



12 December 2017

Mr George Tharian
Adviser, Listings Compliance (Sydney)
ASX Compliance
20 Bridge Street
Sydney NSW 2000

Dear Mr Tharian

Jatenergy Limited ("JAT"): aware query

I refer to your letter dated 12 December 2017 requesting further information regarding the announcement entitled "Cobbitty Country's first product – ione milk plus DHA Instant Full Cream Milk Powder".

The responses to your request are as follows:

1. The strategy of entering into production and distribution agreements and obtaining Chinese CFDA approval for its milk products was first determined approximately 12 months ago. The strategy has been developed since that time. The strategy was referred to twice in the Chairman's Presentation to the Annual General Meeting of JAT on 28 November 2017.

The first reference was on page 5 where it stated that JAT had sold milk powder.

The second reference was at point 2 on page 8.

The Chairman's Presentation was released to the ASX on that day.

2. JAT is not of the view that the information contained in the Announcement is information that a reasonable person would expect to have a material effect on the price of JAT's shares.
3. Not applicable.
4. There is no new information contained in the Announcement, it was a reconfirmation of the information contained in the Chairman's Presentation referred to above and the announcement made by the company on 27 October 2017.

It was disclosed on page 5 of the AGM Chairman's Presentation that JAT had sold milk powder. On page 8 of the Chairman's presentation, it is stated that the milk powder products for infants and adults will be manufactured in Australia under contract for JAT owned and controlled brands. It is inherent in those statements that JAT is developing that business. A reasonable person would be aware that the development of the contract manufacturing business involves arranging and signing production and distribution agreements. This is the information which was contained in the Announcement. The only further information provided was that the company expected the agreements to be signed and CFDA was expected to be obtained in the next two months. This information is not considered to be information which has a material

effect on JAT's share price as two months is a considerable period and investors would be well aware that there is not insignificant risk that the period could be extended, the contracts may never be entered into and CDFA approval may not be obtained.

In its announcement to the ASX on 27 October 2017, JAT stated:

It is noted the Company has always traded milk powder in its FMCG trading business and that milk powder is a significant traded commodity by value and quantity. In the Directors' Report of the 2017 Annual Report on page 4 it was reported that the Company had in August 2017, incorporated a subsidiary, Cobbitty Country Pty Ltd, to sell Jat own branded products manufactured in Australia and that it was registering brand trademarks and seeking requisite regulatory approvals. Jat continues this process and will in the future be selling Jat branded milk powder.

5. JAT confirms that it is in compliance with the Listing Rules and, in particular, Listing Rule 3.1.
6. It is confirmed that JAT's responses to the questions above have been authorised and approved by an officer of JAT with delegated authority from the board to respond to ASX on disclosure matters.

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12 December 2017

Mr Brett Crowley
Company Secretary
Jatenergy Limited
Suite 6, Level 4
55 Miller Street
PYRMONT NSW 2009

By email

Dear Mr Crowley

Jatenergy Limited ("JAT"): aware query

ASX Limited ("ASX") refers to the following:

- A. JAT's announcement entitled "Cobbitty Country's first product – ione milk plus DHA Instant Full Cream Milk Powder" lodged on the ASX Market Announcements Platform and released at 2:48 pm on 8 December 2017 (the "Announcement"), disclosing that JAT's 100% owned subsidiary, Cobbitty Country Pty Ltd ("Cobbitty Country") is finalising logistics for delivery of its first orders of its foundational product, ione Milk Powder; will be signing production and distribution agreements in preparation for Chinese CDFA approval during the next two months; and that sales for this product will be imminent on completion of this successful registration (the "Announcement").
- B. The increase in the price and volume of JAT's securities on Friday, 8 December 2017 as follows:

Date	Price
Close – Thursday, 7 December 2017	\$0.026
Open – Friday, 8 December 2017	\$0.029
Intra day high preceding lodgement of the Announcement – Friday, 8 Decemeber 2017	\$0.044
Intra day high following lodgement of the Announcement – Friday, 8 December 2017	\$0.095
Close – Friday, 8 December 2017	\$0.07

- C. Listing Rule 3.1, which requires a listed entity to give ASX immediately any information concerning it that a reasonable person would expect to have a material effect on the price or value of the entity's securities.
- D. The definition of "aware" in Chapter 19 of the Listing Rules, which states that:

“an entity becomes aware of information if, and as soon as, an officer of the entity (or, in the case of a trust, an officer of the responsible entity) has, or ought reasonably to have, come into possession of the information in the course of the performance of their duties as an officer of that entity”

and section 4.4 in Guidance Note 8 *Continuous Disclosure: Listing Rules 3.1 – 3.1B* “When does an entity become aware of information”.

- E. Listing Rule 3.1A, which sets out exceptions from the requirement to make immediate disclosure, provided that each of the following are satisfied.

“3.1A Listing rule 3.1 does not apply to particular information while each of the following is satisfied in relation to the information:

3.1A.1 One or more of the following applies:

- *It would be a breach of a law to disclose the information;*
- *The information concerns an incomplete proposal or negotiation;*
- *The information comprises matters of supposition or is insufficiently definite to warrant disclosure;*
- *The information is generated for the internal management purposes of the entity; or*
- *The information is a trade secret; and*

3.1A.2 The information is confidential and ASX has not formed the view that the information has ceased to be confidential; and

3.1A.3 A reasonable person would not expect the information to be disclosed.”

- F. ASX’s policy position on the concept of “confidentiality”, which is detailed in section 5.8 of Guidance Note 8 *Continuous Disclosure: Listing Rules 3.1 – 3.1B*. In particular, the Guidance Note states that:

“Whether information has the quality of being confidential is a question of fact, not one of the intention or desire of the listed entity. Accordingly, even though an entity may consider information to be confidential and its disclosure to be a breach of confidence, if it is in fact disclosed by those who know it, then it ceases to be confidential information for the purposes of this rule.”

Having regard to the above, ASX asks JAT to respond separately to each of the following questions and requests for information:

1. When did JAT decide to implement its strategy of entering into production and distribution agreements and obtaining Chinese CFDA approval for its foundational product?
2. Does JAT consider the information contained in the Announcement to be information that a reasonable person would expect to have a material effect on the price or value of its securities?
3. If the answer to question 2 is “yes” and JAT first became aware of the information before the relevant date, did JAT make any announcement prior to the relevant date which disclosed the information? If so, please provide details. If not, please explain why this information was not released to the market

at an earlier time, commenting specifically on when you believe JAT was obliged to release the information under Listing Rules 3.1 and 3.1A and what steps JAT took to ensure the information was released promptly and without delay.

4. If the answer to question 2 is “no”, please advise the basis for that view.
5. Please confirm that JAT is in compliance with the Listing Rules and, in particular, Listing Rule 3.1.
6. Please confirm that JAT’s 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 JAT 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, and in accordance with, Listing Rule 18.7. Your response is required as soon as reasonably possible and, in any event, by not later than half an hour before the start of trading (i.e. before 9.30 a.m. AEDT) on Thursday, 14 December 2017. If we do not have your response by then, ASX will have no choice but to consider suspending trading in JAT’s securities under Listing Rule 17.3.

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, JAT’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.

ASX reserves the right to release a copy of this letter and your response on the ASX Market Announcements Platform under Listing Rule 18.7A. Accordingly, your response should be in a form suitable for release to the market.

Your response should be sent to me by e-mail. 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.

Listing Rules 3.1 and 3.1A

In responding to this letter, you should have regard to JAT’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 JAT’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.

If you have any queries or concerns about any of the above, please contact me immediately.

Yours sincerely

[Sent electronically without signature]

George Tharian

Adviser, Listings Compliance (Sydney)