

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: 10 March 2022

WHERE MADE: Melbourne

THE TRIBUNAL DIRECTS BY CONSENT THAT:

- 1 Directions 11 to 20 of the Directions made by Justice Middleton on 17 December 2021 are vacated.

Further confidentiality applications and applications to intervene

- 2 By Friday, 11 March 2022, the ACCC is to give written notice of the Applicant's application to all persons who made the additional submissions to the ACCC in connection with its Authorisation Determination referred to in the ACCC's note to the Tribunal dated 16 February 2022 and annexure thereto (**Additional Submissions**), to the extent written notice has not already been provided pursuant to direction 3 of the Directions made by Justice Middleton on 17 December 2021, advising them of the terms of directions 3 and 6 of these directions.
- 3 Any application for leave to intervene in these proceedings by any persons given written notice by the ACCC pursuant to direction 2, and any material relied on in support of any such application, be filed and served on or before Friday, 18 March 2022.

- 4 Any submissions responding to an application to intervene pursuant to direction 3 be filed and served on or before Wednesday, 23 March 2022.
- 5 The Tribunal will determine on the papers any application made under direction 3.

Information to be provided by the ACCC

- 6 Any application by a third party for any confidentiality order in respect of the Additional Submissions, or parts of the Additional Submissions, and any material relied on in support of any such application, be filed and served on or before Friday, 18 March 2022.
- 7 The Tribunal will determine on the papers any application made under direction 6.
- 8 Subject to any further order, the ACCC is to file and serve a consolidated index and copies of the Additional Submissions:
 - (a) on or before Friday, 25 March 2022; or
 - (b) with respect to interveners who have been granted leave to intervene in these proceedings by the Tribunal under direction 5 after Friday, 25 March 2022 within 5 days from being notified by the Tribunal that such leave has been granted.

Statement of Facts, Issues and Contentions

- 9 The Applicant is to file and serve a Statement of Facts, Issues and Contentions, or otherwise is 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, 1 April 2022.
- 10 The Authorisation Applicants and any intervener are to file and serve a Statement of Facts, Issues and Contentions on or before Friday, 15 April 2022.
- 11 The ACCC is to file and serve any Statement of Facts, Issues and Contentions on or before Friday, 29 April 2022.

Evidence

- 12 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, 6 May 2022.
- 13 The Authorisation Applicants and any intervener are to file and serve any evidence upon which they intend to rely on or before Friday, 20 May 2022.
- 14 The ACCC is to file and serve any evidence upon which it intends to rely on or before Friday, 3 June 2022.
- 15 The Applicant is to file and serve any evidence in reply on or before Friday, 10 June 2022.
- 16 The ACCC has leave to provide the Tribunal at any time up to and including Friday, 17 June 2022 details of any information that 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.
- 17 On or before Friday, 17 June 2022, the parties are to file an agreed document which identifies:
 - (a) any witnesses to be cross-examined; and
 - (b) any objections to evidence, with objections being identified with precision.

Hearing book

- 18 The ACCC is to serve a draft index for the Hearing Book listing all documents proposed to be relied upon at the hearing on or before Friday, 17 June 2022.
- 19 The Applicant is to serve a list of any additional documents to be included in the Hearing Book on or before Wednesday, 22 June 2022.
- 20 The Authorisation Applicants and any intervener are to serve a list of any additional documents to be included in the Hearing Book on or before Friday, 24 June 2022.

- 21 The ACCC is to file and serve a Hearing Book containing the documents referred to in directions 18, 19, and 20 by 4.00pm on Friday, 1 July 2022 which is in electronic form and:
- (a) includes a final index;
 - (b) is produced in a text-recognised PDF format;
 - (c) is paginated sequentially throughout;
 - (d) is divided into folders such that each folder comprises a single PDF file and the file name of each PDF file is the folder number; and
 - (e) each folder (being a PDF file) contains electronic bookmarks to each document in that folder.

Submissions

- 22 The Applicant is to file and serve an outline of submissions not exceeding 20 pages and list of authorities by Friday, 8 July 2022.
- 23 The Authorisation Applicants and any intervener are to file and serve an outline of submissions not exceeding 20 pages and list of authorities by 4.00pm on Friday, 15 July 2022.
- 24 The ACCC is to file and serve any outline of submissions not exceeding 20 pages and list of authorities by 4.00pm on Friday, 22 July 2022.
- 25 The Applicant is to file and serve any outline of submissions in reply not exceeding 10 pages and supplementary list of authorities by 4.00pm on Wednesday, 27 July 2022.
- 26 The ACCC are to file and serve a joint list of authorities by 4.00 pm on Thursday, 28 July 2022.

Other

- 27 The Applicant, Authorisation Applicants and ACCC are to confer and send to the Tribunal an agreed hearing timetable by 4.00 pm on Thursday, 28 July 2022.

Hearing

28 The proceeding be set down for hearing at 10.15am on Monday, 1 August 2022 for 5 days.

Date entered: 10 March 2022



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

DEPUTY REGISTRAR
Australian Competition Tribunal