

The Treasury

New Zealand Aluminium Smelters (NZAS) Information Release

September 2013

Release Document

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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 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] 9(2)(h) – to maintain professional legal privilege

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.



Office of Hon Bill English

Deputy Prime Minister
Minister of Finance
MP for Clutha-Southland

17 July 2013

Mr Phil Baker
Chief Financial Officer
Pacific Aluminium
GPO Box 2435
Brisbane
Queensland 4011
AUSTRALIA

Dear Phil Baker

NEW ZEALAND ALUMINIUM SMELTERS (NZAS) ELECTRICITY AGREEMENT

I refer to my letter dated 15 July 2013 and to your email to my office and Treasury dated 16 July 2013.

I have considered the points raised in your email and confirm that I agree that:

- the requirement that NZAS refunds the \$30 million lump sum in full to the Crown if a review of the ongoing viability of the smelter is publicly announced only applies to announcements made up to and including 30 June 2015 (rather than during the 2 year period from execution of the Agreement as stated in my previous letter); and
- any public announcement associated with any notice given to Meridian under the Agreement that the smelter will reduce its electricity take to 400MW and its capacity from 3 potlines to 2 potlines will not be treated as a public announcement in respect of the ongoing viability of the smelter.

I look forward to receiving your response to our offer by 5pm (NZ time) on Friday 19 July 2013.

Yours sincerely

Hon Bill English
Minister of Finance