

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 (ACN 165 332 990)

AND

File No: ACT 3 of 2018

Re: Application by Glencore Coal 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 (ACN 163 821 298)

DIRECTIONS

TRIBUNAL: Justice Middleton (President)

DATE OF ORDER: 6 October 2020

WHERE MADE: Melbourne



THE TRIBUNAL DIRECTS THAT:

1. Glencore is to file and serve by 3 November 2020 documents setting out:
 - a. the orders that it says the Tribunal should make in relation to the question of the scope of the determination, together with any explanation as to the form of those orders; and
 - b. its submissions in support of the orders it says the Tribunal should make.

2. PNO is to file and serve by 13 November 2020 any application for the Tribunal to issue a notice pursuant to s 44ZZOAAA(5) of the *Competition and Consumer Act 2010* (Cth) (CCA) together with submissions in support of that application.
3. Glencore and the ACCC are to indicate by 20 November 2020 whether they each consent to, or oppose, any notice referred to in order 2.
4. Pursuant to s 44ZP of the CCA, the ACCC is directed to comply with the directions in orders made by the Tribunal and subject to any further directions, appear at any hearings and make submissions in accordance with those directions.
5. The applications be listed for a further case management hearing on 27 November 2020 at 10.15am.

Date entered: 12 October 2020



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

REGISTRAR
Australian Competition Tribunal