# AQUA Product Admission Checklist(Structured Products)

## *Instructions: all applicants (AQUA Product Issuers) seeking to have a Structured Product admitted to Trading Status or to the AQUA Quote Display Board must complete each applicable item in Parts A and B of this form. If an item is not applicable, please mark it as “N/A”.*

*If the applicant is seeking admission for more than one type of Structured Product, please name each Structured Product and ensure the supporting documents for each Structured Product are clearly distinguishable.*

## *It should be noted that the entity warrants in its AQUA Product Admission Application and Agreement that the information and documents provided in or with this form are (or will be) true and complete and indemnifies ASX to the fullest extent permitted by law in respect of any claim, action or expense arising from, or connected with, any breach of that warranty.*

## *Any Annexures to this form are considered part of this form and are covered by the warranty referred to above.*

## *ASX may request any additional information or documents it considers necessary for the purposes of assessing the applicant’s application to have a Structured Product admitted to Trading Status or to the AQUA Quote Display Board. Any such information and documents are also covered by the warranty referred to above.*

## *This form and any supporting documents given to ASX become ASX’s property and may be released by ASX to the market.*

## *References to a rule are to the rules in ASX Operating Rule Schedule 10A. References to a procedure are to the procedures under those rules. Capitalised terms in this form have the same meaning as in the rules.*

## Part A – Key information about the applicant

#### Applicant’s name and contact details

|  |  |  |
| --- | --- | --- |
|  | Applicant’s legal name[[1]](#footnote-2):(account name) |  |
|  | Trading name:  |  |
|  | Place of incorporation or establishment: | Country |  |
| State (Province, Country, etc.) |  |
|  | All of applicant’s Australian registration numbers (as appropriate): | ABN |  |
| ACN |  |
| ARBN |  |
|  | Foreign incorporation registration number[[2]](#footnote-3), if applicable: |  |
|  | Legal Entity Identifier (LEI)[[3]](#footnote-4), if applicable: |  |
|  | Postal address for investor enquiries: |  |
|  | Telephone number for investor enquiries: |  |
|  | E-mail address for investor enquiries: |  |
|  | URL of the home page on the applicant’s website: |  |
|  | URL of the web page where information about the Structured Product will appear: |  |

#### Fund details

|  |  |  |
| --- | --- | --- |
|  | Name of Structured Product: |  |
|  | Structured Product’s proposed ASX code: |  |

#### Person(s) for ASX to contact in connection with this application

|  |  |  |
| --- | --- | --- |
|  | Full name and title: |  |
|  | Business address: |  |
|  | Business phone number: |  |
|  | Mobile phone number: |  |
|  | Email address: |  |

#### Registry details

|  |  |  |
| --- | --- | --- |
|  | Name of registry: |  |
|  | Address of registry: |  |
|  | Phone number of registry: |  |
|  | Email address of registry: |  |
|  | Contact name and details at registry: |  |

#### Licence and registration details

|  |  |  |
| --- | --- | --- |
| 1.
 | The applicant:*Refer rule 10A.2.1(1)* | [ ]  Has an Australian financial services licence (AFSL) authorising it to provide all financial services necessary to carry on its business as an AQUA Product Issuer; or[ ]  Has an exemption granted by ASIC from the requirement to hold an AFSL authorising it to provide each financial service necessary to carry on its business as an AQUA Product Issuer on the basis that it holds an equivalent licence in another jurisdiction; or[ ]  Has an exemption granted by ASIC from the requirement to hold an AFSL authorising it to provide each financial service necessary to carry on its business as an AQUA Product Issuer on some other basis; or[ ]  Does not require an AFSL or other licence to carry on its business as an AQUA Product Issuer |
|  | A copy of the AFSL or exemption referred to in response to question A24 or a legal opinion confirming that the applicant does not require an AFSL or other licence to carry on its business as an AQUA Product Issuer is: | [ ]  Attached as Annexure A1 |

#### Status as an Approved AQUA Product Issuer

|  |  |  |
| --- | --- | --- |
|  | The applicant is:*Refer rule 10A.3.3(e)* | [ ]  Already approved by ASX as an AQUA Product Issuer under rule 10A.2; or[ ]  Applying to be approved by ASX as an AQUA Product Issuer under Rule 10A.2*Note: if you select the second option above, you will also need to complete the AQUA Product Admission Checklist (Application for Approval as an AQUA Product Issuer).* |

#### Access to ASX Online

|  |  |  |
| --- | --- | --- |
|  | The applicant has or will have access to ASX Online to lodge announcements and other documents relating to the Structured Product via: | [ ]  An executed ASX Online Agreement, which is attached as Annexure A2; or[ ]  An ASX Online Agreement previously entered into by the applicant in relation to other AQUA Products |

## Part B – Admission application checklist

#### Disclosure document

|  |  |  |
| --- | --- | --- |
|  | A disclosure document that complies with the Corporations Act or, in the case of a Structured Product being admitted to the AQUA Quote display Board, evidence of an exemption[[4]](#footnote-5) from the disclosure requirements under the Corporations Act is:*Refer rule 10A.3.3(f)(i) and (ii)**Note: if the disclosure document is a draft, the final version of that document will need to be lodged with ASX before the Structured Product is admitted to Trading Status.* | [ ]  Attached as Annexure B1 |
|  | The required disclosures about the regulatory differences between Financial Products that are quoted under the Listing Rules and AQUA Products that are quoted under the ASX Operating Rules is set out on:*Refer rule 10A.5.8(b)* | The following page(s) of the disclosure document attached as Annexure B1:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Insert page number(s)* |

#### Investment objective and terms of issue

|  |  |  |
| --- | --- | --- |
|  | The Structured Product’s investment objective[[5]](#footnote-6) is summarised in the box to the right: |  |
|  | The Structured Product’s terms of issue are set out on:*Refer rule 10A.5.2* | The following page(s) of the disclosure document attached as Annexure B1:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Insert page number(s)* |

#### Qualification of product to be admitted as an AQUA Product

|  |  |  |
| --- | --- | --- |
| 1.
 | Please check this box to confirm that the product for which admission is sought is both a “Financial Product” and a “Structured Product”, as defined in the ASX Operating Rules:[[6]](#footnote-7) | [ ]  Confirmed |
| 1.
 | Please check this box to confirm that the Structured Product qualifies for admission because its capital value or distributions are linked to Underlying Instruments which meet the requirements of rules 10A.3.3(c):[[7]](#footnote-8) | [ ]  Confirmed |
| 1.
 | Please check this box to confirm that the Structured Product is not any of the Financial Products listed in rule 10A.3.3(d)(i) – (x)) that are disqualified from admission as an AQUA Product:[[8]](#footnote-9) | [ ]  Confirmed |
|  | A legal opinion confirming the response to questions B5, B6, B7, B10 and B11 is: | [ ]  Attached as Annexure B2 |

#### Terms of issue

|  |  |  |
| --- | --- | --- |
|  | The Terms of Issue for the Structured Product are:*Refer rule 10A.5.2* | [ ]  Set out on the following page(s) of the disclosure document attached as Annexure B1:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Insert page number(s)* |
| 1.
 | Please check this box to confirm that the Terms of Issue include the provisions for the adjustment of exercise rights required under rules 10A.5.2(a)(i) and (ii):*Note: the legal opinion attached as Annexure B2 should also address this issue.* | [ ]  Confirmed |
| 1.
 | Please check this box to confirm that the Terms of Issue limit the right to amend as required by rules 10A.5.3, 10A.5.4 and 10A.5.5:*Note: the legal opinion attached as Annexure B2 should also address this issue.* | [ ]  Confirmed |

#### Products linked to an index

|  |  |  |
| --- | --- | --- |
|  | Is the capital value, or are distributions, of the Structured Product linked to an index? | [ ]  Yes (complete questions B13 – B16 below); or[ ]  No (go to question B17) |
| 1.
 | The full name of the index provider is: |  |
|  | A statement from the applicant explaining how the index complies with the principles set out in the IOSCO Principles for Financial Benchmarks, Regulation 2016/1011 of the European Parliament and the Council for the European Union (commonly known as the EU Benchmarks Regulation) or other internationally recognised index selection principles acceptable to ASX is:*Refer rule 10A.4A.2 and the related procedure* | [ ]  Attached as Annexure B3; or[ ]  Set out on the following page(s) of the disclosure document attached as Annexure B1:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Insert page number(s)* |
|  | Where the index is created or managed by a related body corporate of the applicant, a statement confirming this and a description of:(a) the criteria for eligibility to become a constituent of the index;(b) the methodology used to construct the index;(c) the methodology used to maintain the index, including timing of calculations; and(d) the governance arrangements of the index,will be disclosed to prospective investors on:*Refer rule 10A.5.8(a) and the related procedure* | [ ]  The ASX Market Announcements Platform; or[ ]  The applicant’s website; or[ ]  N/A (the index is not created or managed by a related body corporate of the applicant) |
| 1.
 | If the index is owned by a party other than the applicant, a written authorisation from the owner to use that index in relation to the Structured Products is:*Refer rule 10A.3.5* | [ ]  Attached as Annexure B4; or[ ]  N/A (the index is owned by the applicant) |

#### Products with fixed income instruments as the Underlying Instrument

|  |  |  |
| --- | --- | --- |
| 1.
 | Does the Structured Product have fixed income instruments as its Underlying Instrument? | [ ]  Yes (complete question B18 below); or[ ]  No (go to question B19) |
| 1.
 | Where a Structured Product has fixed income instruments as the Underlying Instrument, please check this box to confirm that market makers have access to sufficient information to reliably determine the price at which the relevant fixed income instruments can be bought or sold in a timely manner: | [ ]  Confirmed |

#### Securities lending activities

|  |  |  |
| --- | --- | --- |
| 1.
 | Will the applicant be engaging in securities lending activities in relation to securities it holds in connection with the Structured Products? | [ ]  Yes (complete question B20 below); or[ ]  No (go to question B21) |
| 1.
 | If the applicant answered “Yes” to question B19, identify where in its disclosure document it makes the disclosures required about securities lending under ASIC Information Sheet 230:[[9]](#footnote-10) | [ ]  These disclosures are set out on the following page(s) of the disclosure document attached as Annexure B1:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Insert page number(s)* |

#### Liquidity arrangements

|  |  |  |
| --- | --- | --- |
| 1.
 | The applicant intends to provide liquidity in the Structured Products by:*Refer rule 10A.3.6* | [ ]  On an ongoing basis ensuring a reasonable Bid and volume is maintained in the market for each AQUA Product Series for the period set out in the procedures except in Permitted Circumstances (please answer questions B22, B23, B24 – B25); or[ ]  Having in place external market making arrangements which meet the requirements set out in the procedures and provide a mechanism for sufficient liquidity in the AQUA Product Series (please answer questions B22, B23 and B27 –B29) |
| 1.
 | A description of the applicant’s liquidity arrangements is:  | [ ]  Set out on the following page(s) of the disclosure document attached as Annexure B1:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Insert page number(s)* |
| 1.
 | Please check this box to confirm that all of the Financial Products that comprise the Underlying Instruments of the Structured Products have sufficient[[10]](#footnote-11) information available to the market on an ongoing basis to accurately price or value the Structured Products: | [ ]  Confirmed |

#### (a) Liquidity provided by maintaining a reasonable Bid and volume

|  |  |  |
| --- | --- | --- |
| 1.
 | The applicant:*Refer rule 10A.10.8* | [ ]  Has appointed the following Trading Participant(s) to enter reasonable Bids and volumes on its behalf:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Insert name(s) of Trading Participant(s)*; or[ ]  Has in place arrangements with the following Trading Participant(s) allowing it to directly enter reasonable Bids and volumes on its own account:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Insert name(s) of Trading Participant(s)*; or[ ]  Is a Trading Participant who will be maintaining reasonable Bids and volumes on its own account |
| 1.
 | If in its response to question B24, the applicant checked the first option indicating that it has appointed Trading Participant(s) to enter reasonable Bids and volumes on its behalf, copies of the agreement(s) with those Trading Participants(s) are: | [ ]  Attached as Annexure B5; or[ ]  N/A (the applicant checked the second or third option in its response to question B24) |
|  | If in its response to question B24, the applicant checked the second option indicating that it has in place arrangements with Trading Participant(s) allowing it to directly enter reasonable Bids and volumes on its own account, a statement describing those arrangements and the skills, systems, processes and resources the applicant has in place to ensure that it maintains reasonable Bids and volumes is: | [ ]  Attached as Annexure B5; or[ ]  N/A (the applicant checked the first or third option in its response to question B24) |

#### (b) Liquidity provided by external market maker(s)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1.
 | The applicant has entered into arrangements with professional third party market makers to provide liquidity in accordance with the minimum market making specifications summarised here:*Please refer to the ETP Market Making pages on the ASX website for a guide as to the acceptable Quoting Schedules* | Maximum Bid/Ask spread | Minimum quantity on either side | Minimum percentage of each Trading Day |
|  |  |  |
| 1.
 | The name of the lead market maker provider the applicant has appointed to maintain the minimum market making specifications outlined above is: |  |
| 1.
 | A copy of the agreement with the lead market maker referred to in the applicant’s response to question B28 is: | [ ]  Attached as Annexure B5 |

#### Naming requirements

|  |  |  |
| --- | --- | --- |
|  | Please check this box to confirm that the Structured Product complies with the naming requirements in rule 10A.4A.1: | [ ]  Confirmed |
| 1.
 | Will the Structured Product be classified as “synthetic” under ASIC Information Sheet 230?[[11]](#footnote-12) | [ ]  Yes; or[ ]  No |
|  | If the applicant answered “Yes” to question B31, confirm that the Structured Product has the word “synthetic” as part of its name: | [ ]  Confirmed; or[ ]  N/A |

#### Skills, systems, processes and resources

|  |  |  |
| --- | --- | --- |
|  | A statement of the applicant’s principal business, the countries in which it operates, the number of employees it has, the skills and experience of its key personnel,[[12]](#footnote-13) its funds under management, the types of managed fund products it offers and the number of investors in those products and, if it is a subsidiary, details of its holding company is:*Refer rule 10A.2.1* | [ ]  Attached as Annexure B6 |
| 1.
 | Tick the boxes to the right to indicate that the applicant is appointing a third party to undertake any of the functions listed in relation to the Structured Product: | Third party service providers:[ ]  investment manager[ ]  fund administrator[ ]  custodian[ ]  portfolio calculation agent[ ]  unit pricing[ ]  registry services[ ]  index services |
|  | For any role that was ticked in the applicant’s response to question B34, a copy of the agreement with the third party service provider is: | [ ]  Attached as Annexure B7 |
|  | For any role that was not ticked in the applicant’s response to question B34 a statement setting out the skills, systems, processes and resources the applicant has in place to perform that role in relation to the Structured Products is: | [ ]  Attached as Annexure B8 |
|  | A statement of how the applicant will comply with each of its disclosure obligations under rule 10A.5.8 is: | [ ]  Attached as Annexure B9; or[ ]  Set out on the following page(s) of the disclosure document attached as Annexure B1:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Insert page number(s)* |
|  | If the Structured Products are settled in the first instance by delivery, a statement explaining how the Structured Product will not exceed the issue limits set out in rules 10A.5.1(a) and (b) is:*Refer rule 10A.3.3(g)* | [ ]  Attached as Annexure B10; or[ ]  N/A |
|  | Please check this box to confirm that the applicant is aware of its disclosure obligations under rule 10A.2.4 and has put in place procedures to comply with those obligations:[[13]](#footnote-14) | [ ]  Confirmed |

#### Waivers

|  |  |  |
| --- | --- | --- |
|  | The applicant wishes to apply for the rule waivers set out in: | [ ]  The submission attached as Annexure B11; or[ ]  N/A |

#### Listed entities seeking to convert quoted securities to AQUA Products

|  |  |  |
| --- | --- | --- |
|  | Where an AQUA Product Issuer is seeking to convert the quotation on ASX under the Listing Rules of a class of securities issued by the AQUA Product Issuer to admission to Trading Status as an AQUA Product, evidence that the AQUA Product Issuer has obtained the approval of holders of those securities for such conversion in the manner specified in the procedures is:*Refer rule 10A.3.1(ca)* | [ ]  Attached as Annexure B12; or[ ]  N/A |

#### Target Market Determination

|  |  |  |
| --- | --- | --- |
|  | A copy of the Structured Products’ target market determination[[14]](#footnote-15) | [ ]  Attached as Annexure B13  |

#### List of annexures

The following annexures may be required to be lodged with this checklist

A1: Licence, exemption or legal opinion that licence not necessary (all applicants)

A2: Executed ASX Online Agreement (applicants not covered by an existing ASX Online Agreement)

B1: Disclosure document or evidence of an exemption from the disclosure requirements under the Corporations Act (all applicants)

B2: Legal opinion that product qualifies to be admitted as an AQUA Product (all applicants)

B3: Statement confirming that index complies with rule 10A.4A.2 (index products only)

B4: Written authorisation to use index (index products only)

B5: As applicable: (a) copies of the applicant’s agreement(s) with Trading Participant(s) to enter reasonable Bids and volumes on the applicant’s behalf; (b) a statement describing the skills, systems, processes and resources the applicant has in place to ensure that it maintains reasonable Bids and volumes; or (c) a copy of the applicant’s agreement with its lead external market maker (all applicants)

B5: Agreement(s) with market makers, agreement(s) with market making agents or statement describing applicant’s skills, systems, processes and resources to fulfil reasonable Bid and volume requirements itself (all applicants)

B6: Statement of the applicant’s principal business, the countries in which it operates, the number of employees it has, the skills and experience of its key personnel, its funds under management, the types of managed fund products it offers and the number of investors in those products and, if it is a subsidiary, details of its holding company (all applicants)

B7: Service agreements with third parties providing investment manager, fund administrator, custodian, portfolio calculation agent, unit pricing, registry services and index services (all applicants)

B8: Statement describing skills, systems, processes and resources where fund administrator, custodian, portfolio calculation agent, unit pricing, registry services or index services are performed internally (all applicants)

B9: Statement confirming compliance with disclosure obligations under rule 10A.5.8 (all applicants)

B10: Statement confirming compliance with rules 10A.5.1(a) and (b) (products settled by delivery)

B11: Submissions on any rule waivers being sought by the applicant (if applicable)

B12: Statement confirming compliance with rule 10A.3.1(ca) (listed entities seeking to convert quoted securities to Structured Products only)

B13: The Structured Product’s target market determination

1. The existing or prospective AQUA Product Issuer’s registered name, as registered with ASIC. If it is a foreign entity, reflect the applicant’s legal name as registered in the state or country of incorporation or establishment. [↑](#footnote-ref-2)
2. The equivalent registration number to an ABN or ACN of the country of incorporation or establishment, where the state or country of incorporation or establishment is not Australia. [↑](#footnote-ref-3)
3. The LEI is a standard identifier that provides verified data on legal entities registered on a centralised system, the Global LEI System. Providing a LEI is voluntary. If the entity does not have a LEI leave this field blank. For Issuers who choose to voluntarily provide their LEI (where available), ASX will record and link the LEI of the issuer to each International Securities Identification Number (ISIN) allocated to financial instruments issued by that issuer and admitted by ASX. ASX will also provide the ISIN-LEI mapping to the Association of National Numbering Agencies (ANNA) Service Bureau (ASB) for the purpose of the ISIN-LEI mapping initiative, and this information will then be made publicly available on both the ANNA and Global Legal Entity Identifier Foundation (GLEIF) websites. Once publically available, any person may use the LEI information (including the ISIN-LEI mapping data) for any purpose without restriction.. [↑](#footnote-ref-4)
4. Where under the terms of an exemption from the Corporations Act requirements provided under an ASIC exemption or Chapter 8 of the Corporations Act, an AQUA Product Issuer is not subject to disclosure requirements under Chapter 6D or Part 7.9 of the Corporations Act but is required under the terms of that exemption to lodge with ASIC (or an overseas regulatory authority) a disclosure document in the form required under Chapter 6D or Part 7.9 of the Corporations Act (or similar product disclosure information) that is made publicly available by ASIC or the overseas authority, such disclosure document must be provided to ASX for the purposes of rule10A.3.3(f). [↑](#footnote-ref-5)
5. A Structured Product’s investment objective describes in plain English what the Structured Product seeks to achieve. It will generally include the benchmark the Structured Product seeks to track or out-perform and provide an investment time horizon. [↑](#footnote-ref-6)
6. “Financial Product" is defined in the ASX Operating Rules to have the same meaning as in Division 3 of Part 7.1 of the Corporations Act. “Structured Product” is defined in the ASX Operating Rules as a Security or Derivative:

(a) which gives the holder financial exposure to the performance of one or more Underlying Instruments;

(b) the value of which is linked to the performance of those Underlying Instruments; and

(c) whereby investors do not have day to day control over the operation of the entity which issues or provides the Security or Derivative. [↑](#footnote-ref-7)
7. Rule 10A.3.3(c) requires the capital value or distributions of a Structured Product to be linked to Underlying Instruments which are:

(i) securities, derivatives, debentures, bonds or other Financial Products that are admitted to trading on:

(A) the Market;

(B) a Non-ASX Market that is specified in the Procedures; or

(C) any other Non-ASX Market where ASX is satisfied that:

(i) the Non-ASX Market is subject to regulation that is at least equivalent to the regulation of a market operator licenced under section 795B(1) of the Corporations Act; and

(ii) the Underlying Instrument is subject to substantially equivalent disclosure requirements to those which would apply if the Underlying Instrument were admitted to trading on the Market;

 Note: To avoid doubt, a Crypto-asset that is a security, derivative, debenture, bond or other Financial Product and that meets the requirements of sub-paragraph (i) above may be admitted as an Approved AQUA Product under that sub-paragraph rather than as an Eligible Crypto-asset under sub-paragraph (v) below.

(ii) debentures, bonds, deposit products or Money Market Instruments that are:

(A) included in an index specified in the Procedures; or

(B) issued or guaranteed by a government or by an entity of a type specified in the Procedures and in respect of which ASX is satisfied that Relevant Authorised Participants and AQUA Market Makers have sufficient information available in a timely manner to enable them to reliably determine prices at which the debentures, bonds, deposit products or Money Market Instruments are bought or sold;

(iii) an Eligible Debt Portfolio;

(iv) commodities or currencies where ASX is satisfied that:

(A) the prices at which such commodities or currencies are bought or sold are available to market users in a timely manner; or

(B) there is a regulated derivatives market which controls price discovery for the commodity or currency in question; and

(v) Eligible Crypto-assets; and

(vi) indices over any of the Underlying Instruments listed in paragraphs (c)(i) to (c)(v) where ASX is satisfied that the index in question is widely regarded as having robust and transparent eligibility criteria, governance arrangements and methodologies for constructing and maintaining the index. [↑](#footnote-ref-8)
8. The Financial Products listed in rule 10A.3.3(d) are:

(i) a security in a listed investment company;

(ii) a unit in a real estate investment trust (REIT) or similar fund;

(iii) a unit in an infrastructure trust or fund;

(iv) a unit in a non-portfolio strategic investment vehicle (such as a private equity fund);

(v) a Financial Product where the issuer has a significant influence over the price or value of the Underlying Instrument(s);

(vi) a Financial Product for which, in ASX’s opinion, there is insufficient information available to the market on an ongoing basis regarding the price or value of the Underlying Instrument(s);

(vii) a Financial Product where the Underlying Instruments are shares in an unlisted company, artworks or other collectibles, wine or other assets where the price or value of the Underlying Instruments is not set by a transparent mechanism;

(viii) units or shares in a Managed Fund Product for which the net asset value are not disclosed daily (in the case of admission Trading Status) or at least quarterly (in the case of admission to the AQUA Quote Display Board);

(ix) a Financial Product priced by reference to an index where the level of that index is not publicly available or reported on a regular basis; and

(x) any other Financial Product to which ASX considers the listing mechanism and continuous disclosure regime in the Listing Rules should apply. [↑](#footnote-ref-9)
9. If the AQUA Product Issuer can engage in securities lending, ASIC Information Sheet 230 requires the AQUA Product Issuer to make disclosures about:

the reasons for the AQUA Product Issuer engaging in securities lending;

the percentage of the AQUA Product’s assets that may be lent to third parties;

the potential risks to investors as a result of securities lending, including the potential impact on returns due to short selling by the borrower of those securities;

any fees that may be earned by the AQUA Product Issuer (or a related company of the AQUA Product Issuer ) from the securities lending arrangements;

relevant disclosures of any conflict of interest - in particular, how the revenues are shared between the AQUA Product Issuer (acting as agent) and the investors in the AQUA Product;

the types of collateral the AQUA Product Issuer will accept when undertaking securities lending; and

the risk that collateralisation may not always prevent investors from losses. [↑](#footnote-ref-10)
10. ASX will generally consider there to be sufficient information available to the market to price or value the Financial Product where professional, third party market makers agree to maintain two-way markets in the AQUA Product equivalent to the minimum market making specifications as other comparable AQUA Products. [↑](#footnote-ref-11)
11. ASIC Information Sheet 230 provides that an exchange traded product admitted to trading status is to be considered ‘synthetic’ where it is intended to use derivatives to achieve a material exposure to the underlying instruments described in its investment strategy. [↑](#footnote-ref-12)
12. ‘Key personnel’ includes persons such as the Chief Executive Officer, Chief Financial Officer, Chief Investment Officer, Chief Information Officer, Chief Compliance Officer and Portfolio Manager (or equivalent). [↑](#footnote-ref-13)
13. Rule 10A.2.4 and the related procedure requires an AQUA Product Issuer to notify ASX of a change of name, loss of or change to its licence, regulatory action, a change of auditor, an adverse report by the auditor of its compliance plan, a material change in business, certain system malfunctions and a material breach of the rules. [↑](#footnote-ref-14)
14. See section 994B of the *Corporations Act (Cth) 2001* [↑](#footnote-ref-15)