



## NewPeak Metals Limited

### ASX Announcement

6 September 2021

### ASX Waiver for General Meeting of Members

NewPeak Metals Limited (**NewPeak**, the **Company**) is pleased to advise that ASX has provided the Company with a waiver from ASX Listing Rule 7.3.9 in respect of the voting exclusion statement for Resolution 3 in the Notice of General Meeting dispatched to Shareholders today for the General Meeting to be held on 6 October 2021 (the **Meeting**).

As advised in the Notice of General Meeting, the Company sought a waiver from Listing Rule 7.3.9 to the extent necessary to permit Resolution 3 not to include a voting exclusion statement that excludes the votes of persons who may participate in the SPP.

Pursuant to this waiver, all Shareholders who participate in the SPP are entitled to vote on Resolution 3 of the Meeting to approve the issue of the SPP Options. Specifically, the ASX has provided the following formal decision:

#### **Waiver Decision**

- Based solely on the information provided, ASX Limited ('ASX') grants NewPeak Metals Limited (the 'Company') a waiver from listing rule 7.3.9 to the extent necessary to permit the resolution in the Company's notice of meeting to approve the issue of up to 500,000,000 attaching options with an exercise price of \$0.004 and an expiry date of 19 July 2023 on a one for two basis to eligible shareholders who subscribe to the Company's Share Purchase Plan ('SPP') not to include a voting exclusion statement that excludes the votes of persons who may participate in the SPP, on condition that the SPP is not underwritten, or if it is underwritten, the Company excludes any votes cast on that resolution by any proposed underwriter or sub-underwriter of the SPP.*
- ASX has considered Listing Rule 7.3.9 only and makes no statement as to the Company's compliance with other listing rules*

#### **Basis for Waiver Decision**

##### **Listing Rule 7.3.9**

- Listing rule 7.3.9 requires a resolution for the purposes of listing rule 7.1 to have a voting exclusion statement excluding votes of security holders who may participate in the issue, as they may receive a benefit from the passing of the resolution that will not accrue to security holders that do not participate in the issue. The policy of excluding the votes of security holders who may participate in the issue is not applicable where the nature of the issue is such that all eligible security holders may participate on an equal basis. In such cases and the exclusion of security holders entitled to participate would mean that no votes could be counted. With such issues there is also limited scope for an individual holder to gain a disproportionate advantage from the passing of the resolution*



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***Facts/Reasons for granting the waiver***

4. *Listing rule 7.3.9 requires a resolution for the purposes of listing rule 7.1 to have a voting exclusion statement excluding votes of security holders who may participate in the issue, as they may receive a benefit from the passing of the resolution that will not accrue to security holders that do not participate in the issue. The policy of excluding the votes of security holders who may participate in the issue is not applicable where the nature of the issue is such that all eligible security holders may participate on an equal basis. In such cases and the exclusion of security holders entitled to participate would mean that no votes could be counted. With such issues there is also limited scope for an individual holder to gain a disproportionate advantage from the passing of the resolution.*

*This announcement has been authorised by the Company Secretary*

**For further information contact:**

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