

**Australian Securities and Investments Commission  
ASIC Market Integrity Rules (ASX 24 Market) 2010 –  
Subrule 1.2.1(1) – Class Rule Waiver**

**Enabling provision**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under subrule 1.2.1(1) of the *ASIC Market Integrity Rules (ASX 24 Market) 2010* (the *ASIC Market Integrity Rules (ASX 24)*).

**Title**

2. This instrument is ASIC Class Rule Waiver [CW 15/933].

**Commencement**

3. This instrument commences on the day on which this instrument is registered under the *Legislative Instruments Act 2003*.

Note: An instrument is registered when it is recorded on the Federal Register of Legislative Instruments (*FRLI*) in electronic form: see *Legislative Instruments Act 2003*, section 4 (definition of *register*). The FRLI may be accessed at <http://www.frli.gov.au/>.

**Waiver**

4. ASIC relieves a Market Participant from the obligation to comply with subrule 2.3.2(1) of the ASIC Market Integrity Rules (ASX 24) only to the extent that subrule requires the Market Participant to perform the reconciliation referred to in that subrule by 7.00pm on the Business Day after the Business Day to which the reconciliation relates, and for so long as the Market Participant performs the reconciliation referred to in that subrule by 12.00pm on the second Business Day after the Business Day to which the reconciliation relates.
5. The relief in paragraph 4 of this instrument applies in the case where the Market Participant is ordinarily unable to perform the reconciliation referred to in subrule 2.3.2(1) of the ASIC Market Integrity Rules (ASX 24) by 7.00pm on the Business Day after the Business Day to which the reconciliation relates, because the Market Participant relies on information obtained from a person located outside Australia to perform the reconciliation referred to in that subrule.
6. It is a condition of the relief in paragraph 4 of this instrument that where the Market Participant performs the reconciliation referred to in subrule 2.3.2(1) on the second Business Day after the Business Day to which the reconciliation relates, the Market Participant must notify ASIC, in writing, within 1 Business Day if:
  - (a) the reconciliation has not been performed in accordance with Rule 2.3.2 (except to the extent that Rule requires the Market Participant to notify ASIC

- that a reconciliation has not been performed by 7.00pm on the Business Day after the Business Day to which the reconciliation relates);
- (b) according to the reconciliation, Total Deposits is less than Total Third Party Client Monies; or
  - (c) if it is unable to reconcile its clients' segregated accounts under Rule 2.3.2.
7. ASIC relieves a Market Participant from the obligation to comply with paragraph 2.3.4(a) of the ASIC Market Integrity Rules (ASX 24) only to the extent that paragraph requires the Market Participant to notify ASIC that a reconciliation has not been performed by 7.00pm on the Business Day after the Business Day to which the reconciliation relates, for so long as the Market Participant notifies ASIC, in writing, within 1 Business Day if a reconciliation has not been performed by 12.00pm on the second Business Day after the Business Day to which the reconciliation relates.

### **Interpretation**

8. In this instrument, unless the contrary intention appears, capitalised terms have the meaning given by the ASIC Market Integrity Rules (ASX 24).

Dated this 8<sup>th</sup> day of December 2015

Signed by Greg Yanco  
as a delegate of the Australian Securities and Investments Commission