



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

DIRECTIONS

TRIBUNAL: Justice O'Bryan (Deputy President)
DATE: 11 October 2021
WHERE MADE: Melbourne

THE TRIBUNAL NOTES THAT:

- A. Due to the procedures implemented by the Federal Court of Australia in response to the COVID-19 pandemic which include restricting the parties, their legal representatives and members of the public from attending hearings at the Commonwealth Law Courts in Sydney in person, this hearing of the Australian Competition Tribunal is being conducted by video link.
- B. Instructions to enable members of the public to attend the hearing by video link are published on the website of the Australian Competition Tribunal.

THE TRIBUNAL DIRECTS THAT:

1. Pursuant to s 106(2)(a) of the *Competition and Consumer Act 2010 (Cth)*:
 - (a) the hearing of this proceeding will be conducted by way of video link;
 - (b) any member of the public wishing to observe the hearing of this proceeding is to contact the chambers of O'Bryan J by email on associate.obryanj@fedcourt.gov.au

and ea.obryanj@fedcourt.gov.au so that they may be invited to observe the hearing via video link; and

- (c) the hearing of this proceeding will continue notwithstanding the inability of members of the public, who have not applied to observe the hearing in accordance with paragraph (b), to be present.
2. In the hearing of this proceeding, the legal representatives of the parties be permitted to deliver oral submissions by way of video link.
3. If, in the course of a person giving evidence in this proceeding by video link it is necessary to put a document to that person, a copy of the document is to be transmitted electronically to that person, the legal representatives of all parties and the Tribunal.
4. Unless the Tribunal otherwise directs, no person may make any video or audio recording or photograph of the hearing or any part of it provided that nothing in these directions shall prevent any person, based on what he or she has seen or heard during any hearing of this proceeding, making his or her own notes or written record of the proceeding or publishing a fair report of the proceeding.
5. Unless the Tribunal otherwise directs, no person, being a member of the public, who is observing the hearing of the proceeding by accessing any video or audio link or other means, may participate in, or interrupt, the hearing.



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

REGISTRAR
Australian Competition Tribunal