

## **BNL RESPONDS TO PRIME MINISTER MARAPE'S STATEMENT REGARDING PORGERA JUDICIAL REVIEW CASE**

**PORT MORESBY, PAPUA NEW GUINEA – TUESDAY 29 SEPTEMBER, 2020** – Barrick (Niugini) Limited (**BNL**), majority owner and operator of the Porgera Gold Mine in Papua New Guinea, provides the following response to a press statement released yesterday by Prime Minister James Marape regarding recent legal proceedings concerning the Porgera Gold Mine.

On 7 September BNL filed an appeal in the Supreme Court of the decision handed down by Deputy Chief Justice Kandakasi in the National Court on 1 September dismissing on procedural grounds BNL's application for Judicial Review of the Government's decision to reject BNL's application for an extension of the Porgera Special Mining Lease (SML 1).

While the Prime Minister was correct in stating that on 25 September the Supreme Court dismissed BNL's application for the court to stay the decision of the National Court pending determination of the appeal, this does not represent the end of the legal proceedings currently before the Supreme Court as the appeal is still proceeding.

In the decision regarding BNL's Stay Application delivered by Justice Makail in the Supreme Court (SCM No. 18 of 2020), the Court affirmed that BNL has an arguable case to be heard on appeal, and that the decision of the National Court to dismiss the matter on procedural grounds meant that *"questions surrounding its application for extension of the SML remained unanswered"*.

Further, Justice Makail noted as "valid points" BNL's objections to the State and its agencies using subsequent NEC decisions to attempt to circumvent and frustrate the due process of the Court, and to subvert BNL's legitimate attempts to seek legal redress from the Courts.

Justice Makail concluded that it is in the interests of justice that the present status quo be maintained in relation to SML 1. This effectively means that the status quo of BNL being in possession of the Porgera mine site and maintaining it in a state of care and maintenance remains, without the interference of the State or other parties.

BNL refers the Prime Minister to his previous public comments regarding respect for the prerogative of BNL to exercise its legal rights through the Courts, and urges the Prime Minister to refrain from making further public comments, pending determination of the current legal proceedings.

**>ENDS<**

*Porgera Gold Mine – Part of the Community*

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