



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: 14 September 2021

WHERE MADE: Melbourne

THE TRIBUNAL DIRECTS THAT:

1. The expert witnesses on whom Port of Newcastle Operations Pty Limited (**PNO**), New South Wales Minerals Council and the Australian Competition and Consumer Commission intend to rely are to give evidence at the hearing of this proceeding concurrently.
2. The experts are to confer, in the absence of the parties and their legal advisors, for the purpose of identifying areas of agreement and disagreement, by 22 September 2021.
3. The experts are to prepare a joint report within 7 days of the conference referred to in direction 2, in the absence of the parties and their legal advisors, that records:
 - (a) the substance of all matters upon which the experts are agreed;
 - (b) the remaining points of disagreement between the experts; and
 - (c) a succinct statement of the position of each expert in relation to each point of disagreement,and complies with the Expert Evidence Practice Note (GPN-EXPT) (including its annexures) issued by the Federal Court of Australia.

4. PNO is to file and serve the joint report on behalf of the parties by 29 September 2021.
5. Liberty to apply.



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

REGISTRAR
Australian Competition Tribunal