



Notification Waiver Determination

H-E Parts International Mining Solutions – Warehouse workshop site in Paget, QLD

Acquisition	H-E Parts International Mining Solutions Pty Ltd (H-E Mining) applied for a notification waiver in respect of its proposed agreement for lease with ATB Morton Pty Ltd (ATB Morton) in respect of land located at 88 Michelmore Street, Paget, Mackay, Queensland (the Property) and improvements to be constructed by ATB Morton, as described in the transaction documents provided as part of the application (the Acquisition).
Determination	The Australian Competition and Consumer Commission has determined under section 51ABV(1)(a) of the <i>Competition and Consumer Act 2010</i> (Cth) that the Acquisition is not required to be notified.
Date of determination	12 February 2026

Parties to the Acquisition	<p>The acquirer, H-E Mining, supplies parts, engineered components, and service support for heavy-duty equipment used in mining and related industries, supporting both surface and underground operations as well as crushing and materials processing applications. H-E Parts International Mining Solutions Cooling Division Pty Ltd (H-E Cooling) provides cooling and heat-transfer solutions for mining and heavy industrial equipment. HEP Australia Holdings Pty Ltd is the parent entity of H-E Mining and H-E Cooling. ATB Morton is a commercial and industrial property developer, and will be the landlord of the Property. ATB Morton will construct a purpose-built industrial warehouse and workshop facility on the Property. ATB Morton will then lease the Property and improvements constructed by ATB Morton to H-E Mining.</p> <p>The Property will be used by H-E Mining and H-E Cooling, and would be an input to their operations.</p>
Explanation for determination	<p>In making this notification waiver determination, the Australian Competition and Consumer Commission (ACCC) has considered the information provided with the notification waiver application and had regard to the factors in section 51ABV(2)(b) of the <i>Competition and Consumer Act 2010</i> (Cth) (Act).</p> <p>Based on the information provided in the application and publicly available information, the ACCC considers that the Acquisition is unlikely to give rise to any material lessening of competition. In particular:</p> <ol style="list-style-type: none">There is no horizontal competitive overlap.There appear to be alternative sites available for H-E Mining's and H-E Cooling's competitors.

	<p>c. The Acquisition does not appear likely to otherwise limit or prevent competition from rivals.</p> <p>In these circumstances, the ACCC does not consider it necessary to reach a concluded view on the likelihood of the notification thresholds being met.</p> <p>Given that material competition concerns are unlikely to arise, the ACCC has determined that the Acquisition is not required to be notified.</p> <p>The ACCC considers that the determination is consistent with the object of the Act and the interests of consumers in promoting competition.</p> <p>For more information about the ACCC's approach to considering notification waiver applications and to assessing competition effects more generally, see the ACCC's interim guidance on notification waivers and merger assessment guidelines.</p>
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Determination made by Commissioner Williams pursuant to a delegation under section 25(1) of the Act