

13 May 2020

Australian Competition and Consumer Commission  
23 Marcus Clarke Street  
CANBERRA ACT 2601

Via Email: [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au)

Dear Messrs Sommers and Kelly,

**RE AA1000477 – Coles Group on behalf of itself and participating supermarkets – submission**

We refer to your email correspondence dated 12 May 2020 regarding a request from the Participating Supermarkets to narrow the scope of the conduct permitted under the current conditional interim authorization.

Whilst we appreciate that, to some degree at least, the immediate threat to food security, in major cities and regional Australia, has been averted. However, by the Chief Medical Officer's own account a *"second wave"* is *"the thing that plays most on (his) mind"* (- ABC's "7:30" program 11 May 2020. )

Whilst it would be remiss of anyone to attempt to predict how the Australian public, as consumers, would react to any such second wave, we do have the historical data to evidence that panic buying is, if not inevitable, highly likely.

Our chief concern with the request from the Participating Supermarkets to limit the scope of the authorized conduct is that, whilst the Participating Supermarkets sit on the Supermarkets Taskforce, the Safety of Staff and Customers Working Group and the Food Supply Working Group, ALPA, Outback Stores (OBS) and Community Enterprises Queensland (CEQ) have not been authorized to participate in those working groups. Granting of the Participating Supermarkets' request to limit the scope, may well work for the major chains as they are part of those key working groups but will not work for ALPA, OBS and CEQ because we are not members of the working groups.

The authorised conduct allows ALPA, OBS and CEQ to work together during the COVID-19 pandemic in order to “...ensure that all consumers will continue to have fair and reasonable access to Retail Products... as well as consumers in remote or regional areas...”

Naturally, ALPA, OBS and CEQ would have no objection to the limitations in scope being granted to the Coles Group, Woolworths, ALDI and Metcash, provided the scope of the conduct in which ALPA, OBS and CEQ are authorized to engage in remains unchanged.

We invite any questions which may arise as the result of this submission and await your decision.

Regards,



Mr Alastair King OAM FAICD  
CEO

The Arnhem Land Progress Aboriginal Corporation