



**COMMONWEALTH OF AUSTRALIA**

*Competition and Consumer Act 2010 (Cth)*

**IN THE AUSTRALIAN COMPETITION TRIBUNAL**

File No: ACT 1 of 2023  
Re: Applications by Australia and New Zealand Banking Group Limited and Suncorp Group Limited for review of Australian Competition and Consumer Commission Merger Authorisation Determination MA1000023  
Applicant: Australia and New Zealand Banking Group Limited and Suncorp Group Limited

**DIRECTIONS**

TRIBUNAL: Justice Halley (Deputy President)  
DATE: 8 September 2023  
WHERE MADE: Sydney

**THE TRIBUNAL NOTES THAT:**

- A. The Australian Prudential Regulation Authority (**APRA**) disclosed information to the Australian Competition and Consumer Commission (**ACCC**) in connection with Merger Authorisation Determination MA1000023-1 that was “protected information” for the purposes of s 56 of the *Australian Prudential Regulation Authority Act 1998 (Cth)* (**APRA Act**).
- B. On 5 April 2023, APRA executed an instrument under s 56(5)(b) of the APRA Act that allows the ACCC to disclose protected information or protected documents subject to certain conditions (**APRA Approval**).
- C. The APRA Approval requires the ACCC to notify affected authorised deposit-taking institutions before disclosing protected information or protected documents in these proceedings.

**THE TRIBUNAL DIRECTS THAT:**

1. Direction 11 of the Directions made on 29 August 2023 (**August Directions**) be varied as follows:
  11. Subject to paragraph 12, on or before ~~11 September 2023~~ 14 September 2023, the ACCC:
    - (a) file with the Tribunal separate electronic bundles of:
      - (i) the documents referred to in the Documentary Index that are not identified as being subject to a claim for confidentiality;



- and
- (ii) the documents referred to in the Documentary Index that are identified as being subject to a claim for confidentiality.
- (b) serve on the external solicitors of the Applicants and BABL notified to the ACCC under paragraph 10 of these directions separate electronic bundles of:
- (i) the documents referred to in the Documentary Index that are not identified as being subject to a claim for confidentiality; and
  - (ii) the documents referred to in the Documentary Index that are identified as being subject to a claim for confidentiality other than any documents which are subject to an application made by a non-party in accordance with order 8 of the August Directions, which must be served on 19 September 2023 unless the Tribunal orders otherwise.
2. Direction 12 of the August Directions be amended as follows, such that information which the ACCC has identified as being, or being derived from, Protected Information or Protected Documents within the meaning of s 56 of the *Australian Prudential Regulation Authority Act 1998* (Cth) is to be served on the external solicitor identified by the Applicants and BABL pursuant to direction 10 of the August Directions once the ACCC has complied with its notification obligations:
12. The ACCC is not required to serve on the Applicants and BABL any information which the ACCC has identified as being, or being derived from, Protected Information or Protected Documents within the meaning of s 56 of the *Australian Prudential Regulation Authority Act 1998* (Cth) until 14 September 2023 to allow the ACCC to complete the notification process required under the APRA Approval.





REGISTRAR

Australian Competition Tribunal