

27/10/2023

Mr Shane Falconer

Adviser – Listings Compliance
Australian Securities Exchange
Level 40, Central Park
152-158 St Georges Terrace
PERTH WA 6000

By email:

Dear Mr Falconer

ASX AWARE QUERY – 25 OCTOBER 2023

Lynas provides the following responses to questions outlined in the ASX Aware query dated 25 October 2023.

1. Does LYC 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?

Yes.

2. If the answer to question 1 is “no”, please advise the basis for that view.

Not applicable.

3. When did LYC first become aware of the Information? Please specify the date and time.

During the afternoon of Tuesday 24 October 2023, LYC first became aware of the possibility that Malaysian Minister for Science Technology and Innovation intended to make an announcement in respect of an update to Lynas Malaysia’s operating licence during the course of the day. At that time, the timing and content of this information was insufficiently definite to warrant disclosure and would remain insufficiently definite until the announcement was made by the Malaysian Minister for Science Technology and Innovation.

At about 4:00pm AEDT on Tuesday 24 October 2023, LYC became aware that the Malaysian Minister for Science Technology and Innovation had commenced making a public statement in respect of the update to Lynas Malaysia’s operating licence and that he had released a public media statement.

Lynas Malaysia subsequently received its updated operating licence at about 4:30pm AEDT on Tuesday 24 October 2023 via the Malaysian Department of Atomic Energy’s online licence portal.

4. If the answer to question 1 is “yes” and LYC first became aware of the Information before the relevant date, did LYC 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 LYC was obliged to release the Information under Listing Rules 3.1 and 3.1A and what steps LYC took to ensure that the Information was released promptly and without delay.

Immediately upon receipt of the Information, at 4:00pm AEDT on Tuesday 24 October 2023, LYC lodged its announcement “Malaysian Licence Update” and it was released on the ASX Market Announcements Platform.

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

LYC confirms that it is in compliance with the Listing Rules and, in particular, Listing Rule 3.1.

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

LYC confirms that the responses to the questions above have been authorised and approved by LYC's Board in accordance with its published continuous disclosure policy.

Yours sincerely



Sarah Leonard

General Counsel and Company Secretary



25 October 2023

Reference: 82845

Ms Sarah Leonard
Company Secretary
Lynas Rare Earths Limited

By email: Sleonard@lynasre.com

Dear Ms Leonard

Lynas Rare Earths Limited ('LYC'): General – Aware Query

ASX refers to the following:

- A. The change in the price of LYC's securities from a low of \$6.07 at close of trade on Monday, 23 October 2023 to a high of \$6.82 at close of trade on Tuesday, 24 October 2023.
- B. The confirmation provided by LYC to ASX at 03:50PM AEDT on Tuesday, 24 October 2023 that LYC was in compliance with Listing Rule 3.1.
- C. LYC's announcement entitled "Malaysian Licence Update" lodged on the ASX Market Announcements Platform and released at 04:00 PM AEDT on 24 October 2023 which was marked as 'price sensitive' (the 'Announcement'), disclosing that LYC's subsidiary, Lynas Malaysia, has been issued with a variation to its operating licence which allows the continued importation and processing of Lanthanide Concentrate from Lynas' Mt Weld mine in Western Australia at the Lynas Malaysia facility ('Information').
- D. 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.
- E. 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."

- F. 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."*

- G. 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 LYC to respond separately to each of the following questions and requests for information:

1. Does LYC 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 1 is "no", please advise the basis for that view.
3. When did LYC first become aware of the Information? Please specify the date and time.
4. If the answer to question 1 is "yes" and LYC first became aware of the Information before the relevant date, did LYC 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 LYC was obliged to release the Information under Listing Rules 3.1 and 3.1A and what steps LYC took to ensure that the Information was released promptly and without delay.
5. Please confirm that LYC is complying with the Listing Rules and, in particular, Listing Rule 3.1.
6. Please confirm that LYC'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 LYC 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 **04:00 PM AEDT Friday, 27 October 2023**.

Your response should be sent to me by e-mail at **ListingsCompliancePerth@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 LYC's securities under Listing Rule 17.1. If you wish a trading halt, you must tell us:

- the reasons for the trading halt;

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- 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 LYC's securities under Listing Rule 17.3.

Listing Rules 3.1 and 3.1A

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

ASX reserves 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.

Questions

If you have any questions in relation to the above, please do not hesitate to contact me.

Yours sincerely

Shane Falconer
Adviser, Listings Compliance