

# Jenni Mattila & Co

## Lawyers

Mr Scott Gregson  
A/g General Manager  
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ACCC  
Canberra.ACT 2600

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DOC:
MARS/PRISM

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Your ref: A90961/A90962

Dear Scott,

### Publication of MNA information

We refer to your letter dated May 13, 2005 refusing to grant confidentiality to the information requested by the ACCC concerning the Milk Negotiating Agency. As you pointed out in your letter, if we wished to protect the confidentiality of the information you have requested, we would need to withdraw it from consideration by the ACCC.

We have discussed the matter with our clients and they have acknowledged that whilst they are strongly of the view that this is sensitive commercial information relating to the operation of the MNA, the implication of your letter is clearly that the withdrawal of the information would lead to our application for an Interim Authorisation being rejected.

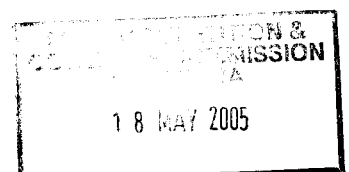
On that basis our clients have decided not to withdraw the answers provided on May 10, 2005 to the questions asked by the ACCC.

### Additional Information Requested May 13, 2005

In the same letter refusing confidentiality on information previously requested by you, we note that you have now requested a copy of the MNA business plan and advice on modelling from BIS Shrapnel.

Prior to your request, our timetable for the completion of the business plan and BIS Shrapnel Report had been programmed for after the decision on our request for an Interim Authorisation. Can you please inform us in writing whether our application for an Interim Authorisation will be considered in the timetable previously indicated i.e. 10 days (presumably working days) after the provision of the information to you on May 10, 2005? We note you have not provided us with a timetable for the

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provision of this additional information. Our clients are unclear as to whether or not you wish us to change our timetable.

Is the consideration of our application for an Interim Authorisation now dependent on the provision of the business plan and BIS Shrapnel Report?

Our clients have enquired whether the business plan and BIS Shrapnel Report can be provided if possible this week. We understand that there will be a considerable additional cost involved if this is the abridgement of our the timetable is necessary. Our clients are concerned that there be no additional delay in the decision on the Interim Authorisation.

It would be appreciated if you could let us know today if the business plan and BIS Shrapnel Report is required for the Interim Authorisation or the consideration, if necessary, of the final Authorisation.

Please note at the present time we propose to have the response to the submissions on the consideration of the final Authorisation to you on Monday 23 May as requested, subject to your response on the Business plan and BIS Shrapnel Report.

Yours faithfully,

  
Jenni Mattila