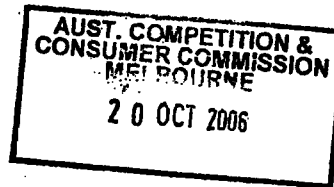


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Our ref: PRH 0405926/003 SYK
Your ref: A30244 - A30245

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17 October 2006

The Australian Competition and Consumer Commission
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MELBOURNE VIC 3000

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Perth
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Wellington
Hanoi
Ho Chi Minh City

Attention: Margaret Abou-Rizk and Jaime Norton

Dear Ms Abou-Rizk and Ms Norton

**The Municipal Association of Victoria
Application for authorisation A30244 - A30245**

- 1 We refer to your letter dated 6 October 2006 and the requests for information made in that letter. We respond as follows, using the same numbering as in your letter:

Question 1

- 2 The tender process will proceed regardless of the decisions made by the Commission, but the terms of the tender will change depending on whether interim authorisation is granted. If interim authorisation is granted, the tender will offer exclusive advertising rights in those municipalities where the relevant Council has agreed to the terms of the MoU. The tender will also be subject to the condition that exclusivity may be revoked if the authorisation is not ultimately granted.
- 3 If interim authorisation is not granted, the tender will be issued without the offer of exclusive advertising rights in any municipality.

Question 2

- 4 The details of the MoU are intended to be finalised once a decision on the application for interim authorisation has been made. At this time, therefore, we have not been instructed in relation to the form of the proposed MoU.
- 5 The Director proposes to issue the request for tender in the first two weeks of November 2006. The closing date for tenders is currently scheduled to be in January 2007.

- 6 We enclose a copy of the letter currently proposed to be sent to Councils concerning the terms of the MoU.
- 7 This document is enclosed with the request that it is excluded from the public register under section 89(5) of the *Trade Practices Act 1974 (C'th)*. This request is made on the basis that the document is confidential, as it is a draft document representing confidential communications between our client and its legal adviser. A copy of the letter will be sent to you when it is in its final form. Our client does not waive any claim for privilege by reason of its enclosure or request.
- 8 Please let us know if our request for confidentiality is denied before any decision is taken to make the documents publicly available.

Yours sincerely



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Paul Holm
Partner

Encl.

Confidential Letter

**EXCLUDED FROM
PUBLIC REGISTER**