



Listed@ASX

Compliance Update 20 December 2019

Update no 12/19

1. Changes to Long Term Suspended Entity Policy Effective 3 February 2020

ASX's consultation paper [Simplifying, clarifying and enhancing the integrity and efficiency of the ASX Listing Rules](#) issued on 28 November 2018 foreshadowed changes to ASX's policy in Guidance Note 33 Removal of Entities from the ASX Official List (GN 33) providing for the automatic removal of long term suspended entities from the official list.

In February 2019, ASX wrote to entities likely to be affected by the proposed change in policy, drawing their attention to the proposed changes and to the circumstances in which ASX might agree to a short extension of the deadlines for automatic removal.

On 15 April 2019, ASX released a revised version of [GN 33](#) with its post-consultation changes. Section 3.4 of revised GN33 now states ASX's policy is to remove from the official list:

- an entity that fails to lodge any of the documents referred to in Listing Rule 17.5 for a continuous period of 1 year after the deadline for lodgement of that document; and
- an entity whose securities have been suspended from quotation for a continuous period of 2 years,

whichever occurs first. The removal will usually take effect from the open of trading on the first trading day after the expiration of the 1 or 2 year period referred to above.

As stated in footnote 76 of GN33 and [Listed@ASX Compliance Update 04/19](#), this policy

will come into effect on **Monday 3 February 2020**. Unless ASX decides otherwise, entities that have failed to file any of the documents referred to in Listing Rule 17.5 on or before 31 January 2019 and have not rectified that failure by the close of trading on Friday 31 January 2020 will be automatically removed from the official list at the commencement of trading on Monday 3 February 2020. Likewise any other entities that have been continuously suspended since on or before 31 January 2018 and remain suspended at the close of trading on Friday 31 January 2020 will be automatically removed from the official list at the commencement of trading on Monday 3 February 2020.

ASX is not intending to give any further notice of these changes. Entities due to be removed from the official list on 3 February 2020 will be notified of their removal on that date.

2. Listing rule 15.5 – market announcements

LR 15.5 was amended with effect from 1 December 2019 to require a market announcement to identify the title of the body, or the name and title of the officer, of the entity who authorised the document to be given to ASX.

ASX has received a number of queries about this requirement. It has also observed in a number of cases since the new rule came into effect a practice of entities using explicit language in their announcements stating that the company secretary or another body or officer is authorised by the board to release announcements to the market.

ASX considers this practice unnecessary for compliance with LR 15.5.

If it is the company secretary or another officer of the entity who has authorised the release of the announcement to the market, ASX considers it sufficient for the purposes of LR 15.5 to have a sign-off clause that states the name and title of the officer and indicates that they authorised the release of the document to the market. It is not necessary to state that they have been delegated authority from the board to release market announcements.

Likewise, if it is a body rather than an individual officer that authorised the release of the announcement – such as the board, a committee of the board, or a disclosure committee – it is sufficient for the purposes of LR 15.5 to include a statement that the relevant body authorised the release of the document to the market.

In the case of a notice of meeting, a concluding statement such as “By order of the board” or something similar will suffice for the purposes of LR 15.5.

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