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Contents

Markets Disciplinary Panel Infringement Notice

Recipient: FC Stone Australia Pty Ltd

The recipient has complied with the infringement notice. Compliance is not an admission of guilt or liability; and the recipient is not taken to have contravened subsection 798H (1) of the Corporations Act 2001.

RIGHTS OF REVIEW

Recipients affected by the decision of the Markets Disciplinary Panel to give them an infringement notice under subsection 798H(1) of the *Corporations Act 2001* and Part 7.2A of the *Corporations Regulations 2001* administered by ASIC may have a right of review or may be entitled to have the infringement notice withdrawn. ASIC has published RG 216 to assist recipients to determine whether they have such rights – see RG 216.71 and RG 216.77 to 216.79. Copies of this document can be obtained from the ASIC website at www.asic.gov.au

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**PART 7.2A OF THE CORPORATIONS REGULATIONS 2001
INFRINGEMENT NOTICE**

To: FC Stone Australia Pty Ltd
Level 10
151 Macquarie Street
SYDNEY NSW 2000

TAKE NOTICE: The Australian Securities and Investments Commission ("ASIC") gives this infringement notice to FC Stone Australia Pty Ltd ACN 066 580 694 ("FC Stone") under regulation 7.2A.04 of the Corporations Regulations 2001 ("Regulations"). To comply with this notice FC Stone must:

Pay a penalty to ASIC, on behalf of the Commonwealth, in the sum of **\$130,000**.

This infringement notice is given on 24 February 2015.

The unique code for this notice as required by paragraph 7.2A.06(b) of the Regulations is MDP9601/14.

The terms defined in Rule 1.4.3 of the ASIC Market Integrity Rules (ASX 24 Market) 2010 ("MIR 1.4.3") have the same meaning when used in this notice, including those set out in Appendix 1 to this notice. Certain additional defined terms used in this notice are also set out in Appendix 1 to this notice.

Alleged contraventions and penalty

FC Stone was a Market Participant and a Trading Participant in the Market operated by Australian Securities Exchange Limited ACN 000 943 377 ("ASX") at the relevant time and was therefore an entity required by subsection 798H(1) of the *Corporations Act 2001* ("Act") to comply with the market integrity rules at that time.

FC Stone is alleged to have contravened subsection 798H(1) of the Act by reason of contravening Rules 2.2.1(1)(b), 2.3.2, 2.3.3(2), 2.3.4(a) and 6.2.1(6) of the ASIC Market Integrity Rules (ASX 24 Market) 2010 ("MIR 2.2.1(1)(b)", "MIR 2.3.2", "MIR 2.3.3(2)", "MIR 2.3.4(a)" and "MIR 6.2.1(6)").

The text of MIR 2.2.1(1)(b), MIR 2.3.2, MIR 2.3.3(2), MIR 2.3.4(a) and MIR 6.2.1(6) is set out in Appendix 2 to this notice.

On the evidence before it, the Markets Disciplinary Panel ("MDP") was satisfied that:

- 1) The ASIC Market & Participant Surveillance team ("ASIC M&PS") conducted an onsite review of FC Stone's business in April 2012. As part of this review, ASIC M&PS issued notices seeking operational documentation.
- 2) From this review and earlier work in February 2012, ASIC M&PS identified a number of potential shortcomings with FC Stone's practices and procedures.

MIR 2.2.1(1)(b) – Limits

- 3) On FC Stone's admission as a Market Participant of the Market in October 2011, FC Stone personnel held a meeting to determine appropriate Client limits, including maximum price change ("MPC") limits. FC Stone determined to set the MPC limits for each of its Clients at the default level of 999.9 basis points.
- 4) On 5 March 2012, FC Stone had in place a number of procedures which referred to setting limits, but these procedures did not specifically refer to the process for setting MPC limits, nor did they provide sufficient detail on how MPC limits were to be set.
- 5) FC Stone amended its procedures relating to setting Client limits in April 2013 ("Amended Procedures"). The Amended Procedures made explicit reference to MIR 2.2.1(1)(b) and stated "limits should be set based on an analysis of the Clients' financial capabilities, proposed trading activity and trading contracts".
- 6) The procedures in place on 5 March 2012 and the Amended Procedures, which were in place as at 27 August 2013, were not prudent risk management procedures for the purpose of MIR 2.2.1(1)(b) because they did not result in FC Stone setting and documenting appropriate MPC limits.
- 7) In addition, FC Stone's decision to set the MPC limits for each of its Clients at the default level of 999.9 basis points indicates that FC Stone did not demonstrate prudent risk management procedures during this period.

MIR 2.3.2 – Daily reconciliation of client funds – and MIR 2.3.4(a) – Obligation to notify ASIC about daily reconciliation

- 8) On 23 March 2012, ASIC M&PS requested under notice a copy of the daily reconciliation prepared by FC Stone pursuant to MIR 2.3.2 for the Business Day 7 March 2012 ("7 March 2012 Daily Reconciliation").
- 9) The 7 March 2012 Daily Reconciliation provided by FC Stone to ASIC on 11 April 2012 contained inaccurate figures for three items and did not contain the information required by MIR 2.3.2(2)(d), MIR 2.3.2(2)(e) and MIR 2.3.2(2)(f).
- 10) As a result, the 7 March 2012 Daily Reconciliation was not performed in accordance with MIR 2.3.2.
- 11) Any notification to ASIC under MIR 2.3.4(a) that the 7 March 2012 Daily Reconciliation had not been performed in accordance with MIR 2.3.2 should have been made by 12 March 2012.

- 12) FC Stone did not notify ASIC of its failure to perform the 7 March 2012 Daily Reconciliation in accordance with MIR 2.3.2 by 12 March 2012.

MIR 2.3.3(2) – Monthly reconciliation of client funds

- 13) On 8 October 2012, FC Stone gave to ASIC its reconciliation of the aggregate balance held by it at the close of business on the last Business Day of the calendar month July 2012 in clients' segregated accounts maintained under MIR 2.2.6 and the corresponding balance as recorded in its accounting records ("July 2012 Monthly Reconciliation").
- 14) The July 2012 Monthly Reconciliation should have been given to ASIC by 31 August 2012 in accordance with MIR 2.3.3(2).
- 15) On 8 October 2012, FC Stone gave to ASIC its reconciliation of the aggregate balance held by it at the close of business on the last Business Day of the calendar month August 2012 in clients' segregated accounts maintained under MIR 2.2.6 and the corresponding balance as recorded in its accounting records ("August 2012 Monthly Reconciliation").
- 16) The August 2012 Monthly Reconciliation should have been given to ASIC by 28 September 2012 in accordance with MIR 2.3.3(2).

MIR 6.2.1(6) – Reporting to ASIC (Ad Hoc NTA requirements)

- 17) On 15 February 2012, ASIC M&PS requested that FC Stone provide an ad hoc NTA return under MIR 6.2.1(6) until further notice.
- 18) Pursuant to this request, on 17 February 2012, FC Stone provided an ad hoc NTA return for 16 February 2012 ("16 February 2012 NTA Return").
- 19) The 16 February 2012 NTA Return used data relating to 15 February 2012, and so was not an NTA return for the period requested by ASIC. As such, it did not satisfy the requirements of MIR 6.2.1(6).
- 20) Also pursuant to ASIC's request, on 21 February 2012, FC Stone provided an ad hoc NTA return for 17 February 2012 ("17 February 2012 NTA Return").
- 21) The 17 February NTA Return did not have any provision for accrued annual leave. The 17 February NTA Return was therefore not an accurate return and did not satisfy the requirements of MIR 6.2.1(6).

By reason of FC Stone's failure to:

- demonstrate prudent risk management procedures pertaining to setting and documenting MPC limits between 5 March 2012 and 27 August 2013, the MDP has reasonable grounds to believe that FC Stone has contravened MIR 2.2.1(1)(b) and thereby contravened subsection 798H(1) of the Act ("Contravention 1");
- perform an accurate daily reconciliation which included all required information for 7 March 2012, the MDP has reasonable grounds to believe that FC Stone has contravened MIR 2.3.2 and thereby contravened subsection 798H(1) of the Act ("Contravention 2");

- give to ASIC the July 2012 Monthly Reconciliation by 31 August 2012, the MDP has reasonable grounds to believe that FC Stone has contravened MIR 2.3.3(2) and thereby contravened subsection 798H(1) of the Act ("Contravention 3");
- give to ASIC the August 2012 Monthly Reconciliation by 28 September 2012, the MDP has reasonable grounds to believe that FC Stone has contravened MIR 2.3.3(2) and thereby contravened subsection 798H(1) of the Act ("Contravention 4");
- notify ASIC that the 7 March 2012 Daily Reconciliation had not been performed in accordance with MIR 2.3.2 by 12 March 2012, the MDP has reasonable grounds to believe that FC Stone has contravened MIR 2.3.4(a) and thereby contravened subsection 798H(1) of the Act ("Contravention 5");
- provide the requested ad hoc NTA return relating to 16 February 2012, the MDP has reasonable grounds to believe that FC Stone has contravened MIR 6.2.1(6) and thereby contravened subsection 798H(1) of the Act ("Contravention 6");
- provide the requested ad hoc NTA return relating to 17 February 2012, the MDP has reasonable grounds to believe that FC Stone has contravened MIR 6.2.1(6) and thereby contravened subsection 798H(1) of the Act ("Contravention 7").

Maximum pecuniary penalty that a Court could order

The maximum pecuniary penalty that a Court could order FC Stone to pay for contravening subsection 798H(1) of the Act:

- by reason of contravening MIR 2.2.1(1)(b), is \$1,000,000;
- by reason of contravening MIR 2.3.2, is \$1,000,000;
- by reason of contravening MIR 2.3.3(2), is \$1,000,000;
- by reason of contravening MIR 2.3.4(a), is \$100,000;
- by reason of contravening MIR 6.2.1(6), is \$1,000,000.

The maximum pecuniary penalty that may be payable by FC Stone under an infringement notice given pursuant to subsection 798K(2) of the Act:

- by reason of allegedly contravening MIR 2.2.1(1)(b), is \$600,000;
- by reason of allegedly contravening MIR 2.3.2, is \$600,000;
- by reason of allegedly contravening MIR 2.3.3(2), is \$600,000;
- by reason of allegedly contravening MIR 2.3.4(a), is \$60,000;
- by reason of allegedly contravening MIR 6.2.1(6), is \$600,000.

Penalty under the Infringement Notice

The penalties payable under this infringement notice for the seven alleged contraventions of subsection 798H(1) of the Act are as follows:

- Contravention 1 – MIR 2.2.1(1)(b) – \$50,000;
- Contravention 2 – MIR 2.3.2 – \$10,000;
- Contravention 3 – MIR 2.3.3(2) – \$10,000;
- Contravention 4 – MIR 2.3.3(2) – \$20,000;
- Contravention 5 – MIR 2.3.4(a) – \$10,000;
- Contravention 6 – MIR 6.2.1(6) – \$10,000;
- Contravention 7 – MIR 6.2.1(6) – \$20,000.

Therefore, the total penalty that FC Stone must pay to the Commonwealth is **\$130,000** being the penalty payable under this infringement notice for the seven alleged contraventions of subsection 798H(1) of the Act.

The penalty is payable to ASIC on behalf of the Commonwealth. Payment is made by bank cheque to the order of the "Australian Securities and Investments Commission".

In determining this matter and the appropriate pecuniary penalty to be applied, the MDP took into account all relevant guidance, including ASIC Regulatory Guide 216–*Markets Disciplinary Panel*, and noted in particular the following:

General statements

- That the penalties, remedies and/or sanctions applied should promote market integrity along with confident and informed participation of investors in financial markets;
- The misconduct was serious and had the potential to damage public confidence in financial markets;
- That the penalties/remedies and/or sanctions applied should act as a deterrent to any future misconduct by the subject person. They should also act as a general deterrent to others from engaging in the same or similar conduct;
- The identification of six alleged contraventions over an approximately six month period during 2012 relating to FC Stone's accounting procedures indicates that FC Stone's accounting department, and the compliance controls around the accounting department, were not adequate to ensure full compliance with the market integrity rules. This suggests a systemic compliance failure by indicating a general lack of understanding of, and respect of compliance with, the market integrity rules regarding accounting requirements;
- The MDP emphasises the importance of effective internal accounting procedures which are crucial to both the business of participants and to maintaining the integrity of the market;
- FC Stone did not detect any of the alleged contraventions. This fact suggests that FC Stone's procedures for detecting and escalating contraventions of the market integrity rules were not adequate;
- None of the misconduct giving rise to the alleged contraventions involved dishonesty. FC Stone did not attempt to conceal any of the misconduct;

- None of the misconduct resulted in any actual benefit accruing to FC Stone or any actual detriment to FC Stone's Clients or other Market Participants. There was no loss to investors;
- FC Stone had no prior disciplinary action taken against it nor any penalty imposed upon it under the market integrity rules or the operating rules of a financial market;
- FC Stone co-operated with ASIC in the investigation of this matter, and engaged constructively with the ASIC Enforcement team in reaching a resolution of this matter, which saved time and costs;
- FC Stone expressed contrition and made an early decision not to dispute the alleged contraventions, thereby minimising the time and costs that would otherwise have been incurred;
- FC Stone undertook significant steps to remediate its procedures to ensure that any contravention in respect of the matters in this Notice does not recur. FC Stone worked to improve its compliance with the market integrity rules.

Contravention 1 – MIR 2.2.1(1)(b) – Limits

- MIR 2.2.1(1)(b) is aimed at ensuring that all Market Participants must at all times have and maintain appropriate controls to ensure that Orders submitted by them into a Trading Platform do not interfere with the integrity of the market;
- Market Participants are required to set and document appropriate pre-determined limits on each of their Client Accounts. They are specifically required to set and document appropriate MPC limits on each Client Account. Setting MPC limits at a maximum or default setting of 999.9 basis points is inadequate and does not demonstrate prudent risk management procedures as a Market Participant;
- The misconduct was careless on the part of FC Stone. Although FC Stone did consider at what levels the MPC limits on each of its Client Accounts should be set, it determined to set the MPC limits at the default level of 999.9 basis points. While some relevant factors were considered in making this decision, it was not appropriate to take into consideration or rely on the existence of the ASX 24 Market's Extreme Cancellation Range ("ECR"), as Market Participants have a primary responsibility to ensure that they exercise prudent risk management and the ECR is designed to function as a back-up only;
- FC Stone failed to demonstrate prudent risk management procedures and had its MPC limits set at 999.9 basis points for eighteen months, which is an unacceptably long period of time. However, there was no evidence of any adverse market impact or any loss to investors as a result of this misconduct. There was also no actual detrimental impact on FC Stone's Clients;
- While FC Stone had in place internal procedures which resulted in it making a decision about the appropriate level at which to set the MPC limits on its Client Accounts, these procedures were not effective to ensure that an appropriate decision was made;

- FC Stone implemented new risk management procedures, and amended the MPC limits on its Client Accounts, to prevent recurrence of this misconduct.

Contravention 2 – MIR 2.3.2 – Daily reconciliation of client funds

- MIR 2.3.2 is explicit in that it involves a mandatory obligation to provide daily reconciliations and as such are an essential part of a Market Participant's proper compliance process for protecting Client money. In an insolvency situation, Client money can be at risk if it is not properly segregated or accounted for;
- The failure by FC Stone to prepare an accurate daily reconciliation as required containing all required information for 7 March 2012 was careless on the part of FC Stone who neglected to ensure that it had the necessary understanding of the relevant accounting standards and principles, suggests a systemic compliance failure.;
- The misconduct relating to MIR 2.3.2 had no impact on public confidence in the market, or on the market itself. FC Stone's Client money was appropriately segregated at the relevant time, so there was minimal risk to Client money in the event of insolvency;
- FC Stone undertook significant remediation work to prevent recurrence of the misconduct, including refresher training for accounting staff regarding regulatory requirements, a regular training programme for accounting staff relating to regulatory updates on Client fund management and reporting, and new controls to ensure double-checking of daily reconciliations.

Contravention 3 and 4 – MIR 2.3.3(2) – Monthly reconciliation of client funds

- MIR 2.3.3(2) ensures that ASIC has available to it the information it requires to ensure that it can perform its supervisory role with respect to the efficiency and integrity of financial markets and the protection of investor funds;
- The failure to submit the July 2012 Monthly Reconciliation and the August 2012 Monthly Reconciliation by the required times resulted from an imprudent decision to have only one authorised signatory. In this sense, FC Stone was careless in that it neglected to comply with its obligations under MIR 2.3.3(2) due to lack of procedural foresight;
- FC Stone authorised an additional signatory to avoid recurrence of the misconduct.

Contravention 5 – MIR 2.3.4(a) – Obligation to notify ASIC about daily reconciliation

- MIR 2.3.4(a) also ensures that ASIC has available to it the information it requires to ensure that it can perform its supervisory role with respect to the efficiency and integrity of financial markets and the protection of investor funds;
- The failure to notify ASIC of the failure to perform the 7 March 2012 Daily Reconciliation in accordance with MIR 2.3.2 was careless;
- As noted above under the remedial actions for Contravention 2, FC Stone undertook remedial work in relation to its performance of MIR 2.3.2.

Contravention 6 and 7 – MIR 6.2.1(6) – Reporting to ASIC (Ad Hoc NTA requirements)

- MIR 6.2.1(6) is an important tool which enables ASIC quickly to assess the solvency of Trading Participants between regular reporting periods. Compliance with this rule assists ASIC to perform its supervisory role and protect investor funds and the overall integrity of the market;
- MIR 6.2.1(6) should be read as including a requirement that any ad hoc NTA return given to ASIC pursuant to a request under MIR 6.2.1(6) be accurate. This interpretation is necessary to give effect to the purpose of the rule;
- The failure to provide the 16 February 2012 NTA Return with the correct data was careless, and arose because FC Stone neglected to ensure that the 16 February 2012 NTA Return was based on source data for the correct date;
- The provision of the inaccurate 17 February 2012 NTA Return was careless, because it arose from an accounting practice which did not accord with the relevant accounting standard;
- The misconduct relating to MIR 6.2.1(6) had no impact on public confidence in the market, or on the market itself. However, the failure to provide requested NTA returns did impact ASIC's ability to perform immediate oversight of FC Stone's business;
- In addition to the remedial work outlined above, FC Stone introduced new controls to ensure that the accuracy of all NTA returns is reviewed before submission.

Compliance with the Infringement Notice

FC Stone may choose not to comply with this infringement notice, but if FC Stone does not comply, civil proceedings may be brought against FC Stone in relation to the alleged contraventions.

To comply with this infringement notice, FC Stone must pay the penalty within the compliance period. The compliance period:

- (a) starts on the day on which the infringement notice is given to FC Stone; and
- (b) ends 27 days after the day on which the infringement notice is given to FC Stone;

unless an application is made for its extension.

FC Stone may apply to ASIC for an extension of time to comply with this notice under regulation 7.2A.09 of the Regulations. If FC Stone does so, and the application is granted, the compliance period ends at the end of the further period allowed.

If FC Stone applies for a further period of time in which to comply with this notice, and the application is refused, the compliance period ends on the later of:

- (a) 28 days after the day on which the infringement notice was given to FC Stone; and
- (b) 7 days after the notice of refusal is given to FC Stone.

FC Stone may apply to ASIC for withdrawal of this notice under regulation 7.2A.11 of the Regulations. If FC Stone does so, and the application is refused, the compliance period ends 28 days after the notice of refusal is given to FC Stone.

Effect of issue and compliance with the Infringement Notice

The effects of compliance with this infringement notice are:

- (a) any liability of FC Stone to the Commonwealth for the alleged contraventions of subsection 798H(1) of the Act is discharged;
- (b) no civil or criminal proceedings may be brought or continued by the Commonwealth against FC Stone for the conduct specified in the infringement notice as being the conduct that made up the alleged contraventions of subsection 798H(1) of the Act;
- (c) no administrative action may be taken by ASIC under section 914A, 915B, 915C or 920A of the Act against FC Stone for the conduct specified in the infringement notice as being the conduct that made up the alleged contraventions of subsection 798H(1) of the Act;
- (d) FC Stone is not taken to have admitted guilt or liability in relation to the alleged contraventions; and
- (e) FC Stone is not taken to have contravened subsection 798H(1) of the Act.

Publication

ASIC may publish details of this infringement notice under regulation 7.2A.15 of the Regulations.



Susan Humphreys

Counsel to the Markets Disciplinary Panel

with the authority of a Division of the Australian Securities & Investments Commission

Dated: 24 February 2015

Note: Members of the Markets Disciplinary Panel constitute a Division of ASIC as delegates of the members of the Division for the purposes of considering the allegations covered by this notice.

Appendix 1 – Defined Terms

The terms defined in MIR 1.4.3 have the same meaning when used in this notice, including:

"Business Day" has the meaning given by section 9 of the Corporations Act.

"Client" means in relation to a Market Participant, any person, partnership or Corporation on behalf of whom the Market Participant enters, Acquires or Disposes of a Futures Contract or Option Contract, or on whose behalf the Market Participant proposes to enter, Acquire or Dispose of a Futures Contract or Option Contract or from whom the Market Participant accepts instructions to enter, Acquire or Dispose of Futures Contracts or Option Contracts.

"Client Account" means an account of a Client.

"Market" means the market operated by the Market Operator under the *Australian Market Licence (Australian Securities Exchange Limited) 2002*.

"Market Operating Rules" means the Operating Rules of the Market.

"Market Participant" means a participant in the Market admitted under the Market Operating Rules.

"Operating Rules" has the meaning given by section 761A of the Corporations Act.

"Order" means an instruction to enter into a Contract, or an instruction to amend or cancel a prior instruction to enter into a Contract.

"Trading Participant" has the meaning given by the Market Operating Rules.

"Trading Platform" means a facility made available by the Market Operator to Market Participants for the entry of trading messages, the matching of Orders, the advertisement of invitations to Trade and the reporting of transactions.

The term "NTA" defined in Rule 5.5.1 of the ASIC Market Integrity Rules (ASX 24 Market) 2010 has the same meaning when used in this notice, namely:

"NTA" means the sum of the values of the assets (both fixed and current) owned by the Trading Participant or prospective Trading Participant as the case may be (such value being the lower of cost or market) less the sum of any liabilities (secured and unsecured) attaching to those assets or to the Trading Participant or prospective Trading Participant generally (and in the case of a partnership then attaching to the partners).

This notice adopts the following additional definitions of terms:

"ECR" means the Extreme Cancellation Range set by Australian Securities Exchange Limited ACN 000 943 377.

Appendix 2 – Relevant Market Integrity Rules

MIR 2.2.1(1)(b) provides:

'A Market Participant must demonstrate prudent risk management procedures, including, but not limited to ... set and document maximum price change limits ...'

MIR 2.3.2 provides:

'(1) Subject to Rule 2.3.2(3), a Market Participant must perform an accurate reconciliation, by 7.00 pm on the Business Day after the Business Day to which the reconciliation relates, of the aggregate balance held by it at the close of business on each Business Day in clients' segregated accounts maintained under Rule 2.2.6 and the corresponding balance as recorded in the Market Participant's accounting records.

(2) The reconciliation referred to in Rule 2.3.2(1) must set out:

- (a) the date to which the reconciliation relates;*
- (b) for both the day of the reconciliation and the prior day, the dollar amounts of:*
 - (i) Total Futures Client Monies;*
 - (ii) Director/Employee Monies; and*
 - (iii) Total Third Party Client Monies;*
- (c) for both the day of the reconciliation and the prior day, the dollar amounts of:*
 - (i) Clients' Segregated Account at Bank;*
 - (ii) Deposits with ASX Clear (Futures) Client Account;*
 - (iii) Deposits with ASX Clear Client Account;*
 - (iv) Deposits with ASX Clear (Futures) Clearing Participant;*
 - (v) Deposits with ASX Clear Participant;*
 - (vi) Deposits with an ASX24 Market Participant;*
 - (vii) Deposits with an ASX Market Participant;*
 - (viii) Deposits with an Overseas Broker;*
 - (ix) funds invested in accordance with section 981C(a) of the Corporations Act; and*
 - (x) Total Deposits;*
- (d) the dollar amount of the Variation for both the day of the reconciliation and the prior day;*
- (e) the percentage amount of the Variation for both the day of the reconciliation and the prior day;*
- (f) an explanation of the reason for a Variation, if the dollar amount of the Variation is more than, or less than, zero; and*
- (g) where the movement in Total Futures Client Monies is greater than 20% from the prior day, an explanation of the reason ...';*

MIR 2.3.3(2) provides:

'The reconciliation referred to in Rule 2.3.3(1) must be given to ASIC by the last Business Day of the calendar month following the calendar month to which the reconciliation relates.'

MIR 2.3.4(a) provides:

'A Market Participant must notify ASIC, in writing, within 2 Business Days if ...a reconciliation has not been performed in accordance with Rule 2.3.2 ...'

MIR 6.2.1(6), at the relevant times, provided:

'A Trading Participant must, if requested by ASIC in writing, give ASIC an ad hoc NTA return for the period specified in ASIC's request, containing the information in, and in the form set out in Form 8 to these Rules and a directors' declaration relating to the ad hoc NTA return in the form set out in Form 6 of these Rules, authorised in the manner specified in Rule 6.2.1(7), within 24 hours of receipt of ASIC's request.'