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File Title: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION v
WOOLWORTHS GROUP LIMITED (ACN 000 014 675)
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

Important Information

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Form 59
Rule 29.02(1)

Affidavit

No VID 974 of 2024

Federal Court of Australia
District Registry: Victoria
Division: General

Australian Competition and Consumer Commission

Applicant

Woolworths Group Limited (ACN 000 014 675)

Respondent

Affidavit of: **Stuart Robert Alexander Robinson**
Address: 1 Woolworths Way Bella Vista NSW 2153
Occupation: Category Manager – Baby Needs
Date: 21 November 2025

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Signed:



Taken by:



Filed on behalf of Woolworths Group Limited, the Respondent

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I, STUART ROBERT ALEXANDER ROBINSON, of 1 Woolworths Way Bella Vista NSW 2153
say on oath:

- 1 I am the Category Manager (**CM**) – Baby Needs of Woolworths Group Limited (**Woolworths**), the Respondent in this Proceeding.
- 2 In this affidavit, I address the cost price and retail price journey of Cerelac Rice 4m 200g (379228-EA) (**Cerelac Sample Product**) sold in Woolworths Supermarkets and Woolworths Online between at least 13 December 2022 and 30 March 2023.
- 3 In preparing this affidavit, I have been provided with a copy of the Affected Product pricing and sales data (Annexure C to the Statement of Agreed Facts filed 13 June 2025, referred to as the '**Annexure C**') and the Agreed Sample List (filed 13 June 2025). Based on my review of these documents, I have identified that the Cerelac Sample Product is referred to at item 168 of the Annexure C and item 9 of the Agreed Sample List.
- 4 Unless otherwise stated, this affidavit is based on my own knowledge.
- 5 Shown to me at the time of swearing this affidavit is an electronic bundle of documents marked '**Confidential Exhibit SRAR-1**'. The documents are sourced from Woolworths' books and records. References to document identifier numbers in this affidavit are references to documents by that number in Confidential Exhibit SRAR-1.

Role at Woolworths

- 6 Prior to working at Woolworths, I was employed as an Account Manager at the Hilton Foods Group in the United Kingdom.
- 7 I commenced employment at Woolworths on 24 July 2017. From that time, I have held various roles including:
 - (a) between 24 July 2017 and 7 October 2018, I was an Assistant Category Manager (**ACM**) of Lamb within the Meat category;
 - (b) between 8 October 2018 and 2 January 2022, I was the CM for Lamb BBQ & Shortcuts; and
 - (c) since 3 January 2022, I have been the CM – Baby Needs.
- 8 As CM – Baby Needs, my day-to-day responsibilities include the following:

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- (a) the management of the commercial performance of the category, including profit and loss, sales and market share in respect of products in the category;
- (b) the management of products within the Baby Needs category, including decision-making in respect of:
 - (i) the ranging of products (both in terms of selecting new products and the conduct of range reviews for existing products);
 - (ii) the setting of retail prices for the products;
 - (iii) the placement of products in Woolworths Supermarket stores; and
 - (iv) the determination of promotions for each product in the category, including negotiations with suppliers on this matter;
- (c) managing Woolworths' relationships with suppliers in the category, including in respect of any changes to promotional plans for products and negotiating cost price increase (**CPI**) requests; and
- (d) overseeing the performance of ACMs and the Category Assistant (**CA**) in the category.

9 In my role as CM – Baby Needs, I was responsible for the management of the retail pricing and promotion of the Cerelac Sample Product as well as engagement and negotiation with Nestle Australia Ltd (**Nestle**), being the supplier of the Cerelac Sample Product, in respect of CPIs requests concerning this product.

10 In the period between 3 January 2022 and May 2023, I reported to the Merchandise Manager (**MM**) in the execution of my responsibilities described in paragraphs 8 and 9 above. When I commenced in my role as CM – Baby Needs, the MM was Matthew Harbich. Between November 2022 and May 2023, the MM was Richard Jones.

11 As I explain below, on some occasions, I was also required to seek approval in respect of CPI requests from the Commercial Director, who was James Hepworth.

12 Since becoming CM - Baby Needs in January 2022, I have been assisted in performing my responsibilities by Danish Chaudhry, then Krysten Tupai as ACMs during the Relevant Period. I was also assisted by Madeline Hopkins as a CA from January 2022 through to the end of the Relevant Period.

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CPI request from suppliers

- 13 From the time I commenced as CM – Baby Needs in January 2022, I recall that management of CPI requests took up a significant amount of my time. For example, in 2022, there was a high volume of CPI requests from suppliers in the Baby Needs category, totalling approximately 40 CPI requests. This was an exceptional number.
- 14 By comparison, in 2025, I have received approximately 10 CPI requests from suppliers in the category up to the date of signing this affidavit. This is a more typical number of CPI requests per year.
- 15 Typically, in my time as CM – Baby Needs, I have been notified of a CPI request from suppliers through direct correspondence from the supplier or through a submission on Partner Hub (being Woolworths' platform for product information and a portal for suppliers to input requests for cost price changes and load new product information, such as package size). I am also sometimes notified informally by a supplier that a CPI request is coming before the supplier submits a CPI request.
- 16 A formal CPI request ordinarily sets out the financial metrics proposed by the supplier for the product, or series of products, including:
- (a) a new list price or initial cost price to Woolworths, referred to as a **"First Cost"** price;
 - (b) deductions, allowances or "off-invoice deals" from the First Cost to bring the item to a final or total cost for Woolworths, referred to as the **"Net Cost"** price; and
 - (c) the supplier's recommended retail price (**RRP**) for the product(s).
- 17 The supplier's CPI request typically also includes a proposed promotional plan for the products, accompanied by proposed funding for such promotions such as:
- (a) a deferred deal, which is a form of funding offered by a supplier aimed at increasing sales volume for a particular product. A deferred deal is deducted from the First Cost of a product before the calculation of Net Cost. Throughout my time as CM – Baby Needs, deferred deals have been used, among other things, as a means of a supplier funding the inclusion of a product on Woolworths' Prices Dropped Program. Deferred deals are not the only means by which suppliers funded the inclusion of a product on the Prices Dropped Program. For example, during my initial period in the role as CM – Baby Needs, I occasionally negotiated the inclusion of products on the Prices Dropped Program

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through a scan deal instead. As I discuss below, the Cerelac Sample Product is an example where the proposed “Dropped Price” for the product was funded by the supplier (Nestle) through a scan deal rather than a deferred deal.

- (b) a scan deal, which is funding a supplier agrees to pay the retailer which is an amount for every unit that product sold or “scanned” at the point of sale to a Woolworths customer. This type of funding is normally used for a yellow ticket promotion.
- 18 I am not aware of any instances where a supplier has offered funding to reduce the sell price of a product in the Baby Needs category in the absence of Woolworths providing a benefit to the supplier. That benefit would most frequently be in the form of a yellow ticket promotion of the product or placement of the product on a pricing program such as the Prices Dropped Program.
- 19 Throughout the time that I have been CM – Baby Needs, my approach to dealing with CPI requests has been broadly the same. Once I received a notification from a supplier of their CPI request, under the *Food and Grocery Code of Conduct (Grocery Code)*, I was required to provide an initial response within 30 days of receipt of the supplier’s request. Upon receipt of the CPI request, my usual practice is to discuss the request with my MM and obtain their agreement on the initial response. There are 3 potential initial responses which I may communicate to a supplier in respect of their CPI request, upon agreement with my MM:
- (a) the CPI request is not accepted;
- (b) the CPI is accepted in full; and
- (c) the CPI is accepted in principle but the amount of the cost price increase is not agreed (generally referenced as an “*Acceptance – amount not agreed*”).
- 20 In circumstances where my initial response is “Acceptance – amount not agreed”, my usual practice is to engage in a negotiation with the supplier in respect of the proposed CPI increase. While I have autonomy in respect of negotiating the CPI request, and any promotional plans submitted by the supplier alongside the CPI request, I am required to obtain alignment with (or agreement from) my MM for proposed annualised increases up to \$300,000. For proposed annualised increases which exceeded \$300,000, I am required to obtain approval from Woolworths’ Commercial Director.
- 21 Given the significant number of CPI requests I received at the time I started as CM – Baby Needs, in the period from January 2022 to at least July 2022, I attended weekly

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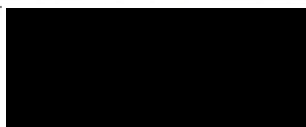
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meetings with my MM (among others) to present the CPI requests I received from suppliers and obtain guidance and approval on my proposed counterproposals. From around August 2022, I attended one-on-one weekly meetings with my MM to discuss supplier CPI requests and my proposed responses, among other items of business. In addition to these scheduled meetings, I had regular ad-hoc discussions with my MM in respect of a supplier's CPI requests and my proposed responses to proposals made by the supplier in those requests.

- 22 In the period from January 2022 to at least May 2023, I also attended weekly forums with the Commercial Director, MM and Better Buying team, who are also known as the Pricing team (which I describe further below), to discuss Woolworths' proposed responses to a supplier's CPI request. My attendance at these forums was ad hoc and depended on whether the CPI request exceeded the \$300,000 threshold discussed in paragraph 20 above.
- 23 At least in the period from January 2022 to May 2023, I also obtained assistance from Woolworths' Better Buying team in my negotiations with suppliers on their CPI requests. Principally, I obtained assistance from Tracey Tran, whose title was Pricing Analyst - COGS & Margin, Pricing and Customer Value in the Better Buying team. Tracey, and the Better Buying team more generally, assisted me in negotiations on CPI requests by:
- (a) confirming dates by which initial responses were required to be given to suppliers under the Grocery Code;
 - (b) providing financial information in respect of specific products within my category which were the subject of the supplier's CPI request, including insights into commodity pricing for those products as well as other metrics to help inform my decisions in the negotiation of a CPI request; and
 - (c) providing guidance and approval in respect of the timing for a change in the sell price of the product in circumstances where a product was proposed to be added onto the Prices Dropped Program. Wajiha Said (Senior Pricing Analyst, Pricing & Customer Value) assisted me with this information.
- 24 One matter in respect of which I sought guidance from the Better Buying team was the timing for the placement of a product on the Prices Dropped Program (referenced in paragraph 23(c) above). This included verification of the interpurchase interval for a product (being the average frequency a customer would buy a product in the Baby Foods subcategory at Woolworths).

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- 25 I also sought guidance from the Better Buying team as to the appropriate “rest period” (as described below), where applicable. Where a product had been the subject of an approved CPI request, Woolworths’ policy was that the product had to be sold at a new white ticket shelf price for a specified period of time to establish the new shelf price before it could be placed on the Prices Dropped Program. I describe the establishment period at which the product had to be sold on a white ticket, and before which it could not be placed to the Prices Dropped Program, as the “**Rest Period**”. It is my usual practice to inform suppliers of the Rest Period during CPI negotiations where changes to the promotional plan for a product included a proposal to place the product on the Prices Dropped Program. I discuss this further in my affidavit below in respect of the Cerelac Sample Product.
- 26 Typically, I do not obtain assistance from my ACMs or CA in negotiating a CPI request with a supplier. However, my CA has responsibility for implementing the new product pricing, once an outcome has been agreed between the supplier and Woolworths.

Cerelac Sample Product and the Prices Dropped Program

Period predating the CPI request

- 27 From my review of Annexure C, I am aware that in the period between 17 February 2022 until 7 March 2023, the Cerelac Sample Product was offered for sale to consumers at Woolworths Supermarkets and Woolworths Online:
- (a) at a standard white shelf ticket price of \$5.00, except in those periods where the product was placed on high-low specials (explained immediately below); and
 - (b) on a high-low special of \$4.00 in the following periods:
 - (i) 20 July 2022 to 26 July 2022;
 - (ii) 3 August 2022 to 9 August 2022;
 - (iii) 7 September 2022 to 13 September 2022;
 - (iv) 28 September 2022 to 4 October 2022;
 - (v) 2 November 2022 to 8 November 2022;
 - (vi) 30 November 2022 to 6 December 2022;
 - (vii) 11 January 2023 to 17 January 2023; and
 - (viii) 1 March 2023 to 7 March 2023.

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discounts and deferred deal deductions), as well as a supplier's proposed promotional program and funding going forward.

32 At around 8.42am on 20 December 2022, Keith responded to my email described at paragraph 31, attaching the completed version of the proposed yellow sheet with Nestle's proposal for the CPI request (**First Nestle Proposal**). Keith also confirmed that the CPI request had been submitted in Partner Hub. A copy of Keith's email, and the First Nestle Proposal, is at **[MPL.0002.0009.7499 (email)]** and **[MPL.0002.0009.7500 (attachment)] of Confidential Exhibit SRAR-1**

33 The standard yellow sheet template allows the supplier to include the current and proposed cost for a product alongside each other. Having reviewed the First Nestle Proposal, it seems that Keith did not do this. Instead, there are two entries for the Cerelac Sample Product. Of these, I believe the first was the current cost and promotional program for the Cerelac Sample Product (despite the column heading "proposed"). That is because it is consistent with the "Current" information in the document I describe in paragraph 29 above and with the information I refer to in paragraph 27 above (in that it contemplates a RRP and shelf price of \$5.00 and a number of \$4.00 specials).

34 The current cost structure at the time was as follows:

Cost Structure	Proposed	
First Cost \$ per Unit		
Allowances %		
Off invoice ^a deal %		
Invoice Cost \$ per unit		
Volume Spend %		
Deferred deal %		
Net Cost \$ per unit		

35 Based on this information, the current cost structure at the time was as follows:

- (a) a First Cost of \$ [REDACTED] per unit (200g packet);
- (b) a Volume Spend discount of [REDACTED]%. This discount is determined as part of Woolworths' trading terms and is not a form of discount that I negotiate as part of a CPI request. It was unchanged from the current terms at the time;
- (c) a deferred deal of [REDACTED]%; and
- (d) a Net Cost of \$ [REDACTED] per unit.

Signed:

[REDACTED]

Taken by:

[REDACTED]

36 The then current promotional structure was as follows:

Proposed	RRP / Unit (exc GST)	Frequency (Total of 52 weeks)	Forecasted unit sales qty per week	Scan Funding per promo unit	GP %
Shelf	\$5.00	39	9,900		
Promo Level 1	\$4.00	13	14,500		
Promo Level 2					
Promo Level 3					
Promo Level 4					
Annual Forecasted Quantity			574,600	Total GP %	

37 Based on this information, the current promotional structure at the time was as follows:

- (a) a shelf price of \$5.00, with the Cerelac Sample Product offered for sale at that price for 39 weeks. From the information set out in paragraph 27(a) above, this price represented the standard White Ticket price; and
- (b) "Promo Level 1" price of \$4.00, with the Cerelac Sample Product offered for sale at that price for 13 weeks and Nestle contributing \$█ in scan funding (per unit) at this promotional level. From the information set out in paragraph 27(b) above, this promotional level represented short term high/low Specials for the Cerelac Sample Product.

38 The First Nestle Proposal also included the following in respect of the proposed cost structure for Cerelac Sample Product:

Cost Structure	Current	Proposed
First Cost \$ per Unit		
Allowances %		
Off invoice ^a deal %		
Invoice Cost \$ per unit		
Volume Spend %		
Deferred deal %		
Net Cost \$ per unit		

39 From the above cost structure, I understood Nestle to be proposing the following:

- (a) a First Cost of \$█ per unit (200g packet), increased from \$█ per unit (an increase of 75 cents or approximately █%);

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- (b) a Volume Spend discount of [REDACTED]%. As with the current Volume Spend, I did not negotiate this metric as part of the CPI request, with the percentage remaining unchanged from the current trading terms at the time;
- (c) no deferred deal, which amounted to the removal of a [REDACTED]% deferred deal;
- (d) a Net Cost of \$[REDACTED] per unit. The proposed Net Cost increased by approximately 48% when compared against the current Net Cost (being \$[REDACTED] per unit). I understood that this percentage increase was reflective of the increase in First Cost and the removal of the deferred deal of [REDACTED]% from Nestle's proposal.

40 The First Nestle Proposal also included the following in respect of the proposed promotional plan for Cerelac Sample Product:

Proposed	RRP / Unit (exc GST)	Frequency (Total of 52 weeks)	Forecasted unit sales qty per week	Scan Funding per promo unit	GP %
Shelf	\$6.50	0	8,910	[REDACTED]	[REDACTED]
Promo Level 1	\$6.00	52	9,801	[REDACTED]	[REDACTED]
Promo Level 2				[REDACTED]	[REDACTED]
Promo Level 3				[REDACTED]	[REDACTED]
Promo Level 4				[REDACTED]	[REDACTED]
Annual Forecasted Quantity			509,652	Total GP %	[REDACTED]

41 From the above promotional plan, I understood the following :

- (a) the new RRP for the Cerelac Sample Product would be \$6.50 per unit (excluding GST);
- (b) Nestle proposed that the Cerelac Sample Product be sold at the RRP for 0 weeks, and to instead be sold at a Promo Level 1 Price of \$6.00 (being a price below its RRP and on a long term basis) with scan funding to be applied at \$[REDACTED] per unit. This reflected Nestle's desire to move the product onto the Prices Dropped Program which Keith communicated to me in a call shortly before he sent the First Nestle Proposal. I discuss this call further in paragraph 42 below.
- (c) the Gross Profit (referred to as "GP") for the Cerelac Sample Product was [REDACTED]%, rather than the [REDACTED]% recorded in the First Nestle Proposal. This is because Nestle was offering a scan deal of \$[REDACTED] as part of the Prices Dropped Program, and removing the existing deferred deal. That had the effect of reducing Woolworths' margin at the new proposed shelf price of \$6.50 for the period in which the product was sold at the new shelf price.

Signed:

[REDACTED]

Taken by:


[REDACTED]

- 42 While the First Nestle Proposal did not include a Rest Period before placing the Cerelac Sample Product on the Prices Dropped Program, it was my view from the time Nestle first raised the proposal that a Rest Period would be necessary before the Celerac Sample Product could be added to the Prices Dropped Program. Around this time, I had a telephone discussion with Keith in which he requested that the Cerelac Sample Product move to the Prices Dropped Program. During that phone call, I informed him that Woolworths needed to establish the new shelf price for the Cerelac Sample Product for a 3-week Rest Period before it could be placed on the Prices Dropped Program.
- 43 On 12 January 2023, I provided an initial response on the First Nestle Proposal through Partner Hub. That response was an "Acceptance – Amount Not Agreed". A copy of this initial response in Partner Hub, is extracted at **[MPL.0081.0001.0533] of Confidential Exhibit SRAR-1.**
- 44 On 3 February 2023, I replied to Keith's email described at paragraph 32 with Woolworths' counterproposal to the First Nestle Proposal, including in respect of the Cerelac Sample Product. I attached a revised draft of the yellow sheet (the **Woolworths Counterproposal**) to my email. A copy of my email, and the Woolworths Counterproposal, is at **[MPL.0002.0009.7641 (email)]** and **[MPL.0002.0009.7642 (deal sheet)] of Confidential Exhibit SRAR-1.**
- 45 The Woolworths Counterproposal records the following for the Cerelac Sample Product:
- (a) in respect of the proposed cost price structure:

Cost Structure	Current	Proposed
First Cost \$ per Unit		
Allowances %		
Off invoice ^a deal %		
Invoice Cost \$ per unit		
Volume Spend %		
Deferred deal %		
Net Cost \$ per unit		

- (b) In respect of the proposed promotional plan:

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Proposed	RRP / Unit (exc GST)	Frequency (Total of 52 weeks)	Forecasted unit sales qty per week	Scan Funding per promo unit	GP %
Shelf	\$6.50	0	8,910		
Promo Level 1	\$6.00	52	9,801		
Promo Level 2					
Promo Level 3					
Promo Level 4					
Annual Forecasted Quantity			509,652	Total GP %	

- 46 My counter proposal involved accepting the full proposed increase in First Cost per unit, but restoring a deferred deal at a reduced rate (█████% versus the current █████%). I regarded the inclusion of the deferred deal was necessary to reduce the Net Cost to \$█████ per unit, and increase the GP to █████% for the period when the product was sold on the Prices Dropped Program.
- 47 In my email to Keith dated 3 February 2023, I stated that I had concerns with adopting the 29% increase in the average sell price (which I referred to as “asp” in the email). I recall being concerned about the increase in the asp because sales on the product had declined over the preceding 26 weeks and, yet, Nestle was proposing a significant increase to the product’s sell price. However, the percentage increase in the asp was consistent with the increases sought for similar products from other suppliers in CPI requests I received at the time, ~~and likely reflected the overall inflationary pressures experienced by those suppliers at the time~~.
- 48 I did not make changes to the promotional plan as part of Woolworths’ Counterproposal because I was content with the proposal on the basis that Nestle was aware (from my conversation with Keith described in paragraph 42) that a Rest Period would be observed for the Cerelac Sample Product where the product would be sold at the \$6.50 shelf price for a period of 3 weeks. As such, Woolworths’ Counterproposal retained Nestle’s reference to the shelf price of \$6.50 at 0 weeks, but it was my intention to offer the product for sale at the new shelf price for a period to be confirmed by the Better Buying team before moving it onto the Prices Dropped Program.
- 49 On 10 February 2023, I received an email from Keith containing a revised offer in respect of Nestle’s CPI request. That offer was to “*increase the GP % by █████bps on the previous proposal*”. I understood this to mean that Nestle was proposing an improvement on GP by █████%, when compared to the First Nestle Proposal. A copy of Keith’s email, and its attachment (being the **Second Nestle Proposal**), is at **[MPL.0002.0009.7325 (email)] / [MPL.0002.0009.7326 (deal sheet)] of Confidential Exhibit SRAR-1**. In the Second Nestle Proposal:

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(a) the proposed cost price structure for the Cerelac Sample Product was:

Cost Structure	Current	Proposed
First Cost \$ per Unit		
Allowances %		
Off invoice ^a deal %		
Invoice Cost \$ per unit		
Volume Spend %		
Deferred deal %		
Net Cost \$ per unit		

(b) the proposed promotional plan for the Cerelac Sample Product was:

Proposed	RRP / Unit (exc GST)	Frequency (Total of 52 weeks)	Forecasted unit sales qty per week	Scan Funding per promo unit	GP %
Shelf	\$6.50	0	8,910		
Promo Level 1	\$6.00	52	9,801		
Promo Level 2					
Promo Level 3					
Promo Level 4					
Annual Forecasted Quantity			509,652	Total GP %	

50 From the above proposal, I understood Nestle to propose a deferred deal of [REDACTED] % for the Cerelac Sample Product, resulting in a net cost of \$ [REDACTED] per unit. While the proposed promotional plan itself remained unchanged from Nestle's First Proposal (and Woolworths' Counterproposal), Nestle's proposed deferred deal and reduction in the Net Cost resulted in an improvement of [REDACTED] % in total GP of [REDACTED] % (other than for the Rest Period), when compared against Nestle's First Proposal. I did not consider that the deferred deal would be sufficient to place the product on the Prices Dropped Program, because it would have resulted in a decline in the total GP percentage on the Prices Dropped Program at \$6.00, as compared to the proposed scan deal amount of \$ [REDACTED] per unit.

51 On 14 February 2023, I replied to Keith's email described at paragraph 49 with Woolworths' counterproposal on Nestle's CPI request. A copy of my email is contained in the email chain at [MPL.0002.0009.7178] of Confidential Exhibit SRAR-1. In that counterproposal, I offered two free brochure spots if Nestle could "get to [REDACTED] bps gp improvement" (that is, improve its proposal on the GP by [REDACTED] %). Typically, suppliers are charged for the inclusion of their products in Woolworths' brochures. I offered Nestle two free spots for that promotional opportunity in exchange for an improvement of their GP on the Cerelac Sample Product. Prior to sending this email, I discussed the proposal

Signed:

[REDACTED]

Taken by:

[REDACTED]

with Richard Jones, my MM, and obtained his approval to put forward this counterproposal to Nestle, although I cannot now recall the date of the discussion and approval.

52 On 16 February 2023, I received an email from Keith in which he stated that Nestle could improve GP by █%, given my offer of 2 free brochure spots. Keith also attached an updated deal sheet to his email (**Third Nestle Proposal**). A copy of Keith's email, and the Third Nestle Proposal, is at [MPL.0002.0009.7463 (email)] / [MPL.0002.0009.7464 (deal sheet)] of Confidential Exhibit SRAR-1.

53 The Third Nestle Proposal records the following for the Cerelac Sample Product:

(a) In respect of the proposed cost price structure:

Cost Structure	Current	Proposed
First Cost \$ per Unit		
Allowances %		
Off invoice ^a deal %		
Invoice Cost \$ per unit		
Volume Spend %		
Deferred deal %		
Net Cost \$ per unit		

(b) In respect of the proposed promotional plan:

Proposed	RRP / Unit (exc GST)	Frequency (Total of 52 weeks)	Forecasted unit sales qty per week	Scan Funding per promo unit	GP %
Shelf	\$6.50	0	8,910		
Promo Level 1	\$6.00	52	9,801		
Promo Level 2					
Promo Level 3					
Promo Level 4					
Annual Forecasted Quantity			509,652	Total GP %	

54 From my review of the above proposal, I understood that, to improve the GP percentage in the Third Nestle Proposal, Nestle proposed a deferred deal of █% for the Cerelac Sample Product, resulting in a reduction in the Net Cost to \$█ per unit (as compared to \$█ per unit in the Second Nestle Proposal). I also understood that, as compared to the then current GP of █%, the Third Nestle Proposal showed an improvement in total GP by █ bps (being an increase to █%).

Signed: █

Taken by: █

55 On 1 March 2023, I sent an email to James Hepworth (copied to Richard Jones), with details of the proposed placement of the Cerelac Sample Product on the Prices Dropped Program (among other products). A copy of my email is at [MPL.0002.0004.0295] of **Confidential Exhibit SRAR-1** and includes the following extract:

The proposal is a price drop which I have got better buying to verify and they are happy it is within the rules.

Cost increase: 43.62%

Current Sell: \$5.00

New was: \$6.50

Dropped Price: \$6.00

GP: + [REDACTED] pps

If you're aligned I will approve with Nestle.

56 In sending my email, I was seeking:

- (a) approval on the overall pricing proposal and commercial outcomes, given the net impact of the price increase exceeded \$300,000 (as explained in paragraph 20 above) and
- (b) formal approval to place the Cerelac Sample Product (among other products) on the Prices Dropped Program.

57 From my time in managing CPI requests from suppliers as CM – Baby Needs, I understood that I was required to obtain James Hepworth’s approval to move the product onto the Prices Dropped Program. In my email described immediately above, I wrote, “*The proposal is a price drop which I have got better buying to verify and they are happy it is within the rules.*” In writing this, I was informing James that I had sought verification from the Better Buying team on the Prices Dropped Program proposal who confirmed that it was ‘within the rules’. By this I meant that I had obtained confirmation and approval from Wajiha Said to place, relevantly, the Cerelac Sample Product at a new shelf price of \$6.50 for the Rest Period of 3 weeks before moving the product to the dropped price of \$6.00. While I recall obtaining that approval from Wajiha, I cannot now recall when that was.

58 On 2 March 2023, I received a response from James Hepworth instructing me to proceed with the proposal, including in respect of the placement of, inter alia, the

Signed:

[REDACTED]

Taken by.

[REDACTED]

Cerelac Sample Product on the Prices Dropped Program. A copy of James' email is at **[MPL.0002.0004.0294] of Confidential Exhibit SRAR-1.**

59 At around 12.29pm on 3 March 2023, I instructed my CA, Madeline Hopkins, to move the Cerelac Sample Product (among others) to the new shelf price for the product (being \$6.50). I also instructed my ACM, Danish Chaudhry, to arrange for the Cerelac Sample Product to be moved onto the Prices Dropped Program on 27 March 2023 (following the Rest Period). A copy of my email with these instructions, together with the attachment to my email, is at **[MPL.0002.0009.7178 (email)]** and **[MPL.0002.0009.7179 (attachment)] of Confidential Exhibit SRAR-1.**

60 Between 3 and 8 March 2023, Madeline Hopkins and I exchanged the following emails:

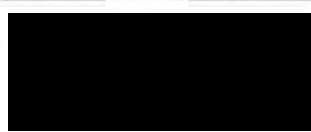
- (a) at around 1.15pm on 3 March 2023, I received a response from Madeline to my email at paragraph 59, querying whether the existing scheduled promotions for the Cerelac Sample Product (among others), due to commence 15 March 2023, should be removed.
- (b) at around 1.51pm on 8 March 2023, I sent an email to Madeline, responding to her query by confirming that the existing scheduled promotions must be removed. I asked her to *"keep 2 weeks between sell price change and going on dropped. If you change sell today we should go on drop 30/3"*. The reference to 30 March was correct but my reference to "2 weeks" was a typographical error. I intended to request that Madeline update the prices so that the sell price of the Cerelac Sample Product remained at the new shelf price for 3 weeks, as evidenced by my reference to 30 March (which was 3 weeks later) as the date on which the product would go on the Prices Dropped Program. As explained below, the typographical error did result in any shortening of the Rest Period as the Cerelac Sample Product did not go on the Prices Dropped Program until 30 March 2023;
- (c) at around 5.48pm on 8 March 2023, Madeline confirmed that she removed the existing scheduled promotions. Madeline also confirmed that she updated the sell price for the Cerelac Sample Product (among others) to \$6.50, with the dropped price of \$6.00 "keyed" (that is, entered into Woolworths systems for implementation) for 30 March 2023.

61 Copies of the emails between me and Madeline Hopkins described in paragraph 60 above, together with the attachments to Madeline's' email of 5.48pm on 8 March 2023,

Signed:



Taken by:



are at [MPL.0002.0009.7264 (email)] [MPL.0002.0009.7265 and MPL.0002.0009.7266 (attachments)] of Confidential Exhibit SRAR-1.

Price Establishment Period and placement onto the Prices Dropped Program

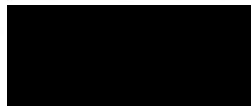
62 From my review of Annexure C, I understand that:

- (a) on 8 March 2023, Cerelac Sample Product was offered for sale to consumers at Woolworths Supermarkets and Woolworths Online for \$6.50, with a white ticket placed on the product; and
- (b) on 30 March 2023, the Cerelac Sample Product was placed onto the Prices Dropped Program at the price of \$6.00, with a red ticket applied to the product in Woolworths Supermarkets and Woolworths Online.

63 I regarded the white ticket price of \$6.50 that applied during the Rest Period as a genuine shelf price. It was my view that this was the amount that Woolworths would likely have sold the Cerelac Sample Product in store and online in the absence of the agreed deferred deal as that funding was necessary to include the product on the Prices Dropped Program.

SWORN by the deponent
at Sydney
in New South Wales
on 21 November 2025
Before me:

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)
)
)



.....
Signature of deponent



.....
Signature of witness

GEORGIA RAQUEL ZOCCO

Name of authorised witness (block letters)

1 FARRER PLACE, SYDNEY

Address of authorised witness

SOLICITOR

Capacity (eg Justice of the Peace)

No VID 974 of 2024

Federal Court of Australia
District Registry: Victoria
Division: General

Australian Competition and Consumer Commission

Applicant

Woolworths Group Limited (ACN 000 014 675)

Respondent

Certificate identifying Confidential Exhibit SRAR-1

This is **Confidential Exhibit SRAR-1** to the affidavit of **Stuart Robert Alexander Robinson** sworn at 1 Farrer Place, Sydney NSW 2000 on 21 November 2025 before me:



.....
Signature of witness

GEORGIA RAQUEL ZOCCO

Australian Legal Practitioner

Filed on behalf of Woolworths Group Limited, the Respondent

Prepared by Peta Stevenson
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