



Altech Chemicals
Limited

ASX ANNOUNCEMENT AND MEDIA RELEASE

23 September 2022

Stephanie Patchell
Senior Adviser, Listing Compliance (Perth)
ASX Limited
Via email: ListingsCompliancePerth@asx.com.au

Dear Stephanie.

I refer to your letter to Altech Chemicals Ltd ('Altech' or 'Company') reference 59669 and dated 19 September 2022. Please find below responses to your request for information.

1. When did ATC first become aware of the information?

Altech's Managing Director received an SMS notification at 10.55pm WST on 13 September 2022 advising that the joint venture Shareholders' Agreement had just been executed in Germany.

2. Does ATC 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.

3. Not applicable

4. If the answer to question 2 is "yes":

4.1 why did ATC disclose the Information in the Video Interview prior to the release of the Announcement on MAP?;

Altech prepared the YouTube site on 12 September 2022 by uploading the Video Interview in an "Unlisted" mode (not made public), in preparation for, and to coincide with, the 'To Commercialise 100MWh Sodium Alumina Solid State Batteries' announcement on 14 September 2022. The Company was not aware of the Video being able to be accessed by the public until the announcement was made on 14 September 2022. It was not the Company's intention to disclose the information in the videos and the Video Interview prior to the release of the Announcement on MAP.

4.2 when does ATC believe it was obliged to release the Information under Listing Rules 3.1 and 3.1A and what steps did ATC take to ensure that the Information was released promptly and without delay; and

Altech believes that it was obliged to release the information, pursuant to Listing Rules 3.1 and 3.1A, prior to the commencement of trading on the ASX on 14 September 2022. Altech met this obligation by releasing the information on the ASX's Market Announcement Platform in the announcement entitled 'To Commercialise 100MWh Sodium Alumina Solid State Batteries', at 8.08am WST on 14 September 2022.

4.3 does ATC believe it complied with Listing Rule 3.1 in this instance? If so, please provide the basis for that view.

Altech believes that it has complied with Listing Rule 3.1 in this instance. Until Altech was advised at 10.55pm WST on 13 September 2022 that the joint venture Shareholders' Agreement had just been executed in Germany, the information contained within the announcement made on 14 September 2022 entitled 'To Commercialise 100MWh Sodium Alumina Solid State Batteries' was considered information concerning an incomplete proposal or negotiation, and accordingly, Altech did not believe that, pursuant to Listing Rule 3.1A.1, the information was required to be disclosed to the ASX prior to this.

5. Please advise who authorised the release of the Video Interview.

The Video Interview release was authorised by Managing Director Iggy Tan.

6. What arrangements does ATC have in place to ensure compliance with Listing Rule 15.7?

As disclosed in the Corporate Governance Statement in the 2021 Annual Report, Altech has a Continuous Disclosure policy, which is available on the Company's website. The policy states, amongst other matters, 'Information to be disclosed must not be released to the general public until the Company has received from confirmation of lodgement by the ASX'.

7. Please confirm that ATC is complying with the Listing Rules, and in particular, Listing Rule 3.1

Confirmed.

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

Confirmed.

This letter has been authorised by the Managing Director, Iggy Tan.

Sincerely,



Mr Martin Stein
Company Secretary



19 September 2022

Reference: 59669

Mr Martin Stein
Joint Company Secretary
Altech Chemicals Limited

By email: m.stein@altechchemicals.com

Dear Mr Stein

Altech Chemicals Limited ('ATC'): Aware Query

ASX refers to the following:

- A. ATC's announcement entitled "Altech - Silumina Anodes Project Update" released on the ASX Market Announcements Platform ('MAP') at 8.10am (AWST) on 12 September 2022, marked as 'price sensitive' which disclosed the following:
- implementation of ATC's pilot plant, previously announced on 22 June 2022, is "progressing to the expected timeframe";
 - ATC's definitive feasibility study, has commenced ahead of schedule (noting that the preliminary feasibility study released on 24 April 2022 and ATC's Quarterly Activities Report released on MAP on 29 July 2022 both stated that "*a decision has been made by the [Altech Industries Germany GmbH] board to immediately progress to a definitive feasibility study (DFS) for the project*"; and
 - the visit from German Chancellor to the Dock3 incubator at the Schwarse Pumpe industrial park, which does not appear to have any connection to ATC other than ATC's proposed project being situated at that location.
- B. The limited increase in ATC's share price on following the release of the announcement above, from a low of \$0.061 at the close of trading on 9 September 2022 to an intraday high of \$0.064 on 12 September 2022, being an increase of approximately 5%.
- C. The video interview featuring ATC's Managing Director, Iggy Tan, published on ATC's YouTube channel under the title "Market Herald Iggy Tan Interview Cerenergy Batteries Sep 22" and dated 12 September 2022 (the 'Video Interview'), in which Mr Tan stated, amongst other things, that:
- "We have now formed a joint venture with IKTS, we are a major owner of that joint venture, 75%, and our vision is to commercialise a 100MW sodium alumina solid state battery plant in Saxony, Germany."*
- D. The significant increase in ATC's share price from a low of \$0.062 at the close of trading on 12 September 2022 to a high of \$0.8 at the close of trading on 13 September 2022, being an increase of approximately 29%, and the significant increase in volumes traded on 13 September 2022.
- E. ATC's announcement entitled "To Commercialise 100MWh Sodium Alumina Solid State Batteries" (the 'Announcement'), released on MAP at 8.08am (WST) on 14 September 2022, marked as 'price sensitive' which disclosed, amongst other things, the following:
- "[ATC] is excited to announce that it has executed a Joint Venture Shareholders' Agreement with world-leading German battery institute Fraunhofer IKTS ("IKTS") to commercialize IKTS' revolutionary CERENERGY® Sodium Alumina Solid State (SAS) Battery. Altech, inclusive of*

associated entity Altech Advanced Materials AG, will be the majority owner at 75% of the JV company, which will commercialize a 100 MWh project to be constructed on Altech's land in Schwarze Pumpe, Germany."

(the 'Information')

- F. The increase in ATC's share price subsequent to the release of the Announcement on 14 September 2022, from a low of \$0.08 at the close of trading on 13 September 2022 to an intraday high of \$0.115 on 14 September 2022, being an increase of approximately 44%, and the increased volumes traded on 14 September 2022.
- G. ATC's announcement entitled "Interview MD Iggy Tan Sodium Alumina Solid State Batteries" released on MAP at 8.26am (AWST) on 15 September 2022 which provided links to the Video Interview on ATC's website and YouTube channel.
- H. 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.
- I. 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."*
- J. 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."*
- K. 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."*

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- L. Listing Rule 15.7, which requires that a listed entity not release information which is for release to the market to any person (including the media, even on an embargoed basis) until it has given the information to ASX and received an acknowledgement that ASX has released it to the market.

Request for information

Having regard to the above, ASX asks ATC to respond separately to each of the following questions and requests for information:

1. When did ATC first become aware of the Information?
2. Does ATC 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?
3. If the answer to question 2 is “no”, please:
 - 3.1 advise the basis for that view, commenting specifically on the significant increase in ATC’s share price on 13 September 2022 after the Video Interview was released, and the further increase in share price on 14 September 2022 after the Announcement was released, and the significant increase in trading volumes on 13 and 14 September 2022;
 - 3.2 explain why ATC indicated the Announcement was market sensitive when it was submitted to MAP; and
 - 3.3 explain the basis for ATC’s apparent view that the Announcement required disclosure under the Listing Rules.
4. If the answer to question 2 is “yes”:
 - 4.1 why did ATC disclose the Information in the Video Interview prior to the release of the Announcement on MAP?;
 - 4.2 when does ATC believe it was obliged to release the Information under Listing Rules 3.1 and 3.1A and what steps did ATC take to ensure that the Information was released promptly and without delay?; and
 - 4.3 does ATC believe it complied with Listing Rule 3.1 in this instance? If so, please provide the basis for that view.
5. Please advise who authorised the release of the Video Interview.
6. What arrangements does ATC have in place to ensure compliance with Listing Rule 15.7?
7. Please confirm that ATC is complying with the Listing Rules and, in particular, Listing Rule 3.1.
8. Please confirm that ATC’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 ATC 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 **3.00pm AWST on Friday, 23 September 2022**. 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, ATC’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 ATC 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, you should discuss with us whether it is appropriate to request a trading halt in ATC'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 ATC's securities under Listing Rule 17.3.

Listing Rules 3.1 and 3.1A

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

We reserve the right to release a copy 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

Stephanie Patchell
Senior Adviser, Listings Compliance (Perth)