

COMMONWEALTH OF AUSTRALIA

Competition and Consumer Act 2010 (Cth)



IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No: ACT 2 of 2021

Re: APPLICATION FOR REVIEW LODGED BY AUSTRALIAN DAIRY PRODUCTS FEDERATION INC IN RESPECT OF A LICENSING SCHEME FOR THE USE OF THE 'FAIR GO DAIRY' LOGO, AND THE DETERMINATION MADE BY THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION (ACCC) ON 12 MARCH 2021

Applicant: AUSTRALIAN DAIRY PRODUCTS FEDERATION INC

DIRECTIONS

TRIBUNAL: Justice Middleton (President)

DATE OF ORDER: 15 June 2021

WHERE MADE: Melbourne

THE TRIBUNAL DIRECTS BY CONSENT THAT:

- 1 Any document required to be filed by these orders must also be served on:
 - (a) the Applicant
 - (b) the Queensland Dairyfarmers' Organisation (**Authorisation Applicant**)
 - (c) any intervener

(the Applicant, the Authorisation Applicant and interveners are together referred to as the **parties**)

 - (d) the Australian Competition and Consumer Commission (**Commission**).
- 2 Within 5 days of the date of these Orders, the Commission is to give written notice of this application to all persons who made submissions to the Commission in connection with its Authorisation advising them of the terms of Order 3 and Order 7.
- 3 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 29 June 2021.

- 4 Any submissions responding to an application to intervene be filed and served (including on the applicant for intervention) on or before 13 July 2021.
- 5 The Tribunal will determine on the papers any application made under Order 3, unless any person notifies the Tribunal by 4:00pm on 20 July 2021 that they require a hearing to resolve the application.

Information given to Commission

- 6 The Commission is to file and serve an index and copies of all non-confidential versions of submissions made to the Commission in connection with the making of its Authorisation Determination on or before 19 July 2021.
- 7 Any application by the Applicant, the Authorisation Applicant, an intervener or third party for any confidentiality order in respect of submissions, or parts of submissions, made to the Commission 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 26 July 2021.
- 8 The matter be listed via Microsoft Teams (or any other suitable electronic platform) for any application by the Applicant, the Authorisation Applicant, an intervener or a third party for any confidentiality order in respect of submissions, or parts of submissions, made to the Commission and excluded from the public register in connection with the making of its Authorisation determination at 9.00am on 2 August 2021.
- 9 Subject to any further order, the Commission is to file and serve a consolidated index of submissions and copies of all, or parts of submissions, made to the Commission and excluded from the public register in connection with the making of its Authorisation Determination by 9 August 2021.

Statement of Facts, Issues and Contention

- 10 The Applicant is to file and serve a Statement of Facts, Issues and Contention on or before 16 August 2021.
- 11 The Authorisation Applicant and any intervener is to file and serve any Statement of Facts, Issues and Contention on or before 6 September 2021.

Further Information

- 12 The Commission has leave to provide the Tribunal at any time up to and including 13 September 2021 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), such requests to be notified to all parties.

Evidence

- 13 The Applicant is to file and serve any proposed evidence on or before 4 October 2021.
- 14 The Authorisation Applicant and any intervener is to file and serve any proposed evidence on or before 18 October 2021.

- 15 The Applicant is to file and serve any proposed evidence in reply on or before 25 October 2021.
- 16 The Applicant is to serve a draft Hearing Book Index listing all documents proposed to be relied upon at the hearing on or before 1 November 2021.
- 17 The Authorisation Applicant and any intervener is to serve a list of proposed amendments to the Hearing Book Index on or before 3 November 2021.
- 18 The Applicant must file and serve the Hearing Book (including its contents) on or before 10 November 2021.
- 19 On or before 12 November 2021, the parties file an agreed document which identifies:
 - (a) any witnesses to be cross-examined; and
 - (b) any objection to evidence, with objections being identified with precision.

Submissions and authorities

- 20 On or before 12 November 2021, the Applicant is to file and serve an outline of submissions with a list of authorities.
- 21 On or before 19 November 2021, any intervener is to file and serve outlines of submissions with a list of authorities.

Hearings

- 22 The proceeding be listed for a second case management conference on 13 September 2021.
- 23 The proceeding be listed for hearing in Melbourne on an estimate of no more than 3 hearing days on a date to be fixed.

Other matters

- 24 The parties, the Commission, and any interested person have liberty to apply for further directions.

Date entered: 15 June 2021



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

REGISTRAR
Australian Competition Tribunal