

17 March 2023

Melissa Kostopoulos
Adviser
Listings Compliance (Melbourne)
Australian Securities Exchange

Dear Melissa

Genetic Technologies Limited (GTG) – Aware Query

We refer to your letter dated 14 March 2023 which requests responses to questions outlined in said letter (attached) regarding GTG's announcement entitled: Back-to-back Studies Validate geneType Breast Cancer Risk Test. The announcement was lodged pre-market open on 13 March 2023.

1. Does GTG 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?

Initially at the time of announcement, yes GTG considered the information potentially to have a material impact on price or value of our securities, however this assessment and the marking of an announcement as price-sensitive is a subjective judgement.

As noted in the announcement we considered the publication of studies such as this are important indicators of utility to the U.S. payors that GTG is discussing the implementation of the geneType test, however we note that there does not appear to have been any significant market response at all to this announcement (on either share price or volume).

2. If the answer to question 2 is "no", please:

2.1 provide the basis for that view;

2.2 explain why GTG indicated that the Announcement was market sensitive when it was submitted to MAP; and

2.3 explain the basis for GTG's apparent view that the Announcement required disclosure under the Listing Rules.

Not applicable.

3. Noting that Dr Spaeth was the lead author of the paper, when did GTG first become aware of the Information?

Notification of the publication of the paper titled: Validation of an abridged breast cancer risk prediction model for the general population, was received in the late evening, 10pm AEST, on 6 March 2023. Although the publication of the article was dated 2 March 2023, the authors of the paper were not notified by the scientific journal publisher. Staff only discovered the publication by undertaking a website search. Unfortunately, this process of publication is not unusual and staff must monitor the internet for publication. The authors are informed that a journal has been accepted however they are not provided with a timeframe or commitment for publication.

4. Does GTG 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.

On this occasion, given the complexities of timing of any publication (including whether it would actually be published) and the differences in time zones with the Companies officers overseas, the process of assessment was longer than ideal.

A draft of the proposed announcement was circulated to management, including Dr Spaeth, who resides in the U.S., for review, feedback, and any consequent amendment on 7 March. The announcement was then promptly circulated to the Board for their review and approval. The final version of the announcement was agreed over the weekend commencing 11 March 2023. This finalisation of the announcement was impacted by the temporarily unavailable CEO who was travelling on business.

Market trading was monitored during this period by the Company Secretary and there were no indications that the company's shares were being traded on the news of the publication of this paper prior to the release being lodged pre-market open on 13 March 2023.

5. Does GTG consider that its policies and procedures are sufficient to ensure timely access to information requiring disclosure under Listing Rule 3.1? Please outline any improvements GTG intends to make in this regard.

Yes. Directors and officers are aware of their continuous disclosure obligations under listing rule 3.1. The system of reviewing the Company's announcements has been reviewed and the urgent nature of review has been reinforced.

6. Please confirm that GTG is complying with the Listing Rules and, in particular, Listing Rule 3.1.

GTG confirms that it is compliant with the Listing Rules and, in particular, Listing Rule 3.1.

7. Please confirm that GTG'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 GTG with delegated authority from the board to respond to ASX on disclosure matters.

The responses to these questions raised by the ASX have been approved and authorised for release by the Board of GTG.

Yours faithfully
Tony Di Pietro

Chief Financial Officer and Company Secretary
Genetic Technologies Limited

About Genetic Technologies Limited

Genetic Technologies Limited (ASX: GTG; Nasdaq: GENE) is a diversified molecular diagnostics company. A global leader in genomics-based tests in health, wellness and serious disease through its geneType and EasyDNA brands. GTG offers cancer predictive testing and assessment tools to help physicians to improve health outcomes for people around the world. The company has a proprietary risk stratification platform that has been developed over the past decade and integrates clinical and genetic risk to deliver actionable outcomes to physicians and individuals. Leading the world in risk prediction in oncology, cardiovascular and metabolic diseases, Genetic Technologies continues to develop risk assessment products. For more information, please visit www.genetype.com



14 March 2023

Reference: 70487

Mr Tony Di Pietro
Company Secretary
Genetic Technologies
60-66 Hanover Street
Fitzroy Victoria 3065

By email: tony.dipietro@gtglabs.com

Dear Mr Di Pietro

Genetic Technologies Limited ('GTG'): Aware Query

ASX refers to the following:

- A. GTG's announcement titled "Back-to-back Studies Validate geneType Breast Cancer Risk Test" (the '**Announcement**') lodged on the ASX Market Announcements Platform ('**MAP**') on 13 March 2023. The Announcement disclosed the results of a study undertaken using GTG's geneType product that was published in the *Cancer Prevention Research* journal (the '**Information**').

ASX notes that the Announcement was marked as 'market-sensitive' by GTG when it was submitted to MAP.

- B. The paper referred to in the Announcement, titled "Validation of an abridged breast cancer risk prediction model for the general population", which appears to have been published on 2 March 2023.¹ ASX notes that the Announcement stated that GTG's Director of Clinical & Medical Affairs, Dr Erika Spaeth, was also lead author on this paper.
- 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;*

¹ <https://aacrjournals.org/cancerpreventionresearch/article/doi/10.1158/1940-6207.CAPR-22-0460/718562/Validation-of-an-abridged-breast-cancer-risk>

- *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."

Request for information

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

1. Does GTG 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 provide the basis for that view;
 - 2.2 explain why GTG indicated that the Announcement was market sensitive when it was submitted to MAP; and
 - 2.3 explain the basis for GTG's apparent view that the Announcement required disclosure under the Listing Rules.
3. Noting that Dr Spaeth was the lead author of the paper, when did GTG first become aware of the Information?
4. Does GTG 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 GTG consider that its policies and procedures are sufficient to ensure timely access to information requiring disclosure under Listing Rule 3.1? Please outline any improvements GTG intends to make in this regard.
6. Please confirm that GTG is complying with the Listing Rules and, in particular, Listing Rule 3.1.
7. Please confirm that GTG'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 GTG 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 Friday, 17 March 2023**. 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, GTG'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 GTG 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, you should discuss with us whether it is appropriate to request a trading halt in GTG'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 GTG's securities under Listing Rule 17.3.

Listing Rules 3.1 and 3.1A

In responding to this letter, you should have regard to GTG'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 GTG'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

Melissa Kostopoulos
Adviser, Listings Compliance (Melbourne)