

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:	Affidavit
File Number:	ACT 2 of 2020
File Title:	Re Application for authorisation AA1000473 lodged by New South Wales Minerals Council on behalf of itself, certain coal producers that export coal through the Port of Newcastle, and mining companies requiring future access through the Port, and the determination made by the ACCC on 27 August 2020
Registry:	VICTORIA – AUSTRALIAN COMPETITION TRIBUNAL



REGISTRAR

Dated: 30/04/2021 4:38 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 (Cth)

IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No: ACT 2 of 2020

Re: Application for authorisation AA1000473 lodged by New South Wales Minerals Council on behalf of itself, certain coal producers that export coal through the Port of Newcastle, and mining companies requiring future access through the Port, and the determination made by the ACCC on 27 August 2020

Applicant: Port of Newcastle Operations Pty Limited (ACN 165 332 990)

AFFIDAVIT

I, Brett Farley Lewis, Chief Executive, of Merewether, swear:

1. I am the Managing Director and Chief Executive Officer of The Bloomfield Group (**Bloomfield**). Bloomfield Collieries Pty Ltd is a member company of Bloomfield, and a member of the New South Wales Minerals Council (**NSWMC**). Bloomfield operates 2 coal mines within the Hunter Valley. The Bloomfield Mine is located approximately 20kms north-west of Newcastle and the Rix's Creek Mine located 5 kms north-west of Singleton. Bloomfield exports 100% of its coal through the Port of Newcastle (**Port**).
2. I have personal knowledge of the facts and matters referred to in this affidavit, except where indicated otherwise. I am authorised to make this affidavit on Bloomfield's behalf.

Bloomfield

3. Bloomfield is a privately owned and operated Australian group of companies operating in the Hunter Valley in New South Wales. It has been in business for more than 80 years. Its small group of shareholders are all Australian nationals and residents.
4. Bloomfield employs more than 500 people in the local area in which the majority of its businesses are based. The businesses specialise in:
 - (a) Coal mining and sales (Bloomfield operates the Rix's Creek Mine at Singleton and the Bloomfield Mine at Ashtonfield and holds other Exploration Tenements);
 - (b) Contract coal beneficiation services;
 - (c) Engineering (manufacture, maintenance and fabrication);
 - (d) Biodiesel production; and
 - (e) Waste cooking oil collection and recycling.

B. Lewis

5. All of Bloomfield's coal production is produced and transported within the Hunter Valley coal export chain. Its coal is exclusively sold in the export metallurgical and thermal coal markets through the Port.
6. Bloomfield is a relatively small coal producer, with production levels being less than 2% of the total tonnage exported through the Port.

Port charges

7. Bloomfield currently sells almost all of its coal "Free on Board" (FOB). When this occurs, Bloomfield's customers are responsible to pay the Navigation Service Charge (NSC) imposed by Port of Newcastle Operations Pty Ltd (PNO). However, the NSC is relevant to Bloomfield because it is paid by Bloomfield's customers on the sale of its coal.
8. [REDACTED]. The charges levied on Bloomfield and its customers are the charges stated in the Schedule of Service Charges that I understand is made available on the Port of Newcastle's website <<https://www.portofnewcastle.com.au>>.

Discussions with PNO in relation to Port charges

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Lewi

[REDACTED]

12-11-2014 10:00 AM

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

Sworn by the deponent
at Hunter Valley region
in New South Wales
on 30 April 2021
Before me:

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Signature of deponent



Signature of witness

Philip James Le-Neve Arnold

Solicitor of the Supreme Court of New South Wales