

Reports of Misconduct Policy



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ASX has published [rules](#) that regulate the conduct of the various parties who transact business in its financial markets and clearing and settlement facilities. This includes:

- companies and other entities that are listed and have their securities traded on the ASX market
- issuers of ETF products, managed fund products, structured products and warrants traded on the ASX market
- issuers of managed fund products cleared through ASX's mFund settlement service, and
- brokers, clearers, settlement agents and other parties authorised to transact business in ASX's financial markets and clearing and settlement facilities.

ASX is obliged to have adequate arrangements for monitoring and enforcing compliance by the parties described above ("ASX-regulated entities") with its rules. A key part of ASX's arrangements in this regard are its processes for receiving and investigating reports alleging that an ASX-regulated entity has breached ASX's rules or engaged in some other form of misconduct.

This document outlines ASX's policy and process for handling reports of misconduct.

What is a report of misconduct?

ASX defines a 'report of misconduct' as:

A complaint,¹ tip-off or other communication alleging that an entity subject to ASX rules has breached those rules or engaged in some other form of misconduct.

Who can lodge a report of misconduct?

ASX will accept a report of misconduct from anyone who claims to have information that an ASX-regulated entity has breached ASX rules or has engaged in some other form of misconduct.

How do I lodge a report of misconduct?

For legal and other reasons, ASX generally requires all communications from third parties alleging misconduct by an ASX-regulated entity to be in writing and, preferably, made through ASX's online facility for reporting misconduct at:

<https://www.asx.com.au/about/contact-asx/report-misconduct>

This facility has been designed to collect all of the information that ASX needs to assess and act on a report of misconduct and to ensure that this information is promptly delivered to the correct team at ASX to do so.

Can I lodge an anonymous report of misconduct?

Yes you can.

Will my privacy be respected?

Yes. ASX will not disclose the personal information you provide in a report of misconduct to any third parties outside ASX unless: (1) ASX considers it reasonably necessary to do so in order to act on your report, (2) ASX is required or authorised by law to do so, or (3) you consent to the disclosure.

¹ ASX has a [Customer Complaints Policy](#) that covers complaints made to ASX about ASX's products or services, the conduct of an ASX employee towards a customer, or the handling by ASX of a customer complaint. A complaint alleging that an ASX-regulated entity (as opposed to ASX) has breached ASX rules or engaged in some other form of misconduct falls outside the scope of ASX's Customer Complaints Policy.

ASX also has a [Rule Decision Complaints Policy](#) that covers complaints made to ASX about a decision ASX has made under its rules. That policy specifically excludes complaints about rule decisions made in, or connected to, a report of misconduct.

The result is that all reports of misconduct are handled in accordance with this policy, rather than ASX's [Customer Complaints Policy](#) or [Rule Decision Complaints Policy](#). This applies even where the person lodging the report is a customer of ASX and/or the report includes an express or implied complaint about a decision ASX may have taken under its rules in relation to the alleged misconduct.

[ASX's Privacy Statement](#) has further details on how ASX handles personal information and your rights in relation to your personal information held by ASX.

Will ASX respond to my report of misconduct and when?

You will not receive a response to your report of misconduct if you make it anonymously, you do not provide a valid email address, or you specify in your report that you do not wish to receive any communications from ASX in relation to it.

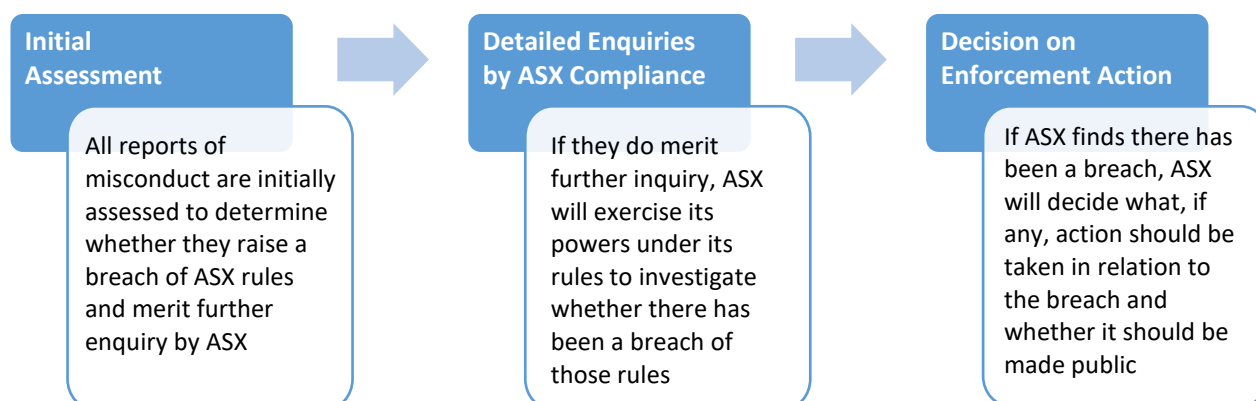
Otherwise, if you submit a report of misconduct through ASX's online facility mentioned above, you will receive an email acknowledging receipt upon its successful submission to that facility. If you submit a report of misconduct by phone, email or letter, ASX will use its best efforts to acknowledge receipt of your complaint by email within 5 business days of receiving it.

We will review your report as quickly as we reasonably can following receipt and, if we need more information from you to take the report further and you have indicated that you are agreeable to ASX contacting you about the report, we will get in touch with you to ask for that information.

Aside from that, you should not expect to receive any further communications from ASX about your report. For legal and other reasons, it is ASX's firm policy not to have any private communications about a report of misconduct with the person who reported the misconduct to ASX. This includes, but is not limited to, responding to any requests the person may make for information on whether ASX has initiated enquiries into the allegations in the report, the outcome of those enquiries, and any action ASX may be taking as a consequence. If ASX considers that information on these matters should be made public, it will publish, or require the ASX-regulated entity to publish, an announcement to the market with that information.

How will my report of misconduct be handled?

The diagram below outlines at a high level the process ASX follows when it receives a report of misconduct.



What types of reported misconduct can ASX investigate and act on?

ASX can investigate and take action against an ASX-regulated entity only for conduct that breaches ASX rules. If a report of misconduct is made against someone who is not an ASX-regulated entity or it relates to conduct that does not breach ASX rules, then ASX has no basis to investigate or take any action in relation to it.

How will I know if the misconduct I am reporting involves an ASX-regulated entity or breaches ASX's rules?

ASX's online facility for reporting misconduct will tell you if the misconduct you are reporting does not involve an ASX-regulated entity or does not breach ASX rules. In an appropriate case, it will also tell you the relevant regulator to whom you should be reporting the misconduct and provide you with their contact details.

There are also *Reporting Misconduct FAQs* on the ASX website at:

<https://www.asx.com.au/about/contact-asx/report-misconduct/reporting-misconduct-to-asx-faqs>

with information about the regulatory body to whom different types of misconduct should be reported.

A significant proportion of the reports of misconduct ASX receives involve entities and matters that are regulated by the Australian Securities and Investments Commission (“ASIC”) under the Corporations Act 2001 (Cth), rather than by ASX under its rules. These reports of misconduct should be submitted to ASIC rather than to ASX.

Information about the types of matters that are regulated by ASIC under the Corporations Act and those that are regulated by ASX under its rules is also available on the ASX website at:

<https://www.asx.com.au/content/dam/asx/about/matters-regulated-by-asic-vs-matters-regulated-by-asx.pdf>

A report of misconduct can be submitted to ASIC via the ASIC online complaint service at:

<https://asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/>

What if I’m not satisfied with ASX’s handling of my report of misconduct?

If you are not satisfied with ASX’s handling of a report of misconduct, you can make a complaint to ASX’s regulator, ASIC:

W <https://asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/>

T 1300 740 895

P The Complaints Officer
Australian Securities and Investments Commission
GPO Box 9827
MELBOURNE VIC 3001

In addition, if the misconduct you have reported involves a failure by an ASX-regulated entity to comply with its obligations under the ASX rules, you may be able to obtain a court order under section 793C or 822C of the Corporations Act directing ASX to enforce its rules against the entity and/or directing the entity to comply with its obligations under those rules. You should take your own legal advice on the prospects of success in, and the likely costs of, legal action seeking such an order.
