

SECTION 4 ASX ANNOUNCEMENT AND IMPOSITION OF PENALTY

- 4.1 ASX ANNOUNCEMENT2**
 - 4.1.1 Announcement.....2
 - 4.1.2 No action for disclosure3
 - 4.1.3 Register of banned individuals.....3

- 4.2 RECOVERY OF PENALTIES AND OTHER AMOUNTS3**
 - 4.2.1 Payment of monetary penalties, damages and costs3
 - 4.2.2 GST.....4
 - 4.2.3 Failure to pay sums payable.....4
 - 4.2.4 ASX may pursue legal action4
 - 4.2.5 Monetary penalty under Alleged Minor Infringement Notice4
 - 4.2.6 Payment of damages by Issuers to Participants4

SECTION 4 ASX ANNOUNCEMENT AND IMPOSITION OF PENALTY

4.1 ASX ANNOUNCEMENT

4.1.1 Announcement

Without limitation to any announcement or publication which ASX is permitted to make under the relevant ASX Operating Rules, subject to Rules 3.3 and 3.4:

- (a) ASX may make public, in the form and manner ASX considers appropriate having regard to Rule 1.5.1, any of the following matters:
 - (i) enforcement action (including pursuant to Rule 2.4) against a Participant, Issuer or Other Facility User, including the exercise by ASX of any of its powers under Rules 2.2.1, 2.2.2 or 2.2.2A and an explanation of, or reasons for, such action;
 - (ii) the suspension or termination of a Participant's admission, including any explanation of, or reasons for, such suspension or termination;
 - (iii) any other matters set out in the Procedures.

In the case of enforcement action against a Participant, Issuer or Other Facility User or the suspension or termination of a Participant's admission which is the subject of an appeal, paragraph (b) applies.

- (b) an Appeal Tribunal may direct ASX to make public, in the form and manner ASX considers appropriate having regard to Rule 1.5.1, any of the following matters:
 - (i) enforcement action against a Participant, Issuer or Other Facility User which has been the subject of an appeal (and has not been entirely set aside), including the exercise by ASX of any of its powers under Rules 2.2.1, 2.2.2 or 2.2.2A, the affirmation or variation by an Appeal Tribunal of such exercise of powers and an explanation of, or reasons for, such action by ASX or determination by the Appeal Tribunal;
 - (ii) the suspension or termination of a Participant's admission as a Participant which has been the subject of an appeal, including an explanation of, or reasons for, such suspension or termination by ASX or determination by the Appeal Tribunal;
 - (iii) any other matters set out in the Procedures.
- (c) Unless ASX or an Appeal Tribunal (as the case may be) determines otherwise, an announcement or publication made under Rule 4.1.1(a) or 4.1.1(b) will include:
 - (i) the name of the Participant, Issuer or Other Facility User (as applicable), except in the circumstances set out in the Procedures; and

- (ii) any other information which ASX or the Appeal Tribunal (as the case may be) considers relevant to the matters dealt with in the announcement or publication.

Amended 01/08/10, 25/05/15

4.1.2 No action for disclosure

A Participant, Issuer or Other Facility User must not take (and must procure that its Employees do not take) any action or proceeding (including without limitation an action for damages) against ASX, any officer, employee or agent of ASX, any member of an Appeal Tribunal or any other person acting under the authority of any of the above, for publishing or circulating any announcement, or which would stop any person from publishing or circulating any announcement under Rule 4.1.1 (or under any other relevant Operating Rule which permits such announcement or publication) or making any record in the register under Rule 4.1.3. Any person against whom an action or proceeding is taken in breach of this Rule 4.1.2 may rely on this Rule 4.1.2 as a defence to that action or proceeding.

Amended 01/08/10, 25/05/15

4.1.3 Register of banned individuals

ASX will enter the name of a person in respect of whom an order is made under Rule 2.2.1(d)(i) on a register made available to all Participants.

Amended 01/08/10, 25/05/15

4.2 RECOVERY OF PENALTIES AND OTHER AMOUNTS

4.2.1 Payment of monetary penalties, damages and costs

Unless expressly provided otherwise in the Procedures, any:

- (a) monetary penalty imposed on a Participant or Other Facility User;
- (b) direction to an Issuer to pay an amount in respect of loss or damage suffered by ASX under Rule 2.2.2(b); or
- (c) costs awarded in favour of ASX against an Eligible Appellant,

(in each case, a “Sum Due”) under these Rules is a debt to ASX due and payable by the relevant Participant, Other Facility User, Issuer or Eligible Appellant (“Debtor”) on whom it is imposed or against whom it is made or awarded, and shall be payable within twenty eight (28) Business Days of the decision under these Rules having been notified to the Debtor.

Amended 01/08/10, 25/05/15

4.2.2 GST

If a Sum Due is subject to GST, ASX may add that GST to the Sum Due and the amount of that GST will also be a debt to ASX due and payable by the Debtor at the same time as the Sum Due.

Introduced 25/05/15

4.2.3 Failure to pay sums payable

If a Debtor fails to pay a Sum Due, or the GST payable on a Sum Due, in full by the due date:

- (a) if the debtor is a Participant, ASX may suspend or terminate the status and rights of the Participant; and
- (b) unless expressly provided otherwise in the relevant Operating Rules, the amount unpaid will carry interest at the rate determined in accordance with Schedule 5 of the Uniform Civil Procedure Rules 2005 (NSW).

Introduced 01/08/10, 25/05/15

4.2.4 ASX may pursue legal action

Notwithstanding any termination of a Participant's status under Rule 4.2.3(a), ASX may by legal action pursue payment of the Sum Due and any applicable GST (together with interest) or may accept security therefore or may agree to payment over a period of time.

Amended 01/08/10, 25/05/15

4.2.5 Monetary penalty under Alleged Minor Infringement Notice

For the avoidance of doubt, Rules 4.2.1 to 4.2.4 do not apply to a monetary penalty under an Alleged Minor Infringement Notice.

Introduced 01/08/10, 25/05/15

4.2.6 Payment of damages by Issuers to Participants

Any direction to an Issuer to pay an amount in respect of loss or damage suffered by a Participant under Rule 2.2.2(c) is a debt to that Participant due and payable by the Issuer and shall be payable within twenty eight (28) Business Days of the decision under these Rules having been notified to the Issuer.

Introduced 25/05/15

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