



white energy company

ASX Release

The Manager  
Company Announcements Office  
Australian Stock Exchange

## STATEMENT REGARDING RELEASE OF ICAC REPORT – OPERATION JASPER

**1 August 2013 – White Energy Company Limited (ASX: WEC; OTCQX:WECFY) (“White Energy” or “the Company”)** refers to the ICAC report into Operation Jasper.

The Company notes that White Energy was not an “affected person” for the purposes of the report, which means that in ICAC’s opinion no substantial allegations were made against the Company in the course of, or in connection with, the Operation Jasper investigation.

The Board is of the view that the Company acted correctly and in accordance with established protocol in relation to the proposed acquisition of Cascade Coal, which did not ultimately proceed.

The actions taken included setting up an Independent Board Committee to overcome the potential conflict of interest of certain members of the Board and to conduct due diligence on the proposal.

ICAC made no adverse findings in respect of this process.

White Energy notes that ICAC intends to refer the announcement made about termination of the proposed acquisition to the ASX.

The Company also notes that ICAC made some adverse findings in relation to two current directors of White Energy with regard to the discharge of their obligations to the Company.

Mr Travers Duncan has written to the Company strongly rejecting the relevant adverse findings. A copy of the letter as received by the Company is attached.

The Company notes that Mr John Kinghorn made a statement on 31 July 2013 vigorously denying any wrongdoing and rejecting the Commission’s comments and conclusions as relates to him.

For Media Enquiries Call:

Luis Garcia  
Cannings Corporate Communications  
Telephone Number: 0419 239 552



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## Forward Looking Statements

This press release contains forward-looking statements that are subject to risks and uncertainties. These forward-looking statements include information about possible or assumed future results of our business, financial condition, liquidity, results of operations, plans and objectives. In some cases, you may identify forward-looking statements by words such as "may," "should," "plan," "intend," "potential," "continue," "believe," "expect," "predict," "anticipate" and "estimate," the negative of these words or other comparable words. These statements are only predictions. One should not place undue reliance on these forward-looking statements. The forward-looking statements are qualified by their terms and/or important factors, many of which are outside the Company's control, involve a number of risks, uncertainties and other factors that could cause actual results and events to differ materially from the statements made. The forward-looking statements are based on the Company's beliefs, assumptions and expectations of our future performance, taking into account information currently available to the Company. These beliefs, assumptions and expectations can change as a result of many possible events or factors, not all of which are known to the Company. Neither the Company nor any other person assumes responsibility for the accuracy or completeness of these statements. The Company will update the information in this press release only to the extent required under applicable securities laws. If a change occurs, the Company's business, financial condition, liquidity and results of operations may vary materially from those expressed in the aforementioned forward-looking statements.

Mr David Franks  
Company Secretary  
White Energy Company Limited  
Level 20, 201 Kent Street  
SYDNEY NSW 2000

1 August 2013

**By email**

Dear David

**ICAC report in respect of Operation Jasper**

- 1 I refer to the report of the Independent Commission Against Corruption on Operation Jasper, which was published on 31 July 2013.
- 2 **Enclosed** is a statement that I propose to release to the media concerning that report, based upon a preliminary review, undertaken in conjunction with my legal advisors, of its contents. That statement sets out my present position in respect of the report and the public inquiry which preceded its publication.
- 3 I have instructed my legal advisors to review the report further and to provide me with advice in respect of the legal options available to me for the purpose of challenging the Commission's findings, including seeking appropriate relief in the Supreme Court of New South Wales. I will inform the Board of the steps I intend to take in that regard in due course.
- 4 I would be otherwise pleased to address any questions you or the Board may have at this stage.

Yours faithfully



**Travers Duncan**

Copy to Board of Directors

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## Statement by Travers Duncan in response to ICAC Report on Operation Jasper

The Independent Commission Against Corruption has found no wrongful conduct on my part in respect of the granting of the Mt Penny exploration licence to Cascade Coal or any wrongful dealing with any member of the Obeid family or Mr MacDonald.

It is unfortunate that the Commission's media release and much of the media that have followed the report have not recognised this or the fact that many of the allegations which were made against me by Counsel Assisting during the public inquiry have either not been established or been rejected.

Nonetheless, the Commission has concluded that an aspect of my conduct after the granting of the Mt Penny exploration licence to Cascade Coal was 'corrupt conduct' within the meaning the *Independent Commission Against Corruption Act 1988* and has recommended the evidence be provided to the relevant authorities to investigate possible offences in respect of that conduct. There is no finding that those offences have been or will be established.

I strongly reject these conclusions of the Commission. They are without any factual foundation, constitute errors of law by the Commission and were arrived at following a process which did not involve the level of independence, rigour and protection of individuals' rights required of a Court of law. Given the suppression orders made and maintained by the Commission and the recommended further action, I am not in a position to explain my position further at this time. However, in light of the public interest in the subject matter of the Commission's investigations, I intend to apply to the Commission for a lifting of the suppression orders with respect to the submissions made on my behalf.

On page 16 of the report, the Commission refers to the Premier's letter dated 30 January 2013 and states:

'The Commission will deal with these matters after publication of this report. That is, it will issue a further report in which these issues will be addressed.'

As my proceedings against the Commissioner have revealed, the Premier's letter was sent at the request of the Commissioner following a meeting between the Director General of the Premier's Department and the Commissioner which took place at an unknown date before 15 January 2013. The purpose of the request for the Premier's letter remains unclear. The Court of Appeal, including the Chief Justice of New South Wales, was prepared to accept or to assume that the Commissioner was seeking political cover of some kind for the making of recommendations based on the results of the Commission's investigations. The Commissioner has not explained why he sought such political cover and why he did not disclose that conduct to the people of New South Wales.

I commenced my proceedings against the Commissioner because I was concerned that the Premier's letter and the circumstances surrounding it reflected prejudgment by the Commissioner against my interests before the investigation had concluded and raised a significant issue about the independence and fairness of the investigation. Whilst I was unsuccessful in establishing the required apprehension of bias, I continue to hold those concerns.

I am reserving further comment on these issues until the further report of the Commission is published. In the meantime, I have instructed my legal advisors to review the report further and to advise in respect of the legal options available to me for the purpose of challenging the Commission's findings, including seeking a judicial review in the Supreme Court of New South Wales.

1 August 2013

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