

SCHEDULE A

OPT OUT NOTICE

FEDERAL COURT OF AUSTRALIA

Earglow Pty Ltd v Newcrest Mining Ltd (VID 406 of 2014)

What is this Notice?

On 21 July 2014, a class action was commenced in the Federal Court of Australia against Newcrest Mining Ltd (**Newcrest**). This Notice is published pursuant to Orders of the Federal Court dated 29 July 2015.

If you are a person who acquired an interest in securities in Newcrest (ASX:NCM) during the period 13 August 2012 to 6 June 2013 (inclusive), you should read this Notice carefully, as this Notice will contain information which may impact on your ability to participate in the class action.

If you do not understand this Notice, you should seek legal advice, and not direct any queries to the Federal Court.

Summary of this Notice

1. If you wish to register for compensation:
 - a. retain Slater and Gordon; or
 - b. visit the website identified below and enter your transactional information.
2. If you wish to not be involved in the proceeding: complete and submit an opt out form.
3. If you wish to challenge the orders of the Federal Court: write to Slater and Gordon with reasons.
4. If you do nothing: your rights will be determined without your participation.

The Newcrest Class Action

A class action is a proceeding brought by one or more persons (**Applicant**) on their own behalf, and on behalf of a number of others (**group members**), where the Applicant and the group members have common questions of law and fact to be determined against another person or persons (**Respondent**).

The Newcrest class action was commenced by Earglow Pty Ltd (**Earglow**), who brings this proceeding on its own behalf, and on behalf of all persons who are considered a group member in the proceeding. The definition of group member is set out below.

The class action is presently being funded by Comprehensive Legal Funding LLC (**CLF**).

In summary, Earglow alleges that during the period 13 August 2012 to 6 June 2013 (inclusive), Newcrest engaged in misleading and deceptive conduct, and failed to abide by its continuous disclosure obligations and the ASX Listing Rules, by providing production guidance without a reasonable basis and by failing to inform the market about information which had a material impact on the value of Newcrest securities.



Who is a Group Member?

According to the Further Amended Statement of Claim filed in this proceeding, you are a group member in the Newcrest class action if all of the following apply to you:

1. during the period 13 August 2012 to 6 June 2013 (inclusive) you acquired an interest in securities in Newcrest (ASX:NCM); and
2. you suffered loss and damage as a result of the conduct of Newcrest, as described in this Notice and as alleged in the Further Amended Statement of Claim.

If you are not a group member in the Newcrest class action, you may disregard this Notice. If you are a group member within the Further Amended Statement of Claim definition, you should read this Notice carefully as it will affect your rights.

You may access copies of the court papers which detail the relevant documents filed in connection with the Newcrest class action, by:

1. viewing them at the Slater and Gordon website, which is accessible at <http://www.slatergordon.com.au/class-actions/newcrest>;
2. inspecting them between 9.00 am and 5.00 pm at the Melbourne office of Slater and Gordon; or
3. inspecting them at the Federal Court website, which is accessible at <http://www.fedcourt.gov.au>, or by visiting a District Registry of the Federal Court in Melbourne, Sydney, Canberra, Brisbane, Perth, Adelaide, Hobart or Darwin.

What Group Members Must Do

Note: Group members who retain Slater and Gordon and enter into a funding arrangement with CLF before **4:00pm AEST on Friday 28 August 2015**, or **who have already retained Slater and Gordon and entered into a funding arrangement with CLF**, will register to participate in the class action through Slater and Gordon and may disregard this notice.

If you are a group member in the Newcrest class action, and have not retained Slater & Gordon, you **must** select one of the following options:

Option A – Register your interest in receiving compensation

If you wish to make a claim for any loss you may have suffered as a result of Newcrest's conduct, as described in the Further Amended Statement of Claim, you must complete the "Group Member Registration Form" on the Slater and Gordon website, which is accessible at <http://www.slatergordon.com.au/class-actions/newcrest>.

Registrations must be completed and submitted online before **4:00 pm AEST on 28 August 2015**. Registrations received after this time will not be accepted with the result that you will be treated as having not responded to this notice (see Option D below).

As above, you also will find copies of the court papers which detail the claims made in the Newcrest class action at this website.



Option B – Opt out and cease to be a group member

If you do not wish to remain a group member in the Newcrest class action, you must opt out of the proceeding by completing the “Opt Out Notice” below. If you opt out of the Newcrest proceeding, you:

1. will not be affected by any orders made in the Newcrest class action;
2. will not be permitted to participate in the distribution of any damages award or settlement outcome; and
3. will be able to commence separate proceedings on your own behalf if you so wish.

Opt out forms must be submitted to the Victorian District Registry of the Federal Court of Australia before **4:00pm AEST on Friday 28 August 2015**. Opt out notices received after this time will not be accepted, and you will remain as a group member in the Newcrest class action but will not be permitted to participate in any compensation award (see Option D below).

Option C – Apply to the Federal Court to vary orders regarding opt out and registration protocol

If you wish to challenge the orders made by the Federal Court in relation to either Option A or Option B above, you must send a written notice to the Applicant’s solicitors setting out the challenge you will make and the reasons for that challenge. You may then be required to attend the Victorian District of the Federal Court at a later date to have your challenge heard.

Any notice challenging the Federal Court orders must be delivered to Slater and Gordon before **4:00pm AEST on Friday 28 August 2015**. Any notice challenging the Federal Court orders received after this time will not be accepted.

Option D – Not respond to this notice

If you do nothing, (i.e. not complete an opt out form, not register your claim on the Slater and Gordon website nor apply to the Federal Court to vary orders), you will remain a group member in the class action and you will be bound by any court judgment or settlement agreement, but if the court judgment or settlement agreement relate to compensation being payable to registered group members you will not be permitted to participate in that compensation award or otherwise benefit from the judgment. Further, in that event, any cause of action you might otherwise have had against Newcrest in respect of the matters the subject of the class action will no longer be available.

In other words, if you do nothing, you will **lose your right to make any claim for damages or other relief against Newcrest** in relation to the matters the subject of the allegations made against Newcrest in the class action.

What Legal Costs are Applicable?

You will not become liable for legal costs by registering your claim for compensation as a group member (i.e. Option A).

If the class action resolves by way of a judgment in favour of the Applicant or by way of a negotiated settlement arrangement, then:



1. the finalisation of your personal claim might require work to be done in processing your claim. If such work is required you may need assistance of solicitors. You may enter into a retainer agreement with Slater and Gordon (or other solicitors) to do that work if it becomes necessary and you will be liable for legal costs associated with the determination of issues concerned only with your claim. If you wish to retain Slater and Gordon you should contact them using the addresses below; and
2. if any compensation becomes payable to you, the Applicant may ask the Court to make an order that some of the compensation be used to pay a portion of the legal costs incurred by it in the running of the Newcrest class action.

Questions

If you are unclear about whether you are a group member, or if you have any other questions regarding the Newcrest class action, you should contact Slater and Gordon by writing to "Newcrest Class Action", 485 La Trobe St, Melbourne VIC 3000, or by sending an email to classactions@slatergordon.com.au. Alternatively, you can seek legal advice from other solicitors.

If you wish to register (Option A), but do not have access to the internet or are otherwise unable to register in accordance with Option A, please call +61 3 9949 8719 between the hours of 9:00am to 4:00pm AEST by no later than 4:00pm AEST on 24 August 2015.

At the time of your call, please ensure you have all available information relevant to your trading transactions in Newcrest securities.



OPTION A

GROUP MEMBER REGISTRATION

To register as a group member and retain your right to claim damages, please:

1. Complete the Group Member Registration Form available at:

<http://www.slatergordon.com.au/class-actions/newcrest>

Note: Group members who retain Slater and Gordon and enter into a funding arrangement with CLF before **4:00pm AEST on Friday 28 August 2015**, or **who have already retained Slater and Gordon and entered into a funding arrangement with CLF**, will register to participate in the class action through Slater and Gordon and may disregard this notice.



OPTION B

Form 21
Rule 9.34

OPT OUT NOTICE

No. VID 406 of 2014

Federal Court of Australia
District Registry: Victoria
Division: General

EARGLOW PTY LIMITED (ACN 055 664 769)

Applicant

NEWCREST MINING LTD (ACN 005 683 625)

Respondent

To: The Registrar
Federal Court of Australia
Victorian District Registry
Lev 7, 305 William Street Melbourne VIC 3000

..... (print name), a group member in this
representative proceeding, gives notice under section 33J of the *Federal Court of Australia*
Act 1976, that he, she or it is opting out of the representative proceeding.

Date:



Signed by(print name)
Group Member / Lawyer for the Group Member

(please complete the next page)

Address of group member:

.....

Telephone:

Email:

ACN/ABN (if a company or trustee):

HIN/SRN:

If the shares were acquired on behalf of another person/entity, name of that person/entity:

.....

If you are signing as the solicitor or representative of the group member:

Name:

Capacity in which you are signing:

Telephone:

Email:

Address:

.....

