

## ASX Announcement

3 February 2022

# BENGA APPEAL DECISION

Atrum Coal Limited (ASX: ATU) (**Atrum** or the **Company**) provides an update on the recent outcome of the appeal process for Benga Mining Limited (**Benga**).

On June 17, 2021, the Joint Review Panel (**JRP**), in its capacity as the Alberta Energy Regulator (**AER**), determined that the Grassy Mountain Coal Project (**Project**) is not in the public interest and cannot proceed.

Benga, the Piikani Nation (**Piikani**) and Stoney Nakoda Nations (**Stoney Nakoda**) applied for permission to appeal the provincial component of the JRP decision to the Alberta Court of Appeal.

On January 28, 2022, the single appeal judge issued her decision denying all three applications for permission to appeal. The permission to appeal test applied by the Court is a strict test which requires that any proposed grounds of appeal be a pure question of law and also have arguable merit. In this case:

- the judge found that, to the extent the applicants, Benga, Piikani, and Stoney Nakoda, raised errors of law, they did not have arguable merit; and
- with respect to other grounds, the judge found they did not constitute pure errors of law and were instead questions of fact.

The result of this decision is that a full panel of three judges of the Alberta Court Appeal will not hear the appeals. However, each of Benga, Piikani and Stoney Nakoda have also filed judicial review challenges of the provincial component of the JRP decision with Alberta's Court of Queen's Bench. It remains to be seen whether the applicants will pursue these challenges which were held in abeyance pending the decision of the Alberta Court of Appeal.

The findings of the Joint Review Panel and the subsequent ruling of the Alberta Court of Appeal apply specifically and only to Benga's Grassy Mountain application. Like any natural resource development project, new applications for metallurgical coal mines will be gauged on their individual merits using the comprehensive and rigorous regulatory frameworks of Alberta and Canada.

**Atrum Non-Executive Chairman, Glen Koropchuk, commented:** "Atrum's Elan Project will be a state-of-the-art responsible mining project delivering, via an ethical and secure supply chain, a key resource needed by the world for decades to come. We will take all learning opportunities – including the decision of the JRP on Grassy – to work with our Indigenous and local community stakeholders to continuously improve Elan environmentally and socio-economically for the enduring interests of our shareholders and the people of Alberta."

**This ASX release was authorised on behalf of the Atrum Board by:**

Glen Koropchuk, Non-Executive Chairman

**For further information, contact:**

**Andrew Caruso**  
Chief Executive Officer  
T: +61 3 8678 4091

**Nova Taylor**  
Company Secretary  
T: +61 3 8678 4091  
E: [nova.taylor@atomicgroup.com.au](mailto:nova.taylor@atomicgroup.com.au)

**Michael Vaughan**  
IR & Media, Fivemark Partners  
T: +61 422 602 720