

15 June 2025

To: [ListingsComplianceSydney@asx.com.au](mailto:ListingsComplianceSydney@asx.com.au)

**Response to ASX aware letter**

Monash IVF Group Limited (**MVF** or **we**) refers to the ASX aware letter it received from ASX on 10 June 2025 and provides the following in response to the questions asked by ASX in that letter.

**1. Does MVF consider the following information, or any part thereof, to be information that a reasonable person would expect to have a material effect on the price or value of its securities?**

**1.1. The occurrence of the Incident.**

Yes.

**1.2. The commencement of an internal investigation into the Incident.**

No, not apart from the occurrence of the Incident itself.

**1.3. The expansion of the scope of the Independent Review as a result of the Incident.**

No, not apart from the occurrence of the Incident itself.

**1.4. The reporting of the Incident to the Regulators.**

No, not apart from the occurrence of the Incident itself.

**Please answer separately for each of the above.**

**2. If the answer to any part of question 1 is 'no', please advise the basis for that view and explain why the Announcement was marked as market sensitive when lodged on MAP.**

**Please answer separately for each of the items in question 1 above.**

Please see the responses to question 1 above. The Announcement was marked as market sensitive when lodged on MAP as the occurrence of the Incident was considered to be market sensitive.

**3. When did MVF first become aware of the information referred to in question 1 above.**

**Please answer separately for each of the items in question 1 above.**

**3.1.** Initially in the afternoon on Thursday, 5 June 2025 subject to verification through an internal investigation that the information was accurate and sufficiently definite to warrant disclosure.

**3.2.** 5 June 2025.

**3.3.** Monday, 9 June 2025 (being the King's birthday public holiday).

**3.4.** Tuesday, 10 June 2025, shortly before the Announcement was made before commencement of trading on that day.

- 4. If MVF first became aware of the Incident referred to in question 1 before the date of the Announcement, did MVF make any announcement prior to that date which disclosed the information? If not, please explain why the information was not released to the market at an earlier time, commenting specifically on when you believe MVF was obliged to release the information under Listing Rules 3.1 and 3.1A and what steps MVF took to ensure that the information was released promptly and without delay**

**Please answer separately for each of the items in question 1 above and provide details of the prior announcement if applicable.**

No. As noted in paragraph 3.1 above, MVF initially became aware of the information on Thursday, 5 June 2025 subject to verification that the information was accurate and sufficiently definite to warrant disclosure. MVF immediately commenced an internal investigation and ensured that the information was verified and released promptly and without delay. In relation to Listing Rule 3.1 and the Listing Rule 3.1A exceptions:

- Earlier disclosure of the Incident would have been based on matters of supposition or information that was insufficiently definite to warrant disclosure to ASX.
- The Incident includes confidential information of the most highly personal, private and sensitive kind.
- In the circumstances, a reasonable person would not have expected the information to be disclosed before the Announcement was made.

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

Confirmed.

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

Confirmed.

**Malik Jainudeen**  
Company Secretary  
Monash IVF Group  
T: +61 3 9420 8235



10 June 2025

Reference: 110046

Mr Malik Jainudeen  
Company Secretary  
Monash IVF Group Limited  
Level 1, 510 Church Street  
Cremorne, VIC 3121

By email: [mjainudeen@monashivfgroup.com](mailto:mjainudeen@monashivfgroup.com)

Dear Mr Jainudeen

**Monash IVF Group Limited ('MVF'): ASX Aware Letter**

ASX refers to the following:

- A. MVF's announcement titled 'Clinic Incident' (the 'Announcement') released on the ASX Market Announcements Platform at 9:13 AM AEST on 10 June 2025 disclosing the following:
- 1.1 That an incident occurred at MVF's Clayton laboratory on Thursday 5 June where a patient's own embryo was incorrectly transferred to that patient, contrary to the treatment plan which designated the transfer of an embryo of the patient's partner (the 'Incident').
  - 1.2 That MVF is conducting an internal investigation into the Incident.
  - 1.3 That MVF has expanded the scope of independent review being conducted by Fiona McLeod AO SC in relation to the Brisbane incident, as announced on 10 April 2025 (the 'Independent Review').
  - 1.4 That Monash IVF has disclosed the Incident to the relevant assisted reproductive technology (ART) regulators, namely the Reproductive Technology Accreditation Committee certifying body and Victorian Health Regulator (the 'Regulators').
- B. The change in the price of MVF's securities from a price of \$0.745 immediately prior to the release of the Announcement to a low of \$0.545 on Tuesday, 10 June 2025 following the release of the Announcement.
- C. 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.
- D. 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.*
- E. Section 4.4 in *Guidance Note 8 Continuous Disclosure: Listing Rules 3.1 – 3.1B* titled 'When does an entity become aware of information?'
- F. Listing Rule 3.1A, which sets out exceptions from the requirement to make immediate disclosure as follows:
- 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 5 situations 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.*

- G. The concept of 'confidentiality' 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 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 is no longer a secret and it ceases to be confidential information for the purposes of this rule.*

#### **Request for information**

Having regard to the above, ASX asks MVF to respond separately to each of the following questions:

1. Does MVF consider the following information, or any part thereof, to be information that a reasonable person would expect to have a material effect on the price or value of its securities?

- 1.1 The occurrence of the Incident.
- 1.2 The commencement of an internal investigation into the Incident.
- 1.3 The expansion of the scope of the Independent Review as a result of the Incident.
- 1.4 The reporting of the Incident to the Regulators.

Please answer separately for each of the above.

2. If the answer to any part of question 1 is 'no', please advise the basis for that view and explain why the Announcement was marked as market sensitive when lodged on MAP.

Please answer separately for each of the items in question 1 above.

3. When did MVF first become aware of the information referred to in question 1 above.

Please answer separately for each of the items in question 1 above.

4. If MVF first became aware of the Incident referred to in question 1 before the date of the Announcement, did MVF make any announcement prior to that date which disclosed the information? If not, please explain why the information was not released to the market at an earlier time, commenting specifically on when you believe MVF was obliged to release the information under Listing Rules 3.1 and 3.1A and what steps MVF took to ensure that the information was released promptly and without delay

Please answer separately for each of the items in question 1 above and provide details of the prior announcement if applicable.

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

- 
6. Please confirm that MVF'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 MVF 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 **9:30 AM AEST Monday, 16 June 2025**.

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, MVF's obligation is to disclose the information 'immediately'. This may require the information to be disclosed before the deadline set out above and may require MVF to request a trading halt immediately if trading in MVF's securities is not already halted or suspended.

Your response should be sent by e-mail to **ListingsComplianceSydney@asx.com.au**. It should not be sent directly to the ASX Market Announcements Office. This is to allow us 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.

#### **Suspension**

If you are unable to respond to this letter by the time specified above, ASX will likely suspend trading in MVF's securities under Listing Rule 17.3.

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

In responding to this letter, you should have regard to MVF'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 MVF'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 all or any part of this letter, your reply and any other related correspondence between us to the market under Listing Rule 18.7A. The usual course is for the correspondence to be released to the market.

Yours sincerely

---

ASX Compliance