18 December 2020

Kevin Lewis
ASX Limited
PO Box H224
AUSTRALIA SQUARE NSW 1215

By email: kevin.lewis@asx.com.au

Dear Mr Lewis,

ASX Limited (ASX) Proposed Listing Rules changes: online forms, notification of security issues and corporate action timetables Public Consultation

This submission is made by the Corporations Committee (**Committee**) of the Business Law Section of the Law Council of Australia in response to ASX's proposed listing rules changes regarding online forms, notification of security issues and corporate action timetables (**Proposed Changes**).

1. GENERAL OBSERVATION

1.1.   The Committee notes the Proposed Changes and ongoing efforts of ASX to further develop Appendices 2A and 3G through its 'Straight Through Processing' project with a view to conversion of these forms into smart online forms.

1.2.   The Committee is generally supportive of the Proposed Changes and has no objections to the changes. New Listing Rule 3.10.3E is particularly welcomed (see our comments below) as previous changes to Appendices had reduced important information that had otherwise been readily assessable to investors, listed entities and other stakeholders.

1.3.   However, the Committee generally notes that some online forms have been difficult for advisers to use and create some duplication of cost and effort. Anecdotal feedback suggests that advisers are often preparing word copies of the forms to assist clients and to confirm instructions. The word versions then have to be transcribed into the online version. The Committee notes that it would be better to have the ability to upload the form directly, and to also make the fields in the forms bigger and less restrictive (e.g. text formats vs number or currency formats).

1.4.   Comments and recommendations in response to particular matters raised in the Proposed Changes follow.

2. NOTIFICATION OF CESSATION OF SECURITIES

2.1.   The Committee notes that ASX is proposing to add a new Listing Rule 3.10.3E providing that an entity must tell ASX immediately within 5 business days of the cessation of any equity securities or of any quoted debt securities that has not otherwise been notified to ASX.

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2.2. While the Committee is generally supportive of the notification requirement, it notes that 5 business days may be too tight a timeframe for some types of securities, e.g. performance share rights can have complicated lapse provisions which are assessed periodically and would benefit from a longer time period to notify.

> **Recommendation:** The Committee recommends that more time be allowed to make the Listing Rule 3.10.3E notification.

3. CHANGES TO TIMETABLE FOR CORPORATE ACTIONS – APPENDICES 6A AND 7A

3.1. The Committee notes the proposed changes to the timetable for corporate actions in Appendices 6A and 7A to allow an additional 2 business days for an entity to announce:

(a) the results of a standard non-renounceable pro rata issue or standard renounceable pro rata issue;

(b) the results of the retail offer in an accelerated non-renounceable entitlement offer, an accelerated renounceable entitlement offer or simultaneous accelerated renounceable entitlement offer, or an accelerated renounceable entitlement offer with retail rights trading; or

(c) the results of a security purchase plan.

3.2. The Committee is strongly supportive of the increased allowance of time for these notifications.

Committee representatives would be happy to discuss any of the matters raised or provide further detail. If you have any questions – please contact Chair of the Committee, Shannon Finch (shannonfinch@jonesday.com or 0428 894 002) or Deputy Chair, Robert Sultan (robert.sultan@nortonrosefulbright.com or 0418 581 353).

Yours faithfully,

Greg Rodgers
Chair, Business Law Section