

EXECUTIVE OFFICE



20 March 2025

Dr Sean Turner  
Committee Secretary  
Senate Standing Committee on Economics  
Parliament House  
CANBERRA ACT 2600

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Dear Dr Turner

**Estimates Hearing on 26 February 2025, Economics Legislation Committee, Australian Competition and Consumer Commission - Proof Committee Hansard, Page 102**

At the above noted Senate Estimates Hearing on 26 February 2025, I provided the following evidence:

**Senator RENNICK:** When I was in the supermarket inquiry, I was surprised to hear from horticulturalists who said they had to sign nondisclosure agreements with Coles and Woolworths. Is that legal? I grew up on a farm. I'm used to going to cattle sales. There's an eastern cattle market index. There's a wool market index. How is it that Coles and Woolworths could silence and put NDAs on horticulturalists? That's the first question. I note that there's a collective bargaining exemption so that businesses with aggregated turnover of less than \$10 million are exempt from collective bargaining laws. Is that the correct interpretation of section 95A of the Competition and Consumer Act 2010?

**Ms Cass-Gottlieb:** I'll start with the nondisclosure agreements. The ACCC is currently very close to concluding its final report, which will be delivered to government by 28 December—so, shortly. I'm not in a position to comment on the final report, but it was clear in the interim report that one of the many concerns that were raised with us was from suppliers, including farmers, relating to unequal bargaining power and the manner of a range of aspects relating to contracting, and we will address a number of those aspects in detail in the final report.

I am writing to provide an amended response to the Committee in relation to this matter.

The Supermarket final report was provided to the Treasurer on 28 February 2025.

Yours sincerely

Gina Cass-Gottlieb  
Chair