

T +64 4 499 6830
F +64 4 974 5218
E wellington@bathurstresources.co.nz

Level 12, 1 Willeston Street
Wellington 6011, New Zealand
PO Box 5963, Lambton Quay
Wellington 6145, New Zealand



5 July 2013

Listed Company Relations
New Zealand Exchange Limited
Level 2, NZX Centre
11 Cable Street
Wellington, New Zealand

Company Announcements Platform
Australian Securities Exchange
10th Floor, 20 Bond Street
Sydney
NSW 2000

Hearing Date set for Application for Leave to Appeal

Bathurst Resources (NZ) Limited ("Bathurst" NZX/ASX: BRL) is pleased to advise that a hearing date has been set for the High Court to consider the application for leave to appeal from Royal Forest and Bird Protection Society of New Zealand Incorporated ("Forest and Bird") and the later submission by Buller Coal Limited opposing that application.

The hearing will take place by way of telephone conference on 12 July 2013.

Enclosed is a summary of legal proceedings to date.

On behalf of Bathurst Resources (NZ) Limited

A handwritten signature in black ink, appearing to read 'Hamish Bohannan', written in a cursive style.

Hamish Bohannan
Managing Director

SUMMARY OF LEGAL PROCEEDINGS

Supreme Court

The appeal in relation to the 'climate change matter' was heard in the Supreme Court on 12 and 13 March 2013. Before a decision was announced one of the judges, Justice Chambers, died. The Supreme Court is awaiting advice from the Crown as to how to proceed. There has been no indication as to the timing for this.

The Environment Court and the High Court have already found in favour of Bathurst. The matter was then expedited to the Supreme Court. Once a decision is made it will be final and not subject to appeal.

Substantive appeal proceedings

High Court

There have been two appeals to the High Court.

The first appeal related to the extent to which the Sullivan Coal Mining licence is relevant to the determination of the resource consent applications for the Escarpment Mine. On 6 June 2013 the High Court dismissed the appeal. Forest and Bird applied to the High Court for leave to appeal that decision to the Court of Appeal. On 4 July 2013 Bathurst lodged an application to the High Court opposing the application. The issue of leave is to be determined at a hearing scheduled for 12 July 2013.

The second appeal related to various points of law in relation to the Environment Court's interim decision. The High Court upheld the appeal on two points of law and referred those points back to the Environment Court. These were considered by the Environment Court in its hearing of 12 June 2013. On the basis that they have now been appropriately considered, there is no further avenue for appeal on those points. Forest & Bird have not sought leave to appeal the other points they were unsuccessful on in the High Court (the appeal period having now lapsed).

Environment Court

The final Environment Court hearing was held on 12 June 2013. The purpose of the hearing was to discuss proposed consent conditions that arose from the interim decision of 28 March and to consider the two points of law that were upheld by the High Court.

At the hearing the Court requested further submissions on some conditions of the consents. These have now been supplied. The Court has not indicated a time frame within which it will deliver a decision however it has acknowledged the need for expediency.

The final decision could be appealed however that would have to be on different points of law to those already appealed.