

8 July 2011

Mr Sebastian Bednarczyk  
Adviser, Issuers (Perth)  
Australian Securities Exchange  
Exchange Plaza  
Level 2, The Esplanade  
PERTH WA 6000

**By Facsimile: 08 9221 2020**

**Energio Limited**

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**RESPONSE TO ASX QUERY**  
**APPENDIX 3Y, LODGED 5 JULY 2011**

Dear Mr Bednarczyk

We refer to your letter dated 7 July 2010 relating to the late lodgment of the Appendix 3Y for Mr Athan Lekkas. The Company provides responses to your questions asked in your letter as follow:

1. Please explain why each Appendix 3Y was lodged late?

Shares in the Company were purchased on 23 June 2011 at the discretion of an adviser, without any instruction from Mr Lekkas. When Mr Lekkas was advised of the share purchase, he immediately informed the Company of the transaction, obtained legal advice and instructed the advisor to reverse the trade if possible due to the lack of instructions. When advised that the reversal was unable to be done, he immediately instructed his adviser to dispose of the shares.

The Company released the Appendix 3Y as soon as practically able to after being informed of the transactions.

2. What arrangements does the Company have in place with its directors to ensure that it is able to meet its disclosure obligations under listing rule 3.19A?

The Company has a policy requiring that the Company complies with its disclosure obligations. The Company has a trading policy which contains requirements to be undertaken before trading in the Company's securities.

3. If the current arrangements are inadequate or not being enforced, what additional steps does the Company intend to take to ensure compliance with listing rule 3.19B?

The Company has in place procedures designed to ensure that the appropriate forms are filed with the ASX on a timely basis.

All Directors have been reminded to inform their advisors that they are not to conduct trades in the Company without following these procedures.

**-ENDS-**

**SEAN HENBURY**

Company Secretary  
**Energio Limited**



ASX Code: **EIO**



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7 July 2011

Sean Henbury  
Energio Limited  
Company Secretary  
21 Teddington Road  
BURSWOOD WA 6100

By Email: [seanh@fjhsolutions.com.au](mailto:seanh@fjhsolutions.com.au)

Dear Sean,

### **Energio Limited (the "Company")**

We refer to the following;

1. The Appendix 3Y lodged by the Company with ASX on 5 July 2011 for Athan Lekkas (the "Director Notice");
2. Listing rule 3.19A which requires an entity to tell ASX the following:

3.19A.1 *The notifiable interests of a director of the entity (or in the case of a trust, a director of the responsible entity of the trust) at the following times.*

- *On the date that the entity is admitted to the official list.*
- *On the date that a director is appointed.*

*The entity must complete Appendix 3X and give it to ASX no more than 5 business days after the entity's admission or a director's appointment.*

3.19A.2 *A change to a notifiable interest of a director of the entity (or in the case of a trust, a director of the responsible entity of the trust) including whether the change occurred during a closed period where prior written clearance was required and, if so, whether prior written clearance was provided. The entity must complete Appendix 3Y and give it to ASX no more than 5 business days after the change occurs.*

3.19A.3 *The notifiable interests of a director of the entity (or in the case of a trust, a director of the responsible entity of the trust) at the date that the director ceases to be a director. The entity must complete Appendix 3Z and give it to ASX no more than 5 business days after the director ceases to be a director.*

3. Listing rule 3.19B which states as follows.

*An entity must make such arrangements as are necessary with a director of the entity (or in the case of a trust, a director of the responsible entity of the trust) to ensure that the director discloses to the entity all the information required by the entity to give ASX completed*



*Appendices 3X, 3Y and 3Z within the time period allowed by listing rule 3.19.A. The entity must enforce the arrangements with the director.*

4. The Companies Update dated 27 June 2008, reminding listed entities of their obligation to notify ASX within 5 business days of the notifiable interests in securities held by each director and outlining the action that ASX would take in relation to breaches of listings rules 3.19A and 3.19B.

The Appendix 3Y indicates that a change in Director's notifiable interest occurred on 23 June 2011. It appears that the Director's Notice should have been lodged with ASX by 30 June 2011. Consequently, the Company may be in breach of listing rules 3.19A and/or 3.19B.

Please note that ASX is required to record details of breaches of the listing rules by listed companies for its reporting requirements.

ASX reminds the Company of its contract with ASX to comply with the listing rules. In the circumstances ASX considers that it is appropriate that the Company make necessary arrangements to ensure there is not a reoccurrence of a breach of the listing rules.

Having regard to listing rules 3.19A and 3.19B and Guidance Note 22: "Director Disclosure of Interests and Transactions in Securities - Obligations of Listed Entities", we ask that you answer each of the following questions:

1. Please explain why the Appendix was lodged late.
2. What arrangements does the Company have in place with its directors to ensure that it is able to meet its disclosure obligations under listing rule 3.19A?
3. If the current arrangements are inadequate or not being enforced, what additional steps does the Company intend to take to ensure compliance with listing rule 3.19B?

Your response should be sent to me by e-mail at [sebastian.b@asx.com.au](mailto:sebastian.b@asx.com.au) or by facsimile on facsimile number (08) 9221 2020. It should not be sent to the Company Announcements Office.

A response is requested as soon as possible and, in any event, not later than half an hour before the start of trading (i.e. **before 7.30 a.m. WST) on Monday, 11 July 2011.**

Under listing rule 18.7A, a copy of this query and your response will be released to the market, so your response should be in a form suitable for release and should separately address each of the questions asked. If you have any queries or concerns, please contact me immediately.

Yours sincerely

*[Sent electronically without signature]*

Sebastian Bednarczyk  
**Adviser, Listings (Perth)**