

NOTICE OF LODGMENT
AUSTRALIAN COMPETITION TRIBUNAL

This document was lodged electronically in the AUSTRALIAN COMPETITION TRIBUNAL and has been accepted for lodgment pursuant to the Practice Direction dated 3 April 2019. Filing details follow and important additional information about these are set out below.

Lodgment and Details

Document Lodged: Submissions

File Number: ACT 1 of 2021

File Title: 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).

Registry: VICTORIA – AUSTRALIAN COMPETITION TRIBUNAL



REGISTRAR

Dated: 29/04/2021 11:30 AM

Important information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Tribunal and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

COMMONWEALTH OF AUSTRALIA
Competition and Consumer Act 2010 (Cth)



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

**SUBMISSIONS OF NSWMC ON APPLICATION BY THE AUSTRALIAN
COMPETITION AND CONSUMER COMMISSION TO INTERVENE**

1. These submissions are filed pursuant to direction 6 of the Tribunal's directions of 8 April 2021.
2. NSWMC supports the application by the Australian Competition and Consumer **Commission** for leave to intervene in the proceeding, and the directions it seeks.
3. NSWMC submits that the Commission is well placed to provide a unique perspective by virtue of its regulatory function and experience. This proposition is made good by the Commission's submissions to the National Competition Council, which provided a perspective that was unique to that advanced by NSWMC.
4. If the Commission draws the Tribunal's attention to some aspect of the case which might otherwise be overlooked, or offers the Tribunal a submission on law or relevant fact which will assist the Tribunal in a way in which it would not otherwise have been assisted, that is something courts have regularly welcomed (especially in complex cases such as this). NSWMC therefore submits that the Commission's intervention is likely to assist the Tribunal in its reconsideration of the Minister's decision and should be permitted.
5. Further, NSWMC observes that the Commission is an experienced party in litigation and is subject to the Directions on *The Commonwealth's Obligation to Act as a Model Litigant* at Appendix B of the Legal Services Directions 2017, such that the Tribunal can expect the Commission to properly tailor the extent of its involvement so as not to jeopardise

either its independent function or the quick, inexpensive, and efficient resolution of the proceeding.

28 April 2021

Clifford Chance LLP
Solicitors for NSWMC