

22 May 2024  
ASX Market Release

## Notice under section 708A(5)(e) of the Corporations Act 2001 (Cth)

This notice is given by Nuchev Limited ACN 163 225 090 (ASX: NUC) (**Company**) under section 708A(5)(e) of the Corporations Act 2001 (Cth) (**Act**).

### Background

On 15 May 2023 the Company entered into a distribution agreement with H&S International (Aust) Pty Ltd ACN 621 762 285 (**H&S International**) and H&S Investments Australia Pty Ltd ACN 643 475 601 as trustee for the H&S Investment Unit Trust ABN 62 122 826 764 (**H&S Investments**) (collectively **H&S Group**) (**Distribution Agreement**). Under the Distribution Agreement, the Company issued performance options to H&S Group to subscribe for ordinary shares in three tranches (one per year). These performance options were linked to yearly distribution hurdles to be achieved by H&S Group (**Annual Performance Hurdle**).

The Company is pleased to confirm that H&S Group has achieved the first Annual Performance Hurdle which has vested their tranche 1 performance options (5,619,659 unlisted options each having an issue price of \$0.25). H&S Group has exercised their vested tranche 1 performance options and the Company has issued 5,619,659 fully paid ordinary shares to H&S Investments (Tranche 1 Performance Shares).

### Cleansing notice in respect of the Tranche 1 Performance Shares

The Company advises that:

- (a) the Tranche 1 Performance Shares were issued without disclosure to investors under Part 6D.2 of the Act;
- (b) this notice is being given under section 708A(5)(e) of the Act;
- (c) as at the date of this notice, the Company has complied with:
  - i. the provisions of Chapter 2M of the Act as they apply to the Company; and
  - ii. section 674 of the Act as it applies to the Company;
- (d) as at the date of this notice, there is no excluded information as defined in sections 708A(7) and 708A(8) of the Act, which is required to be set out under section 708A(6)(e) of the Act.

Yours faithfully



**Ben Dingle**  
Non-Executive Chair

*This announcement has been approved for release by the Board.*

For further information please contact:

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