



**Australian
Competition &
Consumer
Commission**

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Our Ref: 37434
Contact Officer: Simon Mitchell
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12 May 2009

Mr Chris Jose
Partner
Freehills
101 Collins St
Melbourne VIC 3000

Dear Mr Jose

**Notification submitted by Coles Supermarkets Pty Ltd on 6/5/09 –
request for material to be excluded from the public register**

I refer to the exclusive dealing notification lodged by Coles Supermarkets Pty Ltd with the Australian Competition and Consumer Commission (the ACCC) on 6 May 2009.

I have considered the request that the responses to points 3(b)(i) and 3(b)(ii) of the Form G notification be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 95 of the *Trade Practices Act 1974* (the Act) to place documents provided to it in relation to an application for notification on the ACCC's public register. The Act provides that a person submitting a document in relation to a notification may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the relevant responses will not be placed on the public register.

A copy of this letter will be placed on the public register.

Should you have any queries in relation to this matter, please do not hesitate to contact Simon Mitchell on 03 9290 6909.

Yours sincerely

Dr Richard Chadwick
General Manager
Adjudication Branch