

For Immediate Release

Melbourne, Australia — 16 December 2009

ATO Class Ruling issued

The Australian Taxation Office today released a Class Ruling in respect to the recent return of capital of 11.18 cents per share.

The Commissioner has concluded for taxation purposes that:

- 4.92 cents for each share will be regarded as an unfranked dividend; and
- 6.26 cents for each share will be regarded as a capital return.

A full copy of the Class Ruling is available on the Biota website or the Australian Taxation Office website.

About Biota

Biota is a leading anti-infective drug development company based in Melbourne Australia, with key expertise in respiratory diseases, particularly influenza. Biota developed the first-in-class neuraminidase inhibitor, zanamivir, subsequently marketed by GlaxoSmithKline as Relenza. Biota research breakthroughs have included novel nucleoside analogues designed to treat hepatitis C virus (HCV) infections, licensed to Boehringer Ingelheim, and a series of candidate drugs aimed at treatment of respiratory syncytial virus (RSV) disease. Biota has clinical trials underway with its lead compound for human rhinovirus (HRV) infection in patients with compromised respiration or immune systems.

In addition, Biota has a key partnership with Daiichi Sankyo for the development of second generation influenza anti-virals.

Relenza™ is a registered trademark of the GlaxoSmithKline group of companies.

*Further information available at www.biota.com.au

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