



# ASX Announcement

18 September 2014

## Shareholder Update

NuCoal Resources Ltd (ASX: NCR) wishes to provide shareholders with a further update on the legal proceedings currently underway.

### Judicial Review – NSW Supreme Court

Date	Description
14 March 2014	Legal proceedings lodged in the NSW Supreme Court, seeking Judicial Review of the findings made against NuCoal and contained in the December 2013 report prepared by the Independent Commission Against Corruption (ICAC).
27 June 2014	NuCoal filed its submissions in the proceedings.
25 July 2014	ICAC was due to file its submissions in response, but did not do so and sought an extension (which NuCoal opposed).
8 August 2014	ICAC filed a motion seeking to have NuCoal's judicial review application dismissed based on the judgement handed down by the NSW Supreme Court in the matter of <i>Duncan &amp; Ors v ICAC</i> .
27 August 2014	Legal representatives for NuCoal attended a hearing and vigorously opposed ICAC's motion on the basis of the significant factual and legal differences between the Company's case and the matter of <i>Duncan &amp; Ors v ICAC</i> .  NuCoal was successful at this hearing and ICAC's motion was dismissed. As a result of this outcome, the Proceedings are continuing and the Company will present its case at the hearing on 27 October 2014.
26 September 2014	ICAC due to file submissions in response to NuCoal's submission of 27 June 2014.
27 October 2014	Court Date, 1 day hearing of NuCoal's case.

**Registered Office**  
Unit 8, 24 Garnett Road  
Greenhills, NSW 2323

**T** +61 2 4015 0500  
**F** +61 2 4015 0599

**E** [admin@nucoal.com.au](mailto:admin@nucoal.com.au)  
**www.nucoal.com.au**

**ASX:NCR • Share Information**  
Issued Shares: 768.6m

**Board of Directors**

Chairman:	G. Galt
Managing Director:	G. Lewis
Non Executive Director:	J. Beecher
Non Executive Director:	M. Davies
Company Secretary:	M. Etccl

## Constitutional Challenge – High Court of Australia

Date	Description
June 2014	NuCoal lodged a Writ of Summons and Statement of Claim with the High Court of Australia, challenging the constitutional validity of the <i>Mining Amendment (ICAC Operations Jasper and Acacia) Act 2014</i> (NSW).
14 August 2014	Legal representatives for NuCoal attended a directions hearing before the High Court where the parties were given various procedural directions and asked to prepare an agreed set of facts to file with the Court.
17 September 2014	Legal representatives for NuCoal attended a directions hearing in which the High Court made certain orders in respect of the timetable of the case.
26 September 2014	Filing of an agreed Special Case.
22 October 2014	NuCoal is to file and serve its written submissions.
12 November 2014	NSW is to file and serve its written submissions.
24 November 2014	NuCoal is to file and serve its written submissions in reply.

NuCoal Chairman, Gordon Galt, said “NuCoal has made significant progress in pursuing available legal actions to protect the legal rights of the Company and its shareholders. NuCoal looks forward to being able to get a proper court hearing of its alleged rights via the Constitutional and Judicial Review Proceedings”.

## Free Trade Actions

The Company is continuing to pursue claims against the Australian Government on behalf of overseas based shareholders under various Free Trade Agreements (**FTAs**). These potential international actions are being progressed with a view to obtaining compensation from the Australian Government for the decision by the NSW Government to expropriate EL 7270 without payment of compensation. Some FTAs allow the Plaintiff (NuCoal shareholders who reside in the relevant jurisdictions outside Australia) to bring an action without needing the consent of the Australian Government (e.g. Australia’s Free Trade Agreements with Singapore, Hong Kong and others) while other FTAs require the consent of both the Government of the investor’s home country and the Australian Government before an action can proceed (e.g. the Australia – USA Free Trade Agreement).

Shareholders should note that any successful actions under an FTA will benefit only the shareholders who bring and participate in the actions.

Shareholders will continue to be updated on all proceedings outlined above as they progress.

For all enquiries please contact:

Megan Etcell  
Company Secretary  
Telephone: +2 4015 0500



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