

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: Interlocutory Application

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

File Title: 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 Ltd and Port of Newcastle Operations Pty Ltd.

Registry: VICTORIA – AUSTRALIAN COMPETITION TRIBUNAL



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

REGISTRAR

Dated: 3/03/2021 9:30 AM

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 (Cth)



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 Ltd and Port of Newcastle Operations Pty Ltd

Applicant: Port of Newcastle Operations Pty Ltd

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 Ltd and Port of Newcastle Operations Pty Ltd

Applicant: Glencore Coal Assets Australia Pty Ltd

INTERLOCUTORY APPLICATION

INTERLOCUTORY DIRECTIONS SOUGHT:

Pursuant to s 103 of the *Competition and Consumer Act 2010 (Cth)* (CCA):

1. Direction 1 of the Tribunal's directions dated 14 December 2020 be varied to provide that:
 - (a) if PNO is refused special leave at the hearing of its special leave application (S171/2020) on 12 March 2021, PNO be permitted until 19 March 2021, being seven days after the special leave hearing, to file its application and supporting material; and

- (b) if special leave is granted, the operation of direction 1 be suspended until further direction of the Tribunal.
- 2. Directions 2 and 3 of the Tribunal's directions dated 14 December 2020 be vacated.
- 3. The hearing of PNO's application on 30 March 2021 be vacated and, subject to direction 1(b), re-listed at a time convenient to the Tribunal and the parties.
- 4. The proceedings be listed for a case management hearing in the week commencing 22 March 2021 at a time convenient to the Tribunal and the parties.