



**Australian
Competition &
Consumer
Commission**

Our Ref: C2011/650
Contact Officer: Pamela Cue
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11 August 2011

Helen Anness
Wesfarmers Corporate Solicitors Office
Coles Support Centre
800 Toorak Road
Hawthorn East VIC 3123

Sent via email: Helen.Anness@coles.com.au

Dear Ms Anness

Third line forcing notification N95488 lodged by Coles Supermarkets Australia Pty Ltd

I refer to the above third line forcing notification, which was received by the Australian Competition and Consumer Commission (ACCC) from Coles Supermarkets Australia Pty Ltd (Coles) on 19 July 2011 and validly lodged on 26 July 2011.

The purpose of this letter is to seek further information from Coles in relation to the conduct proposed under notification N95488.

In particular, the ACCC seeks the following information from Coles, in order to assist it in its assessment of the notification:

1. The reasons behind Coles' decision to outsource the occupational health and safety (OHS) risk assessment, rather than keep the assessment in-house.
2. Description of the process by which Noel Arnold & Associates (NAA) was selected by Coles as its OHS risk assessment provider.
3. Whether any mechanisms are in place to ensure that the price and quality of the OHS risk assessment services to be provided by NAA remains competitive for third party suppliers.
4. Whether there is scope for Coles to appoint another provider of the OHS risk assessment services, or if third party suppliers are able to use another provider of the OHS risk assessment services, where they can demonstrate that the service provided is of the same quality as that provided by NAA.

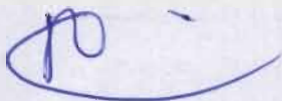
5. A list of the key services which are likely to be affected by the proposed conduct. For instance, pest control, cleaning etc.
6. Any other information that Coles wishes to provide in relation to the public benefits and detriments resulting from the notified conduct.

Please provide this information by **24 August 2011**.

As you are aware, the ACCC is generally required to place documents provided to it in relation to a notification on the ACCC's public register. However, if you wish to request that any information in your response be excluded from the public register because it is confidential or otherwise commercially sensitive, please refer to the enclosed guidelines for instructions on how to do so.

This letter has been placed on the public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Pamela Cue on 02 6243 1066.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Richard Chadwick', written over a light blue rectangular background.

Dr Richard Chadwick
General Manager
Adjudication Branch