

Limited waiver for ring fenced personnel – Antony Perkins UPDATE

QUBE / AAT s87B Undertaking

Period Jan 1 – June 30, 2020

Waiver summary

On the 26th of March 2018, the ACCC provided Antony Perkins, Managing Director of AAT, a limited waiver of Clause 6.4 of the Undertaking. The limited waiver enabled Antony to hold a position within Qube for two years to assist the Infrastructure and Property Asset Group in the development of rail operations at the Moorebank Intermodal and Interstate rail terminal, while also maintaining a position as Managing Director of AAT.

On the 24th of March, 2020, an extension was granted by the ACCC following a request by AAT to extend the limited waiver to March 2021. The extension was granted on the condition that AAT provide an update on the role and activities undertaken by Antony Perkins at Moorebank and any breaches or potential breaches of clause 6 in the bi-annual report.

Summary of activities undertaken in the last reporting period

Activities undertaken by Antony Perkins include;

- Assisting with terminal design
- Communication and Co-ordination activities

ACCC Limited waiver extension – Antony Perkins APPROVAL

Received 24th March, 2020

RE: Limited waiver extension - Antony Perkins [SEC=OFFICIAL]



Goldfeld, Rachel <rachel.goldfeld@accc.gov.au>

To Vincent Macheda

Cc Marek, Aggie; Desmond, Rachel; Mergers RU


Reply

Reply All

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Tue 24/03/2020 11:43 AM

 You replied to this message on 25/03/2020 9:29 AM.

Dear Vincent,

I refer to your letter provided on 27 February 2020 regarding your request for the ACCC to extend the limited waiver in respect of clause 6.4(a) of the Qube/AAT s87B undertaking (the undertaking) to 26 March 2021.

The ACCC has considered the information provided by you and other information it has before it, and based on that information, the ACCC has decided to grant an extension to the limited waiver of clause 6.4(a) of the undertaking to **26 March 2021**.

The extension of the limited waiver is granted to AAT and Qube on the condition that you continue to provide details on your role and activities undertaken by you at Moorebank and any breaches or potential breaches of clause 6 in each Compliance Report provided by AAT to the ACCC and the independent auditor in accordance with clause 8(a) of the undertaking.

I note AAT remains under obligations to ensure you comply with clause 6.1, which relates to access to and use of ring-fenced confidential information.

If new information comes to the ACCC's attention, or if the ACCC becomes aware that any information upon which it has based its view is incorrect or incomplete, the ACCC reserves the right to reconsider this decision.

Kind regards,
Rachel

Rachel Goldfeld

Senior Analyst | Merger and Authorisation Review Division

Australian Competition & Consumer Commission

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The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

27/02/2020

Att: Sara Mirabella

RE: Qube / AAT s87B Undertaking - Request to extend limited waiver for ring fenced personnel - Antony Perkins

Sara, as you are aware, the limited waiver approved by the ACCC on the 26th of March, 2018, reference 59930, provided Antony Perkins, AAT's Managing Director, a limited waiver of clause 6.4(a) of the undertaking.

This limited waiver enabled Antony to hold a position within Qube for a period of two years to assist the Qube Infrastructure and Property asset group in the development of rail operations at the Moorebank Intermodal (port shuttle) and Interstate rail terminal, while also maintaining a position as Managing Director of AAT.

Antony wishes to continue to be used in an advisory role as required for this project. Antony Perkins role at Moorebank Logistics Park is interfacing and negotiating with a potential user/operator of the Moorebank Interstate Rail Terminal (not a Qube related company), advising on any minor changes to the interstate container rail terminal and shunting yard design, (materially complete) and assisting with negotiating lease terms with the proposed operator.

Antony Perkins involvement does not cross over with any of AAT activities and does not deal with any cargo that is handled by AAT. AAT are not aware of any breaches of clause 6 of the undertaking.

We seek approval to extend this limited waiver to March 2021.

Should you require any further information, please feel free to contact me.

Regards,



Vincent Macheda
General Manager

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