



22 May 2020

Kai Fu
Director, Adjudication, ACCC
By email: Kai.Fu@accc.gov.au

Dear Kai,

Coles Group application for authorisation on behalf of itself and participating supermarkets AA1000477 – consultation regarding proposed amendments to interim authorisation

Further to our submission dated 8 May in respect of the ACCC's consultation regarding the progress made under the interim authorisation, Woolworths has now considered Coles' proposal to vary the authorisation application (and 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 is supportive of Coles' proposal to narrow the scope of the conduct the subject of the interim authorisation. Woolworths considers that the following amendment is appropriate:

"[T]he Participating Supermarkets seek authorisation to discuss, enter into or give effect to, any arrangement between them (including with manufacturers, suppliers, transport and logistic providers), or engage in any conduct, which has the purpose of: i. facilitating or ensuring the acquisition and/or supply of Retail Products in Australia (especially of those Retail Products in short supply) ii. ensuring fairer access to Retail Products among the general public iii. providing greater access to Retail Products to those most in need (including the elderly and disadvantaged members of the public, such as consumers who may be too unwell to travel to the supermarket); or iv. facilitating access to Retail Products in remote or rural areas.

The Proposed Conduct is subject to the following additional limitation:

- a. that the discussion of, or entering into, or giving effect to, any such arrangement should occur at or arising out of any future meeting of the Supermarket Taskforce, or other working group convened by a Federal Government department, to which Participating Supermarkets have been invited and of which a representative of the ACCC and at least one Participating Supermarket is a member; and*

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- b. *notwithstanding (a) above, the Participating Supermarkets may continue to give effect to any contract, arrangement or understanding previously entered into in reliance on the Interim Authorisations dated 20 and 26 March 2020.*"

Woolworths does not consider that any other changes should be made to the interim authorisation.

Yours sincerely,

WOOLWORTHS GROUP LIMITED



Jodie Tattersall
Group Counsel - Competition and Consumer
Legal Services