



**ASX CODE: MTB**

18 August 2020

Mr Chris Hesford  
Geologist  
Listings Compliance (Perth)  
ASX Compliance Pty Ltd  
Level 40 Central Park  
152-158 St Georges Terrace  
Perth WA 6000

Dear Mr Hesford

**Mount Burgess Mining NL (MTB): Aware Query**

With regard to your letter of 18 August 2020, we respond to the various questions as follows:

**ASX Query 1** re the Consolidation of Drill Hole Data

**1. Does MTB 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

**ASX Query 2** re the Consolidation of Drill Hole Data

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

n/a

**ASX Query 3** re the Consolidation of Drill Hole Data

**3. When did MTB first become aware of the Information?**

See answer in Query 4.

**ASX Query 4** re the Consolidation of Drill Hole Data

**4. If the answer to question 1 is "yes" and MTB first became aware of the Information before the relevant date, did MTB make any announcement prior to the relevant date which disclosed the information? If so, please provide details.**

The exact same information relating to drill hole data has previously been released to the market on several occasions namely:

5 February 2018, 3 April 2018, 13 August 2018, 24 September 2018, 10 January 2019, 28 February 2019, 21 November 2019, 9 June 2020 and 6 August 2020 when exactly the same information was released to the market. However, as advised on 9 June and 6 August the drill hole data has been

consolidated in a more simplified manner in order that the market could more fully appreciate the mineralised domain of the Nxuu Deposit.

***If not, please explain why this information was not released to the market at an earlier time, commenting specifically on when you believe MTB was obliged to release the information under Listing Rules 3.1 and 3.1A and what steps MTB took to ensure that the information was released promptly and without delay.***

**ASX Query 5**

**5. Is MTB 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?** Re the Consolidation of Drill Hole Data.

No

**ASX Query 6**

**6. If the answer to question 5 is “yes”.**

***(a) Is MTB relying on Listing Rule 3.1A not to announce that information under Listing Rule 3.1? Please note that the recent trading in MTB’s securities would suggest to ASX that such information may have ceased to be confidential and therefore MTB 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?***

n/a

**ASX Query 7** re the Consolidation of Drill Hole Data

**7. If the answer to question 5 is “no”, is there any other explanation that MTB may have for the recent trading in its securities?**

No other explanation

**ASX Query 8** re the Consolidation of Drill Hole Data

**8. Please confirm that MTB is complying with the Listing Rules and, in particular, Listing Rule 3.1.**

We confirm that MTB is complying with the Listing Rules and, in particular, Listing Rule 3.1.

**ASX Query 1** re Mineralogy and Genesis of the Kihabe Deposit publication.

**1. Does MTB 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?**

No

**ASX Query 2** re Mineralogy and Genesis of the Kihabe Deposit publication.

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

The Genesis of the Kihabe Deposit is based on facts that have been published in previous centuries. The mineralogy of the Kihabe Deposit has been disclosed in announcements to ASX since 2005.

**ASX Query 3** re Mineralogy and Genesis of the Kihabe Deposit publication.

**3. When did MTB first become aware of the Information?**

On 11 August 2020 MTB directors were given the opportunity to access and review the Mineralogical Article. Discussion took place after that date on how, because of its size of 40 MB and technical content, the Paper could be summarised for the market. It was resolved by MTB technical directors that there was no way the Paper could be summarised and that once a reduced format was achieved the paper should be released 'in toto'. Please note that MTB were advised that the issue release date of the Paper will be 21 August 2020.

**ASX Query 4** re Mineralogy and Genesis of the Kihabe Deposit publication.

**4. If the answer to question 1 is "yes" and MTB first became aware of the Information before the relevant date, did MTB make any announcement prior to the relevant date which disclosed the information? If so, please provide details.**

n/a

***If not, please explain why this information was not released to the market at an earlier time, commenting specifically on when you believe MTB was obliged to release the information under Listing Rules 3.1 and 3.1A and what steps MTB took to ensure that the information was released promptly and without delay.***

Please refer to the answers given to Query 2 and 3 above.

**ASX Query 5** re Mineralogy and Genesis of the Kihabe Deposit publication.

**5. Is MTB 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

**ASX Query 6** re Mineralogy and Genesis of the Kihabe Deposit publication.

**6. If the answer to question 5 is "yes".**

***(a) Is MTB relying on Listing Rule 3.1A not to announce that information under Listing Rule 3.1? Please note that the recent trading in MTB's securities would suggest to ASX that such information may have ceased to be confidential and therefore MTB 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?***

n/a

**ASX Query 7** re Mineralogy and Genesis of the Kihabe Deposit publication.

***7. If the answer to question 5 is “no”, is there any other explanation that MTB may have for the recent trading in its securities?***

No other explanation.

**ASX Query 8** re Mineralogy and Genesis of the Kihabe Deposit publication.

***8. Please confirm that MTB is complying with the Listing Rules and, in particular, Listing Rule 3.1.***

We confirm that MTB is complying with the Listing Rules and, in particular, Listing Rule 3.1.

**ASX Query 9**

***9. Please confirm that MTB’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 MTB with delegated authority from the board to respond to ASX on disclosure matters.***

In answer to Query 9, MTB confirms that its responses to the queries above relative to the Consolidation of Drill Hole Data and Mineralogy and Genesis of the Kihabe Deposit publication have been authorised and approved by Nigel Raymond Forrester, FCA (ICAEW), CEO of MTB with delegated authority from the Mount Burgess Board to respond to ASX on disclosure matters.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Nigel Forrester', with a stylized, scribbled flourish at the end.

**Nigel Forrester**  
**CEO**

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18 August 2020

Ms Jan Forrester  
Company secretary  
Mount Burgess Mining NL  
8/800 Albany Highway  
EAST VICTORIA PARK WA 6101  
By email: mtb@mountburgess.com

Dear Ms Forrester

**Mount Burgess Mining NL ('MTB'): Aware Query**

ASX refers to the following:

- A. MTB's announcement entitled "Consolidation of Nxuu Deposit Drill Hole Data" lodged on the ASX Market Announcements Platform and released at 10:20 am (AEST) on 18 August 2020 (the 'Announcement'), disclosing a consolidation of drill hole data for the Nxuu Deposit including location plans, assay data and cross sections and also a copy of a publication on the mineralogy and genesis of the Kihabe Deposit (published 31 July 2020) ('Information').
- B. The change in the price of MTB's securities from a low of \$0.003 at the close of trading on Thursday, 13 August 2020 to an intraday high of \$0.015 at the time of writing.
- C. The significant increase in the volume of shares traded today and particularly in the period 10.08 am - 10.20 am (AEST) this morning, Tuesday 18 August 2020.
- 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 MTB to respond separately to each of the following questions and requests for information:

1. Does MTB 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 MTB first become aware of the Information?
4. If the answer to question 1 is "yes" and MTB first became aware of the Information before the relevant date, did MTB 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 MTB was obliged to release the information under Listing Rules 3.1 and 3.1A and what steps MTB took to ensure that the information was released promptly and without delay.
5. Is MTB 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?
6. If the answer to question 5 is "yes".
  - (a) Is MTB relying on Listing Rule 3.1A not to announce that information under Listing Rule 3.1? Please note that the recent trading in MTB's securities would suggest to ASX that such information may have ceased to be confidential and therefore MTB 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?
7. If the answer to question 5 is "no", is there any other explanation that MTB may have for the recent trading in its securities?
8. Please confirm that MTB is complying with the Listing Rules and, in particular, Listing Rule 3.1.
9. Please confirm that MTB'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 MTB with delegated authority from the board to respond to ASX on disclosure matters.

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### 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 3:00 PM **AWST Friday, 21 August 2020**

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, MTB'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 MTB to request a trading halt immediately.

If you wish to request 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*.

ASX reserves the right to release a copy of this letter and your response on the ASX Market Announcements Platform under Listing Rule 18.7A. Accordingly, your response should be in a form suitable for release to the market.

Your response should be sent to me by e-mail at [ListingsCompliancePerth@asx.com.au](mailto: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.

### Listing Rules 3.1 and 3.1A

In responding to this letter, you should have regard to MTB'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 MTB'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.

### Suspension

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

### Enquiries

If you have any queries or concerns about any of the above, please contact me immediately.

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Yours sincerely

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**Chris Hesford**  
Geologist, Listings Compliance (Perth)