

Update: Judicial Review and Deed of Company Arrangement (DOCA)

20 April 2016

Company Announcements Office

Judicial Review - OS (JR) No. 103 of 2016

As previously reported in our announcement dated 31 March 2016, the hearing to consider granting of leave for the judicial review to proceed, originally scheduled for 5 April 2016, was heard on 7 April 2016 by the National Court of Justice, Papua New Guinea.

At the hearing, the presiding judge granted Summit Development Limited leave to:

- apply for Judicial Review of the Minister's rejection of the renewal application and the Mining Advisory Council's recommendation made on or around 21 July 2015;
- file and serve substantive Notice of Motion by 1 May 2016; and
- stay of proceedings.

We understand that the effect of the grant of leave and stay orders is that, as SDL's extension application remains unresolved, the holdover provisions in the PNG Mining Act 1992 for exploration licences subject to a timely renewal application continue to apply and the ground is not available for any other exploration licence application (ELA). All new ELA's are held over (including SDL's fresh application) pending the outcome of the judicial review.

Extension of the Deed of Company Arrangement (DOCA)

The proponents of the DOCA, Kandahar Holdings Pty Ltd, have agreed to extend the termination date of DOCA under the Conditions Precedent (as set out in clause 10) from 31 March 2016 to 31 May 2016.

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