

COURT ORDERS CONFIRMED

TMK Energy Limited (ASX: **TMK** or the **Company**) confirms that today the Supreme Court of Western Australia heard the Company's application seeking orders in relation to the Company's inadvertent administrative oversight in not lodging a compliant cleansing notice or prospectus pursuant to sections 708A(6) and 708A(11) of the Corporations Act for various share issues since 2019. The Company is pleased to confirm that it has been granted the orders, as set out in the attached notice.

This announcement has been authorised by the Board of TMK Energy Limited.

For more details on the Company please visit www.tmkenergy.com.au

For further information, please contact

Brendan Stats
Chief Executive Officer
+61 401 573 397
info@tmkenergy.com.au

Dougal Ferguson
Chief Commercial Officer
+61 0407 073 360
info@tmkenergy.com.au

Directors

Stuart Baker	Non-Executive Director
Gema Gerelsaikhon	Non-Executive Director
Brett Lawrence	Non-Executive Director
Tim Wise	Non-Executive Director



IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR/152/2022

EX PARTE:
TMK ENERGY LIMITED (ACN 127 735 442)

First Plaintiff

**ORDERS OF JUSTICE HILL
MADE ON 22 AUGUST 2022**

IT IS ORDERED that:

1. Pursuant to section 1322(4)(d) of the Corporations Act 2001 (Cth) (Corporations Act), in respect of the 70,000,000 ordinary fully paid shares in the Plaintiff which were issued on 31 October 2019, the period of five business days referred to in section 708A(6)(a) of the Corporations Act be extended to 18 August 2022.
2. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that a notice under section 708A(5)(e) of the Corporations Act given to the Australian Securities Exchange Limited (ASX) on 18 August 2022 in respect of the 70,000,000 ordinary fully paid shares in the Plaintiff which were issued on 31 October 2019, and being within the period provided for in order 1 above, be deemed to take effect as if it had been given to the ASX on 31 October 2019.
3. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of the 70,000,000 ordinary fully paid shares in the Plaintiff, which were issued on 31 October 2019, during the period after their issue to the date of the Court orders is not invalid by reason of:
 - (a) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
 - (b) the sellers' consequent failure to comply with section 707(3) of the Corporations Act.
4. Pursuant to section 1322(4)(d) of the Corporations Act, in respect of the 5,000,000 ordinary fully paid shares in the Plaintiff, which were issued on 2 February 2021, the period of five business days referred to in section 708A(6)(a) of the Corporations Act be extended to 18 August 2022.
5. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that a notice under section 708A(5)(e) of the Corporations Act given to the ASX on 18 August 2022 in respect of the 5,000,000 ordinary fully paid shares in the Plaintiff which were issued on 2 February 2021, and being within the period provided for in order 4 above, be deemed to take effect as if it had been given to the ASX on 2 February 2021.
6. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of the 5,000,000 ordinary fully paid shares in the Plaintiff, which were issued on 2 February 2021, during the period after their issue to the date of the Court orders is not invalid by reason of:
 - (a) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the

For personal use only

sellers from the obligation of disclosure under the Corporations Act; and

- (b) the sellers' consequent failure to comply with section 707(3) of the Corporations Act.
7. Pursuant to section 1322(4)(d) of the Corporations Act, in respect of the 1,895,000,000 ordinary fully paid shares in the Plaintiff which were issued on 14 February 2022, the period of five business days referred to in section 708A(6)(a) of the Corporations Act be extended to 18 August 2022.
8. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that a notice under section 708A(5)(e) of the Corporations Act given to the ASX on 18 August 2022 in respect of the 1,895,000,000 ordinary fully paid shares in the Plaintiff which were issued on 14 February 2022, and being within the period provided for in order 7 above, be deemed to take effect as if it had been given to the ASX on 14 February 2022.
9. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of the 1,895,000,000 ordinary fully paid shares in the Plaintiff, which were issued on 14 February 2022, during the period after their issue to the date of the Court orders is not invalid by reason of:
- (a) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
- (b) the sellers' consequent failure to comply with section 707(3) of the Corporations Act.
10. Pursuant to section 1322(4)(d) of the Corporations Act, in respect of the 600,000,000 ordinary fully paid shares in the Plaintiff which were issued on 9 June 2022, the period of five business days referred to in section 708A(6)(a) of the Corporations Act be extended to 18 August 2022.
11. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that a notice under section 708A(5)(e) of the Corporations Act given to the ASX on 18 August 2022 in respect of the 600,000,000 ordinary fully paid shares in the Plaintiff which were issued on 9 June 2022, and being within the period provided for in order 10 above, be deemed to take effect as if it had been given to the ASX on 9 June 2022.
12. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of the 600,000,000 ordinary fully paid shares in the Plaintiff, which were issued on 9 June 2022, during the period after their issue to the date of the Court orders is not invalid by reason of:
- (a) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and
- (b) the sellers' consequent failure to comply with section 707(3) of the Corporations Act.
13. Pursuant to section 1322(4)(d) of the Corporations Act, in respect of the 40,781,250 ordinary fully paid shares in the Plaintiff which were issued on 13 July 2022, the period of five business days referred to in section 708A(6)(a) of the Corporations Act be extended to 18 August 2022.
14. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that a notice under section 708A(5)(e) of the Corporations Act given to the ASX on 18 August 2022 in respect of the 40,781,250 ordinary fully paid shares in the Plaintiff which were issued on 13 July 2022, and being within the period provided for in order 13 above, be deemed to take effect as if it had been given to the ASX on 13 July 2022.
15. Pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of the 40,781,250 ordinary fully paid shares in the Plaintiff, which were issued on 13 July 2022, during the period after their issue to the date of the Court orders is not invalid by reason of:
- (a) any failure of a notice under section 708A(5)(e) of the Corporations Act to exempt the sellers from the obligation of disclosure under the Corporations Act; and

- (b) the sellers' consequent failure to comply with section 707(3) of the Corporations Act.
16. A sealed copy of these orders is to be served on the ASIC as soon as reasonably practicable and upon service of these orders on ASIC. ASIC is to include these orders on its database.
 17. A copy of these orders is to be given to each person to whom the shares in orders 1 to 15 were issued and as soon as reasonably practicable the plaintiff is to publish an announcement to ASX in which a copy of these orders is included.
 18. For a period of 28 days from the date of publication of a copy of this order on the ASX website, any person who claims to have suffered substantial injustice or is likely to suffer substantial injustice by the making of this order has liberty to apply to vary or to discharge the order within that period.
 19. There be no order as to costs.

BY THE COURT

THE HONOURABLE JUSTICE J HILL



For personal use only