

1 October 2025

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Tim Somerville
Somerville Legal
Level 10, 32 Walker Street
North Sydney NSW 2060

Dear Sir

Biotron Limited

Dear Sir,

1. I act for Biotron Limited (**BIT**).
2. I refer to your letters dated 26 and 30 September 2025 and to the document titled "Requisition for general meeting of members" dated 24 September 2025 and signed by you (**Purported Notice**). The Purported Notice was signed by you "for and behalf of the members listed in Schedules 1,2 3 and 4".
3. As a preliminary point BIT's directors categorically reject the assertion that they are seeking to delay shareholders having a vote on your proposed restructure of BIT's board. For the reasons set out below and as BIT advised you in its letter dated 25 September 2025, the Purported Notice does not comply with the Corporations Act. In these circumstances and in particular the non-compliance with section 203D, any resolution to remove Mr Hoy would simply be invalid. Proceeding on an invalid basis would expose BIT to unnecessary litigation.
4. Section 203D of the Corporations Act provides that shareholders who seek to remove a director at a general meeting must first give notice of their intention to do so at least two months before the meeting is held. No notice has been given under section 203D.
5. Section 249D(2) of the Corporations Act provides that a request given under section 249D must be signed by the members making the request.
6. In *Khan v Khan; Re Islamic Association Western Suburbs Sydney Inc* [2015] NSWSC 638 Black J held that a notice signed "*for and on behalf of* 20 named persons who were identified as members of the Association, and referred to 'Annex B'" did not comply with the requirement the request be signed by the members making the request.
7. Applying *Khan v Khan*, the Purported Notice does not comply with section 249D.

8. Furthermore, it is not apparent from the Purported Notice that the request is from members with at least 5% of the votes that may be cast at a general meeting of BIT. Without the Purported Notice listing each named person's shareholding (something that you could have simply done when preparing the Purported Notice), it is not possible to readily determine whether holders of sufficient shares have requested a meeting. Additionally, cross checking BIT's share register against the Purported Notice shows that sufficient persons listed in the Purported Notice are not shareholders to call into question whether the Purported Notice contains a request from members with at least 5% of BIT's issued shares.
9. Given the non-compliance with sections 203D and 249D it would not be a proper use of BIT's management's time to fully reconcile the persons listed in the Purported Notice and the shares they hold to determine whether the 5% threshold has been met.
10. In response to your 30 September letter, BIT will include resolutions for the nomination of Peter Scott, Jeremy Fisher and David Castellano as directors in the notice of annual general meeting. Unless the information set out in Recommendation 1.2 of the *Corporate Governance Principles and Recommendations 4th Ed* is provided with sufficient time for the Company to consider and investigate, the notice of meeting will state that this information has not been provided and that, without that information, BIT's directors cannot recommend the election of Messrs Scott, Fisher and Castellano as directors.
11. BIT will, in the event the Corporations Act is complied with, include a resolution in the notice of annual general meeting for the removal of Mr Hoy.
12. So that BIT's annual general meeting can be held on 17 November 2025, the notice of meeting must be finalized and announced to ASX by no later than 17 October 2025.
13. I am instructed that BIT's board remains open to constructive discussion with you and other shareholders regarding the direction of BIT.

Yours faithfully



Julian Atkinson
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