



MEDIA RELEASE

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REVIEW DECISION BACKS UP TRUST POSITION ON DISCLOSURE

The Eastern Bay Energy Trust says it is pleased, but not surprised, that an independent arbitrator and mediator has found that it has justifiably withheld commercial information from the Eastern Bay of Plenty Power Society.

Reacting today to the decision of the independent authority, Auckland barrister David Carden, trust chairman Kevin Hennessy said: "As trustees, we were sure that we had at all times acted properly in terms of disclosing information. Now an independent expert has agreed with our stance."

Mr Hennessy said that the trust had exhaustively tried to explain to the society that there were natural limits on the disclosure of commercial information. While the trust accepted that the society was entitled to call for a review by the Arbitrators' and Mediators' Institute of New Zealand (AMINZ), it had been an expensive and time-consuming process.

"We hope that the society will now accept that the trustees have always acted in the utmost good faith when dealing with all of the trust's beneficiaries, including those belonging to the society," said Mr Hennessy.

"We have operated strictly within both the spirit and the terms of our trust deed, and within the guidelines set out by the Energy Trusts of New Zealand, endorsed by the Ministry of Energy and referred to in our annual report."

Mr Hennessy said the trust had engaged in regular dialogue with the society under a protocol which saw the parties meet together quarterly for ongoing discussion and sharing of information.

"However, as we submitted to the independent arbitrator, it is just not possible to make full disclosure of the individual financial results of some of the investments made by the trust, because of the commercial sensitivity of this information.

"This policy is completely normal practice and avoids the possibility of prejudicing our commercial position by potentially impacting the value of an investment to the detriment of beneficiaries."

Mr Hennessy said the trust would continue to meet with the society on a regular basis in a constructive manner.

For further information contact

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