

For personal use only

MALABAR COAL LIMITED

ABN 29 151 691 468

Level 26, 259 George Street  
Sydney NSW 2000

PO Box R864  
Royal Exchange NSW 1225

Ph: +61 2 8248 1272

Fax: +61 2 8248 1273

**NOTICE OF ANNUAL GENERAL MEETING**

Notice is hereby given that the Annual General Meeting of members of Malabar Coal Limited ABN 29 151 691 468 (Company) will be held at Card Room, Level 2, Union, University & Schools Club, 25 Bent Street, Sydney NSW 2000, commencing 11.00 am AEDT on Thursday 26 November 2015.

1.	ITEMS OF GENERAL BUSINESS .....	3
2.	VOTING RIGHTS AND PROXIES .....	4
3.	HOW THE CHAIRMAN OF THE MEETING WILL VOTE UNDIRECTED PROXIES .....	4
4.	VOTING EXCLUSIONS .....	4
5.	LODGING YOUR PROXY .....	5
6.	DATE FOR DETERMIING HOLDERS OF SHARES .....	5
7.	EXPLANATORY NOTES .....	5
8.	INTERPRETATION .....	9
9.	GLOSSARY .....	9
10.	REGISTERED OFFICE .....	10
11.	PROXY FORM .....	11
12.	APPOINTMENT OF CORPORATE REPRESENTATIVE .....	14

Refer to the Explanatory Notes for further information on the proposed Resolutions.

Date: Friday 23 October 2015

By order of the Board of Malabar Coal Limited



---

Ian Morgan  
Company Secretary

For personal use only

BLANK PAGE

## 1. ITEMS OF GENERAL BUSINESS

### 1.1. ACCOUNTS AND REPORTS

*"To receive and consider the financial statements and reports of the Company for the year ended 30 June 2015."*

Note: There is no requirement for Shareholders to approve these reports.

The statutory annual report is available for members to access and download from [www.malabarcoal.com.au](http://www.malabarcoal.com.au)

If you would like to receive a hard copy of the statutory annual report free of charge you can contact Malabar Coal Limited by telephoning +61 2 8248 1272.

### 1.2. ADOPTION OF THE REMUNERATION REPORT

#### Resolution 1

To consider and if thought fit, to pass, with or without amendment, the following resolution as a non-binding resolution:

*"That the Company adopts the Remuneration Report for the financial year ended 30 June 2015."*

Notes:

- This Resolution is advisory only and does not bind the Company or the Directors.
- The Directors will consider the outcome of the vote and comments made by Shareholders on the Remuneration Report at the meeting when reviewing the Company's remuneration policies.
- The Chairman of the Meeting intends to vote all available proxies in favour of adopting the Remuneration Report.
- If 25% or more votes that are cast are voted against the adoption of the Remuneration Report at two consecutive AGMs, Shareholders would be required to vote at the second of those AGMs on a resolution (a "spill resolution") that another meeting be held within 90 days at which all of the Company's directors must go up for re-election.

### 1.3. RE-ELECTION OF DIRECTOR – MR WAYNE SEABROOK

#### Resolution 2

To consider and if thought fit, to pass, with or without amendment, the following resolution as an ordinary resolution:

*"That Wayne Seabrook, a Director retiring from office and eligible to be re-elected, be and is hereby re-elected as a director of the Company."*

Notes:

- Mr Wayne Seabrook has consented to be re-elected a director of the Company.
- The non-candidate Directors unanimously support the re-election of Mr Wayne Seabrook.
- The Chairman of the Meeting intends to vote all available proxies in favour of Mr Seabrook's re-election.

#### 1.4. RE-ELECTION OF DIRECTOR – MR HANS MENDE

##### Resolution 3

To consider and if thought fit, to pass, with or without amendment, the following resolution as an ordinary resolution:

*“That Hans Mende, a Director retiring from office and eligible to be re-elected, be and is hereby re-elected as a director of the Company.”*

Notes:

- Mr Hans Mende has consented to be re-elected a director of the Company.
- The non-candidate Directors unanimously support the re-election of Mr Hans Mende.
- The Chairman of the Meeting intends to vote all available proxies in favour of Mr Mende’s re-election.

#### 1.5. RE-ELECTION OF DIRECTOR – MR ANDREW PLUMMER

##### Resolution 4

To consider and if thought fit, to pass, with or without amendment, the following resolution as an ordinary resolution:

*“That Andrew Plummer, a Director retiring from office and eligible to be re-elected, be and is hereby re-elected as a director of the Company.”*

Notes:

- Mr Andrew Plummer has consented to be re-elected a director of the Company.
- The non-candidate Directors unanimously support the re-election of Mr Andrew Plummer.
- The Chairman of the Meeting intends to vote all available proxies in favour of Mr Plummer’s re-election.

#### 2. VOTING RIGHTS AND PROXIES

- A member entitled to attend and vote at the meeting has a right to appoint a proxy.
- This appointment may specify the proportion or number of votes that the proxy may exercise.
- The proxy need not be a member of the Company.
- A member who is entitled to cast two or more votes may appoint two proxies and may specify the proportion or number of votes that each proxy is appointed to exercise. If the member appoints two proxies and the appointment does not specify the proportion or number of the member’s votes that each proxy may exercise, each proxy may exercise half of the votes.

#### 3. HOW THE CHAIRMAN OF THE MEETING WILL VOTE UNDIRECTED PROXIES

The Chairman of the Meeting intends to vote undirected proxies in favour of each of the items of business.

#### 4. VOTING EXCLUSIONS

##### Resolution 1

The Company will disregard any votes cast on Resolution 1 (remuneration report) by:

- (a) a member of the Key Management Personnel whose remuneration is disclosed in the Remuneration Report and any Closely Related Party of such a member excluded from voting;
- (b) an Associate of those persons; and
- (c) as a proxy by a member of the Key Management Personnel or a Closely Related Party of such a member.

However, the Company need not disregard a vote, if it is cast as a proxy for a person who is entitled to vote on Resolution 1, and:

- (a) it is cast by a person as proxy for a person who is entitled to vote, in accordance with the directions on the proxy form; or
- (b) it is cast by the person chairing the meeting as proxy for a person who is entitled to vote, in accordance with a direction on the proxy form on the proxy form to vote as the proxy decides.

## 5. LODGING YOUR PROXY

Completed and signed proxies must be sent by:

- Hand delivery to the Company's registered office at Level 26, 259 George Street Sydney NSW 2000;
- Scanning and emailing to [admin@malabarcoal.com.au](mailto:admin@malabarcoal.com.au);
- Posting to Malabar Coal Limited ABN 29 151 691 468, PO Box R864, Royal Exchange NSW 1225; or
- Facsimile to Malabar Coal Limited ABN 29 151 691 468 on facsimile number +61 2 8248 1273

so that it is received not later than 11.00 am AEDT, Tuesday 24 November 2015.

## 6. DATE FOR DETERMINING HOLDERS OF SHARES

For the purposes of regulation 7.11.37 of the Corporations Act and ASX Settlement Operating Rule 5.6.1, the Directors have set End of Day on Tuesday 24 November 2015 as the time and date to determine holders of the Company's ordinary fully paid shares for the purposes of the Annual General Meeting.

Share transfers registered after that deadline will be disregarded in determining entitlements to attend and vote at the Annual General Meeting.

## 7. EXPLANATORY NOTES

### 7.1. FINANCIAL REPORTS

The Financial Statements, Directors' Report and Auditor's Report for the Company for the year ended 30 June 2015 will be laid before the meeting. There is no requirement for Shareholders to approve these reports. However, the Chairman of the Meeting will allow a reasonable opportunity for Shareholders to ask questions about, or make comments on, the management of the Company.

Shareholders will be given a reasonable opportunity to ask the auditor questions about the conduct of the audit and the content of the Auditor's Report.

### 7.2. REMUNERATION REPORT

The Remuneration Report of the Company for the financial year ended 30 June 2015 is set out in the Company's 2015 Annual Report that is available on the Company's website [www.malabarcoal.com.au](http://www.malabarcoal.com.au)

The Remuneration Report sets out the Company's remuneration arrangements for Key Management Personnel. The Chairman of the meeting will allow a reasonable opportunity for Shareholders to ask questions about, or make comments on, the Remuneration Report at the meeting. In addition, Shareholders will be asked to vote on the Remuneration Report.

Resolution 1 is advisory only and does not bind the Company or its directors. The Board will consider the outcome of the vote and comments made by Shareholders on the Remuneration Report at the meeting when reviewing the Company's remuneration policies. Under the *Corporations Act*, if 25% or more of votes that are cast are voted against the adoption of the Remuneration Report at two consecutive annual general meetings, Shareholders would be required to vote at the second of those annual general meetings on a resolution (a "spill resolution") that another meeting be held within 90 days at which all of the Company's directors must go up for re-election.

The Company encourages all Shareholders to cast their votes on Resolution 1. Shareholders not attending the meeting may use the enclosed Proxy Form to lodge their vote by appointing a Proxy.

Any undirected proxies held by the Chairman of the Meeting, other Directors or other Key Management Personnel or any of their Closely Related Parties will not be voted on Resolution 1, unless the vote is cast by the Chairman of the Meeting pursuant to an express authorization on the Proxy Form made by a Shareholder who is entitled to vote on Resolution 1.

Key management personnel of the Consolidated Entity are the directors of the Company and those other persons having authority and responsibility for planning, directing and controlling the activities of the Company, directly or indirectly. The Remuneration Report identifies the Company's Key Management Personnel for the financial year to 30 June 2015. Their Closely Related Parties are defined in the *Corporations Act*, and include certain of their family members, dependants and companies they control.

If you choose to appoint a proxy, you are encouraged to direct your proxy how to vote on Resolution 1 by marking either "For", "Against" or "Abstain" on the Voting Form for that item of business.

#### **Recommendation**

Directors unanimously recommend that Shareholders approve the Remuneration Report.

### **7.3. RE-ELECTION OF DIRECTORS RETIRING BY ROTATION**

Under ASX Listing Rule 14.4, a director must not hold office without re-election past the third annual general meeting following the director's appointment or three years, whichever is longer. A director who retires in accordance with these requirements is eligible for re-election.

An election of directors must be held each year. (ASX Listing Rule 14.5)

Clause 13.1(c) of the Company's constitution requires that subject to the Corporations Act, the Directors may at any time appoint any person to be a Director. That person holds office until the end of the next annual general meeting following their appointment and is eligible for election at that meeting.

Clause 13.3 of the Company's constitution requires that, excluding the Managing Director:

- (a) No Director may hold office for a period in excess of 3 years, or beyond the third annual general meeting following the Director's election, whichever is the longer, without submitting himself or herself for re-election.

- (b) There must be an election of Directors at each annual general meeting. The Director or Directors to retire at each annual general meeting are any one or more of the following, as applicable:
- (i) any Director required to retire under clause 13.3(a) and standing for re-election;
  - (ii) any Director required to submit for election under clause 13.1(c);
  - (iii) a person standing for election as a new Director; or
  - (iv) if no person is standing for election or re-election, then the Director who has been in office the longest since last being elected. Between Directors who were elected on the same day, the Director to retire will be decided by lot, unless the relevant Directors agree otherwise.

Accordingly, Messrs Seabrook, Mende and Plummer are due to retire at the end of the Meeting and offer themselves for re-election to the Board.

Wayne Seabrook	B.Eng (Chem - 1st Hons)
Role	Non-Executive Chairman
Experience	Wayne has more than 30 years of resources sector and corporate finance experience. He has broad project development experience from previous roles with Alcoa, Macraes Mining, Minproc Engineers, & Barclay-Mowlem. Wayne has also held senior corporate finance roles with Macquarie Bank, Challenger and Wilson HTM. He has managed transactions for many coal companies including: Felix Resources, Whitehaven Coal, Excel Coal, Cleveland-Cliffs, and AMCI. Wayne was a founding director of ASX-listed Apollo Gas Ltd and ASX-listed Titan Energy Services Ltd. He is a director of XLX Pty Ltd and Ironstone Capital Partners Pty Ltd. As Non-Executive Chairman, Wayne is responsible for leadership of the Board, for efficient organisation and conduct of the Board's function and the briefing of all Directors in relation to issues arising at Board meetings. As Chairperson, Wayne is also responsible for arranging Board performance evaluation. Wayne holds a Bachelor of Engineering (Chemistry – 1st Hons) from the University of Canterbury, New Zealand and a Graduate Diploma from FINSIA. He is a fellow of FINSIA and a member of AUSIMM.
Special Responsibilities	Member of Occupational Health, Safety & Environment Committee and Audit Committee
Interest in Shares and Options (direct and indirect)	Ordinary Shares – 8,423,353

#### Recommendation

Independent Directors unanimously recommend that Shareholders approve the re-election of Wayne Seabrook.

Hans Mende	MBA
Role	Non-Executive Director
Experience	Hans has been President of AMCI since he co-founded the company in 1986. Prior to founding AMCI, Hans was with the Thyssen Group, in various senior executive positions including President of Thyssen Carbometal Inc. from 1968 to 1986. Hans has served as a director of Alpha Natural Resources (Inc) USA (ANR) and as Chairman of the Board of Directors of ANR Holdings from 2003 to 2005. Hans is currently a non-executive director of White Energy Limited.
Special Responsibilities	Nil
Interest in Shares and Options (direct and indirect)	Ordinary Shares – 24,688,964

**Recommendation**

Independent Directors unanimously recommend that Shareholders approve the re-election of Hans Mende.

Andy Plummer	BSc Mining Eng
Role	Non-Executive Director
Experience	Andy has over 35 years' experience in the investment banking and mining industries. He holds a BSc Mining Engineering from the Colorado School of Mines, USA. He was most recently an Executive Director of Whitehaven Coal Limited and King Island Scheelite Limited and prior to that was an Executive Director of Excel Coal Limited. During his tenure at both Whitehaven and Excel he was responsible for business development activities. He has worked in the Australian banking and finance industry since 1985 with Eureka Capital Partners, Resource Finance Corporation and Westpac. Prior to that, he was employed in a variety of management and technical positions with ARCO Coal, Utah International and Consolidation Coal.
Special Responsibilities	Chairman of the Nominations & Remuneration Committee and member of Occupational Health, Safety & Environment Committee
Interest in Shares and Options (direct and indirect)	Ordinary Shares – 21,174,173

## Recommendation

Independent Directors unanimously recommend that Shareholders approve the re-election of Andy Plummer.

## 8. INTERPRETATION

For the purposes of interpreting the Explanatory Notes and the Notice:

- (a) the singular includes the plural and vice versa;
- (b) words importing any gender include the other genders;
- (c) reference to any statute, ordinance, regulation, rule or other law includes all regulations and other instruments and all consolidations, amendments, re-enactments or replacements for the time being in force;
- (d) all headings, bold typing and italics (if any) have been inserted for convenience of reference only and do not define limit or affect the meaning or interpretation of the Explanatory Notes and the Notice;
- (e) reference to persons includes bodies corporate and government authorities and in each and every case, includes a reference to the person's executors, administrators, successors, substitutes (including without limitation persons taking by novation and assignment); and
- (f) reference to **cents**, **\$**, **A\$**, **Australian Dollars** or **dollars** is a reference to the lawful tender for the time being and from time to time of the Commonwealth of Australia.

## 9. GLOSSARY

**AEDT** means Australian Eastern Daylight Time.

**AGM** or **Annual General Meeting** means the annual general meeting to commence 11.00 am AEDT on Thursday 26 November 2015 and notified to the Company's Shareholders by this Notice.

**Associate** has the meaning given to that term in Part 1.2, Division 2 of the Corporations Act.

**ASX** means ASX Limited ABN 98 008 624 691.

**ASX Listing Rules** means the official listing rules issued and enforced by the ASX, as amended from time to time, and **Listing Rules** has a corresponding meaning.

**Board** or **Board of Directors** means the board of Directors of the Company.

**Closely Related Party** of a member of the Key Management Personnel means:

- (a) a spouse or child of the member;
- (b) a child of the member's spouse;
- (c) a dependent of the member or the member's spouse;
- (d) anyone else who is one of the member's family and may be expected to influence the member, or be influenced by the member, in the member's dealing with the entity;
- (e) a company the member controls; or
- (f) a person prescribed by the Corporations Regulations 2001 (Cth).

**Company** means Malabar Coal Limited ABN 29 151 691 468.

**Consolidated Entity** means the Company together with all the entities it is required by the accounting standards to include in consolidated financial statements.

**Constitution** means the constitution of the Company, as amended from time to time.

**Corporations Act** means the *Corporations Act 2001 (Commonwealth)* as amended from time to time.

**Director** means a director of the Company and **Directors** has a corresponding meaning.

**End of Day** means on any Trading Day, 7.00pm Sydney time or such other time as ASX Settlement may from time to time determine.

**Equity Securities** has the same meaning as in the ASX Listing Rules.

**Explanatory Notes** means the notes included in the Notice which convened this meeting.

**Key Management Personnel** has the same meaning as in the accounting standards and broadly includes those persons having authority and responsibility for planning, directing and controlling the activities of the Consolidated Entity, directly or indirectly, including any director (whether executive or otherwise) of the Company.

**Meeting** means the AGM.

**Notice** means this notice of Annual General Meeting.

**Remuneration Report** means the remuneration report which forms part of the Directors' Report of the Company for the financial year ended 30 June 2015 and which is set out in the 2015 Annual Report.

**Share** means a fully paid ordinary share in the issued capital of the Company and **Shares** has a corresponding meaning.

**Shareholder** means shareholder of the Company and **Shareholders** has a corresponding meaning.

**Trading Day** means a day determined by the ASX to be a trading day, notified to market participants, and otherwise as defined by the ASX Listing Rules.

#### 10. REGISTERED OFFICE

Malabar Coal Limited ABN 29 151 691 468

Level 26, 259 George Street Sydney NSW 2000

Telephone: +61 2 8248 1272

Facsimile: +61 2 8248 1273

[www.malabarcoal.com.au](http://www.malabarcoal.com.au)

## 11. PROXY FORM

### STEP 1 APPOINT A PROXY

#### Shareholder Details

Name(s):

---

---

Address:

---

---

Contact Telephone Number:

---

---

Contact Email Address:

---

---

Contact Name (if different from above):

---

---

I/We, being a member/s of Malabar Coal Limited ABN 29 151 691 468 (**Company**) hereby appoint

\_\_\_\_\_ (insert name / address)

or failing him or her the Chairman of the Meeting<sup>1</sup> as my/our proxy to vote on my/our behalf at the Annual General Meeting of the Company to be held at Card Room, Level 2, Union, University & Schools Club, 25 Bent Street, Sydney NSW 2000, commencing at 11.00 am AEDT on Thursday 26 November 2015, and at any adjournment of that meeting.

<sup>1</sup>If you appoint a proxy, the Company encourages you to direct your proxy how to vote on each item of business. The Directors and other Key Management Personnel of the Consolidated Entity and their Closely Related Parties (see the Notice of Meeting and overleaf) will not cast any votes in respect of Resolution 1 (Remuneration Report) that arise from undirected proxies that they hold.

The Chairman of the Meeting intends to vote undirected proxies in favour of each of the items of business.

**Chairman of the Meeting is authorised to exercise proxies on remuneration related matters (Resolution 1):** If I/we have appointed the Chairman of the Meeting as my/our proxy or the Chairman of the Meeting becomes my/our proxy by default, by signing and submitting this form I/we expressly authorise the Chairman of the Meeting to exercise my/our proxy in respect of Resolution 1 (except where I/we have indicated a different voting intention below) even though Resolution 1 is connected directly or indirectly with the remuneration of a member of key management personnel for the Company, which includes the Chairman.

If you have appointed the Chairman of the Meeting as your proxy (or the Chairman of the Meeting becomes your proxy by default), and you wish to give the Chairman specific voting directions on an item, you should mark the appropriate box/es opposite those items in step 2 below (directing the Chairman of the Meeting to vote for, against or to abstain from voting).

If you mark the Abstain box for a particular item, you are directing your proxy not to vote on your behalf on a show of hands or on a poll and your vote will not be counted in computing the required majority on a poll.

**STEP 2 VOTING INSTRUCTIONS**

This proxy is to be used in respect of all / \_\_\_% (*number*) of the Ordinary Shares I / we hold.

I/We instruct my/our proxy to vote as follows (the resolutions are numbered as in the Notice of Annual General Meeting):

	For	Against	Abstain
To consider and, if thought fit, to pass, with or without amendment, the following resolutions:			
<b>Resolution 1:</b> To adopt the Remuneration Report.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Resolution 2:</b> To re-elect Mr Wayne Seabrook as a director of the Company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Resolution 3:</b> To re-elect Mr Hans Mende as a director of the Company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Resolution 3:</b> To re-elect Mr Andrew Plummer as a director of the Company.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---



---

(insert name / address)

**STEP 3 SIGNATURE OF SHAREHOLDER**

Dated: \_\_\_\_\_ 2015

Individuals and joint holders

Companies (affix common seal if appropriate)

Signature

Director

Signature

Director/Company Secretary

For personal use only

## Instructions for Completing Proxy Form

1. A member entitled to attend and vote at a Meeting is entitled to appoint a proxy to attend and vote on behalf of that member.
2. You should direct your proxy how to vote by placing a mark in one of the boxes opposite each item of business. All your shares will be voted in accordance with such a direction unless you indicate only a portion of voting rights are to be voted on any item by inserting the percentage or number of shares you wish to vote. If you do not mark any of the boxes on the items of business, your proxy may vote as he or she chooses. If you mark more than one box on one item, your vote on that item will be invalid.
3. Any undirected proxies held by the Chairman of the Meeting, other directors or other Key Management Personnel or any of their Closely Related Parties will not be voted on Resolution 1 (Remuneration Report), unless the vote is cast by the Chairman of the Meeting pursuant to an express authorization on the Proxy Form made by a Shareholder who is entitled to vote on Resolution 1.
4. Key management personnel of the Consolidated Entity are the directors of the Company and those other persons having authority and responsibility for planning, directing and controlling the activities of the Consolidated Entity, directly or indirectly. The Remuneration Report identifies the Consolidated Entity's Key Management Personnel for the financial year to 30 June 2015. Their Closely Related Parties are defined in the *Corporations Act*, and include certain of their family members, dependants and companies they control.
5. A duly appointed proxy need not be a member of the Company. This form should be signed by the member. If a joint holding, either member may sign. If signed by the member's attorney, the power of attorney must have been previously noted by the Company or a certified copy attached to this form. If executed by a company, the form must be executed in accordance with the member's constitution and the *Corporations Act*.
6. Corporate shareholders should comply with the execution requirements set out on the proxy form or otherwise with the provisions of Section 127 of the *Corporations Act*. Section 127 of the *Corporations Act* provides that a company may execute a document without using its common seal if the document is signed by:
  - directors of the company;
  - a director and a company secretary of the company; or
  - for a proprietary company that has a sole director who is also the sole company secretary – that director.
7. For the Company to rely on the assumptions set out in Section 129(5) and (6) of the *Corporations Act*, a document must appear to have been executed in accordance with Section 127(1) or (2). This effectively means that the status of the persons signing the document or witnessing the affixing of the seal must be set out and conform to the requirements of Section 127(1) or (2) as applicable. In particular, a person who witnesses the affixing of a common seal and who is the sole director and sole company secretary of the company must state that next to his or her signature.
8. Completion of a proxy form will not prevent individual Shareholders from attending the meeting in person if they wish. Where a Shareholder completes and lodges a valid proxy form and attends the meeting in person, then the proxy's authority to speak and vote for that Shareholder is suspended while the Shareholder is present at the meeting.
9. Where a proxy form or form of appointment of corporate representative is lodged and is executed under power of attorney, the power of attorney must be lodged in like manner as this proxy.
10. To vote by proxy, please complete and sign the proxy form enclosed and send the proxy form by:
  - Hand delivery to the Company's registered office at Level 26, 259 George Street Sydney NSW 2000;
  - Scanning and emailing to [admin@malabarcoal.com.au](mailto:admin@malabarcoal.com.au);
  - Posting to Malabar Coal Limited ABN 29 151 691 468, PO Box R864, Royal Exchange NSW 1225; or
  - Facsimile to Malabar Coal Limited ABN 29 151 691 468 on facsimile number +61 2 8248 1273so that it is received not later than 11.00 am AEDT, Tuesday 24 November 2015.  
Proxy forms received later than this time will be invalid.
11. Chapter 2C of the *Corporations Act* requires information about you as a member (including your name, address and details of the shares you hold) to be included in the public register of the entity in which you hold securities. Information is collected to administer your shareholding and if some or all of the information is not collected then it might not be possible to administer your shareholding. You can access your personal information by contacting the Company at the address or telephone number shown on this form.

## 12. APPOINTMENT OF CORPORATE REPRESENTATIVE

Pursuant to Section 250D of the *Corporations Act*

\_\_\_\_\_ (ABN/ACN/ARBN)  
\_\_\_\_\_

(Insert name of Shareholder/Body Corporate & ACN/ARBN)

Hereby Authorises

\_\_\_\_\_  
(Insert name of appointee)

- (\* ) 1. To act as the Company's representative at all General Meetings of Malabar Coal Limited ABN 29 151 691 468.
- (\* ) 2. To act as the Company's Representative at the Annual General Meeting to be held at 11.00 am AEDT on Thursday 26 November 2015 and any adjournment thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2015

**Executed** by the corporation in accordance with its Constitution/Section 127 of the *Corporations Act* in the presence of:

\_\_\_\_\_                      \_\_\_\_\_  
(\* ) Director              (\* ) Sole Director & Sole Secretary

\_\_\_\_\_  
(\* ) Director/Secretary

Affix Common Seal here (optional)

(\* ) Delete if not applicable

This authority may be sent to the registered office or share registry office of the Company in advance of the meeting as set out in the Notice of Annual General Meeting which this appointment accompanies or handed in at the Annual General Meeting when registering as a company representative. In either case, the authority will be retained by the Company.

For personal use only