Rule 2.7, 3.10.3, 3.10.4, 3.10.5

## **Appendix 3B**

# New issue announcement, application for quotation of additional securities and agreement

Information or documents not available now must be given to ASX as soon as available. Information and documents given to ASX become ASX's property and may be made public.

Introduced 1/7/96. Origin: Appendix 5. Amended 1/7/98, 1/9/99, 1/7/2000, 30/9/2001, 11/3/2002, 1/1/2003.

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We (the entity) give ASX the following information.

#### Part 1 - All issues

You must complete the relevant sections (attach sheets if there is not enough space).

- 1 +Class of +securities issued or to be issued

  2 Number of +securities issued or to be issued (if known) or maximum number which may be issued

  56,700
- 3 Principal terms of the \*securities (eg, if options, exercise price and expiry date; if partly paid \*securities, the amount outstanding and due dates for payment; if \*convertible securities, the conversion price and dates for conversion)

Ordinary Shares, ranking pari passu with existing ordinary shares

<sup>+</sup> See chapter 19 for defined terms.

5

4 Do the \*securities rank equally in all respects from the date of allotment with an existing \*class of quoted \*securities?

Yes.

If the additional securities do not rank equally, please state:

- the date from which they do
- the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment
- the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment

Issue price or consideration N

NZ\$1.091

6 Purpose of the issue (If issued as consideration for the acquisition of assets, clearly identify those assets)

Shares sold in accordance with the Employee Share Ownership Plan (ESOP) rules, and Pike River Coal constitution.

Funds provided from the issue of shares will supplement the company's working capital

7 Dates of entering \*securities into uncertificated holdings or despatch of certificates

13 October 2009

8 Number and +class of all +securities quoted on ASX (including the securities in clause 2 if applicable)

Number	+Class
347,530,772	Ordinary Shares
64,281,875	Options (2011)

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<sup>+</sup> See chapter 19 for defined terms.

		Number	+Class
9 Number and +class of all +securities not quoted on ASX ( <i>including</i> the securities in clause 2 if applicable)	*securities not quoted on ASX (including the securities in clause	6,137,012	Ordinary Shares, Partly Paid (unlisted).
	550	Convertible Bonds	
10	Dividend policy (in the case of a trust, distribution policy) on the increased capital (interests)	Rank pari passu.	
Part	2 - Bonus issue or pr	o rata issue	
11	Is security holder approval required?		
12	Is the issue renounceable or non-renounceable?		
13	Ratio in which the *securities will be offered		
14	<sup>+</sup> Class of <sup>+</sup> securities to which the offer relates		
15	<sup>+</sup> Record date to determine entitlements		
16	Will holdings on different registers (or subregisters) be aggregated for calculating entitlements?		
17	Policy for deciding entitlements in relation to fractions		
18	Names of countries in which the entity has *security holders who will not be sent new issue documents		
	Note: Security holders must be told how their entitlements are to be dealt with.		
	Cross reference: rule 7.7.		
19	Closing date for receipt of acceptances or renunciations		

<sup>+</sup> See chapter 19 for defined terms.

#### Appendix 3B New issue announcement

• 0		
20	Names of any underwriters	
21	Amount of any underwriting fee or	
	commission	
22	Names of any brokers to the issue	
	<u></u>	
23	Fee or commission payable to the	
	broker to the issue	
24	Amount of any handling fee	
	payable to brokers who lodge acceptances or renunciations on	
	behalf of +security holders	
25	If the issue is contingent on	
	+security holders' approval, the	
	date of the meeting	
26	B	
26	Date entitlement and acceptance form and prospectus or Product	
	Disclosure Statement will be sent to	
	persons entitled	
27	If the entity has issued options, and	
	the terms entitle option holders to	
	participate on exercise, the date on which notices will be sent to option	
	holders	
28	Date rights trading will begin (if	
	applicable)	
20	B	
29	Date rights trading will end (if applicable)	
	аррпеане	
30	How do *security holders sell their	
	entitlements in full through a broker?	
	OTOKET!	
31	How do *security holders sell <i>part</i>	
	of their entitlements through a	
	broker and accept for the balance?	

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<sup>+</sup> See chapter 19 for defined terms.

32	their	do *security holders dispose of entitlements (except by sale gh a broker)?			
33	+Desp	oatch date			
		Quotation of securion of securion of securion if you are apply			
34	Type (tick o	of securities one)			
(a)	X	Securities described in Part 1			
(b)			the escrowed period, partly paid securities that become fully paid, employee securities issued on expiry or conversion of convertible securities		
Entit	ies th	nat have ticked box 34(a)			
Additional securities forming a new class of securities					
Tick to docume		te you are providing the informatio	n or		
35			ecurities, the names of the 20 largest holders of the umber and percentage of additional *securities held by		
36		If the *securities are *equity *securities setting out the number 1 - 1,000 1,001 - 5,000 5,001 - 10,000 10,001 - 100,000 100,001 and over	securities, a distribution schedule of the additional er of holders in the categories		
37		A copy of any trust deed for the	additional *securities		

<sup>+</sup> See chapter 19 for defined terms.

### Entities that have ticked box 34(b) 38 Number of securities for which <sup>+</sup>quotation is sought 39 Class of +securities for which quotation is sought 40 Do the +securities rank equally in all respects from the date of allotment with an existing +class of quoted \*securities? If the additional securities do not rank equally, please state: the date from which they do the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment 41 Reason for request for quotation Example: In the case of restricted securities, end of restriction period (if issued upon conversion of another security, clearly identify that other security) Number +Class 42 Number and +class of all +securities quoted on ASX (including the securities in clause 38)

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<sup>+</sup> See chapter 19 for defined terms.

#### **Quotation agreement**

- <sup>+</sup>Quotation of our additional <sup>+</sup>securities is in ASX's absolute discretion. ASX may quote the <sup>+</sup>securities on any conditions it decides.
- We warrant the following to ASX.
  - The issue of the +securities to be quoted complies with the law and is not for an illegal purpose.
  - There is no reason why those +securities should not be granted +quotation.
  - An offer of the \*securities for sale within 12 months after their issue will not require disclosure under section 707(3) or section 1012C(6) of the Corporations Act.

Note: An entity may need to obtain appropriate warranties from subscribers for the securities in order to be able to give this warranty

- Section 724 or section 1016E of the Corporations Act does not apply to any applications received by us in relation to any \*securities to be quoted and that no-one has any right to return any \*securities to be quoted under sections 737, 738 or 1016F of the Corporations Act at the time that we request that the \*securities be quoted.
- We warrant that if confirmation is required under section 1017F of the Corporations Act in relation to the \*securities to be quoted, it has been provided at the time that we request that the \*securities be quoted.
- If we are a trust, we warrant that no person has the right to return the 

  +securities to be quoted under section 1019B of the Corporations Act at the 
  time that we request that the +securities be quoted.

<sup>+</sup> See chapter 19 for defined terms.

- We will indemnify ASX to the fullest extent permitted by law in respect of any claim, action or expense arising from or connected with any breach of the warranties in this agreement.
- We give ASX the information and documents required by this form. If any information or document not available now, will give it to ASX before <sup>+</sup>quotation of the <sup>+</sup>securities begins. We acknowledge that ASX is relying on the information and documents. We warrant that they are (will be) true and complete.

Sign here: Date: 14 October 2009

Print name: Brian Wayne Roulston

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<sup>+</sup> See chapter 19 for defined terms.