



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 30 Nov 2023 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing

File Number: S118/2023
File Title: Productivity Partners Pty Ltd (trading as Captain Cook College)
Registry: Sydney
Document filed: Form 27D - Second Respondent's Submissions
Filing party: Respondents
Date filed: 30 Nov 2023

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

BETWEEN:

Productivity Partners Pty Ltd (trading as Captain Cook College) ACN 085 570 547
First Appellant

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Site Group International Limited ACN 003 201 910
Second Appellant

and

Australian Competition and Consumer Commission
First Respondent

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Blake Wills
Second Respondent

SECOND RESPONDENT'S SUBMISSIONS

Part I: Publication

1. These submissions are in a form suitable for publication on the internet.

Part II: The issues

2. The Second Respondent (**Mr Wills**) supports the Appellants' notice of appeal dated 29 September 2023 and the Appellants' submissions in these proceedings dated 2 November 2023. Mr Wills does not seek to make further submissions in relation to the Appellants' appeal in this proceeding.
3. If the Court allows the appeal by the Appellants in these proceedings and concludes that there is no primary contravention, it follows that the finding that Mr Wills was knowingly concerned in the First Appellant's contravention must be set aside. This is the subject of Ground 3A of Mr Wills' proposed amended notice of appeal in Proceeding S116 of 2023.

Part III: Section 78B of the *Judiciary Act 1903* (Cth)

4. Mr Wills considers that no s 78B notice is required in this proceeding.

Part IV: Facts

5. Mr Wills makes no further submissions.

Part V: Argument

6. Mr Wills makes no further submissions.

Part VI: Notice of contention

7. The First Respondent (ACCC) has filed a notice of contention in this proceeding. Mr Wills does not wish to make any submissions in relation to that notice of contention in this proceeding. However, the ACCC has filed a notice of contention in similar terms in Proceeding S116 of 2023. As foreshadowed at paragraph 3 of Mr Wills' submissions in Proceeding S116 of 2023 dated 2 November 2023, Mr Wills will address that notice of contention in reply.

Part VII: Estimate of time

8. Mr Wills does not wish to make any oral submissions in this proceeding.

Dated: 30 November 2023



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