

COMMONWEALTH OF AUSTRALIA
Competition and Consumer Act 2010 (Cth)



IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No: ACT 1 of 2026

Re: Application for review of a determination made by the Australian
Competition and Consumer Commission under subsection 51ABZE(1) of the
Competition and Consumer Act 2010 (Cth)

Applicant: Coles Supermarkets Australia Pty Ltd

DIRECTIONS

TRIBUNAL: Justice O'Bryan (President)

DATE: 10 August 2026

WHERE MADE: Melbourne

THE TRIBUNAL DIRECTS BY CONSENT THAT:

1. This order is made by the Australian Competition Tribunal for the purposes of s 106(2)(b) of the *Competition and Consumer Act 2010 (Cth)*.

Definitions used in these directions

2. The following defined terms apply for the purposes of these Orders:
 - (a) **ACCC** means the Australian Competition and Consumer Commission.
 - (b) **Act** means the Competition and Consumer Act 2010 (Cth).
 - (c) **ALDI** means ALDI Stores (A Limited Partnership).
 - (d) **Confidentiality Claimant** means, in respect of particular Highly Confidential Documents or Highly Confidential Information, the person or entity who made a claim of confidentiality in respect of that information.
 - (e) **Confidential Information** means all information filed with the Tribunal, served or otherwise produced in this proceeding:



- (i) in respect of which a claim of confidentiality has been made which has not been refused by the Tribunal;
 - (ii) which has been marked 'Confidential'; and
 - (iii) which is not in the public domain or is only in the public domain by reason of a breach by any person of a confidentiality undertaking in this proceeding.
- (f) **Confidentiality Regime** means the confidentiality regime annexed to the directions of the Tribunal made in this proceeding on 21 July 2026.
- (g) **Directions** means these directions dated 10 August 2026.
- (h) **Highly Confidential Documents** means the documents listed at Annexure 2 of these Directions and information contained in these documents.
- (i) **Highly Confidential Information** means the information identified in Annexure 1 of these Directions and all information contained in the Highly Confidential Documents.
- (j) **Support Staff** means persons providing administrative assistance and includes secretaries, administrative assistants, graduates, paralegals, IT staff, print room staff and staff of external printing or technology vendors based in Australia.

Access to Confidential Information

3. Subject to orders 4 to 6 below, access to Confidential Information remains governed by the Confidentiality Regime.

Access to Highly Confidential Information and Highly Confidential Documents

4. The following persons have unrestricted access to the Highly Confidential Information and Highly Confidential Documents, provided such persons keep that material confidential and in accordance with these Directions:
- (a) the Tribunal, Tribunal staff and any other person assisting the Tribunal;
 - (b) the ACCC, ACCC staff and any other person assisting the ACCC in relation to this proceeding including the ACCC's barristers and external solicitors; and
 - (c) Support Staff of the persons listed in paragraphs 4(a)-(b) and 5(a)-(c) of these Directions.
5. Subject to paragraphs 7, 8 and 9 below, the following persons have unrestricted access to the Highly Confidential Information and Highly Confidential Documents provided that such persons have, in addition to signing the Confidentiality Undertaking attached to the Confidentiality Regime, signed the confidentiality undertaking in Annexure 3 to these Directions before accessing the Highly Confidential Information or Highly Confidential



Documents (as the case may be), and provided that the Highly Confidential Information and Highly Confidential Documents are only used for the purpose of this proceeding:

- (a) external barristers and solicitors directly involved in this proceeding, retained by Coles Supermarkets Australia Pty Ltd or O'Connor Fresh Pty Ltd ATF O'Connor Fresh Trust trading as O'Connor Fresh (each a Participant), who are permitted to have access to Confidential Information pursuant to the Confidentiality Regime;
 - (b) independent experts retained for the purposes of this proceeding by a Participant who are permitted to have access to Confidential Information pursuant to the Confidentiality Regime; and
 - (c) internal lawyers of a Participant, or any other person, with the prior written consent of the Confidentiality Claimant, to the extent that such consent is given in respect of all or part of the Highly Confidential Information and Highly Confidential Documents.
6. Highly Confidential Information and Highly Confidential Documents remain otherwise governed by the Confidentiality Regime.

General orders as to confidentiality

7. The file name of the document provided by Woolworths Group Limited to the ACCC with Document ID [WOW.002.002.0004] be redacted from any publication of that file name (including in indexes) so as to not disclose the words that appear in the brackets, including the store name.
8. The document provided by Metcash Trading Limited to the ACCC with Document ID 01068.001.005.0042, titled "Attachment 2 - CRA Report for Metcash re supermarkets inquiry - 3 December 2024.pdf" be redacted in respect of the following information prior to disclosure to the persons identified in paragraph 5:
- (a) the contents of each of the tables 1 to 7;
 - (b) the contents of each of the figures 1 to 30; and
 - (c) the contents of Appendix A,
- unless Metcash provides prior written consent for provision to any person of an alternative (i.e. unredacted or less redacted) version.
9. The Highly Confidential Documents for which the Confidentiality Claimant is ALDI may be disclosed only to the following persons:
- (a) external barristers directly involved in this proceeding, retained by Coles Supermarkets Australia Pty Ltd;

- (b) external solicitors retained by Coles Supermarkets Australia Pty Ltd, limited to a maximum of six employees or partners of Herbert Smith Freehills Kramer who are admitted to practice law in Australia and have been identified in writing to ALDI; and
 - (c) persons referred to in subparagraph 5b) or 5c).
10. By 11 August 2026, the Commission is to serve on each Participant an electronic bundle of the documents referred to in the Documentary Index that are identified as being subject to a claim for confidentiality and which were the subject of an application for further directions under paragraphs 8(b) or 9 of the directions made by the Tribunal in this proceeding on 21 July 2026, subject to the Confidentiality Regime and these Directions.
11. The hearing book is to be organised such that non-confidential documents, Confidential Documents, Highly Confidential Documents and other documents containing Highly Confidential Information are included in separate sections of the hearing book.
12. Liberty to apply.

Date: 10 August 2026



A handwritten signature in blue ink, consisting of a stylized 'A' followed by a 'U'.

REGISTRAR

Australian Competition Tribunal



Annexure 1
Highly Confidential Information

All information contained in the Highly Confidential Documents is Highly Confidential Information.

Document ID	Document Title	Confidentiality Claimant
01068.001.028.0001 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	2026.05.14 - (Tranche 2) Woolworths Response to s 155 Notice dated 17 April 2026.pdf	Woolworths Group Limited
WOW.001.001.0030 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	Market Activity Newsletter - November 2025	Woolworths Group Limited
WOW.001.001.0031 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	Customer Retention Tracker & Report - November 2025	Woolworths Group Limited
WOW.001.001.0034 (the parts identified in Confidential Exhibit BJW-1)	Customer Retention Tracker & Report - October 2025	Woolworths Group Limited
WOW.001.001.0066 (the parts identified in Confidential Exhibit BJW-1)	SANTWA - W39 net B&M Sales Impact (Competitor and New Store)	Woolworths Group Limited
WOW.001.001.0067 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA - W38 net B&M Sales Impact (Competitor and New Store)	Woolworths Group Limited
WOW.001.001.0068	SANTWA - W36 net B&M Sales impact	Woolworths Group



Document ID	Document Title	Confidentiality Claimant
(the parts identified as highly confidential in Confidential Exhibit BJW-1)	(Competitor and Newstore)	Limited
WOW.001.001.0069 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA - W37 net B&M Sales impact (Competitor and New store)	Woolworths Group Limited
WOW.001.001.0075 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	Market Activity Newsletter - March 2026	Woolworths Group Limited
WOW.001.001.0086 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA - W33 net B&M Sales impact (Competitor and New store)	Woolworths Group Limited
WOW.001.001.0087 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA - W32 net B&M Sales impact (Competitor and New store)	Woolworths Group Limited
WOW.001.001.0093 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	WA recent year on year growth	Woolworths Group Limited
WOW.001.001.0094 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	Market Activity Newsletter - February 2026	Woolworths Group Limited
WOW.001.001.0100	SANTWA - W29 net B&M Sales impact	Woolworths Group



Document ID	Document Title	Confidentiality Claimant
(the parts identified as highly confidential in Confidential Exhibit BJW-1)	(Competitor and New store)	Limited
WOW.001.001.0101 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA - W30 net B&M Sales impact (Competitor and New store)	Woolworths Group Limited
WOW.001.001.0102 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA - W28 net B&M Sales impact (Competitor and New store)	Woolworths Group Limited
WOW.001.001.0105 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA - W27 net B&M Sales impact (Competitor and New store)	Woolworths Group Limited
WOW.001.001.0108 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA - W25 net B&M Sales impact (Competitor and New store)	Woolworths Group Limited
WOW.001.001.0109 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA - W24 net B&M Sales impact (Competitor and New store)	Woolworths Group Limited
WOW.001.001.0112 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	Market Activity Newsletter - December 2025	Woolworths Group Limited
WOW.001.001.0121	SANTWA - W23 net B&M Sales impact	Woolworths Group



Document ID	Document Title	Confidentiality Claimant
(the parts identified as highly confidential in Confidential Exhibit BJW-1)	(Competitor and New store)	Limited
WOW.001.001.0122 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA - W22 net B&M Sales impact (Competitor and New store)	Woolworths Group Limited
WOW.001.001.0124 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA – W21 net B&M Sales impact (Competitor and New store)	Woolworths Group Limited
WOW.001.001.0125 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	SANTWA – W35 net B&M Sales impact (Competitor and New store)	Woolworths Group Limited
WOW.001.002.0011 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	Fwd: eCom Facts	Woolworths Group Limited
WOW.001.002.0012 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	eCom Facts	Woolworths Group Limited
WOW.001.002.0013 (the parts identified as highly confidential in Confidential Exhibit BJW-1)	Re: WA E-Com Market Share	Woolworths Group Limited
WOW.001.002.0014	Re: WA E-Com Market Share	Woolworths Group



Document ID	Document Title	Confidentiality Claimant
(the parts identified as highly confidential in Confidential Exhibit BJW-1)		Limited
01068.001.018.0001 (sales information associated with SKU data confidential to Spudshed)	ACCC VB Spudshed Kalgoorlie Schedule 1 Response.xlsx	Spudshed
01068.022.013.0353 (pages .0353 to .0365 inclusive)	Kalgoorlie WA Market Assessment 25 Feb 2026.pdf	Fairthorne Group



Annexure 2
Highly Confidential Documents

Document ID	Document Title	Confidentiality Claimant
N/A	Confidential Exhibit BJW-1 to the affidavit of Benjamin James Welk sworn at Sydney on 3 August 2026	Woolworths Group Limited
WOW.002.001.0007	CONFIDENTIAL - AU Supers Low Performing Stores - FY25 (Superseded).pdf	Woolworths Group Limited
WOW.002.001.0015	Confidential - FY27 Store Closures_Sale.pdf	Woolworths Group Limited
WOW.002.002.0002	PCM (Closure Overview Summary) - 4 December 2025.pdf	Woolworths Group Limited
WOW.002.002.0004	PCM ([Redacted]) - 13 March 2026.pdf	Woolworths Group Limited
WOW.002.002.0005	PCM (Low Performing Stores Update) - 4 December 2025.pdf	Woolworths Group Limited
01068.001.005.0011	Attachment 1 - Frontier Economics Report - 23 February 2023.pdf	Metcash Trading Limited
01068.001.005.0042	Attachment 2 - CRA Report for Metcash re supermarkets inquiry - 3 December 2024.pdf	Metcash Trading Limited
01068.001.020.1915	Letter - ACCC - Metcash response to s 155(1)(a) and (b) Notice dated 17 April 2026 - 1 May 2026 signed.pdf	Metcash Trading Limited
01068.001.020.1928	Max Endorsed Thresholds by State.pptx	Metcash Trading Limited
01068.001.020.1929	Response to Schedule 1, questions 1(a), 1(b), 2(b) & 2(e).xlsx	Metcash Trading Limited
01068.001.020.1930	WA Price Book.xlsx	Metcash Trading Limited
01068.001.005.0009	ALDI Letter ACCC re Coles Kalgoorlie_02012026.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0005	ALDI Brabham - Update to Approved Site Pack.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0010	Golden Bay - Store Evaluation Model - AU 2025 V2 (2027 Opening).pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0028	Maddington - Site Pack REIC 2026.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0046	Maddington - Site Pack REIC.pdf	ALDI Stores (A Limited Partnership)



Document ID	Document Title	Confidentiality Claimant
		Partnership)
01068.001.017.0062	Pinjarra - Store Evaluation Model - AU 2025 V2 (2027 Opening).pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0086	ALDI Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0087	FW: Amara Estate - very confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0088	Leasing_Amara Estate.email.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0103	FW: Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0104	250307 Site Masterplan Concept - Option 5 - SK 501.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0105	FW: Industrial Park	ALDI Stores (A Limited Partnership)
01068.001.017.0107	Yilkari Industrial Park - Sales Flyer.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0109	FW: Kalgoorlie - Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0110	ALDI KALGOORLIE SK-01[P1] PROPOSED SITE PLAN.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0111	FW: Kalgoorlie - Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0114	Kalgoorlie - very confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0115	Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0116	Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0117	Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0118	Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0119	Kalgoorlie	ALDI Stores (A Limited Partnership)



Document ID	Document Title	Confidentiality Claimant
01068.001.017.0120	Kalgoorlie update	ALDI Stores (A Limited Partnership)
01068.001.017.0121	Kalgoorlie updates - Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0122	Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0123	Proposed - ALDI Store Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0127	RE: Amara Estate - very confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0129	RE: Amara Estate - very confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0131	Re: Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0133	RE: Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0135	RE: Kalgoorlie - Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0136	RE: Kalgoorlie - Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0138	Re: Kalgoorlie - Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0141	RE: Kalgoorlie - Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0144	RE: Kalgoorlie - Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0148	RE: Kalgoorlie - Confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0149	Re: Kalgoorlie - very confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0151	RE: Kalgoorlie - very confidential	ALDI Stores (A Limited Partnership)
01068.001.017.0152	RE: Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0154	RE: Kalgoorlie	ALDI Stores (A Limited Partnership)



Document ID	Document Title	Confidentiality Claimant
		Partnership)
01068.001.017.0156	RE: Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0158	RE: Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0160	RE: Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0162	RE: Kalgoorlie	ALDI Stores (A Limited Partnership)
01068.001.017.0164	Various	ALDI Stores (A Limited Partnership)
01068.001.017.0165	039651 - Store Evaluation Model - AU 2025 V5.1 - Kalgoorlie3.xlsm	ALDI Stores (A Limited Partnership)
01068.001.017.0166	Kalgoorlie sales report - 8 April 2025.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0172	20201222- Kalgoorlie Disposal of Land.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0210	Attachment 1 - Site Pack 1 - Original.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0211	Attachment 2 - Site Pack 2 - Revised.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0212	Attachment 3 - Sale of Land Legal Advice.PDF	ALDI Stores (A Limited Partnership)
01068.001.017.0214	Attachment 4 - Kalgoorlie QS Demolition Report.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0218	Attachment 5 - Kalgoorlie QS Store Build Report.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0219	Attachment 6 - Site Pack 3 - New SVT.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0220	Attachment 7 - QS Report.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0223	Kalgoorlie Memo - Final_.pdf	ALDI Stores (A Limited Partnership)
01068.001.017.0227	Kalgoorlie Site Disposal Memo.pdf	ALDI Stores (A Limited Partnership)



Document ID	Document Title	Confidentiality Claimant
01068.001.017.0229	Attachment 7 - QS Report.pdf	ALDI Stores (A Limited Partnership)
01068.001.005.0397	Coles _ Kalgoorlie - File note of call with Spudshed - 24 February 2026.docx	Spudshed
01068.001.018.0001	ACCC VB Spudshed Kalgoorlie Schedule 1 Response.xlsx	Spudshed
01068.001.018.0002	ACCC VB Spudshed Kalgoorlie Schedule 1 .pdf	Spudshed
01068.001.018.0012	ACCC VB Spudshed Kalgoorlie Attachment A.pdf	Spudshed
01068.001.018.0014	ACCC VB Spudshed Kalgoorlie Schedule 2.pdf	Spudshed
01068.001.026.0011	Coles Kalgoorlie - File note call with Spudshed - 12 May 2026.docx	Spudshed
01068.001.029.0427	RE: Coles/Kalgoorlie – Spudshed s155 notice [SEC=OFFICIAL:Sensitive] [ACCC-ACCCANDAER.FID4790599]	Spudshed
01068.001.029.0430	ACCC - Census Sales Forecast.pdf	Spudshed
01068.022.036.0003	Coles Kalgoorlie - competitor contacts [SEC=OFFICIAL] [ACCC-ACCCANDAER.FID4621041]	Spudshed
01068.022.037.0413	EO - s155 (1)(a)&(b) Notice - Vegie Bandits Pty Ltd - Signed by Deputy Chair Mick Keogh 17 April 2026(31766539.1).pdf	Spudshed



Annexure 3
Highly Confidential Information and Highly Confidential Documents Confidentiality
Undertaking

I, [name], [occupation], of [address], on [date] hereby undertake as follows:

In this undertaking:

- **Confidentiality Claimant** means, in respect of particular Highly Confidential Information or Highly Confidential Documents, the person or entity who made a claim of confidentiality in respect of that information or those documents.
- **Confidentiality Regime** means the confidentiality regime annexed to the directions of the Tribunal made in the Proceeding on 21 July 2026.
- **Highly Confidential Document** has the meaning given to it in the directions made by the Tribunal in the Proceeding on 10 August 2026.
- **Highly Confidential Information** has the meaning given to it in the directions made by the Tribunal in the Proceeding on 10 August 2026.
- **Proceeding** means File No ACT 1 of 2026 being the application to the Australian Competition Tribunal (**Tribunal**) for review of a determination made by the Australian Competition and Consumer Commissioner under subsection 51ABZE(1) of the Competition and Consumer Act 2010: Coles Supermarkets Australia Pty Limited (including any appeals from a decision of the Tribunal on that application).

I will not use the Highly Confidential Information or Highly Confidential Documents for any purpose other than my work in respect of the Proceeding.

I will keep the Highly Confidential Information and Highly Confidential Documents confidential and will not disclose the Highly Confidential Information or Highly Confidential Documents directly or indirectly to any person, other than persons who:

- a) have signed this undertaking; and
- b) have signed the confidentiality undertaking annexed to the Confidentiality Regime; and
- c) are permitted to access Highly Confidential Information and Highly Confidential Documents pursuant to either directions of the Tribunal in the Proceeding related to confidentiality or the written consent of the Confidentiality Claimant.



I will otherwise abide by the obligations imposed on me by the Confidentiality Regime and the confidentiality undertaking I have executed in respect of same, noting that the Highly Confidential Documents and Highly Confidential Information are also Confidential Information as defined in that Regime.

SIGNED by [insert name]

in the presence of:

Dated: