

# SWICK MINING SERVICES

Swick Mining Services Ltd  
(ABN 20 112 917 905)  
64 Great Eastern Highway  
South Guildford WA 6055  
Australia

PO Box 74  
Guildford WA 6935  
Australia  
P: +61 8 9277 8800  
F: +61 8 9277 8844

29 December 2015

Mr Wade Baggott  
ASX Compliance Pty Ltd  
Level 40 Central Park  
152-158 St. George's Terrace  
PERTH WA 6000

Dear Sir

## ASX AWARE LETTER

We refer to your letter dated 23 December 2015 regarding the announcement made by Swick Mining Services Ltd ("Swick" or "the Company") disclosing details of the renewal of the drilling contract with Newmont Mining Corporation (Announcement). The Company responds as follows:

1. *Does the Entity consider the Contract Renewals and Awards Details disclosed in the Announcement to be information that a reasonable person would expect to have a material effect on the price or value of its securities?*

No.

2. *If the answer to question 1 is "no", please advise the basis for that view.*

The Announcement related to the renewal of a current contract that Swick has been incumbent at since 2007.

Swick is currently trading at a substantial discount to its Net Tangible Asset backing per share, so potentially the "business as usual" Announcement was enough to have a material effect on the share price, however Swick does not believe that the Announcement of itself was information that a reasonable person would expect to have a material effect on the price or value of its securities.

Swick notes that the share price (post Announcement) at the date of this letter is 11 cents per share, which represents a discount of around 70% to NTA backing per share.

Whilst it is a large contract, it maintains Swick's annual revenue at levels similar to last financial year, and at the level expected by the market. The additional rigs in contract do not materially affect the revenue or profitability of the Company given that Swick operates a fleet of 83 rigs and a total of 55 rigs are currently in work.

3. *If the answer to question 1 is "yes", when did the Entity first become aware of the Contract Renewals and Awards Details disclosed in the Announcement? In answering this question, please specify the time and date when the Entity first became aware of the Contract Renewals and Awards Details or any part thereof.*

Not applicable.

4. *If the answer to question 1 is "yes" and the Entity first became aware of the Contract Renewals and Awards Details disclosed in the Announcement before the Entity released the Appendix 3Es, did the Entity make any announcement prior to the relevant date which disclosed the information? If so, please provide details. If not, please explain why this information was not released to the market at an earlier time, commenting specifically on when you believe the Entity was obliged to release the information under Listing Rules 3.1 and 3.1A and what steps the Entity took to ensure that the information was released promptly and without delay.*

Not applicable.

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

The Company confirms that it is in compliance with the Listing Rules including Listing Rule 3.1.

Yours sincerely

  
**FRANK CAMPAGNA**  
Company Secretary

For personal use only



23 December 2015

Frank Campagna  
Company Secretary  
Swick Mining Services Limited  
64 Great Eastern Highway  
South Guildford WA 6055

By email

Dear Mr Campagna

**SWICK MINING SERVICES (“ENTITY”): ASX AWARE LETTER**

ASX Limited (“ASX”) refers to the following.

1. The Entity’s:
  - 1.1. Appendix 3E released to the ASX Market Announcement Platform (“Platform”) at 5:28am (AWST) on 15 December 2015.
  - 1.2. Appendix 3E released to the Platform at 5:23am (AWST) on 18 December 2015.  
(together the “Appendix 3Es”)
2. The Trading Halt entered into by the Entity before the commencement of trading on 21 December 2015.
3. The Entity’s announcement entitled “*SWICK announces Contract Renewal and Awards*” released to the Platform at 6:08am (AWST) on 22 December 2015 (“the Announcement”) disclosing details of the:
  - 3.1. Renewal of the cornerstone diamond drilling contract with Newmont at its Tanami Mine in the Northern Territory;
  - 3.2. Renewal of the Surface RC Drilling Contract at KCGM’s Kalgoorlie Operations; and
  - 3.3. Award of two additional contracts by Newmont.  
(together the “Contract Renewals and Awards Details”)
4. Listing Rule 3.1, which 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.



5. The definition of “aware” in Chapter 19 of the Listing Rules. This definition 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.”*

Additionally, you should refer to section 4.4 in Guidance Note 8 *Continuous Disclosure: Listing Rules 3.1 – 3.1B “When does an entity become aware of information”*.

6. 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 requirements 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.”*

7. 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 “Listing Rule 3.1A.2 – the requirement for information to be confidential”*. 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.”*



Having regard to the above, we ask that you answer the following questions in a format suitable for release to the market in accordance with Listing Rule 18.7A:

1. Does the Entity consider the Contract Renewals and Awards Details disclosed in the Announcement to be information that a reasonable person would expect to have a material effect on the price or value of its securities?
2. If the answer to question 1 is “no”, please advise the basis for that view.
3. If the answer to question 1 is “yes”, when did the Entity first become aware of the Contract Renewals and Awards Details disclosed in the Announcement? In answering this question, please specify the time and date when the Entity first became aware of the Contract Renewals and Awards Details or any part thereof.
4. If the answer to question 1 is “yes” and the Entity first became aware of the Contract Renewals and Awards Details disclosed in the Announcement before the Entity released the Appendix 3Es, did the Entity make any announcement prior to the relevant date which disclosed the information? If so, please provide details. If not, please explain why this information was not released to the market at an earlier time, commenting specifically on when you believe the Entity was obliged to release the information under Listing Rules 3.1 and 3.1A and what steps the Entity took to ensure that the information was released promptly and without delay.
5. Please confirm that the Entity is in compliance with the Listing Rules and, in particular, Listing Rule 3.1.

#### **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 4.30pm AWST on Wednesday, 30 December 2015**. If we do not have your response by then, ASX will have no choice but to consider suspending trading in the Entity’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, the Entity’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 [tradinghaltsp Perth@asx.com.au](mailto:tradinghaltsp Perth@asx.com.au) and [wade.baggott@asx.com.au](mailto:wade.baggott@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 Rule 3.1**

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.

The obligation of the Entity to disclose information under Listing Rules 3.1 and 3.1A is not confined to, nor is it necessarily satisfied by, answering the questions set out in this letter.

In responding to this letter, you should have regard to the Entity's obligations under Listing Rules 3.1 and 3.1A and also to Guidance Note 8 *Continuous Disclosure: Listing Rules 3.1 – 3.1B*.

### **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 the Entity'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*.

Please contact me if you have any queries or concerns about the above.

Yours sincerely

*[sent electronically without signature]*

Wade Baggott  
**Senior Adviser, ASX Listings Compliance**