



Human Resource Management System

DOCUMENT NAME	Confidentiality Policy – AAT Obligations under the Undertaking to the ACCC
DOCUMENT TYPE	Policy
RESPONSIBILITY	Managing Director

VERSION CONTROL AND CHANGE HISTORY

VERSION NUMBER	APPROVAL DATE	APPROVED BY	AMENDMENT/S	NEXT REVIEW DATE
1-2010	1st June 2017	Chief Executive Officer	Original	1/06/2019
2-2018	15th June 2018	Managing Director	Amendment- update CEO to Managing Director,	1st June 2020
3-2020	1st June 2020	Managing Director	Amendment- update AAT's Compliance Officer's contact details	1st June 2022
4-2023	1 st July 2023	Managing Director	Reformatted Version control and footer.	1 st July 2025
5-2024	28 th April 2025	Managing Director	Amendment AAT, MIRAT and Qube Undertaking	1 st April 2027

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For the latest version of this policy always check AAT's Intranet.



AUSTRALIAN AMALGAMATED TERMINALS PTY LTD (AAT)

CONFIDENTIALITY POLICY

AAT's OBLIGATIONS UNDER THE UNDERTAKING TO THE ACCC

Background

AAT was established as an incorporated joint venture between P&O Wharf Management Pty Limited (ACN 100 737 264) (P&O), a wholly-owned subsidiary of Qube and Plzen Pty Limited (ACN 065 905 571) (Plzen), a wholly owned subsidiary of Asciano Limited (ACN 123 652 862) (Asciano).

In 2016, the 50 per cent shareholding in AAT held by Plzen was acquired by BAPS BidCo Pty Ltd (ACN 611 189 381) (BAPS BidCo). Subsequently, AAT became a wholly-owned subsidiary of Qube.

When AAT became a wholly owned subsidiary of Qube, the Australian Competition and Consumer Commission (**ACCC**) was concerned that AAT could be operated so as to:

- favour Qube's downstream interests in stevedoring and PDI services; and
- discriminate against other existing and potential downstream operators.

To address these concerns, AAT and Qube offered the ACCC an undertaking which was accepted by the ACCC on 23 November 2016 (Undertaking). The 2016 Undertaking resulted in Qube and AAT controlling Port Kembla, Fisherman Island and Appleton Dock Terminals, this was varied on 25 June 2018.

ACCC's concerns on the proposed acquisition by AAT of 100 per cent of the shareholdings in MIRRAT (MIRRAT Acquisition). Upon completion of the MIRRAT Acquisition, MIRRAT would operate the automotive and/or RoRo terminal at Webb Dock West, subject to the control and direction of AAT.

Therefore, the MIRRAT Acquisition resulted in Qube, AAT and MIRRAT giving the current Undertaking, which was accepted by the ACCC on 9th April 2025 (**Undertaking**).

The Undertaking imposes obligations on AAT regulating AAT's use of Terminal Users' and Applicants' Confidential Information. In essence:

- Confidential Information is specific information provided to us by stevedores, PDI Operators and mooring service providers in relation to the services they provide from our Terminals; and
- the purpose of these requirements is to ensure that we do not allow their Confidential Information to be used for the benefit of Qube's downstream interests in stevedoring and PDI services.

Purpose of this Policy

The purpose of this Policy is to assist AAT's officers, employees, agents and contractors (**Personnel**) to comply with AAT's obligations under the Undertaking to the ACCC in respect of Terminal Users' and Applicants' Confidential Information.

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This Policy supplements:

- AAT's other obligations regarding confidential information; and
- Employees' obligations to AAT to keep confidential information strictly confidential.

You should speak to the Compliance Officer if you have any questions about this Policy or any other obligations concerning confidential information.

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1. Definitions¹

In this Policy:

Access Services are the services we provide to users at each Terminal to enable them to provide Terminal Services (being PDI services, stevedoring services and mooring services).

Applicant means any stevedore, PDI operator, mooring services provider, and any other user seeking Access Services.

Confidential Information is information provided to us by a Terminal User or an Applicant in relation to our supply of Access Services to the Terminal User or Applicant which is:

- (a) by its nature confidential or commercially valuable, such as details about cargo, expected cargo volumes, cargo mix, cargo destinations or origins, cost, value or pricing information or information about a Terminal User's or Applicant's customers; or
- (b) designated as confidential by the Terminal User or Applicant; or
- (c) which we know, or ought to know, is confidential or commercially valuable information.

While there are some exceptions to this description in the Undertaking, if you are unsure as to whether or not particular information is Confidential Information, you must check with AAT's Compliance Officer.

Ring Fenced Personnel are AAT Personnel who are involved, either at operational level or managerial level, in:

- (a) scheduling or allocating berthing times;
- (b) the operation of equipment or the provision of access to facilities, infrastructure, data or services to Terminal Users;
- (c) negotiating or managing Access Licence Agreements or any other agreements or commercial terms with Terminal Users in relation to access to a Terminal;
- (d) managing the grant of security or other access to the Automotive Flyover at the Port of Brisbane.

Personnel who have management oversight over corporate support functions, including general administration, payroll, human resources, insurance, legal or regulatory, or information technology services are not Ring Fenced Personnel.

Terminals means our terminals at Port Kembla, Fisherman Islands, Webb Dock West, Appleton Dock and Port Adelaide.

Terminal Services means PDI services, stevedoring services and mooring services.

Terminal User, in respect of each Terminal, includes each stevedore, PDI operator and shipping line using that Terminal, and any other person who provides services or has applied for the right to provide services at the Terminal.

¹ Undertaking, clause 21.1.

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2. Restrictions on AAT obtaining Confidential Information²

We must not must not require an Applicant or Terminal User to provide us with any Confidential Information unless it is:

- (a) reasonably necessary for the proper operation of the applicable Terminal;
- (b) reasonably necessary to enable us to assess an Applicant in accordance with the Undertaking;
- (c) required by law or a government authority; or
- (d) consented to by the Terminal User or Applicant.

In particular, we must not require an Applicant or Terminal to provide us with any Confidential Information about:

- (a) the Terminal User's or Applicant's freight rates;
- (b) the terms and conditions agreed between the Terminal User or Applicant and any of its customers;
- (c) the terms, duration or renewal of any of the Terminal User's or Applicant's freight contracts; and
- (d) any of the Terminal User's or Applicant's forecasts of freight volume for any specific customer.

3. We must keep Confidential Information strictly confidential³

Where we obtain Confidential Information from a Terminal User or Applicant in accordance with clause 2 above, we must keep it strictly confidential. It may only be used by AAT personnel and only for the purposes set out in clause 4 below.

This means that it must not be disclosed to anyone outside AAT, including Qube, any business associated with Qube, or other Terminal Users or Applicants.

There are some limited exceptions where we may disclose the Confidential Information of a Terminal User or an Applicant, such as to satisfy legal and regulatory requirements. Any such disclosure must be approved in writing by AAT's Compliance Officer. Approvals to disclose will be retained in records that must be retained by AAT for five years from disclosure.

4. Use of Terminal Users' or Applicants' Confidential Information⁴

We may only use a Terminal User's or Applicant's Confidential Information for the purposes of:

- (a) providing Access Services to that Terminal User;
- (b) assessing that Applicant's eligibility to receive Access Services;
- (c) resolving a Terminal Dispute; or

² Undertaking, clause 6.1(a) and (b).

³ Undertaking, clauses 6.1(c) and 6.2.

⁴ Undertaking, clause 6.1(d).

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(d) as otherwise expressly consented to in writing by that Terminal User or Applicant.

We must not use a Terminal User's or Applicant's Confidential Information for any other purpose.

5. Safeguarding Confidential Information⁵

You must comply with:

- (a) AAT's IT systems and security measures for safeguarding Terminal Users' and Applicants' Confidential Information; and
- (b) any direction from AAT's Compliance Officer regarding the collection, use and protection of Terminal Users' and Applicants' Confidential Information.

6. Destruction of Terminal Users' or Applicant's Confidential Information

A Terminal User or Applicant may request that we return, destroy or delete any Confidential Information they have provided to us.

If you receive any such request from a Terminal User or Applicant, you must refer the request to AAT's Compliance Manager before acting upon the request. The Compliance Manager will assess:

- (a) whether there is any legal requirement for the Confidential Information to be retained; and
- (b) whether there is any legal concern about destroying Confidential Information.

A Terminal User's or Applicant's Confidential Information may only be returned, destroyed or deleted with the Compliance Officer's approval.

If any Terminal User's or Applicant's Confidential Information is to be destroyed, it must be destroyed in a secure manner to avoid any inadvertent risk of disclosure.

7. Restrictions on Employment of Ring Fenced Personnel⁶

Ring Fenced Personnel cannot simultaneously be employed or engaged by Qube or another Qube Related Entity unless that entity is an Approved Terminal Operator.

Ring Fenced Personnel who have access to Confidential Information of a Terminal User or Applicant within a period of 6 months before ceasing to be employed or engaged by AAT must not be employed or engaged, within 6 months of ceasing to be AAT Personnel, by Qube, a Qube Related Entity or any other Related Body Corporate of AAT, to work in any part of the relevant entity which is responsible for commercial dealings with customers acquiring stevedoring or PDI Operator Services within an AAT Terminal.

There is an exception if the Ring Fenced Personnel are employed or engaged by an Approved Terminal Operator and they have undertaken to AAT not to disclose any Confidential Information provided to AAT during their engagement or employment with AAT to any person other than the Approved Terminal Operator.

⁵ Undertaking, clause 6.1(h).

⁶ Undertaking, clause 6.4.

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8. Non-Compliance with this Policy⁷

If you know or suspect that any Terminal User's or Applicant's Confidential Information has been disclosed to another person without approval under this Policy (inadvertently or otherwise), or any other provision of this Policy has not been complied with, you must immediately notify AAT's Compliance Officer. This is important because, under the Undertaking, we must report breaches of our confidentiality obligations to the Approved Independent Auditor appointed under the Undertaking within 5 Business Days.

9. Compliance Officer

AAT's Compliance Officer, appointed for the purposes of monitoring AAT's compliance with our confidentiality obligations under the Undertaking, is available to help you to give effect to this Policy. AAT's Compliance Officer's contact details are as follows:

Vincent Macheda

Telephone: (03) 8698 6915

Mobile: 0434 074 605

Email: vincent.macheda@aaterminals.com.au

If AAT's Compliance Officer is not available and the matter cannot wait until the Compliance Officer is available, please contact AAT's Managing Director. The Managing Director's contact details are as follows:

Antony Perkins

Telephone: 02 8346 2304

Mobile: 0417 495 051

Email: antony.perkins@aaterminals.com.au

⁷ Undertaking, clause 6.5.

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