

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 O'Bryan (Deputy President)
Dr D Abraham
Prof K Davis

DATE OF ORDER: 14 December 2020

WHERE MADE: Melbourne



THE TRIBUNAL DIRECTS THAT:

1. By 26 February 2021, Port of Newcastle Operations Pty Ltd (**PNO**) is to file and serve 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:
 - (a) a copy of the proposed notice;

- (b) in so far as the proposed notice is addressed to PNO or a related company, any affidavits and documents referred to in the notice that it wishes the Tribunal to have regard to pursuant to s 44ZZOAA(a)(ii) of the CCA in the review (upon remittal of the review by the Federal Court of Australia); and
- (c) submissions and any evidence to be relied upon in support of the application.
2. By 12 March 2021, Glencore is to file and serve submissions and any evidence to be relied upon in opposition to PNO's application.
 3. By 19 March 2021, the Australian Competition and Consumer Commission is to file and serve any submissions to be relied upon in relation to PNO's application.
 4. The matter be listed for the hearing of PNO's application and further case management on a date to be fixed.

Date entered: 14 December 2020



A handwritten signature in blue ink, appearing to be "R. Y.", is written below the seal.

REGISTRAR
Australian Competition Tribunal