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.
Hi

Please find attached our final version of the SCI. We have amended a number of items following our meeting the other week.

Regarding the items below, we have discussed the relevant sections again with the Chairman, and having revisited the Board’s discussion on the document from the last meeting, we have taken the decision to run with the document as it is currently stated.

Please feel free to call if you would like to discuss any further aspects of the document.

Regards, Anthony

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From: @treasury.govt.nz
Sent: Tuesday, 20 September 2011 11:49 a.m.
To: Don Elder; Anthony Burg; Tom Pickles; Bill Luff
Cc: John Crawford; James Cunningham; Andrew Turner
Subject: Solid Energy 2011 SCI

Good morning Don, Anthony, Tom and Bill

Thank you again for the opportunity, last Monday, to discuss the Solid Energy business plan and SCI.

From the voicemail message that I received from Tom (on 14/9/2011), I understand that your Board has agreed to amend Section 10 of the SCI (Activities for which compensation is sought) along the lines discussed. I understand you have also made other minor amendments to other sections of the SCI as discussed, with the exception of the format of the Commercial Valuation Disclosure Statement.

Commercial Valuation

Tom advised that due to Solid Energy presently being considered for the Mixed Ownership Model (MoM) process, the Chair does not wish to make changes to the commercial valuation section of the SCI to comply with the Model Commercial Valuation Disclosure Statement which shareholding Ministers had requested be included. To this end, I have reviewed the Commercial Valuation Disclosure Statements of the other MoM companies (please see copies attached – excluding Mighty River Power which does contain the disclosure but is yet to be tabled). In general, the disclosures of the other MoM companies are consistent with what the shareholding Ministers had requested. Given that the other MoM companies have complied with this request the Chair may wish to reconsider Solid Energy’s position. Please let me know what you decide to do on this matter because it may have a material impact on the process to finalise the SCI.

Total Shareholder Return (TSR)

Tom also requested further information on how other SOEs are complying with the requirement to include the TSR metric in the SCI. I have focused my attention on the approach of the other MoM companies. Two of these (Meridian and Mighty River Power) have not included the TSR metric, while Genesis has included TSR but has used the year-on-year change in Equity as a proxy for the forecast change in commercial value. Given your concerns with the measure and desire for it not to be included in the SCI, and taking into consideration what the other MoM companies have done, we would be comfortable if you chose not to include the TSR metric in this year’s SCI.
I look forward to hearing from you and receiving the revised draft SCI in due course.

Kind Regards


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Thankyou.

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The attachment to this email (Solid Energy's 2011 SCI) is publicly available on www.solidenergy.co.nz