



ASX OPERATING RULES

SECTION 8 TRANSITIONAL PROVISIONS

DEFINITIONS USED IN THIS SECTION	803
TRANSITIONAL ARRANGEMENTS FOR EXISTING ASX MARKET PARTICIPANTS	804
TRANSITIONAL ARRANGEMENTS FOR EXISTING WARRANT-ISSUERS, AQUA PRODUCT ISSUERS AND GUARANTORS.....	805
SANCTIONS.....	806
CAPITAL REQUIREMENTS	808
Application of Rules.....	808
Participants with Trading Permission for Futures Market Transactions only	808
Other regimes of prudential supervision.....	808
Continuing obligations regarding compliance until one year after Effective Time.....	809
ACCOUNTS AND AUDIT	810
Application of Rules.....	810
Financial statements.....	810
Scope of audits.....	810
Continuing obligations regarding compliance until one year after Effective Time.....	811
FUTURES MARKET TRANSACTIONS.....	811
Application of Rules.....	811
Payment by client	811
Death of client and other circumstances	812
Default by a client.....	813
Continuing obligations regarding compliance until one year after Effective Time.....	813

SECTION 8 TRANSITIONAL PROVISIONS

DEFINITIONS USED IN THIS SECTION

[8000] In this Section 8:

"**Approved Subordinated Debt**" has the meaning it has in Schedule 1A.

"**Automated Client Order Processing**" has the meaning it had in the Old ASX Rules.

"**Capital Requirements**" means, in relation to a Market Participant, the Risk Based Capital Requirements or the NTA Requirements (as applicable).

"**Commence**" means:

- (a) in relation to disciplinary proceedings relating to conduct or a failure prior to the Effective Time, the provision of a contravention notice by ASX to the Regulated Person pursuant to Rule 2.1 of the Old Australian Securities Exchange Disciplinary Processes and Appeals Rulebook; and
- (b) in relation to appeal proceedings relating to conduct or a failure prior to the Effective Time, the provision of notice of appeal by the relevant person pursuant to Rule 3.1 of the Old Australian Securities Exchange Disciplinary Processes and Appeals Rulebook.

"**Effective Time**" means the date of commencement of Schedule 1 to the Corporations Amendment (Financial Market Supervision) Act 2010.

"**Existing AQUA Product Series**" means an AQUA Product Series that, immediately before the Effective Time, was admitted by ASX to Trading Status or the AQUA Quote Display Board (as applicable) under Section 10A of the Old ASX Rules.

"**Existing AQUA Product Issuer**" means a person that, immediately before the Effective Time, was approved by ASX as an AQUA Product Issuer under the Old ASX Rules.

"**Existing ASX Participant**" means a person that, immediately before the Effective Time, was admitted by ASX as a Market Participant under the Old ASX Rules.

"**Existing Guarantor**" means a person that, immediately before the Effective Time, was approved by ASX as a Guarantor in relation to Warrants or AQUA Products.

"**Existing Warrant-Issuer**" means a person that, immediately before the Effective Time, was approved by ASX as a Warrant-Issuer under the Old ASX Rules.

"**Existing Warrant Series**" means a Warrant Series that, immediately before the Effective Time, was admitted by ASX to Trading Status under Section 10 of the Old ASX Rules.

"**NTA Requirements**" means the requirements set out in Schedule 1B.

"**Old ASX Rules**" means the ASX Market Rules in force before the Effective Time.

"**Old Australian Securities Exchange Disciplinary Processes and Appeal Rulebook**" means the Australian Securities Exchange Disciplinary Processes and Appeals Rulebook in force before the Effective Time.

"**Old Tribunal**" means the Disciplinary Tribunal or Appeal Tribunal (as the context requires) convened in accordance with the Old Australian Securities Exchange Disciplinary Processes and Appeal Rulebook, irrespective of whether it is convened before or after the Effective Time.

"**Other Capital Regime**" is defined in Rule [8420].

"**Previous ASX Rules**" means the Old ASX Rules, and the business rules of ASX and ASX Futures Pty Ltd in force immediately before 11 March 2004.

"**Regulated Person**" has the meaning it had in the Old ASX Rules.

"**Responsible Executive**" has the meaning it had in the Old ASX Rules.

"**Risk Based Capital Requirements**" means the requirements set out in Schedule 1A.

"**Transitional Requirement End Date**" means the date which is one year after the Effective Time.

"**Unprofessional Conduct**" has the meaning it had in the Old ASX Rules.

TRANSITIONAL ARRANGEMENTS FOR EXISTING ASX MARKET PARTICIPANTS

[8100] From the Effective Time:

- (a) each Existing ASX Participant is taken to be admitted as a Market Participant under these Rules. In the case of an Existing ASX Participant who is only a Principal Trader under the Old ASX Rules, the Existing ASX Participant is taken to be admitted as a Market Participant who is only a Principal Trader under these Rules;
- (b) each person registered under the Old ASX Rules as a Market Maker immediately before the Effective Time, is taken to be registered as a Market Maker under these Rules in respect of the same Classes of Products; and
- (c) any condition, restriction or limitation imposed on an Existing ASX Participant or Market Maker, or any waiver, consent or approval granted to an Existing ASX Participant or Market Maker, under the Previous ASX Rules are, to the extent that they are applicable under these Rules, taken to be imposed or granted under these Rules.

[8101] From the Effective Time each Existing ASX Participant is automatically granted Trading Permission with respect to the Products in respect of which it had Trading Permission as an Existing ASX Participant pursuant to the Old ASX Rules and subject to the same conditions to which such permission was subject (if any).

[8102] If an Existing ASX Participant has Trading Permission for one or more Products it will automatically be granted Trading Permission with respect to the following parts of the Trading Platform as at the Effective Time:

- (a) TradeMatch;
- (b) Bulletin Board;
- (c) AQUA Quote Display Board; and
- (d) Wholesale Loan Securities Market.

[8103] If an Existing ASX Participant was entitled immediately before the Effective Time to use its system for Automated Client Order Processing in accordance with the Old

ASX Rules, it will automatically be granted Trading Permission to provide Type 1 Client Access as at the Effective Time.

- [8104] To the extent applicable under these Rules, any information or documentation (including applications or agreements) provided by an Existing ASX Participant prior to the Effective Time pursuant to or referring to the Old ASX Rules is following the Effective Time deemed to be information or documentation provided pursuant to or referring to these Rules.
- [8105] To the extent applicable under these Rules, any determinations (including as to fees) made by ASX prior to the Effective Time pursuant to the Old ASX Rules are following the Effective Time deemed to be determinations made by ASX pursuant to these Rules.
- [8106] Nothing in these Rules affects any accrued rights which ASX or any other person has against any Existing ASX Participant, Responsible Executive or any other person under the Previous ASX Rules or any accrued obligations which an Existing ASX Participant, Responsible Executive or any other person has under the Previous ASX Rules to ASX or to any other person. Without limiting this Rule, following the Effective Time:
- (a) ASX and the Old Tribunal will continue to have jurisdiction in respect of any Existing ASX Participant or Responsible Executive concerning any conduct or failure occurring prior to the Effective Time as set out in Rules [8300] and [8301];
 - (b) each Existing ASX Participant, Responsible Executive and any other person continues to be bound by any warranty undertaking or indemnity given prior to the Effective Time by such person under the Previous ASX Rules to ASX or any other person; and
 - (c) the Previous ASX Rules continue to apply in respect of any Existing ASX Participant, Responsible Executive and any other person to the extent required to give effect to this Rule [8106].

TRANSITIONAL ARRANGEMENTS FOR EXISTING WARRANT-ISSUERS, AQUA PRODUCT ISSUERS AND GUARANTORS

- [8200] From the Effective Time:
- (a) each Existing Warrant-Issuer, Existing AQUA Product Issuer or Existing Guarantor is taken to be approved as a Warrant-Issuer, AQUA Product Issuer or Guarantor under these Rules;
 - (b) each person registered under the Old ASX Rules as a Warrant Market Making Agent of an Existing Warrant-Issuer or an AQUA Product Market Making Agent of an Existing AQUA Product Issuer immediately before the Effective Time, is taken to be registered as a Warrant Market Making Agent or AQUA Product Market Making Agent of the same Warrant-Issuer or AQUA Product Issuer (as applicable) under these Rules; and
 - (c) any condition, restriction or limitation imposed on an Existing Warrant-Issuer, Existing AQUA Product Issuer or Existing Guarantor, or any waiver granted to an Existing Warrant-Issuer, Existing AQUA Product Issuer or Existing Guarantor, under the Old ASX Rules are, to the extent that they are applicable under these Rules, taken to be imposed or granted under these Rules.

- [8201] From the Effective Time:

- (a) each Existing Warrant Series admitted to Trading Status is taken as admitted to Trading Status under these Rules and subject to the same conditions to which such admission was subject (if any);
- (b) each Existing AQUA Product Series admitted to Trading Status or to the AQUA Quote Display Board (as applicable) is taken as admitted to Trading Status or to the AQUA Quote Display Board (as applicable) under these Rules and subject to the same conditions to which such admission was subject (if any).

[8202] To the extent applicable under these Rules, any information or documentation (including applications or agreements) provided by an Existing Warrant-Issuer, Existing AQUA Product Issuer or Existing Guarantor prior to the Effective Time pursuant to or referring to the Old ASX Rules is following the Effective Time deemed to be information or documentation provided pursuant to or referring to these Rules.

[8203] To the extent applicable under these Rules, any determinations (including as to fees) made by ASX prior to the Effective Time pursuant to the Old ASX Rules are following the Effective Time deemed to be determinations made by ASX pursuant to these Rules.

[8204] Nothing in these Rules affects any accrued rights which ASX or any other person has against any Existing Warrant-Issuer, Existing AQUA Product Issuer or Existing Guarantor or any other person under the Old ASX Rules or any accrued obligations which an Existing Warrant-Issuer, Existing AQUA Product Issuer or Existing Guarantor or any other person has under the Old ASX Rules to ASX or to any other person. Without limiting this Rule, following the Effective Time:

- (a) ASX will continue to have jurisdiction in respect of any Existing Warrant-Issuer, Existing AQUA Product Issuer or Existing Guarantor concerning any conduct or failure occurring prior to the Effective Time;
- (b) each Existing Warrant-Issuer, Existing AQUA Product Issuer or Existing Guarantor and any other person continues to be bound by any warranty undertaking or indemnity given prior to the Effective Time by such person under the Old ASX Rules to ASX or any other person; and
- (c) the Old ASX Rules continue to apply in respect of any Existing Warrant-Issuer, Existing AQUA Product Issuer or Existing Guarantor and any other person to the extent required to give effect to this Rule [8204].

SANCTIONS

[8300] Following the Effective Time:

- (a) ASX will have jurisdiction pursuant to Rule [5100] and the ASX Enforcement and Appeals Rulebook and may take any action under that rule or rulebook in respect of a Market Participant concerning any conduct or failure under:
 - (i) these Rules, where that conduct or failure occurred on or after the Effective Time; or
 - (ii) these Rules and the Old ASX Rules, where the relevant conduct or failure the subject of the action spans both prior to and following the Effective Time,

irrespective of when ASX became aware of, or should have become aware of, that conduct or failure;

- (b) the Appeal Tribunal will have jurisdiction pursuant to the ASX Enforcement and Appeals Rulebook and may conduct appeal proceedings (including the holding of any hearings or engaging in any procedures) under those Rules in respect of a Market Participant concerning any conduct or failure under:
- (i) these Rules, where that conduct or failure occurred on or after the Effective Time; or
 - (ii) these Rules and the Old ASX Rules, where the relevant conduct or failure the subject of the proceedings spans both prior to and following the Effective Time,
- irrespective of when ASX became aware of, or should have become aware of, that conduct or failure;
- (c) ASX will continue to have jurisdiction pursuant to Rule 28.3.1 of the Old ASX Rules and the Old Australian Securities Exchange Disciplinary Processes and Appeals Rulebook and may take disciplinary action under that rule or rulebook after the Effective Time in respect of a Regulated Person concerning any conduct under, any failure to comply with, or any engagement in Unprofessional Conduct under, the Old ASX Rules, where that conduct or failure occurred prior to the Effective Time, irrespective of when ASX became aware of, or should have become aware of, that conduct or failure;
- (d) the Old Tribunal shall continue to have jurisdiction to conduct disciplinary proceedings (including any appeal proceedings from those disciplinary proceedings) or appeal proceedings (as the case may be) in accordance with, and pursuant to its jurisdiction under, the provisions of the Old Australian Securities Exchange Disciplinary Processes and Appeal Rulebook in respect of a Regulated Person concerning any conduct under, any failure to comply with, or any engagement in Unprofessional Conduct under, the Old ASX Rules, where that conduct or failure occurred prior to the Effective Time, irrespective of whether disciplinary or appeal proceedings have Commenced prior to the Effective Time or when ASX became aware of, or should have become aware of, that conduct or failure;
- (e) for the purposes of paragraphs (c) and (d) above:
- (i) the maximum penalty that may be imposed on a Regulated Person shall be the maximum penalty that would have been imposed for the relevant conduct or failure under the rules in existence at the time that the relevant conduct or failure occurred, irrespective of whether the disciplinary proceedings or appeal proceedings (as the case may be) were Commenced before or after the Effective Time;
 - (ii) ASX and the Old Tribunal shall take disciplinary action and conduct the disciplinary proceedings or appeal proceedings (as the case may be) with due regard to the relevant rules that were in force at the time that they were alleged to be contravened;
- (f) Old ASX Rules and the Old Australian Securities Exchange Disciplinary Processes and Appeals Rulebook continue to apply in respect of the Regulated Person to the extent required to give effect to the paragraphs above;
- (g) Nothing in this Rule [8300] limits the continued operation of rule 28.20 of the Old ASX Rules where disciplinary proceedings or appeal proceedings have Commenced (as defined in the Old ASX Rules) prior to the Effective Time (as defined in the Old ASX Rules).

- [8301] For the avoidance of doubt, where the relevant conduct or failure the subject of the action or proceeding spans both prior to and following the Effective Time:
- (a) ASX and the Appeal Tribunal will have the jurisdiction and may take action or conduct appeal proceedings as referred to in Rules [8300](a) & (b) above;
 - (b) Rules [8300](c), (d) and (e) do not apply to such conduct or failure.

CAPITAL REQUIREMENTS

Application of Rules

- [8400] Rules [8400] to [8426] apply until the Transitional Requirement End Date. Subject to Rules [8430] and [8431], after that date they cease to apply.
- [8401] A Market Participant must at all times comply with the Risk Based Capital Requirements, unless:
- (a) the Market Participant is only a Principal Trader;
 - (b) the Market Participant has elected to comply with the NTA Requirements under Rules [8410] to [8412];
 - (c) the Market Participant is a Clearing Participant of an Approved Clearing Facility and complies with the capital requirements under the Clearing Rules; or
 - (d) ASX exempts the Market Participant from the Capital Requirements under Rules [8420] to [8426].

Note: The Risk Based Capital Requirements are contained in Schedule 1A and the NTA Requirements are contained in Schedule 1B.

Participants with Trading Permission for Futures Market Transactions only

- [8410] Unless Rules [8420] to [8426] apply, a Market Participant with Trading Permission for Futures Market Transactions only must elect to comply with either the Risk Based Capital Requirements or the NTA Requirements. That election must be made in any application for Trading Permission and may only be changed in accordance with Rule [8412]. A Market Participant must at all times comply with the Capital Requirements with which it has elected to comply.

Note: The NTA Requirements are contained in Schedule 1B.

- [8411] A Market Participant with Trading Permission for Futures Market Transactions only and to which the NTA Requirements or the Risk Based Capital Requirements applies is not entitled to change to the other requirements without the prior written consent of ASX.
- [8412] A Trading Participant which is entitled to comply with the NTA Requirements under Rule [8410] must comply with the Risk Based Capital Requirements if it is granted Trading Permission for Products other than Futures Market Transactions (unless the Trading Participant is only a Principal Trader in respect of the other Products).

Other regimes of prudential supervision

- [8420] ASX may, if requested in writing, exempt a Market Participant with Trading Permission for Futures Market Transactions only from the requirement to comply with the Capital Requirements under Rule [8401] or Rules [8410] to [8412] if the

Market Participant can satisfy ASX that the Market Participant is subject to an appropriate level of prudential supervision (the "Other Capital Regime").

- [8421] ASX may impose conditions on the Market Participant in connection with any exemption under Rule [8420] including, without limitation, a condition to the effect that the exemption will only apply for as long as there is an arrangement in place between ASX and the regulator responsible for the Other Capital Regime governing access to, and the exchange of information relating to compliance and non-compliance with the Other Capital Regime.
- [8422] A Market Participant which relies on an exemption under Rule [8420] must provide to ASX all documentation and information relating to compliance (or non-compliance) by the Market Participant with the Other Capital Regime which ASX requests. The documentation and information must be provided by the time and in the manner and form specified by ASX.
- [8423] If a Market Participant relies on an exemption under Rule [8420], the Market Participant acknowledges that the regulator responsible for the Other Capital Regime and ASX may provide any documents or other information in relation to the Market Participant's capital position to the other and to any Related Body Corporate.
- [8424] Where documentation or information is provided or made available by or on behalf of a Market Participant or the other regulator under Rules [8422] or [8423] in a language other than English or in a form which is not readily accessible by ASX, the Market Participant indemnifies ASX against any costs and expenses ASX incurs in connection with translating that documentation or information into English and obtaining access to that documentation or information.
- [8425] A Market Participant which relies on an exemption under Rule [8420] must at all times comply with the Other Capital Regime and any condition imposed by ASX under Rule [8421]. If a Market Participant ceases to be subject to the Other Capital Regime, it must notify ASX in writing immediately and must specify in the notice whether it elects to comply with the Risk Based Capital Requirements or the NTA Requirements (as applicable) and immediately comply with those requirements.
- [8426] A Market Participant which relies on an exemption under Rule [8420] must notify ASX in writing immediately of any failure by the Market Participant to comply with the Other Capital Regime or any condition imposed by ASX under Rule [8421].

Continuing obligations regarding compliance until one year after Effective Time

- [8430] Where Rules [8400] to [8426] would, other than for Rule [8400], require a Market Participant to do any thing (including provide any information) after the Transitional Requirement End Date regarding compliance by the Market Participant with its obligations under Rules [8400] to [8426] during the period to the Transitional Requirement End Date, then notwithstanding Rule [8400] the Participant continues to be obliged to do that thing.

Rules [8400] to [8426] continue to apply in respect of any Market Participant to the extent required to give effect to this Rule [8430].

- [8431] Nothing in Rule [8400] affects any accrued rights which ASX has against a Market Participant under Rules [8400] to [8426] or any accrued obligations which a Market Participant has under Rules [8400] to [8426] to ASX as at the Transitional Requirement End Date. Without limiting this Rule, following the Transitional Requirement End Date:

- (a) ASX and the Appeal Tribunal will continue to have jurisdiction in respect of any Market Participant and may take action or conduct proceedings under

- Rule [5100] and the ASX Enforcement and Appeals Rulebook (as applicable) concerning any conduct or failure under Rules [8400] to [8426] on or prior to the Transitional Requirement End Date;
- (b) each Market Participant continues to be bound by any warranty undertaking or indemnity given on or prior to the Transitional Requirement End Date by the Market Participant under Rules [8400] to [8426] to ASX; and
 - (c) Rules [8400] to [8426] continue to apply in respect of any Market Participant to the extent required to give effect to this Rule [8431].

ACCOUNTS AND AUDIT

Application of Rules

- [8500] Rules [8500] to [8520] apply until the Transitional Requirement End Date. Subject to Rules [8530] and [8531], after that date they cease to apply.
- [8501] Rules [8500] to [8520] do not apply to Market Participants that are only approved as Principal Traders.

Financial statements

- [8510] A Market Participant must prepare and deliver to ASX by the time set out in the Procedures:
- (a) financial statements, in a form set out in the Procedures, which give a true and fair view of the financial position and performance of the business as at the end of the financial year and which is prepared in accordance with accounting standards and principles which are generally accepted in Australia, unless ASX determines otherwise; and
 - (b) an auditor's report in a form set out in the Procedures.
- If the financial year end of the Market Participant is other than 30 June, the Market Participant must notify ASX of its financial year end.
- [8511] ASX may extend by up to one month the time by which the Market Participant must deliver the financial statements and auditor's report under Rule [8510], if it considers that an extension is appropriate in the circumstances.

Scope of audits

- [8520] A Market Participant must give its auditor access to its premises and Employees and all records, documents, explanations and other information required by the auditor in respect of any audit conducted under Rule [8510]. A Market Participant must:
- (a) not impose any limitation on the extent of any audit required under Rule [8510]; and
 - (b) permit and direct the auditor to notify ASX immediately if any limitation is imposed on the auditor, or if the auditor is hindered or delayed in the performance of the auditor's duties.

The records of each of the Market Participant's nominee companies must be included in the audit.

Continuing obligations regarding compliance until one year after Effective Time

[8530] Where Rules [8500] to [8520] would, other than for Rule [8500], require a Market Participant to do any thing (including provide any information) after the Transitional Requirement End Date regarding compliance by the Market Participant with its obligations under Rules [8500] to [8520] during the period to the Transitional Requirement End Date, then notwithstanding Rule [8500] the Participant continues to be obliged to do that thing.

Rules [8500] to [8520] continue to apply in respect of any Market Participant to the extent required to give effect to this Rule [8530].

[8531] Nothing in Rule [8500] affects any accrued rights which ASX has against a Market Participant under Rules [8500] to [8520] or any accrued obligations which a Market Participant has under Rules [8500] to [8520] to ASX as at the Transitional Requirement End Date. Without limiting this Rule, following the Transitional Requirement End Date:

- (a) ASX and the Appeal Tribunal will continue to have jurisdiction in respect of any Market Participant and may take action or conduct proceedings under Rule [5100] and the ASX Enforcement and Appeals Rulebook (as applicable) concerning any conduct or failure under Rules [8500] to [8520] on or prior to the Transitional Requirement End Date;
- (b) each Market Participant continues to be bound by any warranty undertaking or indemnity given on or prior to the Transitional Requirement End Date by the Market Participant under Rules [8500] to [8520] to ASX; and
- (c) Rules [8500] to [8520] continue to apply in respect of any Market Participant to the extent required to give effect to this Rule [8531].

FUTURES MARKET TRANSACTIONS

Application of Rules

[8600] Rules [8600] to [8631] apply until the Transitional Requirement End Date. Subject to Rules [8640] and [8641], after that date they cease to apply.

Payment by client

[8610] Rules [8610] to [8616] apply only where the Market Participant is regarded as the client of a Clearing Participant and holds positions in Futures Market Transactions on an omnibus basis for its own clients.

[8611] Where a Market Participant is required to pay an amount of Initial Margin to a Clearing Participant (or to a participant of an Alternative Clearing Facility) in respect of positions the Market Participant holds for the benefit of one or more of its clients, the Market Participant must, in turn, call a corresponding amount from the relevant client or clients.

Subject to Rule [8613], the call must be made in sufficient time to ensure that the Market Participant is placed in funds before the Market Participant is obliged to pay the corresponding amount to the Clearing Participant, (or, if applicable, the participant of an Alternative Clearing Facility).

The Market Participant is also entitled, at any time, to ask its client to pay any additional amount which it considers appropriate to manage the risk to which it is exposed.

[8612] A Market Participant is also entitled to call from its client an amount sufficient to cover amounts which the Market Participant has been required to pay to its Clearing Participant pursuant to the close out, settlement or daily settlement of Open Contracts under the Clearing Rules (or to a participant of an Alternative Clearing Facility under the rules of that facility). Subject to Rule [8613], if, at any time, the net amount of those amounts payable by the client exceeds 25% of the amount of Initial Margin called under Rule [8611], the Market Participant must call that amount. This Rule does not prevent the Market Participant from calling the amount at an earlier time or from calling an additional amount which it considers appropriate to manage the risk to which it is exposed.

[8613] A Market Participant is not required to make a call under Rule [8611] or Rule [8612] if:

- (a) (in the case of a call under Rule [8612]) the amount of the call at that time is less than the amount set out in the Procedures;
- (b) the client has already paid that amount to the relevant Market Participant; or
- (c) the client has provided security for that amount to the relevant Market Participant (or to an Approved Clearing Facility on behalf of the Clearing Participant or an Alternative Clearing Facility, if applicable, on behalf of a participant) which is acceptable to the relevant Market Participant.

[8614] The client must, by the time specified in the relevant Client Agreement:

- (a) pay to the Market Participant any amounts which the Market Participant asks the client to pay under Rule [8611] or Rule [8612]; or
- (b) provide security for the amounts referred to in paragraph (a) which is acceptable to the Market Participant.

[8615] If no time is agreed between the Market Participant and the client for the purpose of Rule [8614], the client must meet its obligations under Rule [8614] within 24 hours after the request for payment.

[8616] The time agreed between the Market Participant and its client for the purpose of Rule [8614] must not be later than 48 hours after the request for payment.

Death of client and other circumstances

[8620] Rules [8620] to [8625] apply only where the Market Participant is regarded as the client of a Clearing Participant and holds positions in Futures Market Contracts on an omnibus basis for its own clients.

[8621] If a Market Participant becomes aware of the death of a client and, after reasonable enquiry, the Market Participant does not know the identity of the legal representative of the client, the Market Participant may exercise the powers under Rule [8624].

[8622] If:

- (a) a Market Participant becomes aware of the death of a client;
- (b) the Market Participant knows the identity of the legal representative who has been appointed to the client's estate; and
- (c) the legal representative does not, after being requested by the Market Participant, undertake to meet the client's obligations in respect of one or more Open Contracts for the benefit of the client's estate,

the Market Participant may exercise the powers under Rule [8624] in respect of those Open Contracts for which the undertaking referred to in paragraph (c) is not given by the legal representative.

[8623] If the Market Participant, after reasonable enquiry, has been unable to contact a client to obtain instructions in respect of the exercise of any rights or the performance of any obligations in connection with an Open Contract, the Market Participant may exercise the powers under Rule [8624].

[8624] If Rules [8621], [8622] or [8623] apply, the Market Participant may, without giving prior notice to the client or the legal representative (as the case may be), take any action, or refrain from taking action, which it considers reasonable in the circumstances in connection with Open Contracts held for the benefit of the relevant client or the estate of the client (as the case may be) and, without limitation, the Market Participant may:

- (a) enter into, or cause to be entered into, one or more Futures Market Transactions to effect the close out of one or more Open Contracts;
- (b) exercise one or more Options Market Contracts; or
- (c) exercise, or cause to be exercised, any other rights conferred by the Rules or the Client Agreement or perform any other obligations arising under the Rules or the Client Agreement in respect of those Open Contracts,

and the client or the estate of the client (as the case may be) must account to the Market Participant as if those actions were taken on the instructions of the client and, without limitation, is liable for any deficiency and is entitled to any surplus which may result.

[8625] A Market Participant must keep records in writing containing full particulars of all enquiries made and action taken under Rules [8620] to [8625].

Default by a client

[8630] Rules [8630] to [8631] apply only where the Market Participant is regarded as the client of a Clearing Participant and holds positions in Futures Markets Contracts on an omnibus basis for its own clients.

[8631] If:

- (a) a client fails to pay, or provide security for, amounts payable to the Market Participant under Rule [8611] or Rule [8612];
- (b) a client fails to discharge any obligation in connection with the settlement of an Open Contract in accordance with its terms; or
- (c) any other event occurs which the Market Participant and the client have agreed entitles the Market Participant to take action in respect of the client,

the Market Participant may exercise any rights which the Market Participant has under these Rules, the Client Agreement, the Clearing Agreement or otherwise. The client must account to the Market Participant for any deficiency and is entitled to any surplus which may result from the exercise of those rights.

Continuing obligations regarding compliance until one year after Effective Time

[8640] Where Rules [8600] to [8631] would, other than for Rule [8600], require a Market Participant to do any thing (including provide any information) after the Transitional Requirement End Date regarding compliance by the Market Participant with its obligations under Rules [8600] to [8631] during the period to the Transitional

Requirement End Date, then notwithstanding Rule [8600] the Participant continues to be obliged to do that thing.

Rules [8600] to [8631] continue to apply in respect of any Market Participant to the extent required to give effect to this Rule [8640].

[8641] Nothing in Rule [8600] affects any accrued rights which ASX has against a Market Participant under Rules [8600] to [8631] or any accrued obligations which a Market Participant has under Rules [8600] to [8631] to ASX as at the Transitional Requirement End Date. Without limiting this Rule, following the Transitional Requirement End Date:

- (a) ASX and the Appeal Tribunal will continue to have jurisdiction in respect of any Market Participant and may take action or conduct proceedings under Rule [5100] and the ASX Enforcement and Appeals Rulebook (as applicable) concerning any conduct or failure under Rules [8600] to [8631] on or prior to the Transitional Requirement End Date;
- (b) each Market Participant continues to be bound by any warranty undertaking or indemnity given on or prior to the Transitional Requirement End Date by the Market Participant under Rules [8600] to [8631] to ASX; and
- (c) Rules [8600] to [8631] continue to apply in respect of any Market Participant to the extent required to give effect to this Rule [8641].

End of Section.