

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

**DIRECTIONS**

TRIBUNAL: Justice Middleton (President), Mr Shogren, Dr Abraham

DATE OF ORDER: 6 February 2019

WHERE MADE: Melbourne

**THE TRIBUNAL DIRECTS THAT:**

1. Glencore Coal Assets Australia Pty Ltd (**Glencore**) and Port of Newcastle Operations Pty Ltd (**PNO**) to lodge and serve on 11 February 2019 any material and written submissions in support of any proposed application for the Tribunal to request information pursuant to section 44ZZOAAA(4) of the *Competition and Consumer Act 2010 (Cth)* (**CCA**), such material and submissions to include the information proposed to be requested, which in the case of Glencore includes any expert report Glencore proposes to rely upon.

2. The Commission to lodge and serve any written submission in response to material lodged and served pursuant to paragraph 1 by 4:00pm on 14 February 2019 to assist the Tribunal in its consideration as to whether it should make a request for information pursuant to section 44ZZOAAA(4).
3. Glencore and PNO to lodge and serve any written submissions in response by 4:00pm on 15 February 2019.
4. Any application referred to in paragraph 1 above to be determined on the papers unless the Tribunal otherwise directs.

