 25 February 2022.
14. The ACCC is to file and serve any Statement of Facts, Issues and Contentions on or before Friday, 11 March 2022.

Evidence

15. Any evidence upon which the parties intend to rely will be by way of written statement.
16. The Applicant is to file and serve any evidence upon which it intends to rely, or otherwise to confirm that its Application filed on 8 October 2021 is to be taken as constituting its evidence upon which it wishes to rely, on or before Friday, 18 March 2022.
17. The Authorisation Applicants and any intervener are to file and serve any evidence upon which they intend to rely on or before Friday, 1 April 2022.
18. The ACCC is to file and serve any evidence upon which it intends to rely on or before Wednesday, 20 April 2022.
19. The Applicant is to file and serve any evidence in reply on or before Wednesday, 4 May 2022.

Case Management Hearing

20. The application be listed for a case management hearing at 10:15am on Friday, 13 May 2022.

Date entered: 17 December 2021



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

REGISTRAR
Australian Competition Tribunal