



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

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 DIRECTS THAT:

1. Pursuant to ss 90(6)(c) and 102(1) of the *Competition and Consumer Act 2010* (Cth) and reg 22(1)(a) of the *Competition and Consumer Regulations 2010* (Cth), Port of Newcastle Operations Pty Limited (**PNO**) provide the information in the Schedule to the Australian Competition Tribunal within 14 days of the date of this notice.

Date: 2 June 2021

REGISTRAR
Australian Competition Tribunal

SCHEDULE

Definitions

In this schedule:

'CU Letter' means the letter from Clayton Utz to Clifford Chance dated 16 April 2021.

Documents to be provided

1. The following documents in connection with the affidavit of Mr Simon Byrnes affirmed 15 March 2021:
 - (a) In relation to paragraph 21, the report entitled Scenario Development and Planning prepared for PNO by Wood Mackenzie, dated January 2021 and referred to in paragraph 4(a) of the CU Letter.
 - (b) In relation to paragraph 22, the working sheets used to produce the graph and referred to in paragraph 4(b) of the CU Letter.
 - (c) In relation to paragraph 23, the last six months of Kpler periodic reports provided to PNO.
 - (d) In relation to paragraph 26(e), the “Wood Mackenzie... analysis”.
 - (e) In relation paragraph 29, a full copy of the February 2021 Kpler update.
 - (f) In relation to paragraph 53, the most recent five-year capital forecast.