



RADIOPHARM THERANOSTICS

Suite 1, Level 3, 62 Lygon Street  
Carlton South VIC 3053  
www.radiopharmtheranostics.com  
ABN:57 647 877 889  
Phone: +61 3 9824 5254

20 January 2025

Yulia Gurdina  
Senior Adviser, Listings Compliance  
ASX Compliance Pty Ltd  
By email [ListingsComplianceSydney@asx.com.au](mailto:ListingsComplianceSydney@asx.com.au)

Dear Yulia

**Radiopharm Theranostics Limited ('RAD'): Cleansing Notice Timing**

We refer to your letter dated 13 January 2025 titled "Radiopharm Theranostics Limited ('RAD'): Cleansing Notice Timing and respond as set out below.

1. Does RAD consider the information disclosed in the Announcement, in particular, that RAD had been granted Belberry Human Research Ethics Committee approval in Australia to initiate its First-in-Human Phase 1 therapeutic clinical study of 177Lu-labelled RAD 202 for the treatment of HER2-expressing solid tumors, or any part thereof, to be information that investors and their professional advisers would reasonably require for the purpose of making an informed assessment of either:

1.1 the assets and liabilities, financial position and performance, profits and losses and prospects of RAD; or

1.2 the rights and liabilities attaching to the relevant securities?

Yes.

2. If the answer to either limb of question 1 is "no", please advise the basis for that view.

Not applicable.

3. Does RAD consider the Announcement to include information for which it is reasonable for investors and their professional advisers to expect to find in a disclosure document?

Yes.

4. If the answer to question 3 is "no", please advise the basis for that view.

Not applicable.

5. If the answer to question 3 is "yes", please detail the information.

The information as included in the announcement.

6. If the answer to either limb in question 1 is "yes", please specify the date and time when RAD first become aware of the relevant information in the Announcement.

The timeline of events is summarised below.

		USA (ET)		AUS (AEDT)	
1. Email from Ethics Committee arrived	USA Activity	21:59	18-Dec	19-Dec	13:59
2. 708A lodged on ASX	AUS Activity	23:40	18-Dec	19-Dec	15:40
3. Draft Announcement sent from USA to AUS for morning release	USA Activity	10:06	19-Dec	20-Dec	0:06
4. ASX release of Ethics Committee announcement	AUS Activity	16:51	19-Dec	20-Dec	8:51

#### Received / Lodged time

- 7. If RAD first became aware of the relevant information before lodging the Cleansing Notice on MAP, was RAD relying on the provisions of Listing Rule 3.1A not to release the information before RAD lodged the Announcement on MAP?**

Refer to the above timeline of events.

The email from the Ethics Committee's arrived in an email account that was not actively monitored overnight at 21:59 US ET. The information was not assessed until business hours US the following morning and a draft announcement was sent at 10:06 US ET (00:06 Dec 20 AEDT) for subsequent ASX release. The announcement was released at 08:51 Dec 20 AEDT.

- 8. If RAD first became aware of the information prior to the lodging of the Cleansing Notice on MAP, please explain why the information was not set out in the Cleansing Notice pursuant to the Act?**

At the time the company released the 708A notice there wasn't practical knowledge of the Ethics approval.

- 9. Please confirm that RAD is in compliance with the Listing Rules and, in particular, Listing Rule 3.1.**

Yes.

- 10. Please confirm that RAD'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 RAD with delegated authority from the board to respond to ASX on disclosure matters.**

RAD confirms that these responses have been authorised and approved in accordance with its published Continuous Disclosure Policy.

Please do not hesitate to contact me if you have any questions or would like to discuss any of the matters listed above.

Yours Sincerely

Phillip Hains  
 Joint Company Secretary



13 January 2025

Reference: 104801

Messrs Phillip Hains & Rowan Cole  
Company Secretary  
Radiopharm Theranostics Limited  
Level 3, 62 Lygon Street  
CARLTON VIC 3053

By email

Dear Messrs Hains & Cole

**Radiopharm Theranostics Limited ('RAD'): Cleansing Notice Timing**

ASX refers to the following:

- A. RAD's announcement titled 'Notice Under Section 708A' released on the ASX Market Announcements Platform ('MAP') at 3:40PM on 19 December 2024 (the 'Cleansing Notice'), disclosing amongst other things:

*'The Company gives notice under section 708A(5)(e) of the Corporations that:*

- 1. the Company issued the Shares without disclosure under Part 6D.2 of the Corporations Act;*
- 2. as at the date of this notice the Company has complied with:*
  - (i) the provisions of Chapter 2M of the Corporations Act as they apply to the Company; and*
  - (ii) sections 674 and 674A of the Corporations Act; and*
- 3. as at the date of this notice, there is no information to be disclosed which is 'excluded information' (as defined in sections 708A(7) and 708A(8) of the Corporations Act) which is required to be disclosed by the Company.'*

- B. RAD's announcement titled 'RAD 202 receives approval to start Phase 1 therapeutic trial' (the 'Announcement') released on MAP at 8:51AM on 20 December 2024, disclosing the following:

*RAD had been granted Belberry Human Research Ethics Committee approval in Australia to initiate its First-in-Human Phase 1 therapeutic clinical study of 177Lu-labelled RAD 202 for the treatment of HER2-expressing solid tumors.*

- C. Section 708A(7) of the Corporations Act 2001 (Cth) (the 'Act') which states:

*'For the purposes of subsection (6), excluded information is information:*

- (a) that has been excluded from a continuous disclosure notice in accordance with the listing rules of the relevant market operator to whom that notice is required to be given; and*
- (b) that investors and their professional advisers would reasonably require for the purpose of making an informed assessment of:*
  - (i) the assets and liabilities, financial position and performance, profits and losses and prospects of the body; or*
  - (ii) the rights and liabilities attaching to the relevant securities.'*

- D. The definition of 'aware' in Chapter 19 of the Listing Rules. This definition 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.’*

Additionally, you should refer to 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 5 situations 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.’*

### **Request for information**

Having regard to the above, ASX asks RAD to respond separately to each of the following questions.

1. Does RAD consider the information disclosed in the Announcement, in particular, that RAD had been granted Belberry Human Research Ethics Committee approval in Australia to initiate its First-in-Human Phase 1 therapeutic clinical study of 177Lu-labelled RAD 202 for the treatment of HER2-expressing solid tumors, or any part thereof, to be information that investors and their professional advisers would reasonably require for the purpose of making an informed assessment of either:
  - 1.1 the assets and liabilities, financial position and performance, profits and losses and prospects of RAD; or
  - 1.2 the rights and liabilities attaching to the relevant securities?
2. If the answer to either limb of question 1 is “no”, please advise the basis for that view.
3. Does RAD consider the Announcement to include information for which it is reasonable for investors and their professional advisers to expect to find in a disclosure document?
4. If the answer to question 3 is “no”, please advise the basis for that view.
5. If the answer to question 3 is “yes”, please detail the information.
6. If the answer to either limb in question 1 is “yes”, please specify the date and time when RAD first become aware of the relevant information in the Announcement.

- 
7. If RAD first became aware of the relevant information before lodging the Cleansing Notice on MAP, was RAD relying on the provisions of Listing Rule 3.1A not to release the information before RAD lodged the Announcement on MAP?
  8. If RAD first became aware of the information prior to the lodging of the Cleansing Notice on MAP, please explain why the information was not set out in the Cleansing Notice pursuant to the Act?
  9. Please confirm that RAD is in compliance with the Listing Rules and, in particular, Listing Rule 3.1.
  10. Please confirm that RAD'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 RAD 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 AEDT on Monday, 20 January 2025**.

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, RAD's obligation is to disclose the information 'immediately'. This may require the information to be disclosed before the deadline set out above and may require RAD to request a trading halt immediately if trading in RAD's securities is not already halted or suspended.

Your response should be sent by e-mail to **ListingsComplianceSydney@asx.com.au**. It should not be sent directly to the ASX Market Announcements Office. This is to allow us 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.

#### **Suspension**

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

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

In responding to this letter, you should have regard to RAD'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 RAD'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 all or any part of this letter, your reply and any other related correspondence between us to the market under Listing Rule 18.7A. The usual course is for the correspondence to be released to the market.

Yours faithfully

---

ASX Compliance