

20 September 2023

Vinay Agrawal  
Adviser, Listings Compliance  
ASX Limited  
152-158 St Georges Terrace  
PERTH WA 6000

Attention: Vinay Agrawal

By email: [ListingsCompliancePerth@asx.com.au](mailto:ListingsCompliancePerth@asx.com.au)

Dear Vinay

**Botanix Pharmaceuticals Limited (ASX: BOT) (“the Company”) – Response to ASX Price Query**

We refer to your letter of 19 September 2023 and advise as follows in response to the questions raised therein:

1. No.
2. N/A.
3. As previously announced by the Company to the ASX, including most recently in its Preliminary Final Report released on 31 August 2023, the Company’s lead product, Sofpironium Bromide, is awaiting decision from the FDA, which is anticipated to be received in late September 2023. The Company notes that if FDA decision is received, it will represent a significant milestone for the Company, as it will pave the way for an expansion of the Company’s operations and revenue generation.

The Company considers that speculation as to the anticipated FDA decision could potentially explain the recent trading in its securities.

4. The Company confirms it is in compliance with the Listing Rules and, in particular, Listing Rule 3.1.
5. The Company confirms that its responses to the questions above have been authorised and approved by the Board of the Company.

By order of the Board



**Susan Park**  
Company Secretary



19 September 2023

Reference: ODIN80493

Ms Susan Park  
Company Secretary  
Botanix Pharmaceuticals Ltd

By email: spark@parkadvisory.com.au

Dear Ms Park

### **Botanix Pharmaceuticals Ltd ('BOT'): Price - Query**

ASX refers to the following:

- A. The change in the price of BOT's securities from a closing price of \$0.17 on 14 September 2023 to an intra-day high at the time of writing this letter of \$0.21 today.
- B. The significant increase in the volume of BOT's securities traded today.

### **Request for information**

In light of this, ASX asks BOT to respond separately to each of the following questions and requests for information:

1. Is BOT 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?
2. If the answer to question 1 is "yes".
  - (a) Is BOT relying on Listing Rule 3.1A not to announce that information under Listing Rule 3.1? Please note that the recent trading in BOT's securities would suggest to ASX that such information may have ceased to be confidential and therefore BOT 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?
3. If the answer to question 1 is "no", is there any other explanation that BOT may have for the recent trading in its securities?
4. Please confirm that BOT is complying with the Listing Rules and, in particular, Listing Rule 3.1.
5. Please confirm that BOT's responses to the questions above have been authorised and approved under its published continuous disclosure policy or otherwise by its board or an officer of BOT 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 **7.30 AM AWST Wednesday, 20 September 2023**. You should note that if the

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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, BOT'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 BOT 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, or if the answer to question 1 is "yes" and an announcement cannot be made immediately, you should discuss with us whether it is appropriate to request a trading halt in BOT'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 BOT's securities under Listing Rule 17.3.

### **Listing Rules 3.1 and 3.1A**

In responding to this letter, you should have regard to BOT'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 BOT'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**

ASX reserves the right to release all or any part 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

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For personal use only

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**Vinay Agrawal**  
Adviser, Listings Compliance