



Helios Energy Ltd  
23 March 2021

Company Announcements Office  
ASX Limited

### Helios Energy Limited (HE8) – Orders Granted

Further to its announcement dated 19 March 2021, Helios Energy Limited (ASX: HE8) (**Helios** or **Company**) advises that Orders were granted as sought by the company yesterday afternoon by the Supreme Court of Western Australia primarily in respect of the following:

- the Company's inadvertent failure to lodge a cleansing notice within the prescribed 5 business day period after the issue of 95,333,357 shares in the Company on 4 March 2021; and
- Orders were also sought for previous instances identified by the Company concerning cleansing notices for historical share issues.

A complete copy of the Order accompanies this announcement.

Approved for release by the Board of Directors.

**John J Palermo**  
Company Secretary

ASX Code: HE8

#### Directors

Hui Ye  
Non-Executive Chairman

Richard He  
Managing Director

Robert Bearden  
Non-Executive Director

Nicholas Ong  
Non-Executive Director

John Palermo  
Company Secretary

#### Contact Details

##### Australian Office

Level 3, 18 Richardson Street  
West Perth WA 6005 Australia  
PO Box 1485 West Perth  
WA Australia 6872  
Tel +61 1300 291 195  
Fax +61 8 6298 6191

##### USA Office

2 Riverway, 17<sup>th</sup> Floor  
Suite 1710, Houston  
Texas USA 77056  
Tel +1 713 333 3613  
Fax +1 713 583 0965

[www.heliosenergyltd.com](http://www.heliosenergyltd.com)

For personal use only



IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR/48/2021

EX PARTE:  
**HELIOS ENERGY LTD (ACN 143 932 110)**

First Plaintiff

---

**ORDER OF JUSTICE HILL  
MADE 22 March 2021**

---

**UPON APPLICATION of the plaintiff by Originating Process dated 19 March 2021 AND UPON HEARING Mr N Wallwork of counsel for the plaintiff IT IS ORDERED that:**

**February 2019 Issue**

1. Pursuant to s 1322(4)(a) of the Corporations Act 2001 (Cth) (Corporations Act), it is declared that any offer for sale or sale of the 11,037,022 ordinary fully paid shares in the plaintiff, which were issued on 13 February 2019, during the period after their issue to the date of the Court orders is not invalid by reason of the misquotation of the number of shares issued in the notice under s 708A(5)(e) of the Corporations Act issued on 13 February 2019.

**August 2019 Issue**

2. Pursuant to s 1322(4)(d) of the Corporations Act, in respect of the 173,941 ordinary fully paid shares in the plaintiff, which were issued on 28 August 2019, the period of five business days referred to in s 708A(6)(a) of the Corporations Act be extended to 19 March 2021.
3. Pursuant to s 1322(4)(a) of the Corporations Act, it is declared that a notice under s 708A(5)(e) of the Corporations Act given to the Australian Securities Exchange Limited (ASX) in respect of the 173,941 ordinary fully paid shares in the plaintiff, which were issued on 28 August 2019, within the period provided for in paragraph 1 above be deemed to take effect as if it had been given to the ASX on 28 August 2019.
4. Pursuant to s 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of the 173,941 ordinary fully paid shares in the plaintiff, which were issued on 28 August 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 s 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 s 707(3).

**December 2019 Issue**

5. Pursuant to s 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of the

For personal use only

27,566,789 ordinary fully paid shares in the plaintiff, which were issued on 13 December 2019, during the period after their issue to the date of the Court orders is not invalid by reason of the misquotation of the number of shares issued in the notice under s 708A(5)(e) of the Corporations Act issued on 20 December 2019.

### **February 2020 Issue**

6. Pursuant to s 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of the 500,000 ordinary fully paid shares in the plaintiff, which were issued on 12 February 2020, and the 4,500,000 ordinary fully paid shares in the plaintiff, which were issued on 13 February 2020, during the period after their issue to the date of the Court orders is not invalid by reason of the misstatement of the date of issue in the notice under s 708A(5)(e) of the Corporations Act issued on 14 February 2020.

### **November 2020 Issue**

7. Pursuant to s 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of the 400,000 ordinary fully paid shares in the plaintiff, which were issued on 3 November 2020, during the period after their issue to the date of the Court orders is not invalid by reason of the misstatement of the date of issue in the notice under s 708A(5)(e) of the Corporations Act issued on 5 November 2020.

### **March 2021 Issue**

8. Pursuant to s 1322(4)(d) of the Corporations Act, in respect of the 95,333,357 ordinary fully paid shares in the plaintiff, which were issued on 4 March 2021, the period of five business days referred to in s 708A(6)(a) of the Corporations Act be extended to 15 March 2021.
9. Pursuant to s 1322(4)(a) of the Corporations Act, it is declared that a notice under s 708A(5)(e) of the Corporations Act given to the Australian Securities Exchange Limited (ASX) in respect of the 95,333,357 ordinary fully paid shares in the plaintiff, which were issued on 4 March 2021, within the period provided for in paragraph 1 above be deemed to take effect as if it had been given to the ASX on 10 March 2021.
10. Pursuant to s 1322(4)(a) of the Corporations Act, it is declared that any offer for sale or sale of the 95,333,357 ordinary fully paid shares in the plaintiff, which were issued on 4 March 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 s 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 s 707(3).

### **Ancillary orders**

11. 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.
12. A copy of these orders is to be given to each person to whom the shares in orders 1 to 3 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.
13. For a period of 28 days from the date of publication of a copy of these orders on the ASX website, any person who claims to have suffered substantial injustice or is likely to suffer substantial injustice by the making of any or all of these orders has liberty to apply to vary or to discharge them within that period.
14. There be no order as to costs.

For personal use only

BY THE COURT

THE HONOURABLE JUSTICE J HILL

