



Australian Market Licence (Yieldbroker Pty Limited) Variation Notice 2016 (No. 1)

Corporations Act 2001

I, KELLY O'DWYER, Minister for Small Business and Assistant Treasurer, make this Variation under section 796A of the *Corporations Act 2001*.

Dated... *15 January 2016* .



Minister for Small Business and Assistant Treasurer

1. Name of Variation

This Variation is the *Australian Market Licence (Yieldbroker Pty Limited) Variation Notice 2016 (No.1)*.

2. Commencement

This Variation commences on [day after execution].

3. Variation

The Australian Market Licence (Yieldbroker Pty Limited) 2004 (as varied by the *Australian Market Licence (Yieldbroker Pty Limited) Variation Notice 2010 (No. 1)*) is varied as described in the Schedule.

Schedule Variation

(Section 3)

- [1] **Section 3**
insert new definitions after "Act"
Australian ADI has the meaning given by section 9 of the Act.
CFTC means the Commodity Futures Trading Commission.
CS facility licensee has the meaning given by section 761A of the Act.
- [2] **Section 3**
insert new definition after "debenture"
derivative has the meaning given by section 761D of the Act.
- [3] **Section 3**
insert new definitions after "professional investor"
QALM means Qualifying Australian Licensed Markets.
QALM regime means the enabling no-action relief framework as set out in CFTC No-Action Letter 15-29.
- [4] **Subsection 5(c)**
omit the subsection, substitute
(c) derivatives:
(i) the terms of which are documented in an agreement between the parties to the arrangement that constitutes the derivative that is substantially in the form of a commonly used master agreement, such as a master agreement published:
a. by the International Swaps and Derivatives Association Inc.;
or
b. by the Australian Securities Lending Association; or
c. jointly by the Public Securities Association and the International Securities Market Association; or
d. by the International Capital Markets Association; or
(ii) that are commodity derivatives, the sub-classes of which are documented in the operating rules; and
- [5] **Subsection 6(1)**

after "the other party", insert
or CS facility, as applicable

[6] **Section 8**

Insert new section

8. Compliance with the QALM regime

- (a) Subject to 8(b), Yieldbroker must, from the date it is granted no-action relief issued under the QALM regime, at all times have operating rules that comply with the requirements and conditions of the QALM regime.
- (b) Yieldbroker must comply with 8(a) unless and until such a time as:
 - (i) the staff of the Division of Market Oversight of the CFTC has withdrawn any no-action relief issued under the QALM regime so that Yieldbroker is no longer permitted to operate as a QALM; or
 - (ii) Yieldbroker notifies the CFTC that it no longer wishes to rely on the no-action relief issued under the QALM regime.