

## SECTION 8 HOLDING FINANCIAL PRODUCTS IN THE SETTLEMENT FACILITY

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## SECTION 8            HOLDING FINANCIAL PRODUCTS IN THE SETTLEMENT FACILITY

In order to participate in the Settlement Facility, an Issuer's Financial Products must be Approved by ASX Settlement under these Rules. This Section sets out the requirements which Financial Products must satisfy in order to be Approved, including the Technical and Performance Requirements which an Issuer must satisfy and also contains provisions in relation to:

- (a) suspension and revocation of Approval;
- (b) establishing and dealing with Holdings of Financial Products and CHESS Subregisters; and
- (c) other provisions affecting Holdings (such as confidentiality, Holding Locks, reporting, recording details, Corporate Actions and correction of errors).

### 8.1            APPROVAL OF ISSUERS AND FINANCIAL PRODUCTS

#### 8.1.1        Approval of person as Issuer and Approval of Financial Products quoted by an Approved Listing Market Operator

A person who has applied for a class of Financial Products to be quoted on the market of an Approved Listing Market Operator may apply to ASX Settlement in the form prescribed in the Procedures to act as Issuer in relation to that class of Financial Products and to have the class of Financial Products Approved.

Introduced 11/03/04 Origin SCH 3.1.1, 3.1.2 Amended 27/06/11

#### 8.1.2        Approval of person as Issuer and Approval of other Financial Products

A person may apply to ASX Settlement in the form prescribed in the Procedures to act as Issuer in relation to a class of Financial Products other than a class to be quoted on an Approved Listing Market Operator and to have that class of Financial Products Approved.

Introduced 11/03/04 Amended 27/06/11

#### 8.1.3        Action by ASX Settlement

Upon receipt of an application under Rules 8.1.1 or 8.1.2, ASX Settlement will process the application and determine, in its absolute discretion, including whether a class of Financial Product is an excluded Class of Financial Product either to accept the application or reject the application. In accepting an application, ASX Settlement may impose any conditions it considers appropriate having regard to the integrity, reliability and efficiency of the Settlement Facility.

Introduced 11/03/04 Amended 04/04/05

#### **8.1.4 Effective date of Approval – Financial Products quoted on a market**

Where ASX Settlement determines to accept an application made under 8.1.1 in accordance with Rule 8.1.3, the following applies in relation to that class of the Issuer's Financial Products:

- (a) subject to Rule 8.1.4(b)(i), the class of the Issuer's Financial Products will be Approved Financial Products with effect from the date that those Financial Products are quoted by the Approved Listing Market Operator unless:
  - (i) otherwise determined by ASX Settlement;
  - (ii) otherwise agreed with the Issuer;
  - (iii) the date is otherwise varied under Rule 8.4.3; or
  - (iv) Rule 8.3.3 or Rule 8.3.4 applies; and
- (b) ASX Settlement must give Notice to the Issuer and to the Approved Listing Market Operator if ASX Settlement determines that:
  - (i) a class of an Issuer's Financial Products that is to be quoted by the Approved Listing Market Operator will not be Approved;
  - (ii) the Commencement Date is not the date of initial quotation of those Financial Products; or
  - (iii) a class of an Issuer's Financial Products are not taken to be quoted under Rule 8.3.3.

Introduced 11/03/04 Amended 27/06/11

#### **8.1.5 Effective date of Approval – other Financial Products**

Where ASX Settlement determines to accept an application made under Rule 8.1.2 in accordance with Rule 8.13, the Commencement Date for that class of the Issuer's Financial Products will be the date that ASX Settlement notifies the Issuer that those Financial Products are Approved or such other date determined by ASX Settlement.

Introduced 11/03/04

### **8.2 PRE-COMMENCEMENT TESTING**

#### **8.2.1 Issuer to meet Technical and Performance Requirements**

An Issuer must ensure that it meets the Technical and Performance Requirements before the Commencement Date and ASX Settlement may:

- (a) require an Issuer to undertake Pre-commencement Testing in respect of Financial Products that are to be Approved under Rule 8.1, at least 30 Business Days before the Commencement Date;

- (b) give advice or directions in order to ensure that an Issuer meets the Technical and Performance Requirements;
- (c) vary the Commencement Date, if an Issuer fails to meet the Technical and Performance Requirements before the Commencement Date, and

if ASX Settlement varies the Commencement Date in accordance with this Rule 8.2, ASX Settlement must give Notice to the Issuer and where applicable to the Approved Listing Market Operator.

Introduced 11/03/04 Origin SCH 3.2 Amended 27/06/11

## **8.3 WHEN CERTAIN FINANCIAL PRODUCTS TAKEN TO BE QUOTED FINANCIAL PRODUCTS**

### **8.3.1 Financial Products approved for quotation**

Subject to Rules 8.3.3 and 8.3.4, for the purposes of these Rules and Regulation 7.11.03 of the Corporations Regulations, if:

- (a) a class of Financial Products of an Issuer has been approved for quotation by an Approved Listing Market Operator but has not yet been quoted; and
- (b) Financial Products in that class have been issued,

those Financial Products are taken to be quoted Financial Products from the date the Financial Products are approved for quotation by that Approved Listing Market Operator until the date the Financial Products are quoted.

Introduced 11/03/04 Origin SCH 3.3.1 Amended 27/06/11

### **8.3.2 Financial Products issued under an employee incentive scheme**

For the purposes of these Rules and Section 1071H(2) of the Corporations Act, if Financial Products are issued by an Issuer under an employee incentive scheme, those Financial Products will be Approved with effect from the Issue Date unless ASX Settlement determines otherwise, notwithstanding that those Financial Products have not been quoted by the Approved Listing Market Operator.

Introduced 11/03/04 Origin SCH 3.3.2 Amended 27/06/11, 04/03/13

### **8.3.3 Quotation on exempt or special stock markets**

For the purpose of these Rules, Financial Products are quoted on exempt or special stock markets under the Old Corporations Act or exempt financial markets under the Corporations Act when:

- (a) that class of Financial Products has been approved for quotation by an exempt or special stock market or exempt financial market;
- (b) the operator of the exempt or special stock market or exempt financial market agrees to co-operate with ASX Settlement and provide such information and assistance as ASX Settlement reasonably requires in carrying out its functions in relation to those Financial Products;

- (c) the operator of that stock market or exempt financial market, in its rules, requires its members and Issuers to be bound by the provisions of these Rules;
- (d) the Issuer gives notice to ASX Settlement that it seeks Approval of that class of Financial Products; and
- (e) a declaration, where required, by the Commission for the purposes of Regulation 7.11.03 of the Corporations Regulations has effect.

Introduced 11/03/04 Origin SCH 3.3.3

### **8.3.4 ETF Financial Products**

For the purposes of these Rules:

- (a) if a class of an Issuer's ETF Financial Products has been approved by an Approved Listing Market Operator; and
- (b) new ETF Financial Products of that class are subject to an ETF Application,

those new ETF Financial Products are taken to be Approved Financial Products from the time the ETF Application is received by the Issuer.

Introduced 11/03/04 Origin SCH 3.3.4 Amended 27/06/11

### **8.3.5 ASX Settlement liability regarding ETF Applications**

ASX Settlement has no liability to:

- (a) the Issuer;
- (b) Participants; or
- (c) subscribers,

with respect to:

- (d) the processing of ETF Applications;
- (e) the issue of new ETF Financial Products contemplated under Rule 8.3.4,

or the operating rules of an Approved Market Operator unless it acts negligently or in breach of these Rules.

Introduced 11/03/04 Origin SCH 3.8.1 Amended 04/03/13

## **8.4 SUSPENSION AND REVOCATION OF APPROVAL**

### **8.4.1 Suspension or revocation of approval**

Subject to Rule 8.4.2(a), ASX Settlement may either:



- (a) suspend approval of a class of an Issuer's Financial Products until further Notice, being such time as ASX Settlement considers appropriate in the circumstances; or
- (b) revoke approval of a class of an Issuer's Financial Products, whether or not approval of the Financial Products is already suspended,

in any of the following cases:

- (c) an Issuer becomes unable or unwilling or in any respect fails to comply with:
  - (i) these Rules; or
  - (ii) Listing Rules that relate to settlement, transfer or registration of approved Financial Products;
- (d) the Approved Listing Market Operator suspends trading in a class of an Issuer's approved Financial Products;
- (e) that class of the Issuer's Financial Products is listed on a market operated by an Approved Listing Market Operator which is provided with a Settlement Facilitation Service under Rule 4.1A and:
  - (i) the Settlement Facilitation Service is terminated under Rule 4.1A.6, in which case ASX Settlement will revoke approval of that class of an Issuer's Financial Products; or
  - (ii) the Approved Listing Market Operator is in breach of its obligations under a Settlement Facilitation Service Agreement, in which case ASX Settlement may suspend approval of that class of the Issuer's Financial Products for such time as the Approved Listing Market Operator remains in breach or until such time as the Approved Listing Market Operator's Settlement Facilitation Service is terminated under Rule 4.1A.6 (in which case Rule 8.4.1(e)(i) will apply); or
- (f) ASX Settlement considers it necessary or desirable having regard to:
  - (i) the integrity, reliability and efficiency of the Settlement Facility; or
  - (ii) the protection of Participants from risk of loss.

Introduced 11/03/04 Origin SCH 3.4.1, 3.5.5 Amended 10/06/04, 22/01/10, 27/06/11, 28/12/11, 25/05/15

#### **8.4.2 Notice of intention to suspend or revoke approval**

If ASX Settlement intends to suspend or revoke approval of a class of an Issuer's Financial Products:

- (a) under Rule 8.4.1(a), ASX Settlement must give such Notice to the Issuer as ASX Settlement considers reasonable in the circumstances in order to allow the Issuer an opportunity to remedy a failure to comply with these Rules or Listing Rules that relate to settlement, transfer or registration of approved Financial Products;

- (b) under Rule 8.4.1(b) or (c), ASX Settlement must give such Notice to the Issuer as ASX Settlement considers reasonable in the circumstances;
- (c) under rule 8.4.1(e), ASX Settlement must give such Notice to the Issuer as ASX Settlement considers reasonable in the circumstances; and
- (d) ASX Settlement must, at the time of giving Notice to the Issuer under Rule 8.4.2(a), (b) or (c), give a copy of that Notice to the Approved Listing Market Operator.

Introduced 11/03/04 Origin SCH 3.4.2 Amended 10/06/04, 22/01/10, 27/06/11

### **8.4.3 Notice of suspension or revocation**

If ASX Settlement suspends or revokes approval of a class of an Issuer's Financial Products in accordance with Rule 8.4.1, ASX Settlement must promptly give Notice of the suspension or revocation to:

- (a) the Issuer;
- (b) the Approved Listing Market Operator; and
- (c) to the extent that ASX Settlement considers reasonably necessary, other Facility Users.

including in the Notice:

- (d) the time and date on which the suspension or revocation is effective; and
- (e) the reason for the suspension or revocation.

Introduced 11/03/04 Origin SCH 3.4.3, 3.4.4 Amended 10/06/04, 27/06/11, 25/05/15

### **8.4.4 Appeal against revocation of approval**

If ASX Settlement revokes approval of a class of an Issuer's Financial Products under Rule 8.4.1(b), the Issuer may appeal against the revocation in accordance with the provisions of the ASX Enforcement and Appeals Rulebook.

Introduced 11/03/04 Origin SCH 3.4.5, 3.4.6, 3.4.7 Amended 10/06/04, 31/03/08, 01/08/10, 25/05/15

### **8.4.5 Convening of Appeal Tribunal – [Deleted]**

Introduced 11/03/04 Origin SCH 3.4.8, 3.4.9, 3.4.10 Deleted 31/03/08

### **8.4.6 Conduct of appeal and decisions – [Deleted]**

Introduced 11/03/04 Origin SCH 3.4.11, 3.4.12 Amended 10/06/04 Deleted 31/03/08

### **8.4.7 Decision of Appeal Tribunal is binding – [Deleted]**

Introduced 11/03/04 Origin SCH 3.4.13 Amended 10/06/04 Deleted 31/03/08

#### **8.4.8 Cessation of approval**

Subject to these Rules and the Corporations Act, approval of a class of an Issuer's Financial Products will cease and be of no further force or effect when:

- (a) the Financial Products in that class cease to be quoted by the Approved Listing Market Operator (other than because quotation is merely suspended);
- (b) a declaration made by the Commission under section 1073E or section 1075A of the Corporations Act to the effect that a financial product is a Division 4 financial product for the purposes of the Corporations Regulations ceases to have effect; or
- (c) ASX Settlement determines that a class of Financial Products the subject of an application under Rule 8.1.3 will no longer be approved,

in which event, for the purpose of these Rules, Financial Products in that class are taken to be Approved Financial Products:

- (d) until End of Day, 5 Business Days after the date of closure of the CHESSE Subregister for that class of Financial Products; or
- (e) for such period as ASX Settlement determines and notifies to the Issuer.

Introduced 11/03/04 Origin SCH 3.7.1, 3.7.2 Amended 10/06/04, 19/08/09, 27/06/11

### **8.5 EFFECTS OF SUSPENSION AND REVOCATION OF APPROVAL**

#### **8.5.1 Action taken by ASX Settlement upon suspension**

Subject to Rule 8.5.2, if ASX Settlement suspends approval of a class of an Issuer's Financial Products, ASX Settlement must:

- (a) if an Instruction or Message would affect a CHESSE Holding of Financial Products in that class:
  - (i) suspend all such Instructions it has already received; and
  - (ii) reject all such Instructions or Messages that are subsequently received;
- (b) on each Business Day that the class of Financial Products remains suspended, reschedule any suspended Instructions for settlement on the next Business Day; and
- (c) cancel any Instruction that remains suspended on the 10th Business Day after suspension of approval.

Introduced 11/03/04 Origin SCH 3.5.1 Amended 10/06/04

#### **8.5.2 Discretion to allow Instruction**

If ASX Settlement suspends approval of a class of an Issuer's Financial Products, ASX Settlement may in its discretion determine to give effect to an Instruction or a class of

Instructions or a Message or a class of Messages that would affect a CHES Holding of Financial Products in that class and if ASX Settlement so determines must give notice to:

- (a) the Issuer;
- (b) the Approved Listing Market Operator; and
- (c) to the extent that ASX Settlement considers reasonably necessary, other Facility Users.

Introduced 11/03/04 Origin SCH 3.5.2, 3.5.3 Amended 10/06/04, 18/12/06, 27/06/11

### **8.5.3 Removal of suspension**

If ASX Settlement is satisfied that the circumstances that gave rise to a suspension no longer exist, ASX Settlement must:

- (a) remove the suspension; and
- (b) give Notice to:
  - (i) the Issuer;
  - (ii) the relevant Approv/ed Market Operator; and
  - (iii) to the extent ASX Settlement considers reasonably necessary, other Facility Users.

Introduced 11/03/04 Origin SCH 3.5.4

### **8.5.4 Revocation if suspension continues – [Deleted]**

Introduced 11/03/04 Origin SCH 3.5.6 Amended 10/06/04 Deleted 25/05/15

### **8.5.5 Effect of revocation**

If ASX Settlement revokes approval of a class of an Issuer's Financial Products, ASX Settlement must, from the effective date of the revocation:

- (a) reject all Instructions or Messages that would affect a CHES Holding of Financial Products in that class; and
- (b) close the CHES Subregister for that class of Financial Products in accordance with Rule 8.14.1.

Introduced 11/03/04 Origin SCH 3.6.1 Amended 10/06/04

## **8.6 CHES SUBREGISTERS**

### **8.6.1 Status of CHES Subregister**

ASX Settlement must administer, as agent of an Issuer in accordance with these Rules, a CHES Subregister for each class of the Issuer's Approved Financial Products to which the following provisions apply:

- (a) subject to paragraph (b), the CHESS Subregister for a class of an Issuer's Approved Financial Products forms part of the Issuer's principal register for that class of Financial Products; and
- (b) if an Issuer's principal register for a class of Approved Financial Products is located outside Australia, the CHESS Subregister forms part of the Issuer's principal Australian register, notwithstanding the fact that the Australian register is a branch register and forms a part of the Issuer's principal register outside Australia.

Introduced 11/03/04 Origin SCH 5.1

### **8.6.2 Information recorded and maintained on a CHESS Subregister**

ASX Settlement must record and maintain on a CHESS Subregister for a class of Approved Financial Products:

- (a) the Registration Details and HIN of each person with a CHESS Holding of Financial Products in that class; and
- (b) in relation to each such person, the number of Financial Products held.

Introduced 11/03/04 Origin SCH 5.2.1

### **8.6.3 HIN not to be taken to be included in a register**

Except to the extent required by these Rules or the law, an Issuer must not include a HIN in a register for the purpose of:

- (a) the register being open for inspection; or
- (b) furnishing a copy of the register or any part of the register.

Introduced 11/03/04 Origin SCH 5.2.2

### **8.6.4 Notice of location of stored information**

As soon as a class of an Issuer's Financial Products are Approved, the Issuer must:

- (a) give notice to the Commission in accordance with Section 1301(1) of the Corporations Act specifying (subject to Rule 8.6.5) the registered office of ASX Settlement as the situation of the place of storage of the information maintained by ASX Settlement on a CHESS Sub-register;
- (b) give a copy of that notice to ASX Settlement; and
- (c) give a copy of that notice to the exempt or special stock market or exempt financial market where the Issuer's Financial Products are quoted.

Introduced 11/03/04 Origin SCH 5.2.3, 5.2.4

### **8.6.5 Change of location of stored information**

If the situation of the place of storage in relation to information maintained by ASX Settlement on a CHESS Subregister changes:

- (a) ASX Settlement must promptly give Notice to the Issuer of the new place of storage; and
- (b) the Issuer must give notice to the Commission of the new place of storage in accordance with Section 1301(4) of the Corporations Act.

Introduced 11/03/04 Origin SCH 5.2.5

### **8.6.6 Classes of Holdings on a CHESS Subregister**

Holdings that may be maintained on a CHESS Subregister are:

- (a) Holdings that are controlled by a Participant; or
- (b) such other Holdings as are determined by ASX Settlement, from time to time.

Introduced 11/03/04 Origin SCH 5.3.1

## **8.7 ESTABLISHING A HOLDER RECORD**

### **8.7.1 Restrictions on establishing a Holder Record**

A Participant must not Transmit a Message to establish a Holder Record in relation to a person under Rule 8.7.2 unless:

- (a) the person is a Related Body Corporate of the Participant; or
- (b) the Participant holds a current Sponsorship Agreement executed by the Participant and the person.

Introduced 11/03/04 Origin SCH 5.4.1A

### **8.7.2 Establishing a Holder Record**

If a Participant Transmits a Valid Message to ASX Settlement requesting ASX Settlement to establish a Holder Record that includes the matters specified in the Procedures, ASX Settlement must:

- (a) establish a Holder Record on CHESS for that person;
- (b) allocate a HIN to that Holder; and
- (c) if the Holder Record has been established for a Participant Sponsored Holder, promptly send a Notice in relation to that Holder Record to that Participant Sponsored Holder.

If the Holder Record is in relation to a person that is a Participant Sponsored Holder, the Participant must, in the absence of any specific alternative written authority from that other person specify as the current Registration Details in the Message, the name, address and, if applicable, Email details of the person as recorded in the Sponsorship Agreement.

Introduced 11/03/04 Origin SCH 5.4.1, 5.4.1B Amended 02/11/09

### 8.7.3 Holder Record for Holding of FOR Financial Products

A Participant must determine whether the Residency Indicator of a Holder Record is applicable to any new Holding of FOR Financial Products, and if it is not applicable to the new Holding of FOR Financial Products and there is no existing Holder Record with the appropriate Residency Indicator, the Participant must:

- (a) establish a separate Holder Record for that new Holding with the appropriate Residency Indicator; and
- (b) transfer that Holding to that Holder Record.

*Note: Because of differing definitions of "Foreign Person" under the governing legislation or constitution of different Issuers with aggregate foreign ownership restrictions, a Holder's status (for the purposes of settling transactions in FOR Financial Products) may differ between Issuers.*

*Where these circumstances apply, Holders must have two distinct Holder Records in CHES; one with a Residency Indicator of "F" and another with a Residency Indicator of "D". Holdings of particular Financial Products must then be linked to the appropriate Holder Record.*

Introduced 11/03/04 Origin SCH 5.4.3

### 8.7.4 Indemnity by Participant where Holder Record established incorrectly

If, under Rule 8.7.2, a Participant has Transmitted a Valid Message requesting ASX Settlement to establish a Holder Record and that Message specifies the Holder Type as Participant Sponsored Holder or specifies a Residency Indicator and any of the following apply:

- (a) the Participant is not authorised to establish the Holder Record;
- (b) the Participant has provided incorrect details in the Message; or
- (c) the Participant has provided an incorrect Residency Indicator in the Message,

subject to Rule 8.7.5 the Participant indemnifies:

- (d) ASX Settlement from and against all losses, damages, costs and expenses which ASX Settlement may suffer or incur by reason of that unauthorised request or that Transmission of incorrect Holder Record details or an incorrect Residency Indicator; and
- (e) if a Holding is established using incorrect Holder Record details or an incorrect Residency Indicator, the Issuer from and against all losses, damages, costs and expenses which the Issuer may suffer or incur by reason of that Holding being established.

Introduced 11/03/04 Origin SCH 5.4.4, 5.4.5

### **8.7.5 Limitation on Participant indemnity**

A Participant is not liable to indemnify ASX Settlement or an Issuer under Rule 8.7.4 if the Participant has provided details which are consistent with the directions of the relevant Holder for the purposes of holding FOR Financial Products and the Participant had no reason to believe that those directions were incorrect.

Introduced 11/03/04 Origin SCH 5.4.6

## **8.8 ESTABLISHING A CHESS HOLDING**

### **8.8.1 A CHESS Holding may be established**

If a Holder Record for a person has been established and a HIN allocated and a Message specifying that HIN to identify the Target Holding is Transmitted in any of the following circumstances:

- (a) a Participant Transmits a Valid Originating Message that initiates a Demand Transfer or Conversion;
- (b) ASX Settlement Transmits a Valid Originating Message that initiates a Settlement Transfer; or
- (c) an Issuer Transmits a Valid Message to initiate a Holding Adjustment or a Financial Products Transformation,

a CHESS Holding may be established by entering the Financial Products specified in the Message into the Target Holding and, if a new CHESS Holding is established ASX Settlement must notify the Issuer:

- (d) that a new Holding has been established; and
- (e) of the Holder Record details.

Introduced 11/03/04 Origin SCH 5.5

## **8.9 REPORTING TO PARTICIPANT SPONSORED HOLDERS IN RESPECT OF ISSUED FINANCIAL PRODUCTS**

### **8.9.1 Issuer to send Holder a Notice**

If:

- (a) an Issuer makes available forms of application for an Offer of Approved Financial Products; and
- (b) an Approved Listing Market Operator gives that Issuer approval for quotation of those Financial Products,

the Issuer must, within 5 Business Days of receiving notification from ASX Settlement that a new CHESS Holding has been established under Rule 5.3.2, and provided the Registration Details specified in the notification from ASX Settlement match the



Registration Details specified in the application for the person to whom the Financial Products have been allocated, send to the Holder of that Holding a Notice that sets out:

- (c) the HIN;
- (d) the Registration Details; and
- (e) the Holding Balance,

for the CHESS Holding as specified in the notification from ASX Settlement.

Introduced 11/03/04 Origin SCH 5.4B Amended 27/06/11

## **8.10 RESTRICTION ON CHESS HOLDINGS**

### **8.10.1 Restrictions on number of joint holders**

Unless permitted under an Issuer's constitution, a Participant must not establish a CHESS Holding that would be held jointly by more than 3 persons.

Introduced 11/03/04 Origin SCH 5.6.1

### **8.10.2 Prohibition on Holdings of Less than a Marketable Parcel**

A Participant must not initiate a Transfer of Financial Products if, by giving effect to that Transfer, a CHESS or Issuer Sponsored Holding of less than a Marketable Parcel will result unless:

- (a) the Holding of less than a Marketable Parcel is expressly permitted under an Issuer's constitution; or
- (b) the Transfer establishes a new Settlement Holding or Accumulation Holding.

Introduced 11/03/04 Origin SCH 5.7 Amended 18/12/06, 01/01/12

### **8.10.3 Equitable Interests**

Unless required by these Rules or the law, ASX Settlement need not record on the CHESS Subregister, and is not required to recognise:

- (a) any equitable, contingent, future or partial interest in any Financial Product; or
- (b) any other right in respect of a Financial Product,

except an absolute right of legal ownership in the registered Holder.

For the avoidance of doubt, nothing in Rule 6.3A requires ASX Settlement to record on the CHESS Subregister or to recognise any interest or right of a client in respect of a Financial Product in a Clearing Holding which is held on trust for that client.

Introduced 11/03/04 Origin SCH 5.8 Amended 28/04/14

## **8.11 CONFIDENTIALITY**

### **8.11.1 No disclosure except in certain circumstances**

Unless required by these Rules or the law, or with the express consent of the Holder, or of the duly appointed attorney, agent or legal personal representative of that Holder, neither an Issuer nor a Participant may mail (either in writing or electronically), release, publish, disseminate or disclose:

- (a) the HIN of a CHESS Holding;
- (b) the PID of the Controlling Participant of a CHESS Holding; or
- (c) the SRN for the Holder of an Issuer Sponsored Holding,

other than to:

- (d) the Holder of that Holding;
- (e) the Holder's duly appointed attorney, agent or legal personal representative;
- (f) if the Holding is a CHESS Holding, the Controlling Participant for that Holding;  
or
- (g) ASX Settlement.

Introduced 11/03/04 Origin SCH 5.9.1 Amended 23/10/09

### **8.11.2 Request for information by a Participant**

For the purpose of Rule 8.11.1(e), if a Participant provides a request to an Issuer in acceptable form or a written request to another Participant for:

- (a) details of the SRN of a Holding on the Issuer Sponsored Subregister;
- (b) the Holding Balance of a Holding on the Issuer Sponsored Subregister;
- (c) the HIN of a CHESS Holder; or
- (d) the PID of the Controlling Participant of the CHESS Holding,

the requesting Participant:

- (e) is taken to have warranted to the Issuer or the other Participant that it is the duly appointed agent of the Holder for the purposes of obtaining the details requested;
- (f) indemnifies the Issuer or the other Participant in respect of any loss which the Issuer or the other Participant may suffer as a result of the requesting Participant not being authorised to request the information provided; and

- (g) is, in the case of a request to the Issuer, taken to have acknowledged that:
  - (i) the details provided by the Issuer represent information currently available to the Issuer at the time of response and excludes unregistered transactions; and
  - (ii) the Issuer will not be liable for any loss incurred by the Holder or the Participant as a result of reliance on the details provided, in the absence of information not available to the Issuer at the time of providing those details.

*Note: A Participant may request SRN and Issuer Sponsored Holding Balance details from an Issuer via CHES message where the Participant is permitted to establish and maintain Sponsored Holdings under Rule 6.3 and has provided ASX Settlement with a Sponsorship Bond of \$500,000, refer Rule 6.7.*

Introduced 11/03/04 Origin SCH 5.9.2, 5.9.3 Amended 04/04/05

### **8.11.3 Disclosure of information regarding Financial Products**

Subject to Rule 8.11.4, or unless otherwise required by these Rules or the law, ASX Settlement must not disclose any information regarding Financial Products in a CHES Holding other than to:

- (a) the Holder of that Holding;
- (b) the Controlling Participant for that Holding;
- (c) the Issuer of the Financial Products; or
- (d) if Rule 14.13 applies in relation to a takeover bid any of the following:
  - (i) the bidder;
  - (ii) the CHES Bidder; or
  - (iii) any agent that the bidder or the CHES Bidder engages to prepare and distribute offer documentation or process takeover acceptances.

Introduced 11/03/04 Origin SCH 5.9.4

### **8.11.4 Circumstances where ASX Settlement may disclose information**

ASX Settlement may disclose information regarding Financial Products in a CHES Holding, including information in relation to deductions from or transfers to a CHES Holding, any relevant Source or Target Holdings and Holder Record details, to:

- (a) the Commission;
- (b) the Reserve Bank of Australia;
- (c) an Approved Market Operator;
- (d) an Approved Clearing Facility;

- (e) the home regulator of a Foreign Clearing House; or
- (f) SEGC

where that body, in the proper exercise of its powers and in order to assist it in the performance of its regulatory functions (or in the case of SEGC, its regulatory or other functions), requests that ASX Settlement provide the information to it.

Without limiting the above, ASX Settlement may disclose to the Reserve Bank of Australia any confidential information of a Facility User that is supplied to ASX Settlement in connection with the Real Time Gross Settlement of a transaction and that is required, in accordance with interface specifications, to be included by ASX Settlement in any message sent to the Reserve Bank of Australia across the Feeder System interface with RITS/RTGS.

Introduced 11/03/04 Origin SCH 5.9.6

#### **8.11.5 Copyright information supplied to ASX Settlement**

To the extent that a Participant or an Issuer has copyright in the information supplied to ASX Settlement under these Rules, then, subject to Rule 8.11.1 or 8.11.2, the Participant or the Issuer, as the case requires, grants ASX Settlement a licence to reproduce that information to the extent deemed necessary by ASX Settlement.

Introduced 11/03/04 Origin SCH 5.9.5

#### **8.11.6 Request by Participant for PID**

If a Participant provides a request to ASX Settlement for the PID of the Controlling Participant in relation to a particular HIN ASX Settlement may disclose:

- (a) the PID of the Controlling Participant;
- (b) the status of the Controlling Participant; and
- (c) the status of the HIN.

The requesting Participant:

- (d) is taken to have warranted to ASX Settlement and the Controlling Participant that it is the duly appointed agent of the Holder for the purposes of obtaining the details requested; and
- (e) indemnifies ASX Settlement or any other Participant in respect of any loss which ASX Settlement or the other Participant may suffer as a result of the requesting Participant not being authorised to request the information provided.

Introduced 09/05/05

## **8.12 REGISTRATION DATE**

### **8.12.1 The date to be recorded for registration purposes**

If a Transfer is not a CHES to CHES Transfer, the date to be recorded as the date Financial Products are entered into a Target Holding for registration purposes is:

- (a) if the Source Holding is a CHES Holding, the date, as evidenced by the CHES processing timestamp, that ASX Settlement Transmits to the Issuer the Message to Transfer the Financial Products; or
- (b) if the Source Holding is an Issuer Sponsored Holding, the date the Issuer Transmits to ASX Settlement the Message authorising the Transfer of the Financial Products.

Introduced 11/03/04 Origin SCH 5.10

## **8.13 CHES SUBREGISTER TO REMAIN OPEN ON EACH BUSINESS DAY**

### **8.13.1 ASX Settlement to keep CHES Subregister open and must process Messages**

On any Business Day, ASX Settlement:

- (a) unless otherwise provided in these Rules, must not close a CHES Subregister; and
- (b) must process Messages in accordance with these Rules.

Introduced 11/03/04 Origin SCH 5.11

## **8.14 CLOSURE OF A CHES SUBREGISTER**

### **8.14.1 Closure of a CHES Subregister - other than where Financial Products lapse, expire, mature etc.**

Unless Rule 8.14.2 applies, if:

- (a) ASX Settlement revokes Approval of a class of an Issuer's Financial Products under Rule 8.4.1(b); or
- (b) Approval of a class of an Issuer's Financial Products ceases under Rule 8.4.8,

ASX Settlement and the Issuer must take such steps as may be necessary to effect the orderly closure of any affected CHES Subregister, including without limitation:

- (c) ASX Settlement giving such Notice as is reasonably practicable to the Issuer and each Participant of:
  - (i) the date of closure of the CHES Subregister; and
  - (ii) the last day on which ASX Settlement will process Messages or classes of Messages Transmitted by the Issuer or Participants;

- (d) the Issuer using its best endeavours to ensure that all outstanding processing that affects CHESSE Holdings in that class is completed prior to the date of closure of the CHESSE Subregister;
- (e) ASX Settlement, on the date of closure of the CHESSE Subregister:
  - (i) removing all Holdings on that Subregister to an Issuer Sponsored Subregister; and
  - (ii) giving Notice to the Issuer that the CHESSE Subregister has been closed;
- (f) ASX Settlement sending a Holding statement in accordance with Rule 8.18.6 to each Participant Sponsored Holder of Financial Products on the CHESSE Subregister advising that the Holding has been Converted to an Issuer Operated Subregister; and
- (g) on the day of such closure or on any subsequent Business Day ASX Settlement may archive that CHESSE Subregister provided that on the archiving day it must notify the Issuer and Participants confirming the archival of that Subregister.

Introduced 11/03/04 Origin SCH 5.12.1, 5.12.2 Amended 25/05/15

#### **8.14.2 Closure of a CHESSE Subregister – where Financial Products lapse, expire, mature etc.**

If a class of Approved Financial Products ceases to be quoted because the Financial Products have lapsed, expired, matured or have been redeemed, paid up or Reconstructed, subject to Rules 8.14.3 and 14.21.4, ASX Settlement may archive the CHESSE Subregister for that class of Financial Products:

- (a) in the case of the class of Approved Financial Products being warrants eligible to be traded under the operating rules of an Approved Market Operator not less than 10 Business Days after the date on which the cessation occurred;
- (b) in the case of any other class of Approved Financial Products not less than 20 Business Days after the date on which the cessation occurred; and

if ASX Settlement archives a CHESSE Subregister under this Rule 8.14.2, ASX Settlement must:

- (c) subject to Rule 8.14.3, reject all Messages Transmitted by the Issuer or Participants that affect a CHESSE Holding on that Subregister; and
- (d) notify the Issuer, and each Participant confirming the archival of that Subregister.

Introduced 11/03/04 Origin SCH 5.13.1, 5.13.2 Amended 10/06/04

#### **8.14.3 Report facilities to be provided by ASX Settlement**

ASX Settlement must provide Report facilities to the Issuer and Participants for a period of not less than 10 Business Days for warrants eligible to be traded under the operating rules of an Approved Market Operator and not less than 20 Business Days in the case of

any other class of Approved Financial Products following the cessation of a CHESSE Subregister under Rule 8.14.2.

Introduced 11/03/04 Origin SCH 5.13.3 Amended 10/06/04

## **8.15 HOLDING LOCKS AND HOLDER RECORD LOCKS**

### **8.15.1 Court order restricting transfer of Financial Products**

If a court order that restricts a Holder's capacity to Transfer Financial Products in a CHESSE Holding:

- (a) is served on an Issuer, the Issuer must immediately give Notice in the form specified by ASX Settlement requesting ASX Settlement to apply a Holding Lock to that Holding and ASX Settlement must promptly apply a Holding Lock to the CHESSE Holding specified in that Notice; or
- (b) is served on ASX Settlement, ASX Settlement must promptly apply a Holding Lock to that Holding.

Introduced 11/03/04 Origin SCH 11.1.1, 11.3.1, 11.3.2

### **8.15.2 Lien on Financial Products**

If, in accordance with its constitution and the Listing Rules, an Issuer has a lien on Financial Products in a CHESSE Holding, the Issuer may give Notice in the form specified by ASX Settlement requesting ASX Settlement to apply a Holding Lock to that Holding.

Introduced 11/03/04 Origin SCH 11.1.2

### **8.15.3 Employee Incentive Scheme Financial Products**

If, in accordance with Rule 8.3.2, ASX Settlement gives approval to a class of an Issuer's Financial Products that are the subject of an employee incentive scheme, the Issuer must:

- (a) in respect of those Financial Products held on an Issuer Operated Subregister, apply a Holding Lock to all Holdings of Financial Products that have not been quoted by the Approved Listing Market Operator; and
- (b) in respect of those Financial Products held on the CHESSE Subregister, give Notice in the form specified by ASX Settlement requesting ASX Settlement to apply a Holding Lock to all Holdings of Financial Products that have not been quoted by the Approved Listing Market Operator.

*Note: Action taken in reliance on ASX Listing Rule 8.10.1(i) will not breach the Holding Lock provisions in this section where the Holding concerned is recorded on an Issuer Operated Subregister.*

Introduced 11/03/04 Origin SCH 11.1.3 Amended 10/06/04, 27/06/11

#### **8.15.4 Transfer in contravention of law or Foreign Ownership Percentage**

If ASX Settlement believes on reasonable grounds that a transfer of Financial Products from a CHESS Holding would, if effected:

- (a) contravene a minimum shareholding provision of a law of the Commonwealth, a State or a Territory; or
- (b) contravene, or will be likely to contravene the Foreign Ownership Percentage Level of an Issuer whose Financial Products are included in Schedule 1, and the Issuer is unable, due to circumstances that fall within paragraph (a) of the definition of State of Emergency, to comply with the requirements of Rule 5.18.1(d) or Rule 5.18.3,

the Issuer of the Financial Products may by Notice in the form specified by ASX Settlement, request ASX Settlement to apply a Holding Lock to that Holding.

*Note: Application of a Holding Lock in these circumstances will prevent the creation of a proper ASTC transfer.*

Introduced 11/03/04 Origin SCH 11.1.4

#### **8.15.5 Application of Holding Lock by ASX Settlement to a CHESS Holding**

If ASX Settlement receives a Notice requesting ASX Settlement to apply a Holding Lock under this Rule 8.15, ASX Settlement must promptly apply a Holding Lock to the Holdings specified in that Notice.

Introduced 11/03/04 Origin SCH 11.3.3

#### **8.15.6 Holding Lock applying to only some Financial Products in a Holding**

If a court order or lien requires that ASX Settlement apply a Holding Lock to some, but not all, of the Financial Products in an existing Holding, ASX Settlement must promptly apply a Holding Lock to the Holding specified in the Notice and give Notice to the Controlling Participant for that Holding requesting that the Controlling Participant:

- (a) establish a new Holder Record with the same Registration Details as the existing Holding; and
- (b) give Notice to ASX Settlement, in the form specified by ASX Settlement, requesting that ASX Settlement:
  - (i) remove the Holding Lock from the existing Holding;
  - (ii) deduct from the Holding the number of Financial Products which are affected by the court order or lien; and
  - (iii) enter that number of Financial Products into the new CHESS Holding using the Holder Record established under Rule 8.15.6(a), and

ASX Settlement must apply a Holding Lock to the new CHESS Holding in accordance with Rule 8.15.1.

Introduced 11/03/04 Origin SCH 11.3.5



### **8.15.7 Action following the application of a Holding Lock**

On application of a Holding Lock to a CHESS Holding, ASX Settlement must give Notice in accordance with and to the persons identified in the Procedures.

Introduced 11/03/04

### **8.15.8 Notification of Death or Bankruptcy of a Participant Sponsored Holder**

If the Controlling Participant for Holdings under a Holder Record receives:

- (a) Notice of Death of the relevant Holder; or
- (b) a request from the trustee in Bankruptcy of the relevant Holder to initiate a Holder Record Lock,

the Controlling Participant must within 1 Business Day Transmit a Valid Originating Message requesting ASX Settlement to apply a Holder Record Lock to all Holdings under that Holder Record.

Introduced 11/03/04 Origin SCH 11.2.1, 11.2.2

### **8.15.9 Notification of death of a joint Participant Sponsored Holder**

If the Controlling Participant for joint Holdings under a Holder Record receives Notice of Death of one of the relevant Holders, the Controlling Participant must within 1 Business Day establish a new Holder Record in respect of the surviving Participant Sponsored Holder and Transfer the Holdings into new Holdings under the new Holder Record.

Introduced 11/03/04 Origin SCH 11.2.3

### **8.15.10 Notification of bankruptcy of a joint Participant Sponsored Holder**

If the Controlling Participant for joint Holdings under a Holder Record receives a request from the trustee in Bankruptcy in respect of one of the relevant Holders to initiate a Holder Record Lock, the Controlling Participant must:

- (a) establish new Holder Records in respect of:
  - (i) the bankrupt Participant Sponsored Holder, and
  - (ii) the remaining Participant Sponsored Holder;
- (b) Transmit Messages to Transfer the interests of the bankrupt Participant Sponsored Holder and the remaining Participant Sponsored Holder into new Holdings under the respective Holder Records; and
- (c) Transmit a Valid Originating Message requesting that ASX Settlement apply a Holder Record Lock to all Holdings under the Holder Record of the bankrupt Participant Sponsored Holder.

Introduced 11/03/04 Origin SCH 11.2.4

### **8.15.11 Controlling Participant must give supporting documents to ASX Settlement**

Prior to a Controlling Participant Transmitting a Message under Rule 8.15.8(b), or 8.15.10(c) in respect of the Bankruptcy of a Participant Sponsored Holder, the Controlling Participant must have documentation to verify that the requested action is correct and that the Controlling Participant is authorised to request that action. The Controlling Participant must maintain that documentation.

ASX Settlement may request that such documentation be provided to it within a specified time and if so, the Controlling Participant must, within that time:

- (a) give ASX Settlement such documentation as ASX Settlement requires to support the requested action; and
- (b) reference the supporting documentation to:
  - (i) in respect of Rule 8.15.8(b), the HIN for the relevant Holder Record;
  - (ii) in respect of Rule 8.15.10(c), the HINs for the relevant Holder Records; and
  - (iii) the Transaction Identifier of the Originating Message.

Introduced 11/03/04 Origin SCH 11.2.5 Amended 09/05/05

### **8.15.12 Applications of a Holder Record Lock by ASX Settlement to a Holder Record**

If ASX Settlement:

- (a) receives a Valid Originating Message from a Participant in accordance with Rule 8.15.8(a); or
- (b) is satisfied that a requested action pursuant to Rule 8.15.8(b) or 8.15.10(c) is supported by the documentation given to ASX Settlement by a Participant under Rule 8.15.11,

ASX Settlement must:

- (c) within the Scheduled Time:
  - (i) apply the requested Holder Record Lock;
  - (ii) notify the Controlling Participant; and
  - (iii) in respect of each class of Financial Products in the CHES Holding of that person, notify the Issuer of those Financial Products; and
- (d) give Notice that the Holder Record Lock has been applied to:
  - (i) if the Locked Holding is a Participant Sponsored Holding, the Holder;
  - (ii) if some or all of the Financial Products in the Locked Holding are reserved in a Subposition, the Participant in whose favour the Financial Products are reserved; and

(iii) the Approved Listing Market Operator.

Introduced 11/03/04 Origin SCH 11.4.1, 11.4.2, 11.4.3 Amended 27/06/11

### **8.15.13 Rejection of request for Holder Record Lock**

If ASX Settlement is not satisfied that the requested action under Rule 8.15.8(b) or 8.15.10(c) is supported by the documentation given to ASX Settlement under Rule 8.15.11, ASX Settlement must reject the request and notify the Controlling Participant accordingly.

Introduced 11/03/04 Origin SCH 11.4.4

### **8.15.14 Application of Holding Lock for the purpose of freezing assets**

If a Controlling Participant for Holdings under a Holder Record has an obligation to freeze assets under any legislation or regulations specified in the Procedures the Controlling Participant may Transmit a Valid Originating Message requesting ASX Settlement to apply a Holder Record Lock to all Holdings under that Holder Record.

Introduced 11/03/04

### **8.15.15 Application of Holding Lock by ASX Settlement for the purpose of freezing assets**

If ASX Settlement has an obligation to freeze assets under any legislation or regulations specified in the Procedures, ASX Settlement may apply a Holder Record Lock to all relevant Holdings the subject of the obligation.

Introduced 11/03/04

### **8.15.16 Indemnity by Controlling Participant requesting a Holder Record Lock**

If a Controlling Participant Transmits a Message to ASX Settlement requesting the application of a Holder Record Lock pursuant to Rule 8.15.8, 8.15.10(c) or 8.15.14, and ASX Settlement applies a Holder Record Lock, that Controlling Participant indemnifies ASX Settlement and the Holder from and against all losses, damages, costs and expenses which ASX Settlement and the Holder may suffer or incur as a result of ASX Settlement acting upon that request.

Introduced 11/03/04 Origin SCH 11.4.5 Amended 09/05/05

### **8.15.17 Restriction on Access to Locked Holdings**

If:

- (a) ASX Settlement receives an Originating Message from a Participant that initiates a Transfer or Conversion of Financial Products in a CHESS Holding; and
- (b) either the Source Holding or the Target Holding specified in the Message is a Locked CHESS Holding,

ASX Settlement must:

- (c) reject the Message; and

- (d) notify the Participant that Transmitted the Originating Message of the rejection and the reason for the rejection.

Introduced 11/03/04 Origin SCH 11.5.1

### **8.15.18 Notification of rejected Message**

If an Issuer receives a Message requesting authorisation of a Transfer or Conversion of Financial Products in a Locked Holding that is an Issuer Sponsored Holding:

- (a) the Issuer must reject the Message and notify ASX Settlement of the rejection and the reason for the rejection; and
- (b) on receipt of a notification under Rule 8.15.18(a), ASX Settlement must notify the Participant that initiated that Transfer or Conversion of the rejection.

Introduced 11/03/04 Origin SCH 11.5.2

### **8.15.19 Giving Effect to Message**

Subject to the terms of any court order under which a Holding Lock has been applied, if ASX Settlement receives a Valid Message from an Issuer that initiates a Holding Adjustment or a Financial Products Transformation in relation to Financial Products held or to be held in a Locked Holding, ASX Settlement must give effect to that Message.

Introduced 11/03/04 Origin SCH 11.5.3

## **8.16 REMOVING HOLDING LOCK FROM A CHESS HOLDING OR A HOLDER RECORD LOCK FROM A HOLDER RECORD**

### **8.16.1 Removal of Holding Lock by Issuer**

If a Holding Lock has been applied at the request of an Issuer:

- (a) that Issuer may give Notice in the form specified by ASX Settlement requesting ASX Settlement to remove the Holding Lock; and
- (b) if an Issuer gives Notice under paragraph (a), ASX Settlement must remove the Holding Lock.

Introduced 11/03/04 Origin SCH 11.6.1, 11.6.2

### **8.16.2 Removal of Holding Lock by court order**

If:

- (a) ASX Settlement is served with a court order requiring ASX Settlement to remove a Holding Lock from a CHESS Holding; or
- (b) the court order initiating the Holding Lock under Rule 8.15.1 specified a period during which the restriction on the Transfer of Financial Products in the Holding was to apply and that period has expired,

ASX Settlement must remove the Holding Lock from that Holding.

Introduced 11/03/04 Origin SCH 11.6.3

### **8.16.3 Removal of Holder Record Lock by Controlling Participant**

If a Holder Record Lock has been applied at the request of a Controlling Participant:

- (a) that Controlling Participant may Transmit an Originating Message requesting ASX Settlement to remove the Holder Record Lock;
- (b) after receipt of a Message from ASX Settlement confirming acceptance of the Valid Originating Message, the Controlling Participant must, within the Scheduled Time:
  - (i) give ASX Settlement such documentation as ASX Settlement requires to support the requested action; and
  - (ii) reference the supporting documentation to the HIN for the relevant Holder Record and the Transaction Identifier of the Originating Message;
- (c) if ASX Settlement is satisfied that the request for the removal of the Holder Record Lock is supported by the documentation given to ASX Settlement by a Controlling Participant under paragraph (b), ASX Settlement must within the Scheduled Time, remove the Holder Record Lock;
- (d) if ASX Settlement is not satisfied that the request for the removal of the Holder Record Lock is supported by the documentation given to ASX Settlement under paragraph (b), ASX Settlement must reject the request and notify the Controlling Participant accordingly; and
- (e) the Controlling Participant must maintain documentation to verify that the request to remove the Holder Record Lock is correct and that the Controlling Participant was authorised to make the request.

Introduced 11/03/04 Origin SCH 11.6.4, 11.6.5, 11.6.6, 11.6.8

### **8.16.4 Action following removal of a Holding Lock or a Holder Record Lock**

On removal of a Holding Lock from a CHES Holding or a Holder Record Lock from a Holder Record, ASX Settlement must give Notice in accordance with and to the persons identified in the Procedures.

Introduced 11/03/04

### **8.16.5 Indemnity by Controlling Participant requesting removal of Holder Record Lock**

If a Controlling Participant Transmits a Message to ASX Settlement requesting the removal of a Holder Record Lock under Rule 8.16.3 and ASX Settlement removes the Holder Record Lock, that Controlling Participant indemnifies ASX Settlement or the Issuer from and against all losses, damages, costs and expenses which ASX Settlement or the Issuer may suffer or incur because the Controlling Participant was not authorised at the time that the Message was Transmitted to request the removal.

Introduced 11/03/04

## **8.17 CHANGE OF CONTROLLING PARTICIPANT**

### **8.17.1 Notice to be given to ASX Settlement**

If a Participant Sponsored Holder changes the Controlling Participant for its Holding, then both the Participant relinquishing control of the Holding, and the Participant assuming control of the Holding must give Notice of the change of Controlling Participant to ASX Settlement within the Scheduled Time and, after receipt of both Notices, ASX Settlement must, subject to Rule 7.4:

- (a) process all Transfers and Conversions initiated by the Participant relinquishing control prior to the change; and
- (b) execute the necessary CHES Subregister administration processes to give effect to the change of Controlling Participant.

Introduced 11/03/04 Origin SCH 11.7 Amended 21/03/14

## **8.18 CHANGE OF HOLDER RECORD DETAILS**

### **8.18.1 No change of Registration Details without authority**

A Participant must not effect a change of Registration Details in relation to a Holder Record without the prior written authority of the relevant Holder. The Participant must retain that written authority.

Introduced 11/03/04 Origin SCH 11.8.1 Amended 09/05/05

### **8.18.2 Action following change of Registration Details**

If there is any change to the Registration Details recorded in a Holder Record for a person on behalf of whom a Participant is authorised to operate one or more CHES Holdings, the Participant must within 2 Business Days of receiving written authority from the Holder to effect that change, notify ASX Settlement of the change to the Registration Details in accordance with the Procedures.

Introduced 11/03/04 Origin SCH 11.8.2, 11.8.3, 11.8.4, 11.8.8, 11.8.9 Amended 18/12/06

### **8.18.3 Action to be taken by ASX Settlement**

Subject to Rule 8.18.4, ASX Settlement, after receipt of a Valid Originating Message in accordance with the Procedures under Rule 8.18.2 for change of Registration Details of the Holder must, within the Scheduled Time change the Registration Details recorded in the Holder Record in accordance with the details in the Valid Originating Message and must give Notice to the persons identified in the Procedures of the matters specified in the Procedures.

Introduced 11/03/04

### **8.18.4 ASX Settlement may request documentation**

Before accepting or rejecting any change of Registration Details:

- (a) ASX Settlement may request documentation supporting the change; and

- (b) if the Participant cannot provide this, ASX Settlement will reject the request and notify the Controlling Participant accordingly.

Introduced 11/03/04 Origin SCH 11.8.6

#### **8.18.5 Participant indemnity for unauthorised or incorrect request**

If a Participant has Transmitted a Message to ASX Settlement requesting a change to the Registration Details of a Participant Sponsored Holder but the Participant:

- (a) was not authorised, at the time that the Message was Transmitted by that Participant Sponsored Holder to request the change; or
- (b) has provided incorrect details in:
  - (i) the Message requesting the change to Holder Record details; or
  - (ii) the documents to be maintained under Rule 8.18.4 where the change in registration details includes a change of name,

the Participant indemnifies ASX Settlement or the Issuer from and against all losses, damages, costs and expenses which ASX Settlement or the Issuer may suffer or incur by reason of the matters described in this paragraph (a) or (b).

Introduced 11/03/04 Origin SCH 11.8.7

#### **8.18.6 Change of Holder Type or removal of Holder Record**

A Participant may request:

- (a) a change to the Holder Type recorded as part of a Holder Record that the Participant controls; or
- (b) the removal from CHESS of a Holder Record that the Participant controls,  
by:
  - (c) giving Notice of the request to ASX Settlement;
  - (d) referencing that Notice to the HIN for the Holder; and
  - (e) providing with that Notice such documentation as ASX Settlement requires to support the requested change or the removal, as the case requires.

Introduced 11/03/04 Origin SCH 11.9.1

#### **8.18.7 Action by ASX Settlement to change Holder Type or remove Holder Record**

If ASX Settlement is satisfied that a request for a change to a Holder Type or for removal of a Holder Record under Rule 8.18.6 is supported by the documentation given to ASX Settlement by the Participant that made the request, ASX Settlement must, within the Scheduled Time:

- (a) process the change of Holder Type or the removal of the Holder Record as requested; and

- (b) notify the Participant that the change or removal, as the case requires, has been effected.

Introduced 11/03/04 Origin SCH 11.9.2

#### **8.18.8 Rejection by ASX Settlement of request to change Holder Type or remove Holder Record**

If ASX Settlement is not satisfied that documentation provided with:

- (a) a request to change a Holder Type; or
- (b) a request to remove a Holder Record,

under Rule 8.18.6 supports the change, ASX Settlement must, within the Scheduled Time, reject the request and notify the Participant that made the request accordingly.

Introduced 11/03/04 Origin SCH 11.9.3

#### **8.18.9 Change of Residency Indicator – FOR Financial Products**

If:

- (a) a Participant is directed by a Holder to change a Residency Indicator recorded in a Holder Record in respect of an Issuer whose Financial Products are included in Schedule 1; or
- (b) a Participant becomes aware that a Residency Indicator recorded in a Holder Record in respect of an Issuer whose Financial Products are included in Schedule 1 is incorrect,

the Participant must immediately notify ASX Settlement of a change to the Residency Indicator recorded in that Holder Record in accordance with the Procedures.

Introduced 11/03/04 Origin SCH 11.9A.1 Amended 18/12/06

#### **8.18.10 Action by ASX Settlement and Participant notice of change of Residency Indicator**

If a Controlling Participant Transmits a Valid Originating Message under Rule 8.18.9 which relates to a change of Residency Indicator, ASX Settlement will, within the Scheduled Time, take the action specified in the Procedures.

Introduced 11/03/04 Origin SCH 11.9A.2, 11.9A.3

#### **8.18.11 Indemnity if Participant is not authorised to change Residency Indicator**

If a Participant has Transmitted a Message to ASX Settlement requesting a change to a Residency Indicator of a Participant Sponsored Holder but the Participant:

- (a) is not authorised at the time that the Message is Transmitted by that Participant Sponsored Holder to request the change; or
- (b) has provided incorrect details in the Message requesting the change of Residency Indicator,



the Participant indemnifies ASX Settlement and the Issuer from and against all losses, damages, costs and expenses which ASX Settlement or the Issuer may suffer or incur by reason of the matters described in this Rule 8.18.11(a) or (b).

Introduced 11/03/04 Origin SCH 11.9A.4

## **8.19 TAX FILE NUMBER (TFN), AUSTRALIAN BUSINESS NUMBER (ABN), EXEMPTION CODE AND AUSTRALIAN ADI ACCOUNT NOTIFICATION**

### **8.19.1 Notice by Participant of TFN, ABN or Exemption Code details**

A Participant may notify an Issuer of TFN, ABN or Exemption Code details:

- (a) for a CHESS Holding, by Transmitting a Valid Message to ASX Settlement that specifies the details; or
- (b) for an Issuer Sponsored Holding, by including the details in a Valid Message that initiates a CHESS to Issuer Sponsored.

Introduced 11/03/04 Origin SCH 11.10.1

### **8.19.2 Order of details by Participant**

If a Participant Transmits a Message specifying TFN, ABN or Exemption Code details under Rule 8.19.1 in respect of a joint Holding, the Participant must ensure that the TFN, ABN or Exemption Code details appear in the Message in the order in which the names of the joint Holders appear:

- (a) where Rule 8.19.1(a) applies, in the Holder Record for that CHESS Holding; or
- (b) where Rule 8.19.1(b) applies, in the Registration Details for the Target Holding specified in the Message.

Introduced 11/03/04 Origin SCH 11.10.2

### **8.19.3 Action by ASX Settlement following Message**

If ASX Settlement receives a TFN, ABN or Exemption Code details under Rule 8.19.1, ASX Settlement must within the Scheduled Time give Notice in accordance with and to the persons identified in the Procedures.

Introduced 11/03/04

### **8.19.4 Action by Issuer following notification by ASX Settlement**

An Issuer must record any TFN, ABN or Exemption Code details notified by ASX Settlement under the Procedures to Rule 8.19.3:

- (a) in relation to a CHESS Holding, before End of Day on the day the Issuer receives the Message from ASX Settlement; and
- (b) in relation to an Issuer Sponsored Holding, at the time the Issuer enters the Financial Products into the Target Holding.

Introduced 11/03/04 Origin SCH 11.10.5

### **8.19.5 Confidentiality**

ASX Settlement must not disclose a TFN, ABN or Exemption Code details to any person other than the Issuer nominated by the Participant and must not use the TFN, ABN or Exemption Code details for any other purpose.

Introduced 11/03/04 Origin SCH 11.10.6

### **8.19.6 ASX Settlement not liable for loss, damage etc**

If ASX Settlement notifies the TFN, ABN or Exemption Code details to an Issuer within the time specified in Rule 8.19.3, ASX Settlement will not be liable to any person for any losses, damages, costs and expenses arising from the TFN, ABN or Exemption Code details not being recorded by an Issuer on or before a Record Date.

Introduced 11/03/04 Origin SCH 11.10.7

### **8.19.7 Notice by Participant of Australian ADI Account details**

A Participant may notify an Issuer of the addition or cancellation of Australian ADI Account details for a CHESS Holding by Transmitting a Valid Message to ASX Settlement that specifies the details.

Introduced 09/05/05 Amended 02/11/09

### **8.19.8 Action by ASX Settlement following Message**

If ASX Settlement receives a Message in relation to the addition or cancellation of Australian ADI Account details under Rule 8.19.7, ASX Settlement must within the Scheduled Time give Notice notifying:

- (a) the Issuer of the Financial Products of the addition or cancellation of Australian ADI Account details; and
- (b) the Controlling Participant that the addition or cancellation of Australian ADI Account details has been notified to the Issuer.

Introduced 09/05/05 Amended 02/11/09

### **8.19.9 Action by Issuer following notification by ASX Settlement of details to be added**

If an Issuer is notified by ASX Settlement under Rule 8.19.8 of any Australian ADI Account details to be added the Issuer must, within the Scheduled Time:

- (a) notify ASX Settlement that it accepts the details; or
- (b) notify ASX Settlement that it rejects the details and provide the reason for the rejection.

Introduced 09/05/05 Amended 02/11/09

### **8.19.10 Issuer to record the Australian ADI Account details**

If the Issuer notifies ASX Settlement under Rule 8.19.9(a) that it accepts Australian ADI Account details the Issuer must, within the Scheduled Time, record the details.

Introduced 09/05/05 Amended 02/11/09

### **8.19.11 Action by Issuer following notification by ASX Settlement of details to be cancelled**

If an Issuer is notified by ASX Settlement under Rule 8.19.8 of any Australian ADI Account details to be cancelled the Issuer must, within the Scheduled Time, remove the details.

Introduced 09/05/05 Amended 02/11/09

### **8.19.12 ASX Settlement not liable for loss, damage, etc**

If ASX Settlement notifies the addition or cancellation of Australian ADI Account details to an Issuer under Rule 8.19.8, ASX Settlement will not be liable to any person for any losses, damages, costs or expenses arising from:

- (a) the Participant providing Australian ADI Account details:
  - (i) without the authority of the Participant Sponsored Holder; or
  - (ii) which are incorrect; or
- (b) Australian ADI Account details not being recorded or removed by an Issuer in accordance with Rule 8.19.10 or 8.19.11.

Introduced 09/05/05 Amended 02/11/09, 04/06/10

## **8.20 HOLDING STATEMENTS**

### **8.20.1 ASX Settlement to send Holding statements**

Subject to Rule 8.20.3, if, during a monthly interval referred to in paragraph (b), any Financial Products have been entered into or deducted from a Participant Sponsored Holding ASX Settlement must:

- (a) within five (5) Business Days of the end of the month to which the Holding statement relates; and
- (b) at intervals of no more than one (1) calendar month,

produce and send to each Participant Sponsored Holder, a Holding statement that sets out any Holding movement in respect of each Holding of that Holder.

Introduced 11/03/04 Origin SCH 11.11.1, 11.11.2

### **8.20.2 Suppression or reinstatement of production of Holding statements**

A Participant may, by Notice containing the matters specified in the Procedures, request ASX Settlement to:

- (a) suppress; or
- (b) if a request to suppress has previously been processed, reinstate,

production of Holding statements in relation to CHES Holdings of a Participant Sponsored Holder if that Participant Sponsored Holder is a person specified in the Procedures.

Introduced 11/03/04 Origin SCH 11.11.3

### **8.20.3 Action by ASX Settlement in relation to Holding statements**

If ASX Settlement receives Notice under Rule 8.20.2 from a Participant and that Notice meets the requirements of Rule 8.20.2, ASX Settlement must:

- (a) in the case of a Notice to suppress the production of Holding statements for a Holder, produce a Holding statement for each Holding if there have been movements in the Holding since the last Holding statement was issued and suppress the production of further Holding statements until after receipt of a Notice to reinstate production of Holding statements;
- (b) in the case of a Notice to reinstate the production of Holding statements for a Holder, produce a Holding statement which notes the current Holding Balance in each Holding as at the date of reinstatement of the production of Holding statements; and
- (c) give Notice of the suppression or reinstatement (whichever is relevant) to the Participant Sponsored Holder at the time.

Introduced 11/03/04 Origin SCH 11.11.5

## **8.21 CORRECTION OF ERRORS**

### **8.21.1 Correction of Errors on CHES Subregister Caused by Participants or Issuers**

If ASX Settlement is satisfied on reasonable grounds that an error has occurred in relation to a CHES Holding and the error was caused by a Participant or an Issuer:

- (a) ASX Settlement may give advice or directions to the Participant or Issuer, as the case requires, to correct the error; and
- (b) if ASX Settlement gives advice or directions to a Participant or an Issuer under paragraph (a), the Participant or the Issuer, as the case requires, must observe and within 2 Business Days give effect to that advice or directions.

Introduced 11/03/04 Origin SCH 11.13

### **8.21.2 Correction of Processing Errors on the CHES Subregister**

If ASX Settlement is satisfied on reasonable grounds that an error has occurred in relation to a CHES Holding and the error was caused by:

- (a) incorrect processing by ASX Settlement of a Valid Message Transmitted to it by a Participant or an Issuer; or
- (b) ASX Settlement otherwise incorrectly applying information provided to it,

ASX Settlement must take such steps as may be necessary for ASX Settlement to correct the error.

Introduced 11/03/04 Origin SCH 11.14

### **8.21.3 Correction of Errors by Issuers across Subregisters**

If the correction of an error on a CHES Holding by ASX Settlement in accordance with Rule 8.21.2 affects an Issuer Sponsored Holding, then:

- (a) ASX Settlement must promptly give Notice to the Issuer of the corrective action to be taken by the Issuer; and
- (b) if ASX Settlement gives Notice to an Issuer under paragraph (a), the Issuer must within 2 Business Days take such action as is necessary to correct the affected Issuer Sponsored Holding.

Introduced 11/03/04 Origin SCH 11.15.1, 11.15.2

### **8.21.4 Correction of errors by ASX Settlement across Subregisters**

If the correction of an error on an Issuer Sponsored Holding by an Issuer affects a CHES Holding, then:

- (a) the Issuer must within 2 Business Days give Notice to ASX Settlement of the corrective action to be taken by ASX Settlement; and
- (b) if an Issuer gives Notice to ASX Settlement under paragraph (a), ASX Settlement must promptly take such action as is necessary to correct the affected CHES Holding.

Introduced 11/03/04 Origin SCH 11.15.3, 11.15.4

### **8.21.5 Notice by ASX Settlement**

Where ASX Settlement takes steps in accordance with Rule 8.21.2 or 8.21.4 to correct an error, ASX Settlement must promptly give Notice of the correction to:

- (a) the Issuer;
- (b) the Participant that controls the affected CHES Holding; or
- (c) if the affected CHES Holding is a Participant Sponsored Holding, the Holder.

Introduced 11/03/04 Origin SCH 11.15.5

## **8.22 RECTIFICATION OF REGISTER – COURT ORDER**

### **8.22.1 Notice by Issuer to ASX Settlement**

If a court order that requires an Issuer to rectify its Register is served on that Issuer and the rectification affects a CHES Holding, the Issuer must within 2 Business Days:

- (a) give Notice to ASX Settlement of:

- (i) the rectification required by the court order; and
  - (ii) the reason for the rectification; and
- (b) provide a copy of the court order to ASX Settlement.

Introduced 11/03/04 Origin SCH 11.12.1

#### **8.22.2 Action by ASX Settlement following Notice**

If an Issuer gives Notice to ASX Settlement under Rule 8.22.1, or if ASX Settlement is required to rectify a CHESS Holding by service on it directly of a court order, ASX Settlement must promptly rectify the CHESS Holding as required by the court order and give Notice in accordance with and to the persons identified in the Procedures.

Introduced 11/03/04 Origin SCH 11.12.2

### **8.23 NOTIFICATION OF CORPORATE ACTION**

#### **8.23.1 ASX Settlement to establish a CHESS Subregister**

If:

- (a) ASX Settlement receives notification from an Approved Listing Market Operator of a Complete Corporate Action Record in relation to a class of Approved Financial Products; and
- (b) the Corporate Action will result in the Issue of Financial Products of a different class, whether or not those Financial Products are issued by the same Issuer,

ASX Settlement must, subject to that different class of Financial Products becoming Approved in accordance with Section 8, establish a CHESS Subregister in respect of those Financial Products.

Introduced 11/03/04 Origin SCH 12.1 Amended 27/06/11, 04/03/13

### **8.24 CHESS RENOUNCEABLE RIGHTS SUBREGISTER**

#### **8.24.1 Entering rights into a Holding**

If ASX Settlement has established a CHESS Renounceable Rights Subregister under Rule 8.23, ASX Settlement must:

- (a) on receipt of a Valid Message from the Issuer to effect a Holding Adjustment to enter rights into a Holding on the Subregister, enter the rights into that Holding; and
- (b) during the Rights Period:
  - (i) process Demand Transfers and Conversions in respect of the rights in accordance with Section 9 of these Rules; and

- (ii) process Settlement Transfers in respect of the rights in accordance with Section 10 of these Rules.

Introduced 11/03/04 Origin SCH 12.4.1

#### **8.24.2 Rejection of Instruction**

ASX Settlement must reject an Instruction or Message that would Transfer or Convert rights after End of Day on the Applications Close Date for that issue of rights.

Introduced 11/03/04 Origin SCH 12.4.2 Amended 18/12/06

### **8.25 PROCESSING ON CHESS SUBREGISTER IN RELATION TO ELECTIVE CORPORATE ACTIONS**

#### **8.25.1 Ceasing quotation of Financial Products**

If quotation of Financial Products by the Approved Listing Market Operator ceases (other than because quotation is merely suspended) for:

- (a) partly paid Financial Products on which final calls are payable;
- (b) convertible Financial Products that are due to mature;
- (c) company options that are due to expire;
- (d) redeemable Financial Products; or
- (e) warrants that are due to expire;

ASX Settlement must:

- (f) suspend an Instruction or Message that would Transfer or Convert those Financial Products after End of Day on the Business Day on which the CHESS Subregister closes and remove the Instruction or Message on the 10th Business Day after the Subregister closes; or
- (g) cancel a Message which has not been Matched at End of Day on the Business Day on which the CHESS Subregister closes,

as the case requires.

Introduced 11/03/04 Origin SCH 12.6.1 Amended 27/06/11

### **8.26 SUSPENSION OF PROCESSING ON A CHESS SUBREGISTER FOR A RECONSTRUCTION**

#### **8.26.1 Where ASX Settlement receives notification of a Reconstruction**

If:

- (a) ASX Settlement receives notification from an Approved Listing Market Operator of:

- (i) a Reconstruction that affects a class of Approved Financial Products;
  - (ii) the effective date and the Issue Date for that Reconstruction; and
- (b) the Financial Product Code for that class will continue following the Reconstruction;

ASX Settlement must:

- (c) reschedule an Instruction that is received before End of Day on the second Business Day after the effective date that would Transfer Financial Products in that class between End of Day on the effective date and End of Day on the Issue Date; or
- (d) reject an Instruction or Message that is received after End of Day on the effective date that would Transfer or Convert Financial Products in that class between End of Day on the second Business Day after the effective date and End of Day on the Issue Date,

as the case requires.

Introduced 11/03/04 Origin SCH 12.7 Amended 18/12/06, 27/06/11, 04/03/13, 14/04/14, 07/03/16

## **8.27 ISSUE OF FINANCIAL PRODUCTS**

### **8.27.1 Increasing the Holding Balance of a CHESS Holding**

If, in respect of a Corporate Action, ASX Settlement receives from an Issuer a Valid Message to effect a Holding Adjustment by increasing the Holding Balance of a CHESS Holding specified in that Message, ASX Settlement must:

- (a) enter the number of Financial Products specified in the Message into that CHESS Holding; and
- (b) notify the Controlling Participant that the Financial Products have been entered into the Holding on the instruction of the Issuer.

Introduced 11/03/04 Origin SCH 12.8.1

### **8.27.2 Financial Products Transformation**

If, in respect of a Corporate Action, ASX Settlement receives a Valid Message from an Issuer to effect a Financial Products Transformation in relation to Financial Products in a CHESS Holding and there are sufficient Financial Products in the Source Holding specified in the Message, ASX Settlement must:

- (a) deduct the number of Financial Products specified in the Message from that Source Holding;
- (b) enter the number of Financial Products specified in the Message into the Target Holding specified in that Message; and



- (c) notify the Controlling Participant for the Source Holding and Target Holding that Financial Products have been deducted and entered on the instructions of the Issuer.

Introduced 11/03/04 Origin SCH 12.8.2

## **8.28 REMOVAL OF FINANCIAL PRODUCTS BY HOLDING ADJUSTMENT**

### **8.28.1 ASX Settlement to deduct specified number of Financial Products**

If ASX Settlement receives a Valid Message from an Issuer to effect a Holding Adjustment to reduce the Holding Balance of a CHESS Holding, ASX Settlement must:

- (a) deduct the number of Financial Products specified in that Message from that CHESS Holding; and
- (b) notify the Controlling Participant for that Holding that the relevant number of Financial Products have been deducted from the Holding on the instructions of the Issuer.

Introduced 11/03/04 Origin SCH 12.9

## **8.29 CHANGE OF FINANCIAL PRODUCT CODE AND MERGER OF FINANCIAL PRODUCT CODES**

### **8.29.1 Change to a new Financial Product Code**

If ASX Settlement receives notification from an Approved Listing Market Operator that, as from an effective date, the Financial Product Code for a class of Approved Financial Products of an Issuer will be changed to a new Financial Product Code, ASX Settlement must:

- (a) create a new Subregister under the new Financial Product Code for that class of Financial Products;
- (b)
  - (i) reject an Instruction or Message that:
    - A. specifies the old Financial Product Code; and
    - B. would Transfer or Convert Financial Products in that class after End of Day on the Business Day before the effective date; or
  - (ii) cancel a Message which has not been Matched at End of Day on the Business Day before the effective date;
- (c) after End of Day on the Business Day before the effective date and before Start of Day on the effective date, effect a Financial Products Transformation to move each existing CHESS Holding of Financial Products of that class to CHESS Holdings on the new Subregister created under paragraph (a); and

- (d) notify:
  - (i) the Issuer that the code change has been applied; and
  - (ii) the Controlling Participants for Holdings affected by the change that Holding Balance movements have been effected because of a change in Financial Product Code.

Introduced 11/03/04 Origin SCH 12.10.1 Amended 27/06/11

## **8.29.2 Redundant Financial Product Codes**

If ASX Settlement receives notification from an Approved Listing Market Operator that as from an effective date:

- (a) a class of Financial Products held on one CHESSE Subregister, (the redundant class) will be absorbed into a different class of Financial Products held on another CHESSE Subregister of the same Issuer, (the continuing class); and
- (b) the Financial Product Code for the redundant class will be discontinued when quotation of Financial Products in that class ceases,

ASX Settlement must:

- (c)
  - (i) reject an Instruction or Message that has been Matched:
    - A. specifies the Financial Product Code for the redundant class; and
    - B. would Transfer or Convert Financial Products in that class after End of Day on the Business Day before the effective date; or
  - (ii) cancel a Message that has not been Matched at End of Day on the Business Day before the effective date;
- (d) after End of Day on the Business Day before the effective date and before Start of Day on the effective date effect a Financial Products Transformation of each CHESSE Holding of Financial Products in the redundant class to a CHESSE Holding of Financial Products in the continuing class; and
- (e) notify:
  - (i) the Issuer that the code change has been applied; and
  - (ii) the Controlling Participants for Holdings affected by the change that Holding Balance movements have been effected because of a change in Financial Product Code.

Introduced 11/03/04 Origin SCH 12.10.2 Amended 27/06/11

## **End of Document**