

**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: 18 May 2021

WHERE MADE: Melbourne

**THE TRIBUNAL DIRECTS THAT:**

**Evidence**

1. Directions 17 and 18 of the Tribunal's directions made on 25 November 2020 be vacated.
2. Port of Newcastle Operations Pty Limited (**PNO**) and New South Wales Minerals Council (**NSWMC**) are each to file and serve any further proposed evidence on or before 25 June 2021.
3. PNO, NSWMC and the Australian Competition and Consumer Commission (**ACCC**) are each to file and serve any proposed evidence in reply on or before 30 July 2021.
4. On or before 12 September 2021, PNO and NSWMC are to file an agreed document which identifies:
  - (a) any witnesses to be cross-examined; and
  - (b) any objection to evidence, with objections being identified with precision.

**Hearing Book**

5. PNO is to serve a draft index for the Hearing Book listing all documents proposed to be relied upon at the hearing on or before 30 July 2021.

6. NSWMC is to serve a list of any additional documents to be included in the Hearing Book on or before 6 August 2021.
7. The ACCC is to serve a list of any additional documents to be included in the Hearing Book on or before 13 August 2021.
8. PNO is to file and serve a Hearing Book containing the documents referred to in directions 5, 6 and 7 by 4.00pm on 20 August 2021 which is in electronic form and:
  - (a) is produced in a text-recognised PDF format;
  - (b) is paginated sequentially throughout;
  - (c) is divided into folders such that each folder comprises a single PDF file and the file name of each PDF file is the folder number; and
  - (d) each folder (being a PDF file) contains electronic bookmarks to each document in that folder.

### **Submissions**

9. PNO is to file and serve an outline of submissions and list of authorities not exceeding 20 pages by 4.00pm on 27 August 2021.
10. NSWMC is to file and serve an outline of submissions and list of authorities not exceeding 20 pages by 4.00pm on 17 September 2021.
11. The ACCC is to file and serve an outline of submissions and list of authorities not exceeding 20 pages by 4.00pm on 24 September 2021.
12. PNO is to file and serve an outline of submissions in reply not exceeding 10 pages by 4.00pm on 1 October 2021.

### **Hearing**

13. The proceeding be set down for hearing in Sydney at 10.15am on 11 October 2021 for 5 days.

### **General liberty to apply**

14. PNO, NSWMC and the ACCC have liberty to apply for further directions.



*[Handwritten signature]*

REGISTRAR  
Australian Competition Tribunal