

9 November 2023

Mr Dale Wang
Adviser, Listings Compliance
ASX Limited

By email only: ListingsComplianceMelbourne@asx.com.au

Dear Dale

Midway Limited: Notice of meeting to shareholders before ASX review

Midway Limited (**MWY**) refers to your letter dated 2 November 2023 and provides the following responses with respect to the arrangements MWY has in place to mitigate any Listing Rule breaches.

MWY acknowledges that it did not provide ASX with a draft of MWY's notice of 2023 annual general meeting (released to the market on 27 October 2023) for review in accordance with Listing Rule 15.1.4. The failure to provide the draft notice to ASX was due to an oversight by the Company Secretary, which has now been identified and addressed.

It is noted that MWY already has detailed and comprehensive policies to enable it to comply with its obligations under the Listing Rules (see, for example, the Continuous Disclosure Policy, Securities Trading Policy and other charters and policies, copies of which are available on MWY's website).

While MWY considers that its policies are being enforced and complied with, all procedures currently in place to ensure Listing Rule compliance are being reviewed by MWY's external legal advisers, and additional controls have already been implemented, to ensure that this oversight does not occur in the future.

These controls include the preparation of a Disclosure Controls Policy designed to ensure that periodic and other disclosure documents for release to the market meet the regulatory and disclosure obligations of ASX. The policy requires that where appropriate, MWY's external legal advisers or external auditor must confirm that the document meets all relevant regulatory requirements.

Additionally, the Company Secretary is undertaking the approved ASX Listing Rules Compliance Course in light of this oversight. MWY will ensure that the compliance course is satisfactorily completed no later than 30 November 2023.

MWY can therefore confirm that it has made the necessary actions to mitigate against further Listing Rule breaches.

Yours sincerely

Rob Bennett
Company Secretary
Midway Limited



2 November 2023

Reference: 83705

Mr Robert Bennett
Company Secretary
Midway Limited
10 The Esplanade
North Shore VIC 3214

By email: RBennett@midwaylimited.com.au

Dear Mr Bennett

Midway Limited ('MWY'): Notice of meeting to shareholders before ASX review - Breach

ASX refers to the following:

A. MWY's notice of annual general meeting released to the market on 27 October 2023 (the "Notice").

In accordance with ASX Listing Rule 15.1, an entity is required to provide a copy of a document for review by ASX Limited ('ASX') before the document is finalised where the document is to be sent to holders of securities in connection with seeking approval under the Listing Rules. The purpose of Listing Rule 15.1 is to minimise the likelihood of a company holding a meeting where the resolutions are invalid under Listing Rule 14.6 because the notice of meeting does not include everything that the relevant Listing Rule requires it to include.

According to our records, ASX did not receive a draft of the Notice in accordance with Listing Rule 15.1.4. Therefore, the entity may be in breach of Listing Rule 15.1.

Action required

In light of the above, ASX requires:

1. MWY to confirm in writing that it has made necessary arrangements to mitigate further Listing Rule breaches.

When and where to send your response

Your response is required as soon as reasonably possible and, in any event, by no later than 9:30 AM AEDT Thursday, 9 November 2023.

Your response should be sent to me by e-mail at ListingsComplianceMelbourne@asx.com.au. It should not be sent directly to the ASX Market Announcements Office.

Compliance with the Listing Rules

ASX reminds MWY of its contract to comply with the Listing Rules. Please note that ASX is required to record details of breaches of the Listing Rules by listed entities as part of its reporting obligations.

In the circumstances, ASX considers it appropriate that MWY reviews its compliance arrangements to ensure it does not continue to breach the Listing Rules.

Release of correspondence between ASX and entity

ASX reserves the right to release all or any part of this letter, your reply and any other related correspondence between us to the market under Listing Rule 18.7A.

Questions

If you have any questions in relation to the above, please do not hesitate to contact me.

Kind regards

Dale Wang
Adviser, Listings Compliance