

Ms Lisa Banh
Senior Advisor, Listings Compliance (Sydney)
ASX Limited

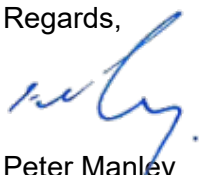
Reference: 60368

Dear Lisa,

I refer to your letter of 29 September 2022 and provide the following responses to your questions. Terms defined in your letter have the same meaning in this letter.

1. No, Genetic Signatures does not consider the Information to be information that a reasonable person would expect to have a material effect on the price or value of its securities. Trading in Genetic Signatures shares on 29 September 2022, after release of the Announcement which occurred prior to commencement of trading on that day, supports this conclusion.
2.
 - 2.1. The Announcement was marked market sensitive in error with the wrong field being inadvertently selected at the time of posting. Genetic Signatures regrets the error.
 - 2.2. Although not market sensitive, Genetic Signatures considers the Information to be relevant to shareholders, as an independent entity has assessed one of the Company's products and found it to be of sound quality.
3. Genetic Signatures first became aware of the publication late on 23 September 2022 via a 3rd party.
4. As the Information is not market sensitive, it did not require immediate disclosure on ASX under Listing Rule 3.1.
5. Yes. Genetic Signatures' board has considered what has occurred and reinforced the importance to its relevant officers of correctly applying the 'market sensitive' field on only those ASX announcements which the board has determined to in fact be market sensitive (which it did not determine with respect to the Information).
6. Confirmed
7. Confirmed.

Regards,



Peter Manley
Company Secretary

29 September 2022

Reference: 60368

Mr Peter Manley
Company Secretary
Genetic Signatures Limited

By email:

Dear Mr Manley

Genetic Signatures Limited ('GSS'): Aware Query

ASX refers to the following:

- A. GSS's announcement titled "3base Kit for Antimicrobial Resistance Shows High Detection Rate" (the '**Announcement**') lodged on the ASX Market Announcements Platform ('**MAP**') on 29 September 2022. The Announcement disclosed that the results of a study using GSS' products that was published in an academic journal (the '**Information**'). This Announcement was marked as 'market-sensitive' by GSS when it was submitted to MAP.
- B. The paper titled "Evaluation of the EasyScreen ESBL/CPO Detection Kit for the Detection of β -Lactam Resistance Genes" which published the Information on 14 September 2022.¹
- C. Listing Rule 3.1, which requires a listed entity to immediately give ASX 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*

¹ <https://www.mdpi.com/2075-4418/12/9/2223/htm>

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- *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.”*

Request for information

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

1. Does GSS consider the Information to be information that a reasonable person would expect to have a material effect on the price or value of its securities?
2. If the answer to question 2 is “no”, please:
 - 2.1 explain why GSS indicated the announcement was market sensitive when it was submitted to MAP.
 - 2.2 explain the basis for GSS’ apparent view that the Announcement required disclosure under the Listing Rules.
3. ASX observes that the Information was published on 14 September 2022 but the Announcement was released on MAP on 29 September 2022. When did GSS first become aware of the Information?
4. Does GSS consider the apparent late disclosure of the Information to be compliant with its obligations under Listing Rule 3.1? Please explain the basis for that view.
5. Does GSS consider that its policies and procedures are sufficient to ensure timely access to information requiring disclosure under Listing Rule 3.1 and general compliance with Listing Rule 3.1? Please outline any improvements GSS intends to make in this regard.
6. Please confirm that GSS is complying with the Listing Rules and, in particular, Listing Rule 3.1.
7. Please confirm that GSS’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 GSS 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 PM AEST Tuesday, 4 October 2022**. 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, GSS’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 GSS to request a trading halt immediately.

Your response should be sent to me by e-mail at **ListingsComplianceSydney@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, you should discuss with us whether it is appropriate to request a trading halt in GSS'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 GSS's securities under Listing Rule 17.3.

Listing Rules 3.1 and 3.1A

In responding to this letter, you should have regard to GSS'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 GSS'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.

Kind regards

Lisa Banh
Senior Adviser, Listings Compliance (Sydney)