



30 January 2017

Ms C Tang  
Advisor Listings (Melbourne)  
Australian Securities Exchange  
20 Bridge Street  
Sydney NSW 2000

Dear Cheng

I refer to your letter of 2 February 2016 and advise as follows:

1. **Is MED 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 securities?**

**In responding to this question, please consider in particular whether MED is aware of any information that its earnings for the 6 month period ending on 31 December 2016:**

**a) are likely to differ materially (downwards or upwards) from any earnings guidance it has given for the period; or**

**b) if MED has not given any earnings guidance for the period, are otherwise likely to come as a surprise to the market (by reference to analyst forecasts for the period or, if MED is not covered by analysts, its earnings for the prior corresponding period)?**

No.

2. **If the answer to question 1 is “yes”:**

**a) Is MED relying on Listing Rule 3.1A not to announce that information under Listing Rule 3.1?**

**b) Please note that the recent trading in MED’s securities would suggest to ASX that such information may have ceased to be confidential and therefore MED 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.**

**c) Can an announcement be made immediately?**

Not applicable

- 3. If an announcement cannot be made immediately, why not and when is it expected that an announcement will be made?**

Not applicable

- 4. If the answer to question 1 is “no”, is there any other explanation that MED may have for the recent trading in its securities?**

No

- 5. Please confirm that MED is in compliance with the Listing Rules and, in particular, Listing Rule 3.1.**

Yes

- 6. Please confirm that MED’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 MED with delegated authority from the board to respond to ASX on disclosure matters.**

Yes

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Lee', written in a cursive style.

PETER LEE  
CFO & Company Secretary



27 January 2017

Peter Lee  
Chief Financial Officer & Company Secretary  
Merlin Diamonds Limited  
Level 1A, 42 Moray Street  
Southbank VIC 3006

By email: peterl@axisc.com.au

Dear Mr Lee

**Merlin Diamonds Limited (“MED”): price query**

We note the change in the price of MED’s securities from a low of 1.8 cents at close on Wednesday, 25 January 2017 to an intraday high of 2.4 cents today.

We also note the significant increase in the volume of MED’s securities traded today.

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

1. Is MED 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?

In responding to this question, please consider in particular whether MED is aware of any information that its earnings for the 6 month period ending on 31 December 2016:

- a) are likely to differ materially (downwards or upwards) from any earnings guidance it has given for the period; or
- b) if MED has not given any earnings guidance for the period, are otherwise likely to come as a surprise to the market (by reference to analyst forecasts for the period or, if MED is not covered by analysts, its earnings for the prior corresponding period)?

2. If the answer to question 1 is “yes”:

- a) Is MED relying on Listing Rule 3.1A not to announce that information under Listing Rule 3.1?

Please note that the recent trading in MED’s securities would suggest to ASX that such information may have ceased to be confidential and therefore MED 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 MED may have for the recent trading in its securities?
4. Please confirm that MED is in compliance with the Listing Rules and, in particular, Listing Rule 3.1.
5. Please confirm that MED’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 MED 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, and in accordance with, Listing Rule 18.7. Your response is required as soon as reasonably possible and, in any event, by not later than half an hour before the start of trading (ie before 9.30 am AEDT) on Monday, 30 January 2017. If we do not have your response by then, ASX will have no choice but to consider suspending trading in MED’s securities under Listing Rule 17.3.

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, MED’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.

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 [cheng.tang@asx.com.au](mailto:cheng.tang@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**

Listing Rule 3.1 requires a listed 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. Exceptions to this requirement are set out in Listing Rule 3.1A.

In responding to this letter, you should have regard to MED’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 MED’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.

### **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 MED’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 may 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*.

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

Yours sincerely

*[Sent electronically without signature]*

Cheng Tang  
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E: [cheng.tang@asx.com.au](mailto:cheng.tang@asx.com.au)