

## Regulatory Story

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**Company** [Peninsular Gold Limited](#)  
**TIDM** PGL  
**Headline** Leave to Appeal granted  
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Peninsular Gold Limited  
11 January 2012

### **Peninsular Gold Limited**

#### **("The Company")**

#### **Leave to Appeal the decision of the Court of Appeal to the Federal Court granted**

The Company announced on 25 March 2008 that Wong Kin Hoong and others (the "Appellants") had filed an application for leave for judicial review ("Application") concerning an environmental approval granted by the Malaysian Department of Environment to its wholly owned subsidiary, Raub Australian Gold Mining Sdn Bhd ("RAGM") in 1997. The Director-General of the Department of Environment in Malaysia and RAGM were named as first and second respondents respectively.

The Appellants sought an extension of time from the High Court of Malaya to proceed with their Application as Order 53 rule 3(6) of the Malaysian Rules of High Court provides that an application for judicial review shall be made promptly and in any event within 40 days from the date when the grounds for the application first arose or when the decision is first communicated to the Applicants.

On 1<sup>st</sup> June 2009, the Company announced that the High Court of Malaya at Kuala Lumpur ("High Court") had dismissed the Appellants' application in its entirety as the learned judge had found no basis to grant an extension of time for leave for judicial review out of time. The Appellants appealed against this decision to the Court of Appeal of Malaysia ("Court of Appeal").

The Court of Appeal on 3<sup>rd</sup> August 2011, through its panel of 3 Court of Appeal judges, unanimously dismissed the appeal filed by the Appellants against the decision of the High Court and they were unanimous that there were no reasons to interfere with the High Court Judge's decision that there had been inordinate delay on the part of the Appellants in filing the Application. The Appellants then filed a Notice of Motion to the Federal Court of Malaysia ("Federal Court") seeking leave to appeal against the decision of the Court of Appeal based on 5 questions of law.

The Federal Court has, on 11<sup>th</sup> January 2012, granted leave to the Appellants to appeal to the Federal Court against the decision of the Court of Appeal on only 1 question of law whilst dismissing the other 4 questions of law brought by the Appellants. No date has been fixed for hearing of the appeal.

RAGM will continue to vigorously defend its interests and contest the appeal to the Federal Court on the sole question of law which was allowed today.

Further announcements will be made as and when appropriate.

**End**

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