



## **ASX 24 OPERATING RULES**

### **SECTION 6 GENERAL RULES**

<b>OPERATION OF RULES AND PROCEDURES .....</b>	<b>603</b>
Application and Effect of these Rules .....	603
Inconsistency with ASIC Market Integrity Rules .....	604
Procedures .....	604
Waiver .....	605
<b>EXERCISE OF MARKET OPERATOR POWERS .....</b>	<b>606</b>
Exercise and Delegation of Functions and Powers .....	606
Multiple Action .....	607
Reference to the Market Operator exercising discretion where it considers “appropriate” .....	607
Defects, irregularities and deficiencies .....	608
<b>MARKET OPERATOR ACTIONS AS REQUIRED UNDER ASIC MARKET INTEGRITY     RULES .....</b>	<b>609</b>
<b>FEES, DUTIES AND TAXES .....</b>	<b>610</b>
Fees and other charges .....	610
Duties and taxes .....	610
<b>FOREIGN TRADING PARTICIPANTS AND OTHER TRADING PARTICIPANTS WITH     OVERSEAS ACTIVITY .....</b>	<b>611</b>
<b>PERSONS ACTING FOR TRADING PARTICIPANT .....</b>	<b>614</b>
Responsibility for individuals involved in business .....	614
Authorised Signatories .....	614
<b>COMPENSATION ARRANGEMENTS .....</b>	<b>615</b>
Payment of compensation arrangement levies .....	615
<b>RECORDS, INFORMATION, RETURNS AND RECORDING .....</b>	<b>616</b>
Requirement for Records and Information .....	616
Returns and reports .....	617
Disclosure of Information .....	617
Recording by the Market Operator .....	619

<b>INDEMNITIES AND DISCLAIMERS .....</b>	<b>620</b>
<b>MISCELLANEOUS.....</b>	<b>622</b>
Notice, notification and service of documents .....	622
Governing law and submission to jurisdiction.....	625

## SECTION 6 GENERAL RULES

### OPERATION OF RULES AND PROCEDURES

#### Application and Effect of these Rules

[6000] These Rules form part of the operating rules of the Market Operator for the purposes of the Corporations Act 2001. These Rules should be read in conjunction with:

- (a) the Procedures;
- (b) the ASX Enforcement and Appeals Rulebook; and
- (c) the Corporations Act.

To the extent of any inconsistency between these Rules and the Procedures, these Rules will prevail.

*Amended 20/03/17*

[6001] These Rules are binding on the Market Operator and Trading Participants in the manner set out in:

- (a) section 793B of the Corporations Act; and
- (b) Rule [6002].

*Amended 20/03/17*

[6002] These Rules have the effect of a contract under seal between the Market Operator and Trading Participants under which:

- (a) each Trading Participant covenants with the Market Operator and each other Trading Participant to observe the Rules and to perform the obligations which the Rules purport to impose on the Trading Participant, in the manner provided by the Rules; or
- (b) the Market Operator covenants with each Trading Participant to observe the Rules and to perform the obligations which the Rules purport to impose on the Market Operator, in the manner provided by the Rules.

*Amended 20/03/17*

[6003] The ASX Enforcement and Appeals Rulebook forms part of these Rules where relevant for the purposes of the Corporations Act.

### **Inconsistency with ASIC Market Integrity Rules**

- [6010] If there is an inconsistency between the Rules and the ASIC Market Integrity Rules, these Rules will be read down to the extent of the inconsistency.

### **Procedures**

- [6020] The Market Operator may from time to time approve written Procedures relating to the operations of the Market Operator and the Market, the conduct of Trading Participants and the structure and operation of electronic communications between the Market Operator and Trading Participants.

*Amended 20/03/17*

- [6021] The Procedures do not form part of these Rules. However, if a Rule requires a person to comply with any part of the Procedures, failure by the person to comply with that part of the Procedures is a contravention of the Rule.

- [6022] The Market Operator may approve changes to the Procedures from time to time and must notify Trading Participants of any changes to the Procedures.

*Amended 20/03/17*

## Waiver

[6030] The Market Operator may relieve any person or class of person from the obligation to comply with a provision (other than an indemnity or disclaimer provision) of these Rules, either generally or in a particular case or category, and either unconditionally or subject to such conditions as the Market Operator thinks fit. If any conditions on a waiver are imposed, all of the conditions must be complied with for the waiver to be effective. The Market Operator may withdraw a waiver at any time. Any request by a Trading Participant for a waiver under this Rule [6030] must be in writing.

Amended 20/03/17

[6031] Failure to comply with a condition imposed under Rule [6030] is a contravention of that Rule.

Amended 20/03/17

[6032] The Market Operator may specify a period or specific event during which any relief under Rule [6030] may apply, in which case such relief is limited to such period or event.

Amended 20/03/17

[6033] The Market Operator must establish and maintain a register for recording details of relief granted under Rule [6030] in accordance with the Procedures.

Amended 20/03/17

[6034] A failure by the Market Operator to exercise, or any delay in exercising, any of its rights, powers or remedies (in whole or in part) under the Rules does not operate as a waiver of those rights, powers or remedies upon that or any subsequent occasion, nor does any single or partial exercise of any right, power or remedy prevent any further exercise of that or any other right, power or remedy.

Amended 20/03/17

### Procedure 6033 – Waiver

For the purposes of Rule [6033]:

- (a) the register will set out:
  - (i) the date that the relief takes effect;
  - (ii) the person or class of person relieved from the obligation;
  - (iii) the provision to which the relief applies;
  - (iv) brief reasons for the relief; and
  - (v) any conditions that apply to the relief.
- (b) a copy of the information set out in (a) above will be made available on [asx.com.au](http://asx.com.au).

## EXERCISE OF MARKET OPERATOR POWERS

### Exercise and Delegation of Functions and Powers

- [6100] Unless the contrary intention appears, powers conferred on the Market Operator by or under these Rules may be exercised by resolution of the board of the Market Operator or by any authorised delegate of the Market Operator.

Amended 20/03/17

- [6101] Unless the contrary intention appears, the Market Operator may delegate, either generally or as otherwise provided by the terms of delegation, any of the powers and functions of the Market Operator to any officer or employee of a person carrying out functions for or on behalf of the Market Operator.

Amended 20/03/17

- [6102] Where the Market Operator delegates any of its powers or functions to one or more officers or persons in accordance with Rule [6103], those delegates may sub-delegate such of the delegated powers as the Market Operator approves from time to time.

Amended 20/03/17

- [6103] If any power or function is delegated:

- (a) performance or exercise by the delegate of the power or function is taken to be performance or exercise by the Market Operator, as the case requires;
- (b) the delegation does not prevent the performance or exercise of the power or function by the Market Operator, as the case requires; and
- (c) where the performance or exercise depends upon the opinion, belief or state of mind of the Market Operator, as the case requires, the power or function may be performed or exercised by the delegate upon the opinion, belief or state of mind of the delegate.

Amended 20/03/17

## **Multiple Action**

[6110] Any action taken or not taken by the Market Operator under any Rule does not restrict the Market Operator or prohibit the Market Operator from taking any other action under, or enforcing:

- (a) the same Rule (including in respect of more than one person); or
- (b) any other Rule,

even if that action or enforcement relates to the same or substantially the same facts or conduct.

Amended 20/03/17

## **Reference to the Market Operator exercising discretion where it considers “appropriate”**

[6120] Where a Rule provides that the Market Operator may act in a manner which it considers "appropriate", when deciding whether or not to act, and how to act, the Market Operator will have regard to:

- (a) the obligations, duties, powers and discretions which the Market Operator has as the holder of, or in connection with, the holding of an Australian market licence under Part 7.2 of the Corporations Act;
- (b) the obligations, duties, powers and discretions which an Approved Clearing Facility has as the holder of, or in connection with the holding of, an Australian CS facility licence under Part 7.3 of the Corporations Act;
- (c) the obligations, duties, powers and discretions which an Approved Settlement Facility has as the holder of, or in connection with the holding of, an Australian CS facility licence under Part 7.3 of the Corporations Act; and
- (d) the obligations, duties, powers and discretions which an operator of any Underlying Market has as the holder of, or in connection with the holding of, an Australian market licence under Part 7.2 of the Corporations Act.

Amended 20/03/17

## **Defects, irregularities and deficiencies**

[6130] A decision, resolution, proceeding or act of the Market Operator under these Rules is not invalidated by any:

- (a) defect;
- (b) irregularity; or
- (c) deficiency,

of notice or time unless:

- (d) a Trading Participant concerned by the defect, irregularity or deficiency requests the Market Operator to resolve that the decision, resolution, proceeding or act is invalid;
- (e) the Market Operator reasonably believes that the defect, irregularity or deficiency has caused or may cause substantial injustice which cannot reasonably be avoided; and
- (f) the Market Operator accordingly resolves that the decision, resolution, proceeding or act is invalid.

Amended 20/03/17

[6131] An action or inaction by the Market Operator under the Rules may not be challenged on the ground that a Rule, Procedure, direction, decision or requirement of the Market Operator, or any agreement made by the Market Operator, is ultra vires the Market Operator or otherwise invalid.

Amended 20/03/17

[6132] If any of the provisions of the Rules or the Procedures becomes at any time illegal, invalid or unenforceable in any respect under the law of any jurisdiction, the legality, validity or enforceability of the remaining provisions of the Rules and the Procedures, and the legality, validity or enforceability of the provision under the law of any other jurisdiction is not affected or impaired in any way.

## MARKET OPERATOR ACTIONS AS REQUIRED UNDER ASIC MARKET INTEGRITY RULES

[6200] If ASIC has under the Corporations Act or the ASIC Market Integrity Rules:

- (a) issued a direction to, or otherwise required, a Trading Participant, to take, or not take, certain action in respect of the Market; or
  - (b) issued a direction to, or otherwise required, the Market Operator to take, or not take, certain action in respect of the Market or a Trading Participant,
- the Market Operator may take, or not take, such action as the Market Operator considers appropriate to give effect to, or to comply with, such direction or requirement having regard to Rule [6120], including such action, or non action, as specified in the Procedures.

Amended 20/03/17

## FEES, DUTIES AND TAXES

### Fees and other charges

- [6300] The Market Operator may determine fees to be paid by Trading Participants in connection with the admission of Trading Participants, including access to and use of trading facilities, the Market Operator's monitoring and enforcement functions, its facilities and any other services operated or provided by the Market Operator or a Related Body Corporate of the Market Operator in connection with these Rules. The fees, and any change to those fees, will take effect from the time notified by the Market Operator to Trading Participants.

Amended 20/03/17

- [6301] The Market Operator may impose additional fees where a Trading Participant has failed to pay a fee determined under Rule [6300] by the time specified or to perform an obligation under these Rules by the time required under these Rules.

Amended 20/03/17

- [6302] A Trading Participant must pay the fees determined under Rule [6300] (and any late fees imposed under Rule [6301]) by the times and in the manner determined by the Market Operator and notified to Trading Participants.

Amended 20/03/17

- [6303] If any Trading Participant fails to pay any levy, fee or any sum of money (in this Rule [6303], a "sum") for which it is liable to the Market Operator or any Related Party of the Market Operator, within one month from the time when such sum became payable, the amount of such sum will carry interest at the rate determined in accordance with Schedule 5 of the Uniform Civil Procedure Rules 2005 (NSW).

Amended 20/03/17

### Duties and taxes

- [6310] A Trading Participant is liable for all stamp duty, transaction taxes, goods and services taxes and other duties or taxes which may be payable in respect of any:
- (a) Market Transaction;
  - (b) transaction between the Trading Participant and the Market Operator or any Related Body Corporate of the Market Operator;
  - (c) services provided by the Market Operator or any Related Body Corporate of the Market Operator to the Trading Participant; or
  - (d) documents lodged by it with, or issued to it by, the Market Operator or any Related Body Corporate of the Market Operator in connection with the conduct of the Trading Participant's business with the Market Operator, an Approved Clearing Facility or an Approved Settlement Facility.

Each Trading Participant indemnifies the Market Operator against all liability for payment of those duties or taxes. The Market Operator and any Related Body Corporate of the Market Operator may debit any account of the Trading Participant with it by the amount of any duties or taxes payable by the Trading Participant or the Trading Participant's Clearing Participants.

Amended 20/03/17

## FOREIGN TRADING PARTICIPANTS AND OTHER TRADING PARTICIPANTS WITH OVERSEAS ACTIVITY

[6400] A Trading Participant that proposes to locate or relocate any part of its business as a Trading Participant (including, without limitation, any Open Interface Device or other means of communicating Trading Messages to the Market Operator or any Employees) outside Australia ("Overseas Activity") must comply with the requirements set out in the Procedures.

Amended 15/06/15, 20/03/17

### Procedure 6400 – Foreign Trading Participants and other Trading Participants with Overseas Activity

For the purposes of Rule [6400] the requirements are as follows:

- (a) provide prior written notification to the Market Operator including details of the proposed Overseas Activity;
- (b) obtain and maintain all necessary regulatory approvals from any relevant governmental agency or regulatory authority in Australia or elsewhere in respect of the Overseas Activity and provide a copy of those regulatory approvals to the Market Operator upon request;
- (c) comply with the directions of the Market Operator and any relevant governmental agency or regulatory authority in Australia or elsewhere concerning the conduct and supervision of the Overseas Activity; and
- (d) not engage in Overseas Activity of a type which would result in the Market Operator becoming subject to the jurisdiction of any relevant government agency or authority outside Australia without the prior written consent of the Market Operator.

Note: This Procedure applies to all Trading Participants who locate aspects of their activities as a Trading Participant overseas, regardless of where they are incorporated or carry on business.

Amended 15/06/15, 20/03/17

[6401] If a Trading Participant is incorporated outside Australia or conducts any part of its business as a Trading Participant outside Australia and:

- (a) any tax or duty of any kind would be liable to be paid by the Market Operator, a Related Body Corporate of the Market Operator or any other person bound by these Rules (each an "Entity");
- (b) the Trading Participant would be required by any law or regulation to withhold payment of an amount or deduct a tax or duty of any kind from an amount payable by it to any Entity; or
- (c) an Entity or Entities are required by any law or regulation to withhold payment of an amount or deduct a tax or duty of any kind from an amount payable by the Entity or Entities,

in respect of any transaction or agreement between that Trading Participant and any Entity or Entities, and that duty or tax would not be liable to be paid or would not be required to be withheld or deducted if the Trading Participant were incorporated in Australia and conducting its business as a Trading Participant wholly in Australia, then the Trading Participant must disclose to each relevant Entity that the duty or tax may be payable, or withholding or deduction may have to be made, before the relevant transaction or agreement to which the duty or tax relates is entered into or instructions are accepted. The disclosure must be in writing and include the nature of the duty, tax or withholding and the amount of the likely duty, tax or withholding or the appropriate rate of duty or tax.

Amended 15/06/15, 20/03/17

[6402] Without limiting any other indemnity given by a Trading Participant under these Rules, each Trading Participant indemnifies the Market Operator in respect of any loss or damage caused to the Market Operator as a result of a failure by that Trading Participant to observe the requirements of Rules [6400] to [6402].

Amended 20/03/17

[6403] A Trading Participant must ensure, even if part of its business as a Trading Participant or some of its Employees are located outside Australia, that it has in place appropriate arrangements so that the Trading Participant and the Market Operator (and Related Bodies Corporate of the Market Operator) can communicate with each other and receive each other's responses quickly on a day-to-day operational basis and so that the Trading Participant can promptly comply with the Rules or a request of the Market Operator (or a Related Body Corporate of the Market Operator).

Introduced 15/06/15 Amended 20/03/17

[6404] A Trading Participant that is not incorporated or registered as a foreign company under the Corporations Act must:

- (a) appoint an agent, approved by the Market Operator, which is resident in Australia for service of process in Australia generally (including, without limitation, by ASX and ASIC);
- (b) provide the Market Operator as soon as practicable with a copy of any agent's acceptance of such appointment;
- (c) inform the Market Operator of the intended effective date of any agent ceasing for any reason to act as agent for the Trading Participant; and
- (d) if paragraph (c) applies, appoint as soon as practicable, and in any case before an outgoing agent ceases acting as agent for the Trading Participant, a new agent, approved by the Market Operator.

Introduced 15/06/15 Amended 20/03/17

## PERSONS ACTING FOR TRADING PARTICIPANT

### Responsibility for individuals involved in business

- [6500] A Trading Participant is responsible for all actions and omissions of persons involved in its business as a Trading Participant including, without limitation, its Employees.

Amended 15/06/15

### Authorised Signatories

- [6510] A Trading Participant must submit to the Market Operator, in the manner and form set out in the Procedures, details of persons who are authorised by the Trading Participant to sign documentation and to deal with trading issues in connection with the operation of its business as a Trading Participant.

Amended 20/03/17

- [6511] A Trading Participant must promptly notify the Market Operator in writing if any of the persons whose names are submitted under Rule [6510] cease to be authorised by the Trading Participant to sign the relevant documentation or to deal with trading issues or if any new person is given that authority.

Amended 20/03/17

- [6512] The Market Operator is entitled to rely on the list referred to in Rule [6510] as updated from time to time under Rule [6511] as evidence that the persons whose names are on the list at any given time are authorised to sign on behalf of the Trading Participant documentation presented to the Market Operator or to deal with trading issues in connection with the operation of its business as a Trading Participant.

Amended 20/03/17

- [6513] Nothing in Rules [6510] to [6512] limits the persons whom the Market Operator is entitled to assume are authorised by the Trading Participant to sign documentation and to deal with trading issues in connection with the operation of its business as a Trading Participant or the operation of Rule [6500].

Amended 15/06/15, 20/03/17

### Procedure 6510 – Authorised Signatories

For the purposes of Rule [6510] the Trading Participant must submit a list to Trading Operations which specifies the title, function and contact details of each of the persons authorised by the Trading Participant to deal with trading issues (including requesting cancellations of trades or agreeing to requests for trade cancellations) in connection with the operation of its business as a Trading Participant. The Participant must submit its list of Authorised Signatories via ASX Online.

Amended 31/03/13, 08/07/13, 23/07/18

## COMPENSATION ARRANGEMENTS

### **Payment of compensation arrangement levies**

[6620] Each Trading Participant must pay any levies raised against it by the Market Operator in accordance with the rules of any compensation arrangement that the Market Operator is required to maintain in accordance with the Corporations Act or Regulations.

Amended 20/03/17

## RECORDS, INFORMATION, RETURNS AND RECORDING

### Requirement for Records and Information

- [6700] All records which a Trading Participant is required to maintain under Rules [8500] to [8520] must be kept in writing and in the English language or in a manner which will enable them to be readily accessible by the Market Operator and readily converted into writing in the English language. The Market Operator may direct a Trading Participant to convert records into writing and into English. That direction must be complied with by the time specified by the Market Operator when giving the direction.

Amended 20/03/17

- [6701] If the records which a Trading Participant is required to maintain under [8500] to [8520] are kept outside Australia:
- (a) the Trading Participant must send, or cause to be sent, to Australia records which will enable true and fair financial statements to be prepared; and
  - (b) the Market Operator may direct a Trading Participant to produce any of its records in Australia.

A Trading Participant must comply with any direction given by the Market Operator under paragraph (b) by the time specified by the Market Operator when giving the direction.

Amended 20/03/17

- [6702] Where documentation or information is provided or made available by or on behalf of a Trading Participant under Rule [6700] or [6701] in a language other than English or in a form that is not readily accessible by the Market Operator, the Trading Participant indemnifies the Market Operator against any costs and expenses the Market Operator incurs in connection with translating that documentation or information into English and obtaining access to that documentation or information.

Amended 20/03/17

- [6703] A Trading Participant is not entitled to the return of any particulars, notices or any other documentation lodged with the Market Operator under the Rules but a Trading Participant may, upon giving 24 hours' notice in writing to the Market Operator as applicable, inspect and make copies, at the Trading Participant's cost, of those particulars, notices or other documentation in respect of dealings by that Trading Participant with the Market Operator.

The Trading Participant must pay the costs, if any, of the Market Operator as applicable of making available to the Trading Participant those particulars, notices or documentation.

Amended 20/03/17

[6704] A Trading Participant must ensure that all information which the Trading Participant or its Employees give to the Market Operator is complete, accurate and not misleading. If the Trading Participant becomes aware that information which it, or its Employees, have given previously to the Market Operator was incomplete, inaccurate or misleading, the Trading Participant must promptly notify the Market Operator in writing.

Amended 20/03/17

[6705] Deleted 15/06/15

### **Returns and reports**

[6710] Where a Trading Participant is required by the Market Operator under these Rules to prepare or submit a return or report:

- (a) the Trading Participant must prepare or submit that return or report in the manner and form and by the time specified in the Rule or otherwise required by the Market Operator;
- (b) the Trading Participant must ensure that the information contained in the return or report is extracted accurately from the records of the Trading Participant; and
- (c) the Market Operator may require a director of the Trading Participant to certify that paragraphs (a) and (b) have been complied with.

Amended 20/03/17

### **Disclosure of Information**

[6720] The Market Operator may, where it considers it appropriate in accordance with Rule [6120], disclose information regarding Trading Participants and their activities that are relevant to the Market Operator to:

- (a) the Commission;
- (b) the Reserve Bank of Australia;
- (c) the Australian Prudential Regulation Authority;
- (d) an Approved Clearing Facility;
- (e) an Approved Settlement Facility; or
- (f) any governmental agency or regulatory authority.

Amended 20/03/17

[6721] The Market Operator will take all reasonable measures to protect from unauthorised use or disclosure information provided to it in confidence, including Open Position information, by or on behalf of a Trading Participant pursuant to the Rules. For the purposes of this Rule the disclosure of information including client level information in the following circumstances does not constitute unauthorised use or disclosure:

- (a) pursuant to a Reciprocal Arrangement;
- (b) required to be disclosed by the Market Operator under any law or any order of any court or tribunal, authority or regulatory body;
- (c) which at the time of disclosure to or by the Market Operator, was generally available to and known by the public;

- (d) for the purposes of monitoring compliance with, or the enforcement of, the Rules or the adjudication of those matters (including, without limitation, to the Appeal Tribunal);
- (e) to a Related Body Corporate of the Market Operator, for the purpose of enabling that Related Body Corporate to assess whether the Trading Participant is complying with, will comply with or has complied with the operating rules of, or any contractual arrangement with, that Related Body Corporate;
- (f) to an Approved Clearing Facility, for the purpose of enabling the Approved Clearing Facility to assess whether the Trading Participant (or Clearing Participants which clear Market Transactions of the Trading Participant) is complying with, will comply with or has complied with the Approved Clearing Facility's operating rules or procedures;
- (g) to the Approved Settlement Facility, for the purpose of enabling the Approved Settlement Facility to assess whether the Trading Participant is complying with, will comply with or has complied with the Approved Settlement Facility's operating rules or procedures;
- (h) to any governmental agency or regulatory authority including, without limitation, another market operator, clearing house or clearing and settlement facility (in Australia or elsewhere) which requests the Market Operator to provide the information to it, in the proper exercise of its powers relating to:
  - (i) the order and good government of Trading Participants; or
  - (ii) the efficient, honest, fair, competitive and informed trading, clearing and settlement of financial products (in Australia or elsewhere); and
  - (iii) any entity which provides financial backing or insurance to the Market Operator for the purpose of enabling that entity to assess the risk to the Market Operator or that entity from trading activities generally or to assess any claim made in connection with the Trading Participant's activities.

Amended 20/03/17

[6722] The Market Operator will take all reasonable measures to protect from unauthorised use or disclosure information provided to it in confidence by or on behalf of an operator of a disputes or complaints resolution scheme or similar scheme to which a Trading Participant is a party. For the purposes of this Rule the disclosure of information by the Market Operator, or a Related Party of the Market Operator, to any of the entities or in any of the circumstances set out in Rules [6720] and [6721] will not be an unauthorised use or disclosure.

Amended 20/03/17

[6723] The Market Operator may disclose to the operator of a disputes or complaints resolution scheme, or similar scheme to which a Trading Participant is a party, such information relating to the Trading Participant as the Market Operator has and which it considers relevant to a request for information from the operator or to some other aspect of a complaint involving the Trading Participant.

Amended 20/03/17

[6724] The Market Operator may only disclose information under Rule [6723] on condition that the operator of the disputes or complaints resolution scheme agrees to maintain the confidentiality of the information except that the operator may disclose the information:

- (a) if required by law or in court proceedings;
- (b) if required for the purpose for which the Market Operator has given it the information;
- (c) if a government authority or agency has requested the information; or
- (d) if the information is already generally available at the time the operator discloses the information.

Amended 20/03/17

### **Recording by the Market Operator**

[6730] The Market Operator and each Trading Participant may record all telephone conversations between the Market Operator and the Trading Participant.

Amended 20/03/17

## INDEMNITIES AND DISCLAIMERS

[6800] Subject to Rule [6801], and without limiting Rules [3113], [3250] and [5166] the Market Operator is not liable to any Trading Participant or any Trading Participant's clients for any direct, indirect or consequential loss, damage or expense (including legal costs) arising in any way out of:

- (a) the supply (or the failure to supply or any delay in supplying) of trading services in respect of Market Transactions including, without limitation, generation of trading information and production of documentation relating to a Trading Participant or its clients ("Trading Services");
- (b) the supply of any other services relating to the Market or any Trading Platform or Product ("Other Services");
- (c) any negligent conduct or omission of the Market Operator including, without limitation, any systems malfunctions, systems failure, error in programming or error in input data in relation to any computer used or otherwise in connection with the supply of Trading Services or Other Services;
- (d) any implied warranties in relation to the supply of Trading Services or Other Services by the Market Operator;
- (e) the exercise by the Market Operator of a decision making power under the Rules or by an Approved Clearing Facility or an Approved Settlement Facility of a decision making power under the Clearing Rules; or
- (f) any action taken, or not taken, by the Market Operator under Rule [6200].

Amended 20/03/17

[6801] The Market Operator excludes under Rule [6800] conditions and warranties implied by statute, general law or custom except any implied condition or warranty the exclusion or limitation of which would contravene any statute (including the Trade Practices Act 1974) or cause any part of Rules [6800] to [6802] to be void ("Non-Excludable Condition").

Amended 20/03/17

[6802] The liability of the Market Operator under any Non-Excludable Condition may be limited in the discretion of the Market Operator respectively to:

- (a) in the case of services, the supply of the relevant services again or payment of the costs of having the relevant services supplied again; and
- (b) in the case of goods, the repair or replacement of those goods or the payment of the cost of having the goods repaired or replaced.

Amended 20/03/17

[6803] Where a Rule excludes or limits the liability of the Market Operator, releases the Market Operator from liability, or provides for an indemnity in favour of the Market Operator, then to the extent permitted by law, that exclusion, limitation, release or indemnity (as applicable) extends to:

- (a) every officer, employee, agent, delegate, person acting for or on behalf of the Market Operator or contractor of the Market Operator; and
- (b) every Related Body Corporate of the Market Operator and every officer, employee, agent, delegate, person acting for or on behalf of that Related Body Corporate or contractor of that Related Body Corporate,

as if a reference in that Rule to the Market Operator included a reference to each of them.

Amended 20/03/17

[6804] The benefit of any limitation, exclusion, release or indemnity in favour of any person other than the Market Operator under Rule [6803] is held by the Market Operator for the benefit of those other persons and the Market Operator may enforce that benefit on their behalf.

Amended 20/03/17

## MISCELLANEOUS

### Notice, notification and service of documents

[6900] If any Rule requires or permits the giving of notice of any matters to any person, the Rule requires or permits the giving to that person of a written document containing those matters.

[6901] Without limiting any other provision of Rules [6900] to [6904], any notice to be given by a Trading Participant to the Market Operator must be given to the person holding the position notified by the Market Operator to Trading Participants and may be given in the manner set out in the Procedures. Any notice to be given by the Market Operator to a person, firm or corporation may be given in the manner set out in the Procedures.

Amended 20/03/17

[6902] For the purposes of any Rule that requires or permits a document to be given to a person, whether the expression 'serve', 'give' or 'send' or any other expression is used, the document may be given, and will be taken to have been received, at the time and in the manner set out in the Procedures.

Nothing in this Rule [6902] or the Procedures prevents documents being sent or given to, or served on, a person in any other manner required or permitted by law.

[6903] A Trading Participant must acquire and maintain an operating e-mail system for the purposes of receiving notices under Rule [6902].

[6904] If under these Rules the Market Operator is to give notice to some or all Trading Participants, accidental omission by the Market Operator to give notice to one or more Trading Participants does not affect the validity or enforceability of any resolution, decision, proceeding or act in connection with which the notice was to be given.

Amended 20/03/17

### Procedure 6901 – Notification, Notice and service of documents

For the purposes of Rule [6901], unless otherwise specified in correspondence with a Trading Participant, documents addressed to the Market Operator should be addressed to the person holding the following position:

General Manager – Trading Operations and Markets

ASX Limited

Level 27

39 Martin Place

SYDNEY NSW 2000

Telephone: 1300 655 560

Facsimile: 02 9235 1857

### **Notice to the Market Operator:**

Notice to the Market Operator may be given by:

1. Delivering it personally to the person specified above or otherwise specified in correspondence with the Trading Participant;

2. Leaving it at or by sending it by courier or post to the address specified above or otherwise specified in correspondence with the Trading Participant;
3. Sending it by facsimile to the facsimile number specified above or otherwise specified in correspondence with the Trading Participant;
4. Updating the Trading Participant's corporate details on ASX Online where applicable, unless otherwise directed by the Market Operator;
5. Submitting it via the participant forms facility on the web-based system interface known as ASX Online where applicable, unless otherwise directed by the Market Operator; or
6. Specific email by any method which identifies a Market Operator department or a Market Operator employee's name or title as addressee and no notice of non-delivery has been received.

Where a Trading Participant is also a participant in another market or clearing and settlement facility operated by the Market Operator or a Related Body Corporate of the Market Operator and the notice being provided relates to both participations, a notice given to the Market Operator or a Related Body Corporate of the Market Operator in accordance with the operating rules of that other market or facility is taken to be given to ASX in accordance with these Rules.

#### **Notice by the Market Operator:**

The Market Operator may give notice to any person, firm or corporation by any of the following methods:

1. Delivering it to the recipient personally;
2. Leaving it at or by sending it by courier or post to the address of the recipient last notified to the Market Operator;
3. Sending it by facsimile to the recipient's facsimile number last notified to the Market Operator;
4. A circular or bulletin addressed to a class of persons and delivered or communicated by any means permitted under this Procedure;
5. Specific email by any method which identifies a person or person's title as addressee and no notice of non-delivery has been received;
6. Broadcast email by any method which identifies the addressee and which, having regard to all the relevant circumstances at the time, was as reliable as appropriate for the purposes for which the information was communicated; or
7. Sending it via ASX Online.

Amended 15/06/15, 20/03/17, 10/01/19, 13/10/25

#### **Procedure 6902**

For the purposes of any Rule that requires or permits a document to be given to a person, whether the expression 'serve', 'give' or 'send' or any other expression is used, the document may be given, and will be taken to have been received, at the time and in the manner set out in the Procedures.

Nothing in Rule [6902] or the Procedures prevents documents being sent or given to, or served on, a person in any other manner required or permitted by law.

For the purpose of Rule [6902] the time and manner in which a notice may be given is as follows:

Notice by:

1. Post is taken to be given on the second Business Day after the document is put in the post, in a stamped envelope or other covering addressed to the recipient;
2. Courier is taken to be given at the time of delivery to the address referred to in Procedure 6901;
3. Facsimile is taken to be given when the sender's facsimile machine indicates a successful transmission to the facsimile number referred to in Procedure 6901;
4. Email, under Procedure 6901 is taken to be given 2 hours after the time the email enters the recipient's information system, unless a response to the contrary is received (e.g. an out of office notification); and
5. The web-based system interface known as ASX Online is taken to be given at the time which that system records the transmission.

For the purposes of the Rules, a notice given in accordance with Procedure 6901 to a person is received by that person at the time it is taken to be given to that person under this Procedure 6902.

Amended 10/01/19

## **Governing law and submission to jurisdiction**

[6910] All contracts or agreements between the Market Operator or a Related Body Corporate of the Market Operator and a Trading Participant which are constituted by the Rules or entered into under the Rules or as contemplated by the Rules are governed by the laws of New South Wales or as applicable the laws of Australia.

Amended 20/03/17

[6911] The Market Operator, each Related Body Corporate of the Market Operator and each party to a contract or agreement referred to in Rule [6910] irrevocably and unconditionally:

- (a) submit to the non-exclusive jurisdiction of the courts of New South Wales and courts of appeal from them;
- (b) waive any immunity from any action in the courts exercising any jurisdiction in New South Wales; and
- (c) waive any right they have to object to any action being brought in those courts, including, without limitation, by claiming that the action has been brought in an inconvenient forum or that the courts in New South Wales do not have jurisdiction.

Amended 20/03/17

**End of Section. Next page is no. 701.**