

## NOTICE OF FILING

### Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 19/02/2026 6:38:23 PM AEDT  
Date Accepted for Filing: 19/02/2026 6:38:20 PM AEDT  
File Number: VID973/2024  
File Title: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION v  
COLES SUPERMARKETS AUSTRALIA PTY LTD (ACN 004 189 708)  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

Registrar

### 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 Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 59

Rule 29.02(1)

**Affidavit**

No. VID 973 of 2024

Federal Court of Australia

District Registry: Victoria

Division: General

Commercial and Corporations National Practice Area (Regulator and Consumer Protection)

**Australian Competition and Consumer Commission**

Applicant

**Coles Supermarkets Australia Pty Ltd (ACN 004 189 708)**

Respondent

Affidavit of: Debra Maree Galle  
 Address: 800 Toorak Road, Hawthorn East, Victoria  
 Occupation: General Manager, Own Brand at Coles  
 Date: 13 February 2026

**Contents**

Document number	Details	Paragraph	Page
1	Affidavit of Debra Maree Galle affirmed on 13 February 2026.	[1]–[10]	1–3
2	Exhibit 'DG-2', being a single document.	[3]–[10]	1–3

---

 Filed on behalf of: Coles Supermarkets Australia Pty Ltd (ACN 004 189 708), the respondent

Prepared by: Belinda Heather Thompson  
 Law firm: Allens  
 Tel: (03) 9614 1011 Fax: (03) 9614 4661  
 Email: Belinda.Thompson@allens.com.au

**Address for service:**  
 101 Collins Street, Melbourne VIC 3000  
 Email: Belinda.Thompson@allens.com.au; Rosannah.Healy@allens.com.au; Kelly.Roberts@allens.com.au

REDACTED - PII

REDACTED - PII

I, Debra Maree Galle of 800 Toorak Road, Hawthorn East, Victoria, General Manager Own Brand at Coles, affirm:

#### A. INTRODUCTION

- 1 I am the General Manager, Own Brand at Coles Supermarkets Australia Pty Ltd (**Coles**).
- 2 On 21 November 2025, I affirmed an affidavit in this proceeding (**First Affidavit**). Since doing so, I have identified three matters in my First Affidavit which require correction or clarification.
- 3 Shown to me at the time of affirming this affidavit and exhibited to this affidavit and marked **Exhibit DG-2** is a single document. In this affidavit, I refer to this document by reference to the relevant tab number in **Exhibit DG-2** and the document's identification number, stamped on the top right-hand corner of the first page.
- 4 Nothing in this affidavit is intended to waive any legal professional privilege held by the Respondent in this proceeding. To the extent anything in this affidavit may be construed as a waiver of privilege, I withdraw and do not rely on that part of the affidavit.

#### B. CORRECTION TO PARAGRAPH 59

- 5 At paragraph 59 of my First Affidavit I said (emphasis added):

*59. ... As described in **paragraph 56** under the guardrails at the time, Coles could not increase the retail price of those products without first removing them from Down Down and those products could then not be returned to Down Down for nine months. ...*
- 6 The cross-reference to 'paragraph 56', marked in bold in the extract at paragraph 5 above, is incorrect. This cross-reference should instead refer to paragraph 58 of my First Affidavit.

#### C. CORRECTION TO PARAGRAPH 60

- 7 At paragraph 60 of my First Affidavit I said (emphasis added):

*60. I wanted Coles to be able to do the same with Down Down. When I was first informed of the promotional guardrails after I joined Coles, I considered that **needing to rebase a product at an undiscounted price for a nine month period** before it could be placed back onto the Down Down program was an extraordinarily long period of time in circumstances where most customers were engaging with heavily traded categories at least once a week. ...*
- 8 In making the statement marked in bold in the extract at paragraph 7 above, I did not intend to suggest that it was a requirement of the promotional guardrails that Coles not sell products on promotions other than Down Down during the relevant nine month period. I am not aware of the promotional guidelines being understood or applied in that way at Coles. My understanding was that the relevant guardrails permitted the product to be sold on other promotions (such as Specials) during that period, and I often observed that occur.

#### D. CLARIFICATION REGARDING PARAGRAPH 60

- 9 At paragraph 60 of my First Affidavit I said:

*60. ... In January 2022, then again in March 2022, this aspect of the guardrails changed. This was after advice had been obtained from Legal and Compliance. Following the changes, from March 2022 onwards, if a supplier increased the price it charged for a product sold on Down Down, it was necessary to remove the product from Down Down, increase the white ticket price of the product and offer it for sale at that price four weeks, with no simple promotions. After that, the product could be sold again on Down Down. ...*

REDACTED - PII

REDACTED - PII

10 For completeness, following the changes that occurred in March 2022, in September 2022 there was a further change to the guardrails as they related to products subject to a price increase while on Down Down. A copy of the amended guardrails is at **tab 1 of Exhibit DG-2** (COL.500.001.0409). I understand the amendments were made to facilitate stores printing tickets after a price increase.

REDACTED - PII

Affirmed by the deponent )  
at Hawthorn East, Victoria )  
on 13 February 2026 )  
Before me: )

Signature of deponent

REDACTED - PII

Signature of witness

**PENELOPE ELIZABETH HOLLINGDALE**  
of 101 Collins Street, Melbourne, Victoria 3000  
An Australian Legal Practitioner within the meaning  
of the Legal Profession Uniform Law (Victoria)