



AUSTRALIAN COMPETITION TRIBUNAL

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MEMORANDUM

TO: Mr Rodney Shogren
Dr Darryn Abraham

FROM: Justice Middleton, President of the Australian Competition Tribunal

DATE: 27 November 2018

SUBJECT: Applications under section 44ZP of the *Competition and Consumer Act 2010* (Cth) for review of the arbitration determination by the Australian Competition and Consumer Commission in relation to an access dispute between Glencore Coal Assets Australia Pty Ltd and Port of Newcastle Operations Pty Ltd

Applicant: Port of Newcastle Operations Pty Ltd (ACT 2 of 2018)
Applicant: Glencore Coal Assets Australia Pty Ltd (ACT 3 of 2018)

1. Pursuant to s 44ZZP of the *Competition and Consumer Act 2010* (Cth) and reg 28F of the *Competition and Consumer Regulations 2010* (Cth), the constitution of the Division of the Australian Competition Tribunal for the purpose of the hearing and determination of the above applications shall be as follows:

Justice Middleton
Mr Rodney Shogren
Dr Darryn Abraham

2. By virtue of reg 28G(2) of the *Competition and Consumer Regulations 2010* (Cth), the presiding member of the Division constituted above shall be Justice Middleton.