

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: 19 July 2021
WHERE MADE: Melbourne

THE TRIBUNAL DIRECTS THAT:

1. New South Wales Minerals Council's external legal advisors be permitted to provide the following paragraphs of the Affidavit of Simon Byrnes affirmed 25 June 2021 to the persons identified:
 - (a) paragraphs 22 to 25, paragraph 33b and Confidential Annexure SB-2 are permitted to be provided to Brett Lewis of **Bloomfield** Collieries Pty Ltd; and
 - (b) paragraphs 26 to 32 and Confidential Annexures SB-3 and SB-4 are permitted to be provided to Mark Smith of **Peabody** Energy Australia Pty Ltd.
2. Port of Newcastle Operations Pty Limited (**PNO**)'s external legal advisors be permitted to provide to Simon Byrnes and Gabriella Sainsbury of PNO:
 - (a) the confidential version of the affidavit of Brett Farley Lewis affirmed 30 April 2021, other than paragraph 18;
 - (b) the confidential version of the affidavit of Michael Ryan Phillip Dodd filed 30 April 2021, other than paragraphs 10 to 12; and

- (c) the confidential version of the affidavit of Keiron Rochester filed 25 June 2021, other than paragraphs 11 to 14.



A handwritten signature in blue ink, consisting of a stylized 'K' followed by a '4'.

REGISTRAR
Australian Competition Tribunal