

NOTICE OF LODGMENT
AUSTRALIAN COMPETITION TRIBUNAL

This document was lodged electronically in the AUSTRALIAN COMPETITION TRIBUNAL and has been accepted for lodgment pursuant to the Practice Direction dated 3 April 2019. Filing details follow and important additional information about these are set out below.

Lodgment and Details

Document Lodged: Non-prescribed Notice

File Number: ACT 2 of 2018 and ACT 3 of 2018

File Title: Applications under s 44ZP of the Competition and Consumer Act 2010 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

Registry: VICTORIA – AUSTRALIAN COMPETITION TRIBUNAL



REGISTRAR

Dated: 20/11/2020 2:09 PM

Important information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Tribunal and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

COMMONWEALTH OF AUSTRALIA
Competition and Consumer Act 2010



IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No: ACT 2 of 2018

Re: Application by Port of Newcastle Operations Pty Ltd 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 (ACN 165 332 990)

AND

File No: ACT 3 of 2018

Re: Application by Glencore Coal Assets Australia Pty Ltd 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: Glencore Coal Assets Australia Pty Ltd (ACN 163 821 298)

**ACCC'S POSITION REGARDING PNO'S APPLICATION FOR THE
TRIBUNAL TO ISSUE A NOTICE PURSUANT TO SECTION 44ZZOAAA(5)**

1. Pursuant to paragraph 3 of the Tribunal's Directions of 6 October 2020, the ACCC indicates that it only seeks to be heard on the matter in paragraph 1 of the Schedule to the section 44ZZOAAA(5) notice attached to the submissions of Port of Newcastle Operations Pty Ltd (**PNO**) of 16 November 2020. The ACCC opposes the notice in respect of that matter. The ACCC does not seek to be heard on the matter in paragraph 2 of the Schedule to that notice.
2. In the material filed on 16 November 2020 PNO indicates that it may file a further application for a section 44ZZOAAA(5) notice concerning user contributions. The ACCC foreshadows that it would oppose that notice.

Dated: 20 November 2020