

SECTION 3 FUNCTIONS, POWERS, RIGHTS AND OBLIGATIONS OF ASX SETTLEMENT

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SECTION 3 FUNCTIONS, POWERS, RIGHTS AND OBLIGATIONS OF ASX SETTLEMENT

This Section 3 of these Rules sets out the functions and powers of ASX Settlement as operator of the Settlement Facility and also sets out:

- (a) how those functions and powers may be delegated and exercised;
- (b) the specific powers of ASX Settlement to relieve Participants from obligations and waive requirements under these Rules;
- (c) the obligations of ASX Settlement as CS facility licensee to maintain and administer the Settlement Facility;
- (d) liability and indemnity provisions which apply as between ASX Settlement and Facility Users; and
- (e) the circumstances in which ASX Settlement may disclose information.

3.1 FUNCTIONS OF ASX SETTLEMENT

3.1.1 Functions of ASX Settlement

The functions of ASX Settlement are:

- (a) to operate and administer the Settlement Facility;
- (b) to encourage compliance by Issuers, Participants and other persons with, and, where authorised, to take disciplinary action for contravention of, Chapter 7 of the Corporations Act and these Rules;
- (c) to co-operate so far as reasonably possible with the Commission, the Reserve Bank of Australia, any Approved Clearing Facility and any Approved Listing Market Operator that quotes financial products which are Approved Financial Products, in carrying out the services of the Settlement Facility, and to provide such assistance as is reasonably required by the Commission, the Reserve Bank of Australia, any Approved Clearing Facility and any Approved Listing Market Operator that quotes financial products that are Approved Financial Products in carrying out their functions;
- (d) to comply with other obligations imposed upon it as a CS facility licensee under the Corporations Act; and
- (e) to act as coordinator of Batch Settlement in CHESSE.

Introduced 11/03/04 Origin SCH 1.2.1 Amended 01/05/07, 27/06/11

3.2 POWERS OF ASX SETTLEMENT

3.2.1 Powers of ASX Settlement

ASX Settlement has such powers as are conferred on it by or under:

- (a) the Corporations Act
- (b) these Rules; or
- (c) any contract or arrangement with an Issuer, Participant or other person.

Introduced 11/03/04 Origin SCH 1.3 Amended 04/06/10

3.2.2 Special arrangements for Market Operators as Facility Users

In relation to a Market Operator as a Facility User, the exercise of the powers and functions of ASX Settlement are subject to:

- (a) any modification and variation of the Corporations Act in relation to the quoted financial products of that Market Operator as a self listing Market Operator; and
- (b) any arrangements entered into by ASX Settlement with that Market Operator and the Commission from time to time under sections 798C and 798D of the Corporations Act.

Introduced 11/03/04 Origin SCH 1.3.1A

3.2.3 Power to revoke, amend or vary instruments

If under these Rules, ASX Settlement has power to make, issue or impose any State of Emergency Rules, specifications, Procedures, determinations, schedules, conditions or restrictions on participation, or other instruments (in this Rule 3.2.3 called, collectively, 'instruments'), the power includes a power exercisable in the same manner and subject to the same conditions (if any) to repeal, rescind, revoke, amend or vary any such instruments.

Introduced 11/03/04 Origin SCH 1.3.3

3.2.4 Exercise of discretion by ASX Settlement

If a provision of these Rules allows or requires ASX Settlement to exercise any discretion:

- (a) ASX Settlement may exercise its discretionary power in such manner as it sees fit; and
- (b) review by a court or tribunal of the exercise of discretion by ASX Settlement is limited to review for excess or lack of power, and does not extend to a review of the exercise of discretion on its merits.

Introduced 11/03/04 Origin SCH 1.3.4, 1.3.4A

3.3 WAIVER

3.3.1 Waiver of rules and procedures

Subject to Rules 3.3.3 and 3.3.4 ASX Settlement may relieve any person or class of person from the obligation to comply with a provision of these Rules, either generally or in a particular case or category, and either unconditionally or subject to such conditions as ASX Settlement thinks fit. If any conditions on a waiver are imposed, all of the conditions must be complied with for the waiver to be effective. ASX Settlement may withdraw a waiver at any time. Any request by a Participant for a waiver under this Rule 3.3 must be in writing.

Introduced 11/03/04 Origin SCH 1.3.5 and OCH 18.5.1

3.3.2 Compliance with conditions

Failure to comply with a condition imposed under Rule 3.3.1 is a contravention of that Rule.

Introduced 11/03/04 Origin SCH 1.3.6

3.3.3 No relief from certain provisions

ASX Settlement must not relieve any person or class of persons under Rule 3.3.1 from an obligation to comply with a Warranty and Indemnity Provision.

Introduced 11/03/04 Origin SCH 1.3.7

3.3.4 Period during which relief applies

ASX Settlement may specify the period or specific event during which any relief from an obligation to comply with a provision of these Rules will apply.

Introduced 11/03/04 Origin SCH 1.3.8

3.3.5 Register of relief

ASX Settlement must establish and maintain a register for recording details of relief granted under Rule 3.3.1 and must enter the following details in the register maintained under this Rule 3.3.5:

- (a) the date that the relief takes effect;
- (b) the persons or class of persons relieved from the obligation;
- (c) the provision to which the relief applies;
- (d) brief reasons for the relief; and
- (e) any condition that applies to the relief.

Introduced 11/03/04 Origin SCH 1.3.10, 1.3.11

3.3.6 Inspection of register

A copy of the register maintained under Rule 3.3.5 must be kept at the principal place of business of ASX Settlement and must be open for inspection by any person during Business Hours.

Introduced 11/03/04 Origin SCH 1.3.12

3.3.7 Waiver generally

A failure by ASX Settlement 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.

Introduced 11/03/04 Origin OCH 18.5.2

3.4 EXERCISE AND DELEGATION OF FUNCTIONS AND POWERS

3.4.1 Exercise of powers

Unless the contrary intention appears, powers conferred on ASX Settlement by or under these Rules may be exercised by resolution of the board of ASX Settlement (or by any authorised delegate of ASX Settlement).

Introduced 11/03/04 Origin SCH 1.3.2

3.4.2 Delegation to officers and employees

Unless the contrary intention appears, ASX Settlement may delegate, either generally or as otherwise provided by the terms of delegation, any of the powers and functions of ASX Settlement to one or more of the following:

- (a) any officer or employee of a person carrying out functions in the Settlement Facility for or on behalf of ASX Settlement; and
- (b) any Approved Agent for the purpose of Section 12 of these Rules.

Introduced 11/03/04 Origin SCH 1.4.1, 1.4.1A

3.4.3 Sub-delegation permitted

Where ASX Settlement delegates any of its powers or functions to one or more officers or employees in accordance with Rule 3.4.2(a), those delegates may sub-delegate such of the delegated powers as ASX Settlement approves from time to time.

Introduced 11/03/04 Origin SCH 1.4.2

3.4.4 Other Rules concerning delegation

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 ASX Settlement, as the case requires;

- (b) the delegation does not prevent the performance or exercise of the power or function by ASX Settlement, as the case requires; and
- (c) where the performance or exercise depends upon the opinion, belief or state of mind of ASX Settlement, 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.

Introduced 11/03/04 Origin SCH 1.4.4

3.5 OBLIGATIONS OF ASX SETTLEMENT

3.5.1 General obligations to maintain arrangements

Notwithstanding any other provision of these Rules, ASX Settlement must maintain and administer adequate arrangements for:

- (a) monitoring and enforcing compliance with these Rules;
- (b) the termination, suspension or disciplining of Facility Users in respect of a contravention of these Rules or Chapter 7 of the Corporations Act;
- (c) the electronic settlement of transactions in Approved Financial Products;
- (d) investigating complaints by investors or Facility Users; and
- (e) complying with any obligations it may have under the Corporations Act as a CS facility licensee.

Introduced 11/03/04 Origin SCH 1.4A.1

3.6 LIABILITY AND INDEMNITY PROVISIONS

3.6.1 Liability and indemnity

The purpose of this Rule 3.6 is to set out the circumstances in which ASX Settlement or a Related Party which carries out functions in the Settlement Facility for or on behalf of ASX Settlement, may become liable to compensate a Facility User, a Holder or other person for loss arising out of any act or omission of ASX Settlement in connection with the Settlement Facility. Provisions of this Rule 3.6 which are expressed to apply to ASX Settlement must be taken to apply to ASX Settlement whether in the circumstances it is acting as principal or as agent for CCP.

Introduced 11/03/04 Origin SCH 1.10.1

3.6.2 Exclusion of liability by a Related Party

Each Facility User and ASX Settlement acknowledges that except to the extent that a Related Party may incur liability in the capacity of a Participant, the Related Party (except ASX Settlement and CCP) expressly disclaims all liability to any person in respect of any act or omission of ASX Settlement or CCP in connection with the Settlement Facility, and in respect of any aspect of the administration of the Settlement Facility, to the full extent permitted by law.

Introduced 11/03/04 Origin SCH 1.10.6

3.6.3 Exclusion of liability by ASX Settlement

Subject to Rule 3.6 (other than this Rule 3.6.3), neither:

- (a) ASX Settlement; nor
- (b) an employee of a member of a Related Party or any other person who is authorised to perform or exercise a function or power of, or on behalf of, ASX Settlement,

is liable to an action or other proceeding for damages for or in relation to an act done or omitted in good faith in performance or purported performance of any function, or in exercise or purported exercise of any power, conferred or expressed to be conferred by or under these Rules.

Introduced 11/03/04 Origin SCH 1.10.8

3.6.4 Effect of other laws

If a provision of Rule 3.6 purports to exempt ASX Settlement from liability or to limit its liability, the provision is intended to operate to the full extent permitted by law, but is to be read subject to any qualification imposed by law.

Notwithstanding any provision of Rule 3.6, ASX Settlement is subject to such liabilities as the Trade Practices Act 1974 (Commonwealth) and similar State and Territory legislation may impose, provided that the liability of ASX Settlement for breach of any legislative provision or any warranty implied by a legislative provision is limited, where the breach relates to provision of services, to supplying the services again or paying the cost of having the services supplied again.

Introduced 11/03/04 Origin SCH 1.10.3, 1.10.4

3.6.5 Officers, agents, employees and contractors

Every exemption from or qualification of liability applicable to ASX Settlement in these Rules also extends to protect every officer, employee or agent of, and any contractor engaged by, a person carrying out functions in the Settlement Facility for and on behalf of ASX Settlement.

Introduced 11/03/04 Origin SCH 1.10.5

3.6.6 Compensation by ASX Settlement

Subject to Rules 3.6 (other than this Rule 3.6.6), if:

- (a) ASX Settlement Transmits a Message;
- (b) due to the negligence or wilful default of ASX Settlement, the Message contains a mistake or has been Transmitted by mistake; and
- (c) the Facility User to whom ASX Settlement Transmitted the Message suffers loss because of the mistake;

ASX Settlement is liable to compensate the Facility User for that loss, but:

- (d) the amount of any such compensation will be reduced to the extent that the mistake was caused or contributed to by negligent conduct or omission, or by breach of these Rules, the Listing Rules or the operating rules of an Approved Clearing Facility or an Approved Market Operator, by the Facility User; and
- (e) if ASX Settlement makes a payment to a Facility User in discharge of its liability to that person under this Rule 3.6.6, ASX Settlement is subrogated to all rights which that person may have against any other person with respect to the matter which was the subject of the claim against ASX Settlement.

Introduced 11/03/04 Origin SCH 1.10.2

3.6.7 ASX Settlement indemnity

Subject to Rules 3.6.8 to 3.6.10, ASX Settlement indemnifies the Issuer against all losses, damages, costs and expenses that the Issuer may suffer or incur if:

- (a) ASX Settlement Transmits a Report to the Issuer relating to Approved Financial Products of the Issuer that contains incorrect information; or
- (b) ASX Settlement Transmits a Message to the Issuer relating to Approved Financial Products of the Issuer which contains:
 - (i) inaccurate Change of Registration Details; or
 - (ii) a TFN or ABN of a holder which is not the TFN or ABN supplied by a Participant with respect to that holder.

Introduced 11/03/04 Origin SCH 1.11.1, 1.11.2

3.6.8 Indemnity limited in certain circumstances

The indemnities contained in Rule 3.6.7 are not available in relation to any losses, damages, costs and expenses suffered or incurred by the Issuer to the extent that such losses, damages, costs and expenses:

- (a) would have been avoided if the Issuer had acted reasonably in accordance with prudent registry practice; or
- (b) were caused by, or contributed to by, a contravention by the Issuer of:
 - (i) a provision of these Rules; or
 - (ii) a Listing Rule that relates to settlement, transfer or registration of Financial Products.

The indemnity in Rule 3.6.7 (a) does not apply in relation to any losses, damages, costs and expenses suffered or incurred by the Issuer to the extent that such losses, damages, costs and expenses:

- (c) were caused by discrepancies arising out of the fact that information is unprocessed at the time when a Report is supplied to the Issuer (since information contained in a Report is up-to-date only to the last processing of information by ASX Settlement); or

- (d) were suffered or incurred by the Issuer as a result of a Corporate Action based on incorrect information contained in a Report, unless the Report is a Full Download requested by the Issuer after Cum Processing for the Corporate Action has terminated.

Introduced 11/03/04 Origin SCH 1.11.3, 1.11.5, 1.11.7

3.6.9 Indemnity does not apply in certain circumstances

The indemnity in Rule 3.6.7(a) does not apply if:

- (a) the incorrect information contained in a Report:
 - (i) was derived from information supplied to ASX Settlement or another person by the Issuer, or a Third Party Provider who has the Issuer's actual or ostensible authority to supply the information; or
 - (ii) was derived from information supplied to ASX Settlement by a Participant pursuant to paragraph (c) of the Procedures relating to Rule 8.7.2; or
- (b) information contained in a Report is incorrect because ASX Settlement has registered a Transfer (at a time when takeover bids have been dispatched for Financial Products of the Issuer):
 - (i) prior to the fulfilment of a takeover condition; and
 - (ii) in good faith in reliance on a statement by the bidder or the Issuer that the takeover condition has been fulfilled.

Introduced 11/03/04 Origin SCH 1.11.4, 1.11.6

3.6.10 Subrogation rights of ASX Settlement

If ASX Settlement makes a payment to the Issuer in satisfaction of a claim made by the Issuer under Rule 3.6.7, ASX Settlement is subrogated to all rights which the Issuer may have against any other person with respect to the matter which was the subject of the claim against ASX Settlement.

Introduced 11/03/04 Origin SCH 1.11.8

3.6.11 Exclusion of ASX Settlement liability provisions

Rules 1.2.3, 1.2.4, 1.2.5, 1.3.2 and 3.6.7 are subject to this Rule 3.6.11 which applies whether or not ASX Settlement is negligent or in wilful default.

ASX Settlement is not liable to compensate any person for loss suffered in consequence of any of the following events (whether or not ASX Settlement is negligent or in wilful default):

- (a) a failure to admit a person as a Participant under Section 4, and its liability in these circumstances is limited to such liability as may be incurred in complying with the procedure for Appeal under Section 4;

- (b) a failure to provide a Settlement Facilitation Service to a person under Rule 4.1A;
- (c) suspension or revocation of ASX Settlement approval of any class of Financial Products;
- (d) any enforcement action, Proceeding or Appeal against a Facility User whether in accordance with these Rules or not;
- (e) any enforcement action taken by ASX Settlement in accordance with a determination of the Old Tribunal (as defined in Rule 12.23) or the Appeal Tribunal;
- (f) any action to:
 - (i) impose Restrictions on;
 - (ii) suspend; or
 - (iii) terminate,
 the participation of a Participant under Section 12;
- (g) the application or removal of a Holding Lock in accordance with Section 8; or
- (h) the effecting of a Holding Adjustment or Financial Products Transformation in accordance with Section 9.

Introduced 11/03/04 Origin SCH 1.12.1, 1.12.2, 1.12.3, 1.12.7 Amended 10/06/04, 22/01/10, 01/08/10, 28/12/11

3.6.12 Exclusion of ASX Settlement obligation to notify or keep information confidential

If ASX Settlement is obliged under these Rules:

- (a) to notify a person of a matter; or
- (b) keep information confidential,

and fails to do so, ASX Settlement is not liable to compensate any person other than:

- (a) the person to whom the notification should have been given; or
- (b) the person who supplied the information to ASX Settlement, or on whose behalf the information was supplied.

Introduced 11/03/04 Origin SCH 1.12.4, 1.12.5

3.6.13 Exclusion of ASX Settlement and CCP liability

Neither ASX Settlement nor CCP is liable to compensate any person for loss suffered in consequence of the following events (whether or not ASX Settlement is negligent or in wilful default):

- (a) ASX Settlement taking action that purports to be taken under Rule 1.3 in a State of Emergency; or

- (b) ASX Settlement taking action under Rules 6.20, 8.5.5, 10.14, 10.16, 10.21.2, 11.17 or 11.31.5.

Introduced 11/03/04 Origin SCH 1.12.6

3.6.14 Exclusion of liability for exercising power to Fail

Neither ASX Settlement nor an employee of a Related Party nor any other person who is authorised to perform or exercise a function or power on behalf of ASX Settlement (whether or not ASX Settlement is negligent or in wilful default) is liable to compensate a Facility User or any other person for loss or damage suffered in consequence of the exercise or purported exercise by ASX Settlement of any of its discretions to Fail conferred by these Rules provided that an employee of the Related Party or any other person authorised to perform or exercise a function or power on behalf of ASX Settlement who is involved in the exercise or purported exercise of the discretion has acted in good faith.

Note: The principles applying to ASX Settlement's power to Fail particular Batch Instructions are set out in Rule 10.11.6.

Introduced 11/03/04 Origin SCH 1.12.8

3.6.15 Exclusion of liability other than for negligence or wilful default

Subject to Rule 14.10.3, neither ASX Settlement nor CCP is liable to compensate, indemnify or pay a liquidated sum to any Facility User for loss suffered in consequence of a contravention of, or failure by, ASX Settlement or CCP (as the case may be) to comply with:

- (a) a Rule; or
- (b) a provision of the Standard Payments Provider Deed,

unless the contravention or failure is caused by the negligence or wilful default of ASX Settlement or CCP (as the case may be).

Introduced 11/03/04 Origin SCH 1.13.1

3.6.16 Exclusion of all other liabilities to persons other than Facility Users

Subject to Rules 3.6.15 and 14.10.3, neither ASX Settlement nor CCP is liable to compensate, indemnify or pay a liquidated sum to any person other than a Facility User for loss suffered in consequence of an act or omission of ASX Settlement or CCP (whether or not the act or omission constitutes a failure by ASX Settlement or CCP to comply with these Rules or a provision of a Standard Payments Provider Deed), except as provided in Rule 3.6 and except, in the case of contravention of a provision of the Standard Payments Provider Deed, as expressly provided in that Deed. For the avoidance of doubt, this Rule is not intended to derogate from Rule 1.2.4 in relation to rights and remedies available to RTGS Payments Providers.

Introduced 11/03/04 Origin SCH 1.13.2

3.6.17 Acknowledgments by Facility Users and others

Each Facility User and ASX Settlement acknowledges that the Reserve Bank of Australia, as operator of RITS, provides a facility for the simultaneous settlement of interbank obligations arising from DvP Batch Settlement in CHES.

Each Facility User and each RTGS Payments Provider acknowledges that:

- (a) to facilitate Real Time Gross Settlement in CHES, the Reserve Bank of Australia has approved CHES as a feeder system to RITS/RTGS under the RITS Regulations and has agreed to provide a feeder interface process in RITS/RTGS;
- (b) for so long as CHES remains such a feeder system, the Reserve Bank of Australia will deal with all requests for settlement, recall or other messages sent by ASX Settlement across the Feeder System interface to RITS/RTGS in accordance with, and subject to, RITS Regulations; and
- (c) the Reserve Bank of Australia expressly disclaims liability to any person, to the full extent permitted by law, in the following circumstances:
 - (i) liability in respect of any other aspect of the administration of CHES than set out in this Rule 3.6.18; and
 - (ii) liability which arises or might otherwise have arisen in circumstances where a provision of the RITS Regulations excluded liability of the Reserve Bank to any person, including without limitation any applicable circumstances referred to in RITS Regulation 2.4, 2.6, 2.7, 2.8 or 2.9.

Note: The arrangements between the Reserve Bank of Australia and ASX Settlement for the CHES Feeder System interface with RITS/RTGS include exclusions of liability on the part of the Reserve Bank in substantially similar terms to the RITS Regulations referred to in this Rule.

Introduced 11/03/04 Origin SCH 1.13.4

3.6.18 Exclusion of ASX Settlement liability

ASX Settlement will not be liable to compensate, indemnify or pay any liquidated sum to any Facility User, RTGS Payments Provider or other person:

- (a) for loss suffered in consequence of a circumstance arising in respect of which the Reserve Bank of Australia has excluded its liability; or
- (b) for any loss suffered in consequence of a Participant failing to authorise settlement processing in terms of Rule 11.18.4.

Introduced 11/03/04 Origin SCH 1.13.4(c), 1.13.5

3.7 COMPLAINTS AGAINST FACILITY USERS

3.7.1 ASX Settlement to consider complaints

If any person gives Notice to ASX Settlement of a complaint against a Facility User in relation to:

- (a) use by the Facility User of facilities provided by ASX Settlement; or
- (b) compliance by the Facility User with these Rules,

ASX Settlement must consider the complaint and take such action as it considers appropriate in the circumstances, for example:

- (c) inspecting records or requiring information under Section 12;
- (d) taking disciplinary action under Section 12;
- (e) exercising its powers under Rule 4.12 to make demands under a Sponsorship Bond;
- (f) providing information to the person in relation to the circumstances and manner in which claims may be made against the National Guarantee Fund; or
- (g) referring the complaint to an appropriate regulatory authority such as, without limitation, the relevant Market Operator, the Commission or APRA.

Introduced 11/03/04 Origin SCH 1.16

3.8 DISCLOSURE OF INFORMATION

3.8.1 Disclosure of information regarding Participants

ASX Settlement may disclose information regarding its Participants and their activities that are relevant to the Settlement Facility to:

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

Without limiting the above, ASX Settlement may disclose to the Reserve Bank of Australia any confidential information of a Participant that is supplied to ASX Settlement in connection with RTGS 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 Amended 30/12/09

3.8.2 ASX Settlement may disclose information

ASX Settlement will take all reasonable measures to protect from unauthorised use or disclosure information provided to it in confidence by or on behalf of a Participant

pursuant to the Rules. For the purposes of this Rule the disclosure of information in the following circumstances does not constitute unauthorised use or disclosure:

- (a) pursuant to a Reciprocal Arrangement;
- (b) required to be disclosed by ASX Settlement 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 ASX Settlement, 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 Old Tribunal (as defined in Rule 12.23) or the Appeal Tribunal);
- (e) to a related body corporate of ASX Settlement, for the purpose of enabling that related body corporate to assess whether the 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 Market Operator or Approved Clearing Facility, for the purpose of enabling the Approved Market Operator or Approved Clearing Facility to assess whether the Participant is complying with, will comply with or has complied with the Approved Market Operator's or Approved Clearing Facility's operating rules or procedures; and
- (g) to any governmental agency or regulatory authority including, without limitation, a Market Operator (including, without limitation, an Approved Market Operator), clearing house or clearing and settlement facility (in Australia or elsewhere) which requests ASX Settlement to provide the information to it, in the proper exercise of its powers relating to:
 - (i) the order and good government of Participants; or
 - (ii) the efficient, honest, fair, competitive and informed trading, clearing and settlement of financial products (in Australia or elsewhere).

Introduced 11/03/04 Origin OCH 18.9.1 Amended 01/08/10

3.9 INFORMATION EXCHANGE WITH OPERATORS OF DISPUTE RESOLUTION SCHEMES

3.9.1 Information provided by scheme operator

ASX Settlement must 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 Participant is a party. For the purposes of this Rule the disclosure of information by ASX Settlement, or a Related Party of ASX Settlement, to any of the entities or in any of the circumstances set out in Rule 3.8.1, will not be an unauthorised use or disclosure.

Introduced 11/03/04 Origin OCH 18.9A.1

3.9.2 Disclosure of information to scheme operator

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

Introduced 11/03/04 Origin OCH 18.9A.2

3.9.3 Use of information by scheme operator

ASX Settlement may only disclose information under Rule 3.9.2 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 ASX Settlement has given it the information;
- (c) if a government authority or agency has requested the information; or
- (d) if the information is already generally known at the time the operator discloses the information.

Introduced 11/03/04 Origin OCH 18.9A.3

3.10 MULTIPLE ACTION

3.10.1 ASX Settlement not prohibited from taking action

Any action taken by ASX Settlement under any Rule does not restrict ASX Settlement or prohibit it from taking any other action under, or enforcing:

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

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

Introduced 11/03/04 Origin OCH 18.7

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