

Electricity Reform Act 2000
Section 87
Exemption document

Recital

1. Swiss Aluminium Australia Limited (formerly Swiss Aluminium Australia Pty Limited) and Gove Aluminium Limited (formerly Gove Alumina Limited) (the Lessees) are the holders of Special Purposes Lease No 214, granted pursuant to the *Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968* and the *Special Purposes Leases Ordinance 1953-1968*.
2. Special Purposes Lease 214 was granted to the Lessees for the purpose of establishing, maintaining and operating a township (Nhulunbuy) with ancillary facilities, amenities and services, including, among other things, electricity supply for residents of the town whether or not those residents are engaged in the operations of the Lessees.
3. Pursuant to a management agreement between the Lessees and Nabalco Pty Limited (now Alcan Gove Pty Limited), the Lessees appointed Nabalco Pty Limited to manage, supervise, control and conduct on their behalf all operations including inter alia the construction of a port, town, roads, communications and other facilities.
4. Expansion of operations at Gove, including Nhulunbuy, is under consideration requiring negotiations with other parties. These negotiations depend importantly on rights granted under Special Purposes Lease 214. Investigation is being undertaken into possibly differing interpretations of the rights granted and associated obligations of Special Purposes Lease 214 on the one hand and the *Electricity Reform Act 2000* on the other.
5. Normalisation of the township of Nhulunbuy is under consideration.


Exemption

1. Pursuant to section 14(2) of the *Electricity Reform Act 2000* ("the Act"), Alcan Gove Pty Limited is exempt from the need to hold a licence under section 14(1) of the Act by virtue of section 87 of the Act and this exemption document, with respect to those operations in the electricity supply industry set out in schedule 1.
2. In accordance with section 87(1) of the Act, this exemption is subject to the condition that the exempt party must from time to time provide the Commission, in a manner and form to be determined by the Commission, such information necessary to the performance of its functions under any applicable laws that the Commission may request.

3. Under section 87(3) of the Act, this exemption document, with the approval of the Minister, may be varied or revoked by the Commission by notice in writing.
4. This exemption document will be reviewed at 3 year intervals from the date of issuance and continues until the earlier of
 - (i) the date on which normalisation of the supply of electricity to the township of Nhulunbuy is finalised; or
 - (ii) the date on which Special Purpose Lease No 214 expires.

Date: 28-04-2005

THE COMMON SEAL of
UTILITIES COMMISSION is duly
 affixed in the presence of:

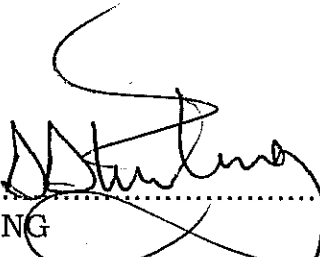

 Signature of authorised person

UTILITIES Commissioner
 Office held

ALAN JEFFREY TREGILGA

Name of authorised person (block letters)



Approved: 
 SYD STIRLING

Schedule 1

The operations in the electricity supply industry covered by this exemption are:

- Generation of electricity at Nhulunbuy.
- Operation of electricity network infrastructure owned and operated by the exempt party within the geographic area associated with the township of Nhulunbuy (including those surrounding areas with the limits of the network as existing on the date of issuance of this exemption).
- Sale of electricity to customers located within the geographic area associated with the township of Nhulunbuy (including those surrounding areas with the limits of the network as existing on the date of issuance of this exemption).