



# Company Statement

10 February 2023

## NSW Government continues to Reserve its Position regarding Compensation for NuCoal

(9th Anniversary of the Confiscation of EL7270 without compensation)

NuCoal Resources Ltd (ASX:NCR) (**NuCoal** or **Company**) advises shareholders and the market that it has received correspondence from the Department of Premier and Cabinet (**DPC**) after NuCoal wrote to the Premier following the “not guilty” verdict handed down to Mr John Maitland in the Supreme Court of NSW on 20 December 2022. The correspondence is included in **Attachment A** and was received by NuCoal on 2 February 2023.

To assist in context and understanding of the NSW Government’s correspondence, Directors will upload a number of relevant documents to the Company’s website in the next few days. These will include:

- Letter from NuCoal to the Premier; and
- Director’s opinion of the significance of the NOT GUILTY verdict for Mr John Maitland on 20 December 2022

The DPC letter in Attachment A states that the NSW Government “continues to reserve its position on the outstanding matters raised in the report of the Legislative Committee on Law and Justice”, dated 30 October 2019. The relevant recommendation of that Committee, which was “*That the NSW Government address the outstanding matters raised during this inquiry, where appropriate, including the issue of compensation for innocent shareholders*”, was further reinforced by a subsequent recommendation by a second Parliamentary Committee in November 2021 which was “*Given the time that has passed since then, the Committee urges the NSW Government to respond to the Legislative Council’s Law and Justice report as a matter of urgency.*”

Details of these Committees’ recommendations have been regularly included in Quarterly Reports by NuCoal.

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

**Board of Directors**

Chairman:	G. Galt
Non Executive Director and Company Secretary:	G. Lewis
Non Executive Director:	M. Davies

**The recent correspondence from the NSW Government indicates that the matter of compensation for NuCoal remains an active issue for the Government,** notwithstanding that the recommendations of the Committees have yet to be implemented. In addition, the letter does not include any reference to outstanding legal issues now that the NOT GUILTY verdict in respect of Mr Maitland has been handed down. Previous correspondence with the NSW Government did contain such a consideration, notwithstanding that it had no actual bearing on the innocence of NuCoal's shareholders.

NuCoal will continue to press the NSW Government, before and after the coming State election, to obtain justice and compensation for the huge financial loss caused by the January 2014 passing of *Mining Amendment (ICAC Operations Jasper and Acacia) Act 2014 (MAA)*.

The proven and undisputed truth is that NuCoal is not and never was guilty of anything and had its Exploration Licence 7270 (**EL 7270**) asset confiscated, without due recourse by specifically overriding the normal provisions of the *Mining Act 1992* which allow various appeals and consideration of Exploration Licence related matters by the normal court system. The MAA is therefore completely contrary to the Rule of Law, where a body or person being prosecuted is innocent until proven guilty and where "punishment" – in this case the confiscation of EL 7270 – is not meted out unless due process is followed and relevant persons and entities are then actually found to be guilty of charges laid against them.

In NuCoal's case, punishment was meted out without due process. The right to due process was actually legislated out of existence by the MAA. Compensation was also specifically banned by the MAA, despite even ICAC recommending that NuCoal's innocent shareholders should be considered for compensation when the MAA was passed into law.

Subsequent forensic examination of all relevant details regarding NuCoal has occurred over the last nine years. Wherever any judicial action has actually been prosecuted by the state, all persons associated with NuCoal and Doyles Creek Mining Pty Ltd have been found to be NOT GUILTY.

As recommended by ICAC itself in 2014, and now by two Parliamentary Committees, we urge the NSW Government to finalise its consideration of NuCoal's clearly just and substantive claims and compensate NuCoal as soon as possible.

The current Government should face up to its responsibilities and do this before the election and not leave it to a new Government, of whatever persuasion, to fix mistakes made on the current Government's watch.

For further enquiries please contact:

Gordon Galt  
Chairman  
Telephone: +61 2 4013 6181

## Attachment A

OFFICIAL

Department of Premier and Cabinet



Ref: A5626637  
2 February 2023

Mr Gordon Galt  
Chairman  
NuCoal Resources Ltd

By email: [ggalt@taurusfunds.com.au](mailto:ggalt@taurusfunds.com.au)

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Re: Compensation for shareholders of NuCoal Resources Ltd

Dear Mr Galt,

I refer to your correspondence to the Premier, the Hon Dominic Perrottet MP, dated 30 November 2022 concerning compensation for shareholders of NuCoal Resources Ltd following the cancellation of exploration licence 7270 at Doyles Creek by an Act of Parliament.

Your correspondence was referred to the Attorney General, the Hon Mark Speakman SC MP, for his consideration.

As you will appreciate the Attorney General has many commitments and it is not practicable for Mr Speakman to respond personally to your correspondence. Your correspondence has been forwarded to this Department for reply.

As I indicated in my earlier correspondence to you of 20 May 2022, the NSW Government has stated that it continues to reserve its position on the outstanding matters raised in the report of the Legislative Council Standing Committee on Law and Justice entitled *Mining Amendment (Compensation for Cancellation of Exploration Licence) Bill 2019* (Report 72, 30 October 2019).

Sincerely,

A handwritten signature in black ink, appearing to read "K Boyd".

Kate Boyd PSM  
Deputy Secretary, General Counsel

OFFICIAL

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1