

20 February 2023

Australian Securities Exchange
Level 4, 20 Bridge Street
SYDNEY
NSW 2000

ARBITRATOR DISMISSES LMCH CLAIM FOR PAYMENT UNDER BULLER AGREEMENT FOR SALE AND PURCHASE

As previously advised,¹ Bathurst Resources Limited (ASX:BRL) (“Bathurst”) has been engaged in a long running dispute in which L&M Coal Holdings Ltd (“L&M”) claims entitlements by reference to certain triggers in the Agreement for Sale and Purchase between L&M and Bathurst regarding the purchase by Bathurst of Buller Coal Ltd (“SPA”).

The Directors of Bathurst are pleased to advise that, on Saturday 18 February, 2023, the Appointed Arbitrator released his decision, finding that Bathurst is not required to make performance payments and issue Bathurst shares to L&M under the SPA.

Following on from the New Zealand Court of Appeal’s decision in 2020 in favour of L&M, L&M commenced arbitral proceedings against Bathurst. On 14 July 2021 the Supreme Court rejected L&M’s allegation that Bathurst was obliged to pay the first performance payment under the SPA. While the Arbitrator declared that a Change in Control had occurred under the SPA, he also found that LMCH’s claim to performance payments and shares under the SPA, is dismissed on the ground that, as interpreted by the Supreme Court, cl 3.10 of SPA provides a defence to that claim.

On behalf of Bathurst Resources Limited.

Richard Tacon
CEO

¹ See Quarterly Report for Quarter ended 31.12.2021 (published on Bathurst’s ASX platform on 31.1.2022) and Quarterly Report for Quarter ended 31.3.2022 (published on Bathurst’s ASX platform on 28.4.2022), each under the heading of “Corporate”