



## MARKET ANNOUNCEMENT

6 September 2011

### ASX Compliance Monthly Activity Report – August 2011

#### Listings

Listed Entities	August 2011
Listed entities at month start	2,241
New listings	12
De-listings	28
Listed entities at month end	2,225

Average monthly new listings for FY12 year-to-date stand at 11 (compared to 13 listings per month on average for FY11).

New listings for the month were Bega Cheese Limited (BGA), Collins Foods Limited (CKF), Commissioners Gold Limited (CGU), Lemur Resources Limited (LMR), Qube Logistics Holdings Limited (QUB), Quintessential Resources Limited (QRL), Red Mountain Mining Limited (RMX), Ridge Resources Ltd (RID), Silver Stone Resources Limited (SSZ), Strategic Elements Limited (SOR), Terranova Minerals NL (TNV) and Tigers Realm Coal Limited (TIG).

De-listings for the month were Abra Mining Limited (AII), Azurn International Limited (AZU), BCD Resources (Operations) NL (BCO), Caledon Resources PLC (CCD), CEC Group Limited (CEG), Cellestis Limited (CST), Chemeq Limited (CMQ), Compass Hotel Group Limited (CXH), Compass Hotel Group Trust (CXH), Engin Limited (ENG), Greenbox Group Limited (GNB), Handini Resources Limited (HDI), Indago Resources Ltd (IDG), iSoft Group Limited (ISF), Mahogany Capital Limited (MHY), Mahogany Capital Limited - Note Series II (MHZ), Mobius NCM-03 Trust (MBS), Northern Crest Investments Limited (NOC), Palamedia Limited (PMX), Pallane Medical Limited (PNM), Pike River Coal Limited (PRC), Rabinov Property Trust (RBV), Territory Resources Limited (TTY), Timbercorp Limited (TIM), Valad Funds Management Limited (VPG), Valad Property Trust (VPG), Viridis Clean Energy (VIR) and Willmott Forests Limited (WFL).

Key Listings Statistics	August 2011
Total company announcements	11,315
Price queries <sup>1</sup> by ASX	20
Other continuous disclosure queries by ASX <sup>2</sup>	60

<sup>1</sup> Price queries are enquiries made by ASX (either by letter or phone) to a listed entity if ASX detects unusual movements in a listed entity's security price or trading volumes to ask if the listed entity is aware of any information that has not been announced which, if known, might explain the movements.

<sup>2</sup> Other continuous disclosure queries are queries (other than price queries) raised by ASX with listed entities when ASX has concerns the entity may not be in compliance with its continuous disclosure obligations under Listing Rules 3.1, 3.1A and 3.1B. Examples include a query made following a media report or an announcement lodged with ASX.

Key Listings Statistics	August 2011
Aware letters <sup>3</sup> sent by ASX	3
Announcements made following a price query	7
Trading halts at a listed entity's request	102
Trading halts following a query by ASX	4
Suspensions at a listed entity's request	20
Suspensions imposed by ASX for breach of the Listing Rules	4

## Participants

ASX Participants <sup>4</sup>	August 2011
Market/Clearing/Settlement Participants at month start	133
New admissions	3
Resignations and removals	0
Market/Clearing/ Settlement Participants at month end	136

ASX 24 Participants	August 2011
Trading/Clearing Participants at month start	43
New admissions	1
Resignations and removals	0
Trading/Clearing Participants at month end	44

During the month of August, Virtu Financial Asia Pty Ltd and National Australia Securities Ltd were admitted as ASX Participants, BNP Paribas Security Services was admitted as an ASX Clear (Futures) Participant and Religare Securities Australia Pty Ltd was admitted as an ASX Participant, an ASX Clear Participant and an ASX Settlement Participant.

## Enforcement

Referrals to ASIC <sup>5</sup>	August 2011
Continuous disclosure referrals	2
Other referrals	8
Total referrals to ASIC	10

<sup>3</sup> Aware letters are sent by ASX following an announcement by a listed entity and ask for details of when the listed entity became aware of the material information contained in the announcement.

<sup>4</sup> Figures exclude Special Settlement Participants set up to effect a specific corporate action as their participation is only temporary.

<sup>5</sup> ASX is required, under sections 792B(2)(c) and 821B(2)(c) of the Corporations Act 2001, to refer a matter to ASIC if it has reason to suspect that a person has committed, is committing, or is about to commit a significant contravention of the ASX Group's Operating Rules or the Corporations Act. It should be noted that a single referral may relate to more than one potential contravention. It should also be noted that the fact a matter has been referred to ASIC does not necessarily mean that a contravention has been committed or that ASIC will take enforcement proceedings in relation to it.

Pre 1 August 2010 Enforcement Matters <sup>6</sup>	August 2011
Open ASX enforcement matters at month start	9
New enforcement matters commenced during the month	0
Enforcement matters concluded during the month	1
Open ASX enforcement matters at month end	8
Fines imposed during the month (excl GST)	\$50,000

To date there have been no enforcement matters commenced in respect of potential contraventions of the ASX and ASX 24 Operating Rules occurring after 1 August 2010.

One Disciplinary Circular was released by the ASX Disciplinary Tribunal during the month. Copies of the Circular are available online at: <http://www.asx.com.au/asx/group/disciplinaryAnnouncements.do>.

### ASX Rule Changes, Waivers and Exemptions

ASX 24 Participants were advised that effective from 2 August, a number of block trade thresholds relating to 30 Day Interbank Cash Rate futures, 90 Day Bank Bill futures and 3 Year Treasury Bond futures were amended following a review of night session liquidity.

ASX 24 Participants with an interest in Greasy Wool, Fine Wool and Broad Wool futures were also informed of procedural changes that came into effect on 15 August. In summary, changes were made to:

- the deliverable tolerance for acceptable micron for Greasy Wool futures
- the wording describing the final trading day for Fine Wool and Broad Wool futures and
- the list of approved warehouses for the delivery of wool.

A total of 44 waivers from the ASX Listing Rules and seven waivers from other ASX rule books were granted during the month. Details of those waivers and exemptions can be accessed online at the Rules, Guidance Notes and Waivers page on the ASX website: <http://www.asxgroup.com.au/rules-guidance-notes-and-waivers.htm>.

### Australian Council of Human Rights Agencies Guidance on Diversity

In July 2010 the ASX Corporate Governance Council (CGC) adopted diversity-related amendments to its Corporate Governance Principles and Recommendations.<sup>7</sup> The amendments apply on, and from, a listed entity's first financial year commencing on or after 1 January 2011. Hence, listed entities with a financial year commencing 1 January will be expected to report against the CGC's diversity recommendations on an "if not, why not" basis<sup>8</sup> in their annual report for the year ended 31 December 2011. Listed entities with a financial year commencing 1 July will be expected to report against the diversity recommendations on an "if not, why not" basis in their annual report for the year ended 30 June 2012.

ASX has established a diversity website (<http://www.asxgroup.com.au/diversity-resources.htm>) to assist listed companies to understand their reporting obligations and in finding resources to implement gender diversity measures if they choose to do so.

<sup>6</sup> Prior to 1 August 2010, ASX was responsible for supervising the ASX and ASX 24 markets and their participants and for monitoring and enforcing compliance with the market rules for those markets. The responsibility for supervising the ASX and ASX 24 markets and their participants was transferred from ASX to ASIC on 1 August 2010 pursuant to the Corporations Amendment (Financial Market Supervision) Act 2010, and the market rules for the ASX and ASX 24 markets were effectively split into market integrity rules administered by ASIC and Operating Rules administered by ASX. However, ASX remains responsible for enforcing any breaches of the former market rules that occurred prior to 1 August 2010.

<sup>7</sup> The CGC's Principles and Recommendations can be accessed online at: [http://www.asx.com.au/documents/about/cg\\_principles\\_recommendations\\_with\\_2010\\_amendments.pdf](http://www.asx.com.au/documents/about/cg_principles_recommendations_with_2010_amendments.pdf)

<sup>8</sup> See ASX Listing Rule 4.10.3.

The Australian Council of Human Rights Agencies (comprising the Australian Human Rights Commission and each of the State-based human rights agencies) has expressed its support for the CGC's diversity measures and has released guidance for listed entities to assist them to comply with anti-discrimination laws when implementing gender diversity measures. A copy of the guidance is attached to this release and can also be viewed on the ASX website at: [http://www.asxgroup.com.au/media/PDFs/achra\\_asx\\_cgc\\_diversity\\_recommendations\\_2011.pdf](http://www.asxgroup.com.au/media/PDFs/achra_asx_cgc_diversity_recommendations_2011.pdf).

ASX commends the Australian Council of Human Rights Agencies for its support of the CGC diversity measures and encourages listed entities to make use of the information and contacts within the attached release.

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## ASX CORPORATE GOVERNANCE COUNCIL DIVERSITY RECOMMENDATIONS: COMPLYING WITH ANTI-DISCRIMINATION LAWS

### Introduction

In July 2010 the ASX Corporate Governance Council (CGC) adopted diversity-related amendments to its [Corporate Governance Principles and Recommendations](#). The revised recommendations include that listed companies adopt a diversity policy that sets measurable objectives for achieving gender diversity and report annually on their achievement against those objectives and on the proportion of women employed in the whole organisation, in senior management roles and on the board of directors.<sup>1</sup>

The Australian Council of Human Rights Agencies, consisting of the Australian Human Rights Commission, ACT Human Rights Commission, NSW Anti-Discrimination Board, NT Anti-Discrimination Commission, Queensland Anti-Discrimination Commission, SA Equal Opportunity Commission, Tasmanian Office of the Anti-Discrimination Commissioner, Victorian Equal Opportunity and Human Rights Commission and the WA Equal Opportunity Commission, support the CGC's diversity recommendations and want to encourage all listed companies to implement those recommendations.

One important consideration for listed companies wishing to implement the CGC diversity recommendations are the anti-discrimination laws that operate federally and in each State and Territory.<sup>2</sup> The purpose of this document is to provide guidance to listed entities on how they can structure their diversity measures to comply with those laws.

### Special measures provisions

The anti-discrimination laws federally and in each State and Territory other than NSW<sup>3</sup> provide for measures intended to achieve equality for particular groups that may have suffered discrimination in the past. In the federal legislation, these are referred to as "special measures". We will use that term to refer to the equivalent provisions in all States and Territories.

Listed companies should design their diversity policies and related measures to fit within the special measures provisions. Companies should look to the legislation of the relevant jurisdiction to determine the requirements of a special measure.

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<sup>1</sup> For further information, see the [summary of the CGC's diversity recommendations](#) on the ASX website.

<sup>2</sup> For further information about those laws, see the [summary of federal and state anti-discrimination legislation](#) on the Australian Human Rights Commission's website.

<sup>3</sup> In Victoria new legislation which will come into effect in August 2011 (the *Equal Opportunity Act 2010 Vic*) which includes a special measures provision. The former legislation (the *Equal Opportunity Act 1995 Vic*) did not contain a special measures provision.

Attachment 1 provides links to the relevant anti-discrimination legislation for each jurisdiction as well as links to relevant information guides on special measures and the contact details for the anti-discrimination body for each jurisdiction. Companies should also seek independent legal advice.

Note: In NSW there is no special measures provision in its anti-discrimination legislation. You will need to apply for a specific exemption from the NSW Anti-Discrimination Board under s 126 or the Attorney General under s 126A of the [Anti-Discrimination Act 1977 \(NSW\)](#).

### **For more information ...**

Contact the Australian Human Rights Commission and its counterpart in the State or Territory in which you carry on business and employ staff.

Links to the Commonwealth, State and Territory laws referred to in this release and other relevant information are set out in Attachment 1.

### **Disclaimer**

The contents of this release and the links to other websites are not legal advice and are provided for information purposes only. Companies considering implementing special measures should seek their own independent legal advice.

# Australian Council of Human Rights Agencies

## ATTACHMENT 1: FURTHER INFORMATION ON ANTI-DISCRIMINATION LEGISLATION

JURISDICTION	LEGISLATION	SPECIAL MEASURES	USEFUL INFORMATION	AGENCY
COMMONWEALTH	<a href="#">Sex Discrimination Act 1984 (Cth)</a>	Section 7D	<ul style="list-style-type: none"> <li>Guidelines for special measures under the Sex Discrimination Act (1996) (available on request from the Australian Human Rights Commission)</li> </ul>	<a href="#">Australian Human Rights Commission</a>
AUSTRALIAN CAPITAL TERRITORY	<a href="#">Discrimination Act 1991 (ACT)</a>	Section 27	<ul style="list-style-type: none"> <li><a href="#">Guide to the consideration of discrimination complaints</a></li> </ul>	<a href="#">ACT Human Rights Commission</a>
NEW SOUTH WALES	<a href="#">Anti-Discrimination Act 1977 (NSW)</a>	No statutory exception. Applications for exemptions can be made to the NSW Anti-Discrimination Board under s 126, or the Attorney General under s 126A.	<ul style="list-style-type: none"> <li><a href="#">Guidelines on exemptions</a></li> <li><a href="#">List of current exemptions</a></li> </ul>	<a href="#">NSW Anti-Discrimination Board</a>
NORTHERN TERRITORY	<a href="#">Anti-Discrimination Act 1996 (NT)</a>	Section 57	<ul style="list-style-type: none"> <li><a href="#">Guidelines on Special Measures</a></li> </ul>	<a href="#">NT Anti-Discrimination Commission</a>
QUEENSLAND	<a href="#">Anti-Discrimination Act 1991 (Qld)</a>	Section 105	<ul style="list-style-type: none"> <li><a href="#">Exemptions</a></li> </ul>	<a href="#">Qld Anti-Discrimination Commission</a>
SOUTH AUSTRALIA	<a href="#">Equal Opportunity Act 1984 (SA)</a>	Section 47	<ul style="list-style-type: none"> <li><a href="#">Special Measures</a></li> </ul>	<a href="#">SA Equal Opportunity Commission</a>
TASMANIA	<a href="#">Anti-Discrimination Act 1998 (Tas)</a>	Sections 25 and 26	<ul style="list-style-type: none"> <li><a href="#">Exceptions and Exemptions</a></li> <li><a href="#">List of current exemptions</a></li> <li><a href="#">How to apply for an exemption</a></li> </ul>	<a href="#">Tas Office of the Anti-Discrimination Commissioner</a>
VICTORIA	<a href="#">Equal Opportunity Act 2010 (Vic)</a>	Section 12	<ul style="list-style-type: none"> <li><a href="#">Exemptions</a></li> </ul>	<a href="#">Vic Equal Opportunity and Human Rights Commission</a>
WESTERN AUSTRALIA	<a href="#">Equal Opportunity Act 1984 (WA)</a>	Section 31	<ul style="list-style-type: none"> <li><a href="#">Information on sex discrimination</a></li> </ul>	<a href="#">WA Equal Opportunity Commission</a>