



Federal Court of Australia

District Registry: Victoria Registry

Division: General

No: VID973/2024

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

Applicant

COLES SUPERMARKETS AUSTRALIA PTY LTD (ACN 004 189 708)

Respondent

ORDER

JUDGE: Justice O'Bryan

DATE OF ORDER: 12 September 2025

WHERE MADE: Melbourne

THE COURT NOTES THAT:

A. Orders were made on:

- (a) 25 August 2025 in this proceeding; and
- (b) 26 August 2025 in *Demery v Coles Supermarkets Australia Pty Ltd* (VID1247/2024) (**Class Action**),

to facilitate the holding of a Joint Liability Trial in both proceedings, including an order that the Respondent in the Class Action provide to the Applicant in the Class Action any evidence filed in this proceeding, subject to the Respondent being released from its implied undertaking in this proceeding in respect of such documents.

B. On 22 August 2025 the ACCC filed a "Tender Bundle List" in this proceeding, which referred to, but did not annex or otherwise file, the documents referred to therein.

THE COURT ORDERS BY CONSENT THAT:

1. The Respondent is released from its implied undertaking for the purpose of providing to the Applicant in the Class Action documents that:

- (a) are referred to in any list of documents to be tendered that is filed by either party; or



(b) are otherwise notified by either party as being the subject of intended tender or adduction as evidence,
at the initial trial on liability issues in this proceeding.

Date orders authenticated: 12 September 2025

Sia Lagos
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.