



ASX CODE: MTB

16 May 2025

Court Application Update

Further to the announcement of 13 May 2025, Mount Burgess Mining N.L. ("the Company") confirms an application for remedial orders under s1322 of the *Corporations Act 2001* (Cth) has been made to the Supreme Court of Western Australia and the application has been listed for hearing on Monday 19 May 2025 at not before 4.30pm (AWST) at the David Malcolm Justice Centre, 28 Barrack Street, Perth.

Attached to this announcement is a copy of the originating process filed with the Supreme Court, which outlines the orders sought by the Company. The orders will, if granted, have the effect of:

1. extending the time for lodging certain cleansing notices;
2. validating certain share sales that have been made without (valid) cleansing notices; and
3. relieving the sellers of certain shares from civil liability for those sales made without disclosure.

Shareholders and any other person who alleges that they may be affected by the making of the orders may be entitled to appear before the Court and be heard. Should you wish to do so, please contact the Company's solicitor Ms Caroline Spencer of Thomson Geer on 08 9404 9170 or cspencer@tglaw.com.au. Please also contact Ms Spencer if you wish to obtain copies of the documents filed by the Company with the Court.

Shareholders may also contact the company secretary on 08 9355 0123 or by email mtb@mountburgess.com with respect to this matter.

Mount Burgess Mining NL
ACN: 009 067 476

Principal & Registered Office:
8/800 Albany Hwy, East Victoria Park, Western Australia 6101
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IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR 76 of 2025

IN THE MATTER OF MOUNT BURGESS MINING N.L. (ACN 009 067 476)

EX PARTE

MOUNT BURGESS MINING N.L.
(ACN 009 067 476)

Plaintiff

ORIGINATING PROCESS PURSUANT TO CORPORATIONS LAW

Date of Document:

16/05/2025

Filed on Behalf of:

The Plaintiff

Date of Filing:

16/05/2025



Prepared By:

Thomson Geer - Perth
Level 29, Central Park Tower
152-158 St Georges Terrace
PERTH WA 6000
Australia

Telephone: 08 9404 9100

Facsimile:

A. DETAILS OF APPLICATION

This application is made under section 1322(4)(a), 1322(4)(c) and 1322(4)(d).

The plaintiff seeks orders:

1. to validate any offers for sale or sales of various shares issued on the various dates specified herein to have been effective from their issue and to validate any offers or sales of shares made without disclosure;

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Via eLodgment
**CENTRAL OFFICE
SUPREME COURT**

2. to extend the timeframe within which cleansing notices under section 708A of the Corporations Act may be given, to deem such notices to have been effective from the date of issue of shares issued; and

3. to relieve any person to whom any of the various shares were issued to, or have been sold to, and who have in turn on-sold any of those shares during the various periods specified herein, in whole from civil liability of any failure of a notice under section 708(5)(e) of the Corporations Act, and any consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act .

On the facts stated in the supporting affidavit(s), the plaintiff claims:

1. In respect of the 12,165,249 ordinary fully-paid shares in the plaintiff, which were issued on 24 April 2025 (**April 2025 Placement Shares**):
 - (a) pursuant to section 1322(4)(d) of the Corporations Act, the period of five business days referred to in section 708A(6)(a) of the Corporations Act is extended to 13 May 2025;
 - (b) consequent on or ancillary to Order 1(a), the notice pursuant to section 708A(5)(e) of the Corporations Act given on 13 May 2025 in respect of the April 2025 Placement Shares be deemed to take effect on the date that the April 2025 Placement Shares were issued;
 - (c) pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of any of the April 2025 Placement Shares between 24 April 2025 and 13 May 2025 is not invalid by reason of:
 - (i) 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
 - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act; and
 - (d) pursuant to section 1322(4)(c) of the Corporations Act, it is ordered that any person to whom any of the April 2025 Placement Shares were issued, or have been sold, and who have in turn on-sold any of those shares during the period 24 April 2025 to 13 May 2025, is relieved in whole from civil liability in respect of:

- (i) 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
- (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act.

2. In respect of the 253,333,333 ordinary fully-paid shares in the plaintiff, which were issued on 11 June 2024 (**June 2024 Placement Shares**):

- (a) pursuant to section 1322(4)(d) of the Corporations Act, the period of five business days referred to in section 708A(6)(a) of the Corporations Act is extended to 26 June 2024;
- (b) consequent on or ancillary to Order 2(a), the notice pursuant to section 708A(5)(e) of the Corporations Act given on 26 June 2024 in respect of the June 2024 Placement Shares be deemed to take effect on the date that the June 2024 Placement Shares were issued;
- (c) pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of any of the June 2024 Placement Shares between 11 June 2024 and 26 June 2024 is not invalid by reason of:
 - (iii) 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
 - (iv) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act; and
- (d) pursuant to section 1322(4)(c) of the Corporations Act, it is ordered that any person to whom any of the June 2024 Placement Shares were issued, or have been sold, and who have in turn on-sold any of those shares during the period 11 June 2024 to 26 June 2024, is relieved in whole from civil liability in respect of:
 - (i) 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
 - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act.

3. In respect of the 132,465,668 ordinary fully-paid shares in the plaintiff issued on 3 August 2023 (**July 2023 Placement Shares**):
- (a) pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of any of the July 2023 Placement shares between 3 August 2023 and 4 August 2024 is not invalid by reason of:
 - (i) 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
 - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act; and
 - (b) pursuant to section 1322(4)(c) of the Corporations Act, it is ordered that any person to whom any of the July 2023 Placement Shares were issued, or have been sold, and who have in turn on-sold any of those shares during the period 3 August 2023 and 4 August 2024, is relieved in whole from civil liability in respect of:
 - (i) 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
 - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act.
4. In respect of the 100,000,000 ordinary fully-paid shares in the plaintiff issued on 2 June 2022 (**June 2022 Placement Shares**):
- (a) pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of any of the June 2022 Placement shares between 2 June 2022 and 3 June 2023 is not invalid by reason of:
 - (i) 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
 - (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act; and
 - (b) pursuant to section 1322(4)(c) of the Corporations Act, it is ordered that any person to whom any of the June 2022 Placement Shares were issued, or have been sold, and who have in turn on-sold any of those shares during the

period 2 June 2022 and 3 June 2023, is relieved in whole from civil liability in respect of:

- (i) 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
- (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act.

5. In respect of the 30,686,075 ordinary fully-paid shares in the plaintiff issued on 8 July 2020 (**July 2020 Placement Shares**):

(a) pursuant to section 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of any of the July 2020 Placement shares between 8 July 2020 and 9 July 2021 is not invalid by reason of:

- (i) 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
- (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act; and

(b) pursuant to section 1322(4)(c) of the Corporations Act, it is ordered that any person to whom any of the July 2020 Placement Shares were issued, or have been sold, and who have in turn on-sold any of those shares during the period 8 July 2020 and 9 July 2021, is relieved in whole from civil liability in respect of:

- (i) 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
- (ii) the sellers' consequent failure to comply with sections 707(3) and 727(1) of the Corporations Act.

6. Within one business day of the making of these orders, the plaintiff:

- (a) provide a copy of these orders to ASIC. ASIC is to include these orders on its database; and
- (b) make an announcement on the ASX Market Announcements Platform informing the market of these orders.

7. Within three business days of the making of these orders, the plaintiff provide a copy of these orders:
- (a) by email to any person who has nominated an email address for the receipt of communications from the plaintiff; and
 - (b) otherwise by mail,
- to any person to whom any of the April 2025 Placement Shares, June 2024 Placement Shares, July 2023 Placement Shares, June 2022 Placement Shares, or July 2020 Placement Shares were issued.
8. For a period of 28 days after the announcement of these orders on the ASX Market Announcements Platform, any person who claims to have suffered, or to be likely to suffer, substantial injustice as a result of the making of these orders has liberty to apply to vary or discharge these orders on two business days' notice to the plaintiff.
9. The plaintiff have liberty to apply for further orders.
10. There be no orders as to costs.



Date: 16/05/2025

Thomson Geer - Perth

This application will be heard by a Master in Chambers at the Supreme Court of Western Australia in Perth.

B. NOTICE TO DEFENDANT(S) (IF ANY)

TO:

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen —

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note: Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. APPLICATION FOR WINDING-UP ON GROUND OF INSOLVENCY

D. FILING

Date of filing: 16/05/2025

This originating process is filed by **Thomson Geer - Perth** for the plaintiff.

E. SERVICE

The plaintiff's address for service is -

Thomson Geer - Perth
Level 29, Central Park Tower
152-158 St Georges Terrace
PERTH WA 6000
Australia



It is intended to serve a copy of this originating process on each defendant and on any person listed below -

Australian Securities and Investments Commission (ASIC)
Level 1, 11 Mounts Bay Road, Perth, WA 6000

ASX Limited
Level 40 Central Park, 152-158 St Georges Terrace, Perth WA 6000

[Form 2 amended in Gazette 13 Feb 2009 p. 308.]



**SUPREME COURT
OF WESTERN AUSTRALIA**

ABN: 70 598 519 443
DAVID MALCOLM JUSTICE CENTRE
28 BARRACK STREET
PERTH WA 6000
TELEPHONE: 9421 5333
FACSIMILE: 9421 5353

**MOUNT BURGESS MINING N.L.
SUPREME COURT MATTER No. PER COR 76 of 2025**

This application has been listed for Monday, 19 May 2025 at 04:30 PM at the Supreme Court, David Malcolm Justice Centre, 28 Barrack Street, PERTH.

All parties are required to attend the hearing date unless otherwise advised.

Issued by the Supreme Court of Western Australia
16 May 2025

