



Woolworths Group Limited (Woolworths) submission regarding Interim Authorisation in application AA1000477

8 May 2020

Woolworths considers that the interim authorisation has effectively assisted Woolworths and other participants to respond to COVID-19 issues, to the benefit of Australian consumers. We are grateful for the opportunity to share our views on the matters the ACCC has raised.

1. How effectively have Woolworths and other Participating Supermarkets been able to achieve each of the four primary purposes of the interim authorisation?

Woolworths considers that the Participating Supermarkets have achieved the primary purposes of the interim authorisation during the period that the interim authorisation has been in place. In particular, the interim authorisation has assisted the Participating Supermarkets:

1. to promote consumer confidence, and to provide certainty and manage fairer and safer access to essential products (groceries, fresh foods, liquor and everyday needs products), for example through Woolworths and other Participating Supermarkets discussing and, in some cases, agreeing upon consistent approaches to matters such as product limits, store trading hours, limiting customer numbers in store and implementing consistent social distancing measures during the period covered by the interim authorisation;
2. to support vulnerable members of our community, for example through Woolworths and Coles agreeing upon a consistent approach to Community Hour access to stores; and
3. to facilitate consumer access to products in remote and rural areas, for example Woolworths has cooperated with Metcash to supply milk and other essential products to remote regional communities in the Northern Territory and far north Queensland.

These arrangements have assisted in reducing consumer panic buying, as well as promoting the welfare of consumers and team members of Woolworths and other retailers, through an unprecedented period of uncertainty.

Woolworths acknowledges that it has also made many decisions in relation to its responses to COVID-19 through this period which were taken completely independently of other Participating Supermarkets.

2. The extent to which Woolworths has engaged in conduct in reliance on the interim authorisation that has been outside of, or separate to, the Supermarkets Taskforce and its subcommittees and working groups

Woolworths has not engaged in substantive conduct in reliance on the interim authorisation outside of matters discussed at the Supermarkets Taskforce, its subcommittees or working groups.

Woolworths has however, engaged in limited communications with other Participating Supermarkets outside of these forums, so as to settle on details as to implementation of arrangements made in Supermarkets Taskforce meetings or those of the subcommittees or working groups.



For example, following the Supermarkets Taskforce's decision that Woolworths and Coles supermarkets should open for trading on Good Friday to help maintain social distancing over the busy Easter Weekend, further communications occurred between a senior member of the Woolworths Supermarkets commercial team and her counterpart at Coles regarding operational details of implementing that decision. Those communications resulted in a clear and consistent message for consumers as to Good Friday trading hours at Coles and Woolworths supermarkets.

3. A detailed list of written information or data that has been shared by or with Woolworths as part of conduct in reliance on the interim authorisation

As a consequence of its participation in the Supermarkets Taskforce, its subcommittees and working groups, the ACCC will already be aware of written information and data shared by and with Woolworths in connection with those meetings, including many documents which are administrative in nature such as emails regarding meeting arrangements and meeting minutes. We therefore do not address those documents in this submission.

Outside of the Supermarkets Taskforce, its subcommittees and working groups, information Woolworths has shared and had shared with it which may require reliance on the interim authorisation is limited to a very small number of documents (and no significant data sets), primarily emails which include information required to give effect to discussions and decisions made in the relevant meetings including particularly:

- which products may benefit from purchasing limits;
- customer limits;
- social distancing and customer safety measures;
- trading hours; and
- information required to give effect to the wholesale arrangements between Woolworths and Metcash in order to distribute product to remote communities.

4. Details of any Woolworths plans for future cooperation in reliance on the interim authorisation

In light of consumer demand returning to more normal levels, the improvement in the public health situation, and the continuing implementation of reasonably settled social-distancing measures across Woolworths' businesses, Woolworths does not presently anticipate any future cooperation in reliance on the interim authorisation.

Woolworths is concerned however, that the interim authorisation may yet have a role to play, should a "second wave" outbreak or any significant hotspots occur, disrupting consumer demand and supply chains again.

5. Any changes to the Interim Authorisation that Woolworths considers may be desirable

Woolworths understands that there may be proposals to vary the authorisation application (and interim authorisation). Woolworths looks forward to considering any such proposals so as to provide any comments.