

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:	Application to Tribunal for Review
File Number:	ACT 1 of 2026
File Title:	APPLICATION BY COLES SUPERMARKETS AUSTRALIA PTY LTD
Registry:	VICTORIA – AUSTRALIAN COMPETITION TRIBUNAL



REGISTRAR

Dated: 15/07/2026 12:30 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.

FORM H

(regulation 17)

COLES SUPERMARKETS AUSTRALIA PTY LIMITED APPLICATION FOR REVIEW OF AUSTRALIAN COMPETITION AND CONSUMER COMMISSION MERGER AUTHORISATION DETERMINATION (MN-01068)

Commonwealth of Australia *Competition and Consumer Act 2010*

In the Australian Competition Tribunal

File No.

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*

- 1 Coles Supermarkets Australia Pty Limited (**Coles Supermarkets**) applies to the Australian Competition Tribunal (**Tribunal**) pursuant to s 100C of the *Competition and Consumer Act 2010* (Cth) (**CCA**) for review of the Phase 2 Determination of the Australian Competition and Consumer Commission (**Commission**) dated 30 June 2026 (file number MN-01068) (**Determination**).

The Notification

- 2 On 26 November 2025, pursuant to s 51ABX(1) of the CCA, Coles Supermarkets made a notification to the Commission in relation to its proposal to acquire a leasehold interest in Lots 95-106 Great Eastern Highway, Somerville, Kalgoorlie for the purposes of developing a supermarket with a saleable floor area of approximately 2800 sqm (**Proposed Acquisition**) (**Notification**).

The Determination

- 3 Coles Supermarkets is dissatisfied with the Determination in respect of the Proposed Acquisition in the following respects:
 - a) the Determination was not the objectively correct or preferable decision;
 - b) the Commission determined under s 51ABZE(1) of the CCA that the Proposed Acquisition must not be put into effect on the basis of an incorrect conclusion that the Proposed Acquisition would, in all the circumstances, be likely to have the effect of substantially lessening competition in a market;

c) in the premises of paragraphs 3a) and 3b), upon a proper application of the applicable statutory criteria in ss 51ABZE(1), 51ABZE(2)(c), 51ABZE(3) and 51ABZH of the CCA, the objectively correct or preferable decision is that:

i) a mandatory precondition to the power to determine that the Proposed Acquisition must not be put into effect is not satisfied; in particular, the Tribunal should not be satisfied that the Proposed Acquisition, if put into effect, would, in all the circumstances, have the effect, or be likely to have the effect, of substantially lessening competition in any market; and

ii) accordingly it must be determined that the Proposed Acquisition may be put into effect.

4 The determination that Coles Supermarkets is seeking from the Tribunal is as follows:

a) under s 100N(1)(a) of the CCA, the Determination be set aside; and

b) under ss 51ABZE(1) and 100N(1)(b) of the CCA, a determination that the Proposed Acquisition may be put into effect.

Information and Documents

5 A copy of the statement of reasons for making the Determination (dated 30 June 2026) is at **Attachment A**.

6 A copy of the notice of competition concerns in relation to the Notification (dated 5 March 2026) is at **Attachment B**.

7 Coles Supermarkets will provide a concise statement in accordance with s 7-22(2) of the Competition and Consumer (Notification of Acquisitions) Determination 2025 no later than 30 days after the date of this application, or otherwise as timetabled at the first Case Management Hearing in this matter.

Address for service

8 Coles Supermarkets' address for service for the purpose of regulation 21 of the *Competition and Consumer Regulations 2010* (Cth) is:

c/o Ms Liza Carver and Ms Merryn Quayle
Herbert Smith Freehills Kramer

ANZ Tower, 161 Castlereagh Street
Sydney NSW 2000 Australia

Dated: 15 July 2026

Signed on behalf of the applicant, Coles Supermarkets



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Liza Carver



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Merryn Quayle