

NOTICE OF FILING

Details of Filing

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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: Tony Peter Bullock

Address: 800 Toorak Road, Hawthorn East, Victoria

Occupation: General Manager Finance – Commercial, Customer and Digital

Date: 1 December 2025

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1	Affidavit of Tony Peter Bullock affirmed on 1 December 2025	[1]-[7]	1-3

Filed on behalf of (name & role of party)	Coles Supermarkets Australia Pty Ltd (ACN 004 189 708), the Respondent
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[Version 3 form approved 02/05/2019]

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I, Tony Peter Bullock of 800 Toorak Road, Hawthorn East, Victoria, General Manager Finance – Commercial, Customer and Digital at Coles, affirm:

- 1 I am the General Manager Finance – Commercial, Customer and Digital at Coles Supermarkets Australia Pty Ltd (ACN 004 189 708) (**Coles**).
- 2 I am authorised to make this affidavit on behalf of Coles.

A. ROLE AT COLES

- 3 In my role as General Manager Finance – Commercial, Customer and Digital, I support the commercial performance, transformation programs and governance across customer and loyalty, merchandising and eCommerce areas of Coles' supermarkets business. Within the business financials, this covers investment into customer offer, sales growth, margin delivery, retail media, marketing and eCommerce operations.

B. BIW DATA FIELDS

- 4 I have reviewed an extract of data sourced from Coles' Enterprise Data Platform (EDP) (**BIW Data Extract**) which stores Coles' daily transactional data (formerly stored in Coles' Business Information Warehouse (BIW)).
- 5 The BIW Data Extract contains data relating to the following product SKUs:
 - (a) ARNOTTS SHAPES MULTIPACK VARIETY 15 PACK:375 GRAM (2992180)
 - (b) BRAGG SEASONING NUTRITIONAL YEAST PREMIUM QUALITY:127 GRAM (3139426)
 - (c) CCA SOFT DRINK:COLA::2 LITRE (191736)
 - (d) COLES FINEST QUINCE PASTE 100G:100 GRAM (3609315)
 - (e) COLGATE TOTAL ORIGINAL TOOTHPASTE 200G:200 GRAM (3401074)
 - (f) DANONE YOPRO YOGHURT:VANILLA::700 GRAM (3246914)
 - (g) KARICARE FOLLOW ON FORMULA:900 GRAM (1023271)
 - (h) LURPAK SLIGHTLY SALTED SPREADABLE TUB 250 GRAM:BUTTER::250 GRAM (5393910)
 - (i) NATURE'S GIFT ADULT ALL BREEDS WET DOG FOOD LOAF CHICKEN- RICE & VEGETABLES 1.2KG:CHICKEN VEGETABLE AND RICE::1.2 KG (3589976)
 - (j) PEDIGREE ADULT WET DOG FOOD WITH 5 KINDS OF MEAT LOAF 1.2KG CAN:FIVE KINDS MEAT::1.2 KG (255409)
 - (k) REXONA ANTI PERSP DEODORANT:250 ML (5079187)
 - (l) VIVA PAPER TOWEL WHITE SELECT A SIZE 3 PACK:3 PACK (3823600)

(the **Sample Products**).
- 6 For each of the Sample Products, the BIW Data Extract contains the data fields which I have listed in (a) to (g) below. For each of the data fields, I have set out a description of what the data field represents. The descriptions are based on my knowledge as the General Manager Finance – Commercial, Customer and Digital.
 - (a) ITEM_IDNT is the Sample Product's unique item identification code.
 - (b) ITEM_DESC is the Sample Product's description.

- (c) DAY_DT is the date of the relevant transactions.
 - (d) NET_SUPPLIER_COST is the list price less off invoices deductions and trading term rebates.
 - (e) ACTPROMODEALINC is the total supplier promotional funding provided for the Sample Product on the given day. Funding refers to income negotiated between Coles and a supplier which is paid per unit scanned at the register.
 - (f) ACTNONPROMDEALINC is the total supplier non-promotional funding provided for the Sample Product on the given day. Funding refers to income negotiated between Coles and a supplier which is paid per unit scanned at the register.
 - (g) SALESQTY is the number of units sold on the given day less units returned on that day.
- 7 Coles does not have a data field that represents the net cost of a product to Coles taking into account all of agreed off-invoice deals, trading terms and supplier funding in the same figure. However, this cost can be calculated by deducting the per day per unit supplier funding (as set out at paragraphs (e) and (f) above) from the NET_SUPPLIER_COST.

Affirmed by the deponent
 at Hawthorn East
 in Victoria
 on 1 December 2025
 Before me:

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Signature of deponent

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Signature of witness

GEMMA GRANT
 800 Toorak Road, Hawthorn East Vic 3123
 An Australian legal practitioner within the meaning
 of the Legal Profession Uniform Law (Victoria).