Key to sections of the Official Information Act 1982 under which information has been withheld.

Certain information in this document has been withheld under one or more of the following sections of the Official Information Act, as applicable:

[1] 9(2)(a) - to protect the privacy of natural persons, including deceased people

[2] 9(2)(b)(ii) - to protect the commercial position of the person who supplied the information, or who is the subject of the information

[3] 9(2)(f)(iv) - to maintain the current constitutional conventions protecting the confidentiality of advice tendered by ministers and officials

[4] 9(2)(g)(i) - to maintain the effective conduct of public affairs through the free and frank expression of opinions

[5] 9(2)(i) - to enable the Crown to carry out commercial activities without disadvantage or prejudice

[6] 9(2)(j) - to protect the commercial position of the person who supplied the information, or who is the subject of the information; to enable the Crown to carry out commercial activities without disadvantage or prejudice; and to enable the Crown to negotiate without disadvantage or prejudice

[7] 9(2)(ba)(i) - to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied

[8] Information is out of scope or not relevant.

Where information has been withheld, a numbered reference to the applicable section of the Official Information Act has been made, as listed above. For example, a [3] appearing where information has been withheld in a release document refers to section 9(2)(f)(iv).

In preparing this Information Release, the Treasury has considered the public interest considerations in section 9(1) of the Official Information Act.
Solid Energy: Annual General Meeting (AGM) Proxy Form

To: Minister of Finance  
Minister for State Owned Enterprises

Priority: Routine

Date: 28 September 2009  
Deadline: 5 October 2009

Purpose
This briefing recommends that the Minister of Finance sign the attached proxy voting form, appointing the Minister for State Owned Enterprises, Hon Simon Power, as his proxy for the Solid Energy AGM on Thursday, 15 October 2009.

Background
The proxy voting form gives the nominated proxy the right to vote in accordance with the instructions set out on the form. For the Solid Energy AGM, shareholders are being asked to vote on two resolutions:
- to accept the annual report
- to note the dividend paid by the company.

For each resolution, the proxy form specifies if the nominated proxy is to vote in a certain way or, that they may vote at their discretion.

The Companies Act 1993 (the Act) provides that an annual report must be sent to shareholders no less than 20 working days before the date of the AGM. Through an oversight by Solid Energy we did not receive a copy of its annual report within the required timeframe. We do not consider that this is a problem, as the Act also provides that an accidental failure to send an annual report in accordance with the Act does not affect the validity of proceedings at an AGM.

Consultation
The Treasury has been consulted and agrees with the content of this report.

Recommendations
We recommend that the Minister of Finance sign the attached proxy form, giving the Minister for State Owned Enterprises, the authority to vote ‘for’ accepting the annual report and ‘for’ noting the dividend paid by the company.

Chris Jones  
Manager – Energy, Land & Environment

Hon Bill English  
Minister of Finance

Hon Simon Power  
Minister for State Owned Enterprises
VOTING/PROXY FORM
SOLID ENERGY NEW ZEALAND LIMITED
2009

Appointment of Proxy

I, Hon Simon William English being a shareholder of Solid Energy New Zealand Ltd appoint:

Name: Hon Simon James Power
Address: C/o Parliament Buildings

as my proxy to exercise my vote in accordance with my directions below at the Annual Meeting of shareholders of the company to be held on 15 October 2009 and at any adjournment of that meeting.

Voting

You may only tick one box for each resolution. If no box is marked or more than one box is marked the vote on that resolution will be treated as an "abstain"

<table>
<thead>
<tr>
<th>Resolutions:</th>
<th>For</th>
<th>Against</th>
<th>Abstain</th>
<th>Proxy Discretion</th>
</tr>
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<tbody>
<tr>
<td>Annual Report</td>
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<tr>
<td>Acceptance of Annual Report</td>
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<tr>
<td>Dividend</td>
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<tr>
<td>Note dividend paid by company</td>
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</table>

Signed by the shareholder:

Name and Address of Shareholder:

Dated:

[Signature]

[Name and Address of Shareholder]

[Date] 29.9.09