

# ASX ANNOUNCEMENT

9 August 2024

## Narrabri Stage 3 Legal Proceedings

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Whitehaven Coal (Whitehaven) welcomes the High Court of Australia's refusal of an application for special leave to appeal made by the Environmental Council of Central Queensland (ECCQ) – a green group – in respect of two coal mining projects, including Whitehaven's Narrabri Stage 3 Project.

The ECCQ were seeking to appeal a judgment of the Full Federal Court from 16 May 2024 dismissing review proceedings regarding the climate change effects of coal emissions on Matters of National Environmental Significance under the Environmental Protection and Biodiversity Conservation (EPBC) Act 1999 (Cth) in respect of the Narrabri Stage 3 Project. The Full Federal Court proceedings were heard on appeal from an earlier decision by the Federal Court in October 2023, which dismissed the ECCQ's original review application.

The ECCQ first made an application to the Federal Minister for the Environment and Water in July 2022 to reconsider the controlling provisions under the EPBC Act for the assessment of 19 coal and gas projects, including Narrabri Stage 3. This reconsideration request was refused by the Minister in May 2023.

In June 2023, the ECCQ commenced judicial review proceedings challenging the Minister's decision in the Federal Court. In October 2023, the Federal Court dismissed the application for judicial review proceedings and upheld the Minister's original decision.

The ECCQ appealed this primary judgment of the Federal Court to the Full Federal Court, which unanimously rejected the appeal in May 2024.

The protracted nature of these legal challenges has led to a delay of over two years, impacting projects that will deliver jobs and investment in regional Australia.

Considering these lengthy delays, Whitehaven looks forward to expeditious determination of the Narrabri Stage 3 Project by the Federal Minister for the Environment and Water.

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*This announcement is authorised for release to the market by the Company Secretary of Whitehaven Coal Limited.*