



COMMONWEALTH OF AUSTRALIA

Competition and Consumer Act 2010 (Cth)

IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No: ACT 1 of 2021

Re: Application for review lodged by New South Wales Minerals Council under subsection 44K(2) of the *Competition and Consumer Act 2010* (Cth) of the decision of the designated Minister under subsection 44H(1) of the *Competition and Consumer Act 2010* (Cth)

Applicant: New South Wales Minerals Council

NOTICE UNDER THE COMPETITION AND CONSUMER ACT 2010 (CTH)

To: PORT OF NEWCASTLE OPERATIONS PTY LIMITED (ACN 165 332 990)
C/- Clayton Utz
Level 15
1 Bligh Street
Sydney NSW 2000

THE TRIBUNAL NOTES THAT:

The Tribunal has directed the National Competition Council (NCC), pursuant to s 44K(6A) of the *Competition and Consumer Act 2010* (Cth), to provide the following documents to the Tribunal on or before 17 June 2021:

- (a) the documents located at the hyperlink <https://ncc.gov.au/application/application-for-declaration-of-certain-services-in-relation-to-the-port-of-newcastle/1> at footnote 11 of the NCC's Final Recommendation made on 18 December 2020:
- (i) Application – Annexure A;
 - (ii) Application – Annexure B; and
 - (iii) Application – Annexure C,
- (Pro Forma Long Term Pricing Deeds).**

THE TRIBUNAL REQUESTS THAT:

Pursuant to s 44ZZOAAA(4) of the *Competition and Consumer Act 2010* (Cth), the Port of Newcastle Operations Pty Ltd (**PNO**) provide to the Tribunal by 12 noon on 18 June 2021 any document that satisfies the following four criteria:

- (a) the document was submitted to the NCC by PNO for the purposes of the NCC's Final Recommendation made on 18 December 2020; and
- (b) the document relates to any of the Pro Forma Long Term Pricing Deeds; and
- (c) the document is relevant to an understanding of the operation of the Pro Forma Long Term Pricing Deeds or the extent to which PNO has entered into Pro Forma Long Term Pricing Deeds with port users; and
- (d) PNO wishes to rely on the document in the review.

Date: 16 June 2021



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

REGISTRAR
Australian Competition Tribunal