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5 December 2007

Mr Gary Banks
Chairman
Pigmeat Safeguard Inquiry
Productivity Commission
Locked Bag 2
Collins Street East
Melbourne Vic 8003

Dear Mr Banks

We refer to your comment in the course of yesterday's hearing that, in response to a request from the Commission, operators of boning rooms had provided confidential data relating to the performance of their businesses. You further indicated that neither non-confidential versions of this data or aggregated information drawn from such data would be made available to interested parties prior to the Commission delivering its accelerated report to Government on 14 December 2007.

You will be aware that paragraph 2 of Article 3 of the *Agreement on Safeguards* provides for competent authorities to request non-confidential summaries of confidential information tendered by interested parties and in the case of refusal to provide such summaries the confidential information may be disregarded.

Similar requirements for non-confidential summaries apply in dumping and subsidy investigations and the Australian Customs Service, for example, routinely requires from complainants in such matters non-confidential summaries (substituting indexed data for actual data) of all economic performance information and, on receipt, immediately places such information on the public record. Procedural fairness, directed at ensuring that all interested parties have the greatest possible access to all information relevant to the presentation of their cases, dictates that the Commission should immediately require such non-confidential summaries from the industry to be provided to the Commission within twenty-four hours. The confidential information received from any industry member failing to provide an adequate non-confidential summary should be disregarded.

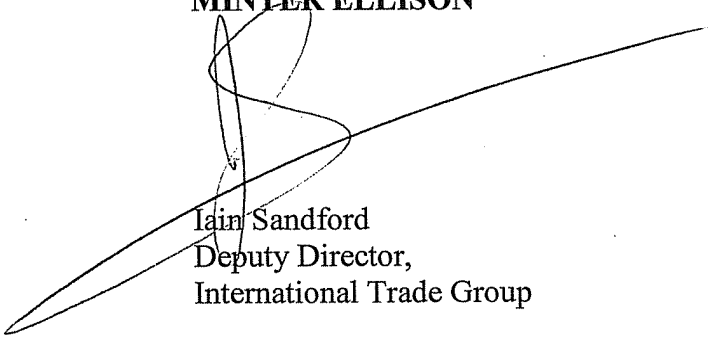
We also note that the Commission's request for information (and any accompanying blank questionnaire) has not been released on the website. We submit, again in the interests of

procedural fairness, that this omission should be remedied. In particular, we request that we be provided with a copy of any letter and blank questionnaire without delay.

Finally, we request that aggregated information, in tabular and/or graphical form, derived from the confidential material provided by the industry should be placed on the Commission's website as soon as possible, to enable analysis by interested parties prior to 14 December 2007.

Yours faithfully

MINTER ELLISON



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