



Australian Market Licence (ICE Futures U.S., Inc.) 2017

Corporations Act 2001

I, OLIVER HARVEY, Senior Executive Leader, Australian Securities and Investments Commission grant this licence under subsection 795B(2) of the *Corporations Act 2001* (the **Act**) and impose conditions on this licence under s796A(1) of the Act.

Dated 3 November 2017

Signed 

as a delegate of the Minister under section 1101J of the Act

1. Name of Licence

This Licence is the *Australian Market Licence (ICE Futures U.S., Inc.) 2017*.

2. Commencement

This Licence commences when it is granted.

3. Definitions

In this Licence:

Act means the *Corporations Act 2001*.

Australian-based market means a financial market:

- (a) the principal place of operation of which is in Australia; and
- (b) that is operated by a person whose principal place of business is located in Australia.

Australian participant means a person in Australia who is a participant.

ICE means ICE Futures U.S., Inc (ARBN 618 239 964).

market means the financial market that ICE, as a 'designated contract market' under the *Commodity Exchange Act 1936 (US)*, is authorised by the U.S. Commodity Futures Trading Commission to operate in the United States of America.

reporting period means each period of 6 months, ending on 30 June or 31 December, during which the market is operated in this jurisdiction.

Note: The following expressions used in this Notice are defined in the Act:

- ASIC (section 9)
- Australian financial services licence (section 761A)
- derivative (section 761D)
- financial market (section 767A)
- participant (section 761A)

4. Grant of licence

This Licence is granted to ICE under subsection 795B(2) of the Act and authorises ICE to operate the market in this jurisdiction.

5. Class of financial products

The class of financial products that can be dealt with on the market under this Licence is derivatives.

6. Clearing and settlement arrangements

Clearing and settlement arrangements for transactions effected through the market under this Licence must be provided by:

- (a) ICE Clear US, Inc.; or
- (b) ICE Clear Europe Limited.

7. Australian participants to be licensed

ICE must require an Australian participant to hold an Australian financial services licence that permits trade in products of the same kind as those that can be dealt with on the market unless the Australian participant is exempt under Australian law from the requirement to hold such a licence in relation to participation in the market.

8. Australian participants to notify of suspension or cancellation of Australian financial services licence or trading permission

ICE must require an Australian participant to notify ICE as soon as practicable if:

- (a) the participant's Australian financial services licence is suspended or cancelled; or
- (b) the participant's permission to trade in products dealt with on the market is suspended or cancelled.

9. Disclosure by participants to Australian clients

- (1) Before a participant accepts the first order from a client in Australia to deal on the market, ICE must require the participant to disclose to the client the significant differences between trading derivatives on the market and trading derivatives on an Australian-based market.
- (2) The matters that must be disclosed include, but are not limited to the following:
 - (a) ICE's principal place of business is located in the United States of America;
 - (b) the market is regulated primarily under the regulatory regime of the United States of America;
 - (c) the rights and remedies of, and compensation arrangements for, investors who acquire products offered on the market may differ from the rights and

remedies of, and compensation arrangements for, investors who acquire products offered on an Australian-based market; and

- (d) Australian investors who acquire products offered on the market may be subject to the effects of changes in currency exchange rates.

10. Reporting

ICE must give the following information to ASIC within 30 days after the end of each reporting period:

- (a) for each kind of contract that can be traded on the market:
 - (i) the total trade volume for the reporting period; and
 - (ii) the total trade volume originating from Australian participants for the reporting period;
- (b) the proportion of worldwide trading volume on the market for the reporting period that was conducted by Australian participants; and
- (c) the current name and business address in Australia of each Australian participant.

11. Submission to jurisdiction

ICE must submit to the non-exclusive jurisdiction of the Australian courts in actions brought by ASIC in relation to the market.