



21 November 2023

ASX Compliance Pty Ltd
Level 40, Central Park
152-158 St Georges Terrace
PERTH WA 6000

By email: ListingsCompliancePerth@asx.com.au

Dear Sir/Madam

BPH ENERGY LTD: ASX PRICE QUERY RESPONSE (REFERENCE 81671)

We refer to the Price Query received from the ASX on 21 November 2023 and respond as follows to the specific questions asked:

- 1. Is BPH aware of any information concerning it that has not been announced to the market which, if known by some in the market, could explain the recent trading in its securities?**

No. The Company is not aware of any information concerning it that has not been announced, which, if known by some in the market, could explain the recent trading in its securities.

- 2. If the answer to question 1 is "yes":**
 - (a) Is BPH relying on Listing Rule 3.1A not to announce under Listing Rule 3.1?**
 - (b) Can an announcement be made immediately?**
 - (c) If an announcement cannot be made immediately, why not and when is it expected that an announcement will be made?**

Not applicable.

- 3. If the answer to question 1 is "no", is there any other explanation that the Company may have for the recent trading in its securities?**

As has previously been announced by the Company, Asset Energy Pty Ltd (a wholly owned subsidiary of Advent Energy Limited, an investee of BPH Energy Limited) (**Asset Energy**) continues to progress the joint venture applications for variation and suspension of work program conditions and related extension of the PEP-11 permit with the National offshore Petroleum Titles Administrator (**NOPTA**).

The NSW Legislative Committee on Environment and Planning has today tabled its report into the Minerals Legislation Amendment (Offshore Drilling and

Associated Infrastructure Prohibition) Bill 2023, which was referred to the Committee on 29 June 2023. The Bill sought to amend three Acts to prohibit offshore activities in NSW including drilling for petroleum.

The inquiry looked into a range of issues, particularly whether the Bill raises any potential constitutional issues and unintended consequences, and its report sets out its findings and proposed recommendations. The relevant link is set out below:

[https://www.parliament.nsw.gov.au/ladocs/inquiries/2977/Report%20-%20Minerals%20Legislation%20Amendment%20\(Offshore%20Drilling%20and%20Associated%20Infrastructure%20Prohibition\)%20Bill%202023%20\(November%202023\).PDF](https://www.parliament.nsw.gov.au/ladocs/inquiries/2977/Report%20-%20Minerals%20Legislation%20Amendment%20(Offshore%20Drilling%20and%20Associated%20Infrastructure%20Prohibition)%20Bill%202023%20(November%202023).PDF)

The Committee heard from legal experts and has found that aspects of the proposed legislation may be constitutionally invalid and have unintended consequences. The report makes 10 findings and 2 recommendations. The Committee has accordingly recommended that the Bill not pass.

In addition and as previously advised to ASX on 9 October 2023 NOPTA have updated their website whereby the NEATS Public Portal Application Tracking has been updated to show Asset Energy's applications status is now 'Under Assessment'. The Company understands that the next step in the application process is for the Joint Authority to make its decision on Asset Energy's applications.

4. Please confirm that the Company is in compliance with the Listing Rules and, in particular, listing rule 3.1.

We confirm that the Company is, and remains in compliance with the Listing Rules and, in particular, Listing Rule 3.1.

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

The Company's responses to the questions above have been authorized and approved in accordance with the Company's Continuous Disclosure Policy or otherwise by its Board or an officer of the Company with delegated authority from the Board to respond to ASX on disclosure matters.

Yours sincerely,

David Breeze
Executive Director



21 November 2023

Reference: 85219

Mr David Breeze
Managing Director
BPH Energy Limited
Unit 12, Level 1, Cedric Street
Stirling WA 6021

By email

Dear Mr Breeze

BPH Energy Limited ('BPH'): Price and Volume - Query

ASX refers to the following:

- A. The change in the price of BPH's securities from an intra low of \$0.025 to a high of \$0.03 today.
- B. The significant increase in the volume of BPH's securities traded today.

Request for information

In light of this, ASX asks BPH to respond separately to each of the following questions and requests for information:

1. Is BPH aware of any information concerning it that has not been announced to the market which, if known by some in the market, could explain the recent trading in its securities?
2. If the answer to question 1 is "yes":
 - (a) Is BPH relying on Listing Rule 3.1A not to announce that information under Listing Rule 3.1? Please note that the recent trading in BPH's securities would suggest to ASX that such information may have ceased to be confidential and therefore BPH may no longer be able to rely on Listing Rule 3.1A. Accordingly, if the answer to this question is "yes", you need to contact us immediately to discuss the situation.
 - (b) Can an announcement be made immediately? Please note, if the answer to this question is "no", you need to contact us immediately to discuss requesting a trading halt (see below).
 - (c) If an announcement cannot be made immediately, why not and when is it expected that an announcement will be made?
3. If the answer to question 1 is "no", is there any other explanation that BPH may have for the recent trading in its securities?
4. Please confirm that BPH is complying with the Listing Rules and, in particular, Listing Rule 3.1.
5. Please confirm that BPH's responses to the questions above have been authorised and approved under its published continuous disclosure policy or otherwise by its board or an officer of BPH 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 **4:00 PM AWST Tuesday, 21 November 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, BPH'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 BPH to request a trading halt immediately.

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, or if the answer to question 1 is "yes" and an announcement cannot be made immediately, you should discuss with us whether it is appropriate to request a trading halt in BPH'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 BPH's securities under Listing Rule 17.3.

Listing Rules 3.1 and 3.1A

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

Scarlette de Lavaine
Adviser, Listings Compliance