

Listed@ASX Compliance Update no. 11/24

11 October 2024

1. On-market buy-backs: Notification of broker(s) in Appendix 3C

Appendix 3C *Notification of Buy-back* section 3A.6 requires an entity that is notifying ASX of an on-market buy-back under Chapter 2J of the Corporations Act to provide the name of the broker(s) who will offer to buy back securities on the entity's behalf.

Before naming a broker in the form, the entity should obtain the consent of the broker to act for it in an on-market buy-back. If a broker notifies ASX that they have not consented, ASX will refer the broker to the entity so that the broker and the entity can determine any necessary correction that the entity will make to the buy-back notification form.

Listed entities should be aware that section 3A.6 permits an entity to answer 'To be advised' if the broker is not known at the time that the form is lodged. However, the acting broker(s) are required to be named by the entity before the on-market buy-back commences. This is done by way of an 'update' (section 1.4) to the existing Appendix 3C and completing the relevant items in section 1 and 3A.

2. Consultation on a new clearing, settlement and issuer services pricing policy

On 16 September, ASX released a [consultation paper](#) and an accompanying set of [Q&A](#) which proposes to adopt a new pricing policy ('Policy') for its clearing, settlement and issuer services from 1 January 2025. This consultation is relevant to all listed entities, as it will change the way that issuer services provided by ASX Settlement through CHES (for example CHES statements and CHES messages) are priced going forward. It is proposed to adopt a cost recovery model, which will provide for rebates to customers in the case of excess revenue.

The cornerstone of the new Policy will be the introduction of the Building Block Method, a widely used pricing model used across regulated industries, to calculate a revenue requirement reflecting the efficient costs of providing the services. The Policy is designed to ensure, through an annual review, that ASX recovers no more than those costs, including a reasonable return on investment commensurate with the commercial risks involved.

There will be no change to the structure or level of clearing, settlement and issuer services prices upon commencement of the Policy. However, the Policy will introduce new processes designed to provide greater transparency and assurance that users (including listed entities) are paying no more than necessary for those services.

The consultation paper seeks feedback on the key elements of the Policy, including:

- how and when ASX should take action to reimburse customers for any excess revenue or recover any revenue shortfalls;
- how and when ASX should take action to review the fee schedules for the services; and
- the proposed commencement date of the new Policy.

ASX held a webinar on 25 September which explained the Policy in more detail and provided an opportunity for stakeholders to ask questions (you can access the recording [here](#)). ASX will also be holding a second webinar at **11:00am on 16 October**, where ASX will walk through worked examples of how the Policy will work and provide another opportunity for questions. ASX encourages all listed entities to register for the webinar [here](#).

ASX requests responses to the consultation paper by Friday, 25 October via the electronic form available [here](#). Listed entities can reach out to EquityPostTrade@asx.com.au if they are unable to use the electronic form, if they have any other questions or would like to engage bilaterally with ASX throughout the consultation period.

3. Upcoming deadlines for periodic reports

Listed entities are reminded of upcoming deadlines for periodic reports:

- Annual reports for listed companies with a June year-end – Thursday 31 October 2024.
- Quarterly reports for mining, oil and gas, and commitments test entities – Thursday 31 October 2024.
- An investment entity must notify the NTA backing of its quoted securities within 14 days of the end of each month.

Failure to lodge the relevant documents on time (i.e. by close of the ASX Market Announcements Office on the due date) will result in an automatic suspension of the entity's securities under Listing Rule 17.5.

Listed entities with a dual listing that have CDIs issued over quoted securities are reminded that they must also lodge an Appendix 4A within 5 business days of the end of each month.

Listed entities are reminded that they must have a nominated person responsible for communication with ASX in relation to Listing Rule matters (Listing Rule 12.6).

Entities should keep the contact details of their nominated ASX contacts up to date on ASX Online at all times and also inform their Listings Adviser of any changes. Further information about how to notify ASX of any changes (including temporary changes) made to the entity's nominated ASX contact is available [here](#) (see Item 3).

If you missed any of our historical Compliance Updates, you can download past editions [here](#).
