
26. GENERAL

Chapter 26 sets out rules with respect to the provision of notices under these rules, the grant of waivers by APX, and the power of APX to prescribe Procedures with respect to these Rules.

Notices and documents given to APX

Notice under or in connection with these Rules

- 26.1 Any notice given in connection with these **Rules** must be in English, in writing and may be sent or delivered in person, by courier, by facsimile transmission, by certified, registered, pre-paid or normal mail, by electronic messaging systems or by email to the recipient's **registered office** or principal place of residence or business or facsimile number or email address notified for the time being or at such other address as may be notified for the purpose of the service of notices.
- 26.2 The time that the document is to be treated as being given to a recipient is as follows:
- (a) if it is delivered, the time of delivery;
 - (b) if it is posted, on the second **business day** after posting;
 - (c) if it is faxed, when the fax is received. A successful fax transmission report is sufficient proof of the time of receipt; or
 - (d) if it is emailed, when it is received by the recipient's server.

APX to be advised in writing

- 26.3 If a **Rule** requires an **applicant**, **listee** or **sponsor** to advise **APX** of something, the **applicant**, **listee** or **sponsor** must advise **APX** in writing.

Documents the property of APX

- 26.4 A document given to **APX** by an **applicant** or **listee**, or on its behalf, becomes and remains the property of **APX** to deal with as it wishes, including copying, storing in a retrieval system, transmitting to the public, and publishing any part of the document and permitting others to do so. The documents referred to in this **Rule 26.4** include a document given to **APX** in support of a listing application or in compliance with these **Rules**.

Form of document

- 26.5 A document given to **APX Announcements Office** must be on the **listee's** letterhead, unless a form prescribed by these **Rules** or an Australian law is used. The document or form must be dated and authorised by an identified, authorised officer of the **listee**. If a document cannot conveniently be put in letter form, the **listee** must give **APX Announcements Office** a covering letter with it.

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- 26.6 If a document is not for public release, the **listee** must prominently mark the document to make that clear. However, information in a document that is marked as not for public release may be released by **APX** to the **APX market**. If the document is released to the market, **APX** will inform the **listee** of its release.

Example: A document marked on the front page 'not for public release' meets this requirement.

Waivers

- 26.7 **APX** may grant a **waiver** of one or more **Rules** or part of a **Rule** as it considers appropriate.

APX may grant a **waiver** at the request of an **applicant**, **listee** or **sponsor** or other person or of its own accord. Any request for a waiver must be in writing.

A **waiver** may be expressed to apply to an **applicant**, **listee** or **sponsor** or other person or class of persons.

- 26.8 A **waiver** may be granted subject to one or more conditions and may be expressed to apply during a specified period or while certain circumstances exist.

If a **waiver** is expressed to be subject to conditions. The **waiver** is effective only if all of the conditions are complied with, unless the **waiver** expressly provides otherwise. Failure to comply with a condition is a contravention of this **Rule**, unless the **waiver** expressly provides otherwise.

If a waiver is expressed to apply only during a specified period or while certain circumstances exist, the waiver is only effective during that period or while those circumstances exist.

- 26.9 **APX** may withdraw a **waiver** at any time.
- 26.10 **APX** will publish all **waivers** on the **APX website**.
- 26.11 **APX** may decide to take no action in relation to a breach of a **Rule**. If **APX** takes no action, it is not a **waiver** of the **Rules**.

APX varying and revoking decisions

- 26.12 Any decisions of **APX** pursuant to these **Rules** are conclusive and binding on an **applicant**, **listee** and **sponsor**.
- 26.13 **APX** may at any time and in any way vary or revoke a decision in any way, or revoke it. It may do so at the request of the **listee** or of its own accord.
- 26.14 The variation or revocation of a decision by **APX** takes effect from the date on which **APX** notifies the **listee**. However, if the initial decision was based on materially incorrect or incomplete information, **APX** may retrospectively vary or revoke the decision with effect from the date it was made.

Listing Rule Procedures

- 26.15 **APX** may from time to time prescribe written **Listing Rule Procedures**:
- (a) relating to the operations of the **APX market**;
 - (b) relating to the conduct of the **applicants**, **listees** and **sponsors**;

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- (c) relating to corporate governance requirements applicable to **listees** or classes of **listees**;
 - (d) for any other purposes as **APX** sees fit.
- 26.16 If a **Rule** requires compliance with a **Listing Rule Procedure**, then failure to comply with the **Listing Rule Procedure** is a breach of that **Rule**.
- 26.17 The **Listing Rule Procedures** (and the Appendices to the **Listing Rules**) do not form part of these **Rules**.
- 26.18 The **Listing Rule Procedures** may be amended by **APX** from time to time and **APX** will notify **applicants**, **listees** and **sponsors** of the amendment before the amendment takes effect.
- 26.19 To the extent of any inconsistency between these **Rules** and the **Listing Rule Procedures**, these **Rules** will prevail.
- 26.20 If substantive amendments to the **Procedures** are required, **APX** will, subject to Rule 26.22, consult with **listees** regarding the proposed amendments (by circular) at least four weeks before the amendments are to become effective.
- 26.21 **APX** will begin the substantive amendment consultation process referred to in **Rule 26.20** by notifying **listees** (by circular) of the proposed amendments, and **listees** will then be given an opportunity to comment. **APX** will consider comments received from **listees** before the amendments are finalised and implemented.
- 26.22 The consultation process will not apply to amendments that:
- (a) are not substantive;
 - (b) relate to changes to the **trading system** that are notified in advance to the market; and
 - (c) must be implemented as a matter of urgency.