

NOTICE OF LODGMENT
AUSTRALIAN COMPETITION TRIBUNAL

This document was lodged electronically in the AUSTRALIAN COMPETITION TRIBUNAL and has been accepted for lodgment pursuant to the Practice Direction dated 13 July 2026. Filing details follow and important additional information about these are set out below.

Lodgment and Details

Document Lodged:	Affidavit
File Number:	ACT 1 of 2026
File Title:	APPLICATION BY COLES SUPERMARKETS AUSTRALIA PTY LTD
Registry:	VICTORIA – AUSTRALIAN COMPETITION TRIBUNAL



REGISTRAR

Dated: 4/09/2026 5:04 PM

Important information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Tribunal and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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 of the *Competition and Consumer Act 2010 (Cth)*

Affidavit of: **Reece Neville Grant**

Address: Unit 48/1 Freeman Loop, North Fremantle, Western Australia

Occupation: Director

Date: 4 September 2026

Document number	Details	Paragraph	Page
1	Affidavit of Reece Neville Grant in support of an application pursuant to section 100S(2) of the <i>Competition and Consumer Act 2010 (Cth)</i> , affirmed on 4 September 2026	1 to 9	1 to 4
2	Confidential Annexure "RNG-1", being copy of an agreement between the Trustee for the O'Connor Fresh Trust, Uber Technologies, Inc. and Portier Pacific Pty Ltd dated 21 May 2026	6	2

I Reece Neville Grant, Director, affirm:

1. I am a co-owner and Director of O'Connor Fresh Pty Ltd ATF O'Connor Fresh Trust, trading as O'Connor Fresh (**O'Connor Fresh IGA**), an independent supermarket located at 1 Maguire Street, Somerville, Western Australia (**WA**) which is a suburb of Kalgoorlie-Boulder (**Kalgoorlie**).
2. I am authorised to make this affidavit on behalf of O'Connor Fresh IGA in support of an application pursuant to section 100S(2) of the *Competition and Consumer Act 2010*

Filed on behalf of (name & role of party) O'Connor Fresh Pty Ltd ATF O'Connor Fresh Trust trading as O'Connor Fresh

Prepared by (name of person/lawyer) Claire Forster

Law firm (if applicable) Norton Rose Fulbright

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Address for service Level 5, 60 Martin Place Sydney NSW 2000
(include state and postcode)

(Cth) (**CCA**) to provide new information, documents or evidence in the above proceeding.

3. Unless otherwise stated, the facts deposed to in this affidavit are within my own knowledge. Where I depose to matters based on information and belief, I do so after having made relevant enquiries and I believe those matters to be true and correct.
4. Generative artificial intelligence was not used to generate:
 - (a) this affidavit; or
 - (b) to the best of my knowledge, any annexure to this affidavit.

O'Connor Fresh IGA's arrangements with Uber Eats

5. On 20 July 2026, O'Connor Fresh IGA began offering a delivery service to consumers in Kalgoorlie via the online platform "Uber Eats" (**Delivery Service**). The Delivery Service is offered in respect of the majority of O'Connor Fresh IGA's products in its grocery and fresh food ranges.
6. O'Connor Fresh IGA offers the Delivery Service pursuant to an agreement between the Trustee for the O'Connor Fresh Trust (ABN 40 947 038 046) and Uber Technologies, Inc. and Portier Pacific Pty Ltd (together, **Uber**), to allow consumers in Kalgoorlie to place orders for the delivery of products supplied by O'Connor Fresh IGA via Uber's "Uber Eats" platform (**Uber Agreement**). A copy of the Uber Agreement is contained in Confidential Annexure "RNG-1" to this affidavit.
7. When a consumer places an order for product(s) from O'Connor Fresh IGA via Uber Eats, O'Connor Fresh IGA receives the order and a member of its in-store team picks and fulfils the order. An Uber Eats delivery driver then collects the packaged groceries from O'Connor Fresh IGA and delivers them to the customer's nominated delivery address.
8. O'Connor Fresh IGA has received [REDACTED] orders for delivery via Uber Eats across its first six weeks of operation (from the week ending 26 July 2026 to the week ending 30 August 2026). Weekly online order volumes have grown to approximately [REDACTED] orders, with weekly online sales having grown to approximately [REDACTED] over the initial six-week period. This growth is illustrated in the table below.

9. Deli and in-store kitchen products are not currently available through the Delivery Service due to initial setup requirements and the regularly changing nature of the in-store kitchen menu. O'Connor Fresh IGA is aiming to make these products available via Uber Eats by the end of the 2026 calendar year.

Affirmed by the deponent
at Perth
in Western Australia
on 4 September 2026
Before me:

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Signature of deponent

Signature of witness

Damien Vickovich, Solicitor, Norton Rose Fulbright

I have signed a scanned copy of the
signed document sent to me electronically
by the signatory, having witnessed the signature
over audio visual link in accordance with section
146 of the Electronic Transactions Act 2000 (NSW)

Annexure Certificate**CONFIDENTIAL ANNEXURE "RNG-1"**

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 of the *Competition and Consumer Act 2010* (Cth)

Before me:

Damien Vickovich, Solicitor, Norton Rose Fulbright

[REDACTED]

Signature of person taking affidavit

[REDACTED]

[REDACTED]