

9 August 2011

Ms Pamela Cue  
Project Officer  
Adjudication Branch  
Australian Competition & Consumer Commission  
23 Marcus Clarke Street  
Canberra 2601

By Email

Dear Ms Cue

**Form G Notification of Exclusive Dealing Conduct - N95488**

The proposed conduct notified in exclusive dealing notification N95488 by Coles Supermarkets Australia Pty Ltd (*Coles*) relates to the proposal that Coles will require **third party service contractors** who tender for the supply of services to Coles to undergo an occupational health and safety (*OHS*) risk assessment by Noel Arnold & Associates (*NAA*) as part of their pre-qualification process and on an annual basis if selected for supply to Coles.

The class of persons to which the conduct relates is **third parties who are or propose to become service contractors** for Coles. Other Coles suppliers who do not supply services to Coles, and who supply for example only food or stock, will not be required to complete an OHS risk assessment by NAA.

The proposed conduct outsources a compliance check that has previously been conducted by Coles in-house and will enhance Coles' compliance with industry standard pre-qualification safety requirements.

Please contact me if you have any queries relating to this matter.

Yours sincerely



Helen Anness  
Corporate Solicitors Office  
Coles

