



# **Register of ASX Settlement Operating Rule Waivers**

**1 to 15 April 2019**

**The purpose of this register is to record when ASX has exercised its discretion and granted a waiver from the ASX Settlement Operating rules. Waivers are published bi-monthly and include information such as:**

- Organisation**
- Rule Number**
- Decision Details**
- Basis for Decision**

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<b>Rule Number</b>	5.6.1(b)
<b>Date</b>	12/04/2019
<b>ASX Code</b>	YAL
<b>Listed Company</b>	YANCOAL AUSTRALIA LIMITED
<b>Waiver Number</b>	WLC190063-001
<b>Decision</b>	<p>1. Based solely on the information provided, ASX Limited ("ASX") grants Yancoal Australia Ltd (the "Company") a waiver from ASX Settlement Operating Rule 5.6.1(b) on the following conditions:</p> <p>1.1 The waiver only applies in respect of the date of the Annual General Meeting set out below ("AGM Date"):</p> <p>(i) The date of the Annual General Meeting is scheduled for 31 May 2019.</p> <p>2. In relation to the above AGM Date, if there are any changes to the AGM Date, the waiver will apply to the revised date, provided that the Company:</p> <p>(i) notifies ASX Listings Compliance ("ASXLC") of the change to the AGM Date at least two (2) business days prior to the change (the "Notification"); and</p> <p>(ii) ASXLC does not object to the change within a period of one (1) business day from the date it receives the Notification.</p> <p>3. The Company issues a market release informing investors that the record date for determining voting entitlements at the Annual General Meeting will be 4 business days before the AGM Date rather than the time period prescribed by ASX Settlement Operating Rules and the Corporations Act.</p> <p>4. The Company is successful in its application to ASIC for relief from regulation 7.11.37(3)(b) of the Corporations Act and provides evidence of such relief to ASX.</p> <p>5. The Company is required to provide written notice to ASX of any changes to the Company's listing on Hong Kong Stock Exchange that would affect the application of this waiver.</p>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> ASX Settlement Operating Rule 5.6.1(b) provides that a record date for determining voting entitlements at a meeting of holders must not be more than 48 hours before a meeting of holders under Regulations 7.11.37 and 7.11.38 of the Corporations Regulations.</p> <p><b>Present Application</b> The Company is dual primary listed on ASX and the Hong Kong Stock Exchange ("HKSE"). As an entity listed on the Hong Kong Stock Exchange, the Company is required to comply with the Hong Kong Securities Clearing Company ("HKSCC") rules. Under those rules, if the Company elects to include a Record Date for a meeting, the HKSCC rules requires the Record Date to be at least 4 business days before the meeting, and for the deadline for the submission of the proxy appointment form to be after the Record Date. This is to allow sufficient time for HKSCC to obtain voting instructions from the participants, collate the voting instructions, and</p>

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submit the proxy appointment form(s) to the Company by the Company's set deadline. The Company is therefore unable to comply with the requirements of both exchanges. ASX will grant a waiver of ASXS Operating Rule 5.6.1(b) for the AGM to be held on 31 May 2019 (or such other date agreed with ASX) on the condition the Company releases an announcement to the market that the Record Date for determining voting entitlements at the AGM will be 4 business days before the date of the AGM, ASIC grants the Company relief from regulation 7.11.37(3)(b) of the Corporations Act, and the Company provide notice to ASX of any changes to the Company's listing on the HKSE that would affect the application of this waiver. If there is any change in the date of the AGM for 2019, the Company is to notify ASX of this change.