

# **BATAVIA**

## **MINING LIMITED**

**ADDRESS**  
LEVEL 1, 282 ROKEBY ROAD  
SUBIACO WA 6008

PO BOX 1126  
SUBIACO WA 6904

**TELEPHONE**  
+61 8 9327 0980

**FACSIMILE**  
+61 8 9327 0901

**WEBSITE**  
[www.bataviamining.com.au](http://www.bataviamining.com.au)

**ABN**  
98 009 075 861

15 September 2010

Mr Cameron Bill  
ASX Limited  
Exchange Plaza  
2 The Esplanade  
Perth WA 6000

Dear Cameron

### **Response to Query – 14 September 2010**

We refer to your correspondence dated 14 September 2010 and advise as follows in relation to the questions raised:

1. The Company does not consider the Results to be material pursuant to listing rule 3.1. This should be distinguished from the response to ASX's price and volume query of Monday, 13 September. In that query, the Company was asked to comment (i.e. was the Company aware of any information that could be an explanation ...) on reasons for recent trading in the securities of the Company. As a matter of completeness, the Company included in that response all information that it was anticipating may be released shortly thereafter, regardless of whether it was material or price sensitive.
2. The drill result data for holes RCW153 to RCW177 were received by the Company on 30 August. Drill result data for holes RCW178 to RCW245 were received by the Company in the afternoon of Friday, 10 September.
3. Not applicable.
4. The Company released results for the holes up to RCW152 in releases dated 2 August and 26 August 2010. In relation to the results for holes RCW153 to RCW177, these were confirmation of previously announced mineralisation on W Deposit. The results for holes RCW178 to RCW245 were interpreted by the Company's Exploration Manager upon his return to the office on Monday, 13 September. Drilling on X Deposit commenced on Monday, 6 September. The Company has not yet received any assays from this drilling. The mineralisation was observed and XRF analysis performed during the last week. The results of the XRF analysis were reported to the Exploration Manager on his return. Drilling at X Deposit continues. The Company as practice will release drill results on a progressive basis as and when received and interpreted. Releasing data without interpretation, including taking into account new and existing drill results, has the potential to be misleading. Notwithstanding this, if results, once received and interpreted, are considered material and price sensitive, the Company will release to ASX immediately in accordance with listing rule 3.1.

**BATAVIA**  
MINING LIMITED

5. The Company confirms that it is in compliance with listing rule 3.1.

Yours sincerely

A handwritten signature in black ink, appearing to read "S. Robertson".

**Simon Robertson**  
**Company Secretary**



ASX Compliance Pty Limited  
ABN 26 087 780 489  
Level 8 Exchange Plaza  
2 The Esplanade  
PERTH WA 6000

GPO Box D187  
PERTH WA 6840

Telephone 61 8 9224 0000  
Facsimile 61 8 9221 2020  
[www.asx.com.au](http://www.asx.com.au)

14 September 2010

Simon Robertson  
Company Secretary  
Batavia Mining Limited

Email: [Simon@slrconsulting.com.au](mailto:Simon@slrconsulting.com.au)

Dear Simon,

**Batavia Mining Limited (the "Company")**

We refer to the following;

- (i) The announcement lodged by the Company to ASX Limited ("ASX") and announced today at 12:30 PM (E.S.T) titled "Drilling and Exploration Update" ("Announcement") regarding exploration results on the Roper River Iron Ore Project ("Results").
- (ii) The Company's response to the ASX price query lodged today to ASX Limited ("ASX") at 10:06 AM (E.S.T) ("Price Query").

We wish to draw your attention to the definition of "aware" in chapter 19 of the listing rules which states that:

*"an entity becomes aware of information if a director or executive director (in the case of a trust, director or executive officer of the responsible entity or management company) has, or ought reasonably to have, come into possession of the information in the course of the performance of their duties as a director or executive officer of that entity"*

Further, we wish to draw your attention to listing rule 3.1 which requires an entity to give ASX immediately 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. The exceptions to this requirement are set out in listing rule 3.1A. Please note that for disclosure not to be required under this listing rule all of the exceptions must apply.

Having regard to the above definition, listing rule 3.1 and Guidance Note 8 - Continuous Disclosure, we ask that you answer the following questions in a format suitable for release to the market in accordance with listing rule 18.7A.

1. Does the Company consider the Results to be material to the Company pursuant to listing rule 3.1?
2. When did the Company become aware of the Results or part of them? In your response to this question please indicate the date and approximate time the Company became aware.

3. If the answer to any part of question 1 is "yes" and the Company became aware of the Results or part of them prior to the release of the Announcement or the Price Query, please advise the following:
  - 3.1 Please advise why the Company did not make an announcement at an earlier time or request a trading halt prior to the Announcement?
  - 3.2 Why was the information not released to the market at that earlier time? Please comment specifically on the application of listing rule 3.1?
4. If the answer to question 1 is "no", please advise the basis on which the Company does not consider the Results to be material.
5. Please confirm that the Company is in compliance with listing rule 3.1.

Your responsibility under listing rule 3.1 is not confined to, or necessarily satisfied by, answering the questions set out in this letter.

Please note the ASX reserves its right under listing rule 18.7 to release this letter and the Company's response to the market. Accordingly the Company's response should address each question separately and be in a format suitable for release to the market.

If the information requested by this letter is information required to be given to ASX under listing rule 3.1 your obligation is to disclose the information immediately. Unless the information is required immediately under listing rule 3.1, a response is requested as soon as possible and, in any event, not later than **5:00pm (W.S.T) tomorrow, being Wednesday 15 September 2010.**

Your response should be sent to ASX by facsimile on **facsimile number (08) 9221 2020**. It should not be sent to the Company Announcements Office.

If you have any queries regarding any of the above, please contact me on (08) 9224 0054.

Yours sincerely,



Cameron Bill

**Adviser, Issuers (Perth)**