

SECTION 18 DISPUTES AND COMPLAINTS

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SECTION 18 DISPUTES AND COMPLAINTS

This section deals with how disputes and complaints between Participants and between Participants and their Clients are to be dealt with including the requirement for Participants to keep a register of complaints received from Clients.

18.1 DISPUTES

18.1.1 Disputes between Participants and their Clients

Any disputes between Participants, or between Participants and their Clients must be dealt with in accordance with the operating rules of the relevant Approved Market Operator to which the dispute relates and will be taken to be a dispute within the meaning of those rules.

If the Participant is not a Market Participant of the relevant Approved Market Operator, the Participant agrees to be bound by the rules of that Approved Market Operator which relate to the resolution of the dispute (and any rules of that Approved Market Operator necessary to apply or construe these rules) as if those rules were repeated in full in these Rules and a reference in those rules to a participant included that Participant.

Introduced 11/03/04 Origin OCH 15.1 Amended 27/06/11

18.2 COMPLAINTS

18.2.1 Investigation of complaints

If any person notifies ASX Clear in writing of a complaint against a Participant in relation to:

- (a) use by the Participant of facilities provided by ASX Clear; or
- (b) compliance by the Participant with these Rules,

ASX Clear will consider the complaint and take action which it considers appropriate in the circumstances having regard to Rule 1.15, including, for example:

- (c) inspecting records or requiring information from the Participant under Rule 19.1;
- (d) taking disciplinary action under Rule 19.3; or
- (e) referring the complaint to the relevant Approved Market Operator, a relevant complaints resolution body or an appropriate regulatory authority including, without limitation, the Commission.

Introduced 11/03/04 Origin OCH 15.2.1

18.2.2 Register of complaints and correspondence

A Participant must keep a register of complaints received from Clients in relation to its activities as a Participant. The register must include:

- (a) a copy of all written complaints; and
- (b) a copy of all written correspondence between the Participant and the Client and a written summary of any oral communication in connection with a written complaint; and
- (c) any correspondence or documents relating to the resolution of a complaint through any complaints resolution scheme.

Introduced 11/03/04 Origin OCH 15.2.2 Amended 02/08/13

18.2.3 Records to be kept for 5 years

The Participant must keep in the register the information referred to in Rule 18.2.2 in respect of a complaint for at least 5 years from the date of the last correspondence in respect of that complaint.

Introduced 11/03/04 Origin OCH 15.2.3

18.2.4 Provision of information to ASX Clear

A Participant must:

- (a) make the contents of the register available to ASX Clear immediately on receipt of a request from ASX Clear; and
- (b) provide promptly to ASX Clear all information in relation to complaints which ASX Clear may from time to time request.

Introduced 11/03/04 Origin OCH 15.2.4

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