



**AUSTRALIAN COMPETITION TRIBUNAL**

**THE HON JUSTICE JOHN E MIDDLETON  
PRESIDENT  
JUDGES' CHAMBERS  
FEDERAL COURT OF AUSTRALIA  
305 WILLIAM STREET  
MELBOURNE VIC 3000**

**Executive Officer: +61 3 8600 3630  
Email: ea.middletonj@fedcourt.gov.au**

**Associate: +61 3 8600 3631  
Email: associate.middletonj@fedcourt.gov.au**

**MEMORANDUM**

**TO:** Justice O'Bryan  
Dr Darryn Abraham  
Professor Kevin Davis AM

**FROM:** Justice Middleton, President

**DATE:** 30 March 2021

**SUBJECT:** *Application for Review under subsection 44K(2) of the Competition and Consumer Act 2010 (Cth) of the decision of the Minister not to declare a service provided by Port of Newcastle Operations Pty Ltd*

**Applicant: New South Wales Minerals Council (ACT File No 1 of 2021)**

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Pursuant to and under the *Competition and Consumer Act 2010* (Cth):

1. the constitution of the Division of the Australian Competition Tribunal for the purpose of the hearing and determination of the above application shall be as follows:
  - Justice Michael O'Bryan
  - Dr Darryn Abraham
  - Professor Kevin Davis AM
2. the presiding member of the Division constituted above shall be Justice Michael O'Bryan.