



ASX Participants Supervision Enforcement Activity

Under the *Corporations Act 2001* (Cth), as a licensed operator of financial markets, ASX is obliged to have adequate arrangements for monitoring and enforcing compliance with the operating rules of those markets. It is also obliged, as a licensed operator of clearing and settlement facilities, to have adequate arrangements for supervising those facilities and for enforcing compliance with their operating rules.

The purpose of this circular is to notify Participants in those markets and facilities of some of the enforcement activities recently undertaken by ASX Supervision, so that they are aware of potential areas of focus and concern for ASX.

This circular covers enforcement activities that were finalised during the period between 1 April 2026 and 30 June 2026. Investigations in relation to other enforcement matters remain ongoing.

Enforcement Decision

Instinet Australia Pty Ltd

The Group Executive, ASX Supervision, has imposed a penalty of \$65,000 (plus GST) on Instinet Australia Pty Ltd for contraventions of:

- (a) ASX Clear Operating Rule (**ASXCR**) 12.17.5 and its related Procedures, being Instinet's obligation to settle a Cash Market Margin by the prescribed time of 10:30am on 2 September 2024;
- (b) ASXCR 14.6.1 and its related Procedures, being Instinet's obligation to meet its margin payment obligations determined under Rule 14.5.1 by the prescribed time of 10:30am on 2 September 2024; and
- (c) ASXCR 4.1.1(a), being the requirement on Instinet to at all times satisfy the admission requirements under ASXCR 3.2.1(e) and ASXCR 3.5.1, including to have adequate resources and processes to comply with its obligations under the ASXCR.

Further details in respect of this matter are set out in the following circular:

<https://www.asx.com.au/content/dam/asx/about/asx-supervision/disciplinary-notice/2026/disciplinary-notice-instinnet-australia.pdf>

Warning Letter

Requirement to notify ASX of director changes and regulatory action within required timeframes

ASX has issued a warning letter to a Participant over concerns that it failed to comply with its notification obligations between October 2022 and March 2026.

On 19 January 2026, ASX contacted the Participant after becoming aware that a director had resigned and ASX had not been notified by the prescribed time. The Participant subsequently informed ASX that it had also failed to notify ASX by the prescribed time about two other directors who had ceased being directors in October 2022.

On 3 March 2026, following further engagement with ASX, the Participant advised ASX that it had been in contact with the ASIC enforcement team about a separate issue. Although ASIC had not yet

determined whether to take regulatory action, the Participant failed to advise ASX by the next Business Day that ASIC was taking, or may take, action against it.

ASX concluded that the Participant did not adequately understand its ASX notification obligations.

The Participant was reminded of the ongoing obligations to inform ASX of changes and specific matters in relation to its business activities as a Participant. Information provided in these notifications is important, because it enables ASX to maintain accurate records. In relation to regulatory action, it also helps ASX to assess whether it needs to consider the participant's compliance with the relevant ASX operating rules.