

Your ref: ODIN24125

9 September 2020

Mr Todd Lewis  
Adviser, Listings Compliance (Melbourne)  
ASX Limited  
Level 4, North Tower  
Rialto Towers, 525 Collins Street  
MELBOURNE VIC 3000

By email (only): todd.lewis@asx.com.au

Dear Sir

**RE: BIO-GENE TECHNOLOGY LIMITED (ASX: BGT): PRICE QUERY**

We refer to your letter of 8 September 2020 regarding the change in the price and volume of Bio-Gene Technology Limited's ("the Company's") securities. The Company's responses to the numbered questions set out in the letter as follows:

1. *Is BGT aware of any information concerning it that has not been announced to the market which, if known by some in the market, could explain the recent trading in its securities?*

No, the Company is not aware of any information concerning it that has not (or at the time had not) been released to the market which, if known by some in the market, could explain the recent trading in its securities.

The Company received a draft report on 8 September 2020 at 11.16am regarding the second laboratory testing stage of a joint research project with Flavocide™ relating to stored grain pest control which was first announced on 23 September 2019 and commenced in January 2020 ("the Stored Pest Control Project").

The recent increase in the price of its shares and in trading volumes had already commenced.

The following indicate to the Company that the recent trading in the Company's shares would not be explained by receipt of the draft report or of its content being known by some in the market because, among other things:

- (a) the price and volume increases started before the Company received the draft report;

- (b) the nature of the draft report and its contents has not been identified by third parties, which it would be reasonable to expect participants in social media or in other discussion forum sites to have done if they were aware of those matters;
- (c) the draft report's confidentiality having been preserved;
- (d) the market having been duly informed in earlier announcements that Stage 2 was anticipated to be completed early September; and
- (e) the other reasons referred to in the response to question 3, below.

Further detail is provided below.

2. *If the answer to question 1 is "yes".*

Not applicable - refer to the responses to questions 1 and 3 and the further details provided below.

3. *If the answer to question 1 is "no", is there any other explanation that BGT may have for the recent trading in its securities?*

The Company has made a number of announcements regarding the then anticipated timing of the release of the results of the Stored Pest Control Project, including:

- (a) an announcement headed "Successful completion of Stage One of Stored Grain Pest Research Program with BASF and GRDC" released to ASX on 30 April 2020 (in which the Company stated that, "The second laboratory testing stage will begin in May and is anticipated to take three months to complete"); and
- (b) more recently in the Chairman's and CEO's Report on page 3 of the 2020 Annual Report released to ASX on 26 August 2020 (in which it was stated, "Stage 2 is due to be completed early September...").

The Company considers that the market was aware that results could be expected to be released in early September 2020. Further, it is understood by the Company from enquiries of brokers and postings on social media or in other discussion forum sites that some investors have been anticipating results being released in accordance with the prior announcements.

Further, the Company is aware that at least one advisory firm has recommended buying the Company's shares, this has also been noted on a social media forum. The Company is unable to determine whether trading increased directly or indirectly as a result of the recommendation as it is unable to identify at this time the brokers or investors involved in recent trading.

4. *Please confirm that BGT is complying with the Listing Rules and, in particular, Listing Rule 3.1.*

The Company confirms it is in compliance with the ASX Listing Rules and in particular Listing Rule 3.1.

5. *Please confirm that BGT's responses to the questions above have been authorised and approved under its published continuous disclosure policy or otherwise by its board or an officer of BGT with delegated authority from the board to respond to ASX on disclosure matters.*

The Company confirms that the responses to the questions above have been authorised and approved in accordance with its published continuous disclosure policy or otherwise by its Board or an officer of the Company with delegated authority from the Board to respond to ASX on disclosure matters.

The Company also provides the following further detail:

- (a) The draft report was received on 8 September 2020 at 11.16am, for review and comment. It was not a final report.
- (b) The Company communicated with the report's authors following receipt of the report in accordance with normal practice for this type of project and report. There was the need for significant clarification and amendment to the report based on this feedback.
- (c) The Company received the finalised report on 8 September 2020 at 7.18pm and will be issuing the appropriate announcement prior to commencement of trading this morning.
- (d) The Company is not aware of any breach of confidentiality concerning the report, its content or the fact of its receipt.

Yours faithfully

**Bio-Gene Technology Limited**



**Roger McPherson**  
Company Secretary



8 September 2020

Reference: ODIN24125

Mr Roger McPherson  
Chief Financial Officer and Company Secretary  
Bio- Gene Technology Limited  
Level 6, 400 Collins Street,  
Melbourne VIC 3000, AUSTRALIA

By email:

Dear Mr McPherson

**Bio- Gene Technology Limited ('BGT'): Price - Query**

ASX refers to the following:

- A. The change in the price of BGT's securities from a low of \$0.13 to a high of \$0.165 in the last few days.
- B. The significant increase in the volume of BGT's securities traded from 7 September 2020 to 8 September 2020.

**Request for information**

In light of this, ASX asks BGT to respond separately to each of the following questions and requests for information:

1. Is BGT aware of any information concerning it that has not been announced to the market which, if known by some in the market, could explain the recent trading in its securities?
2. If the answer to question 1 is "yes".
  - (a) Is BGT relying on Listing Rule 3.1A not to announce that information under Listing Rule 3.1? Please note that the recent trading in BGT's securities would suggest to ASX that such information may have ceased to be confidential and therefore BGT may no longer be able to rely on Listing Rule 3.1A. Accordingly, if the answer to this question is "yes", you need to contact us immediately to discuss the situation.
  - (b) Can an announcement be made immediately? Please note, if the answer to this question is "no", you need to contact us immediately to discuss requesting a trading halt (see below).
  - (c) If an announcement cannot be made immediately, why not and when is it expected that an announcement will be made?
3. If the answer to question 1 is "no", is there any other explanation that BGT may have for the recent trading in its securities?
4. Please confirm that BGT is complying with the Listing Rules and, in particular, Listing Rule 3.1.
5. Please confirm that BGT's responses to the questions above have been authorised and approved under its published continuous disclosure policy or otherwise by its board or an officer of BGT with delegated authority from the board to respond to ASX on disclosure matters.

**When and where to send your response**

---

This request is made under Listing Rule 18.7. Your response is required as soon as reasonably possible and, in any event, by no later than **9.30 AM AEST Wednesday, 9 September 2020**. You should note that if the information requested by this letter is information required to be given to ASX under Listing Rule 3.1 and it does not fall within the exceptions mentioned in Listing Rule 3.1A, BGT's obligation is to disclose the information 'immediately'. This may require the information to be disclosed before the deadline set out in the previous paragraph and may require BGT to request a trading halt immediately.

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. This is to allow me to review your response to confirm that it is in a form appropriate for release to the market, before it is published on the ASX Market Announcements Platform.

### **Trading halt**

If you are unable to respond to this letter by the time specified above, or if the answer to question 1 is "yes" and an announcement cannot be made immediately, you should discuss with us whether it is appropriate to request a trading halt in BGT's securities under Listing Rule 17.1. If you wish a trading halt, you must tell us:

- the reasons for the trading halt;
- how long you want the trading halt to last;
- the event you expect to happen that will end the trading halt;
- that you are not aware of any reason why the trading halt should not be granted; and
- any other information necessary to inform the market about the trading halt, or that we ask for.

We require the request for a trading halt to be in writing. The trading halt cannot extend past the commencement of normal trading on the second day after the day on which it is granted. You can find further information about trading halts in Guidance Note 16 *Trading Halts & Voluntary Suspensions*.

### **Suspension**

If you are unable to respond to this letter by the time specified above, ASX will likely suspend trading in BGT's securities under Listing Rule 17.3.

### **Listing Rules 3.1 and 3.1A**

In responding to this letter, you should have regard to BGT's obligations under Listing Rules 3.1 and 3.1A and also to Guidance Note 8 *Continuous Disclosure*: Listing Rules 3.1 – 3.1B. It should be noted that BGT's obligation to disclose information under Listing Rule 3.1 is not confined to, nor is it necessarily satisfied by, answering the questions set out in this letter.

### **Release of correspondence between ASX and entity**

We reserve the right to release a copy 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.

Yours sincerely

---

**Todd Lewis**

Adviser, Listings Compliance (Melbourne)