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31 July 2020

Dear Mr Fu

**RE: AA1000477 – Coles Group – Submission**

The Australian Food and Grocery Council (AFGC) welcomes the opportunity to provide input to the ACCC's draft determination permitting Coles, Woolworths, Aldi, Metcash and other approved retailers to discuss and coordinate for the purpose of ensuring the continued supply and fair and equitable distribution of retail products to consumers during the COVID-19 pandemic.

The AFGC wishes to acknowledge and congratulate the ACCC for its swift response to the application for an interim authorisation, enabling retailers in Australia to work together to provide food and grocery products to consumers in all parts of the country, and particularly to those in vulnerable positions and in rural and remote regions. Further to this, the draft determination demonstrates that the ACCC has listened and understood many of the concerns that were raised during the consultation on the interim authorisation, and these have been incorporated into the draft determination.

The AFGC acknowledges the additional protections that have been built into the draft determination, particularly limiting the authorisation to Authorised Meetings. The AFGC considers this an appropriate measure to ensure the authorisation is only utilised for the purpose of ensuring the supply and fair and equitable distribution of retail products to Australian consumers.

As noted in previous submissions to the ACCC, Australia's supermarket retail landscape is one of the most heavily concentrated in the world (Grattan Institute 2017, AFGC and EQ Economics). While the AFGC supports the draft determination to facilitate the supply of retail products during the COVID-19 pandemic, any benefit gained should be limited to this environment and function only. Recent spikes in COVID-19 cases in Victoria and New South Wales demonstrate that the Australian community will continue to be affected by this pandemic for the foreseeable future. However, should the situation arise that the supply of retail products is no longer impacted, or the virus is no longer spreading through the community, the AFGC considers that the authorisation should be revoked.

The AFGC will continue to engage with the ACCC regarding the draft determination for cooperation between the participating supermarkets, noting the need to ensure the fair and equitable distribution of products throughout Australia, whilst also avoiding the development of any entrenched anti-competitive behaviour.

Should the ACCC desire any further information regarding this submission I would ask that you contact AFGC's Director, Industry Affairs, Samantha Blake ([REDACTED] or [REDACTED]).

Yours sincerely,

[REDACTED]

Dr Geoffrey Annison  
Acting Chief Executive Officer