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## **Consultation Paper: Resolution Regime for Financial Market Infrastructures**

The Depository Trust & Clearing Corporation (**DTCC**) is grateful for the opportunity to comment on the Resolution Regime for Financial Market Infrastructures Consultation Paper (**Consultation Paper**). DTCC is the ultimate parent company of several trade repositories, including DTCC Data Repository (Singapore) Pte Ltd (**DDRS**) which is currently the only Australian derivative trade repository licensee for the purposes of the *Derivative Trade Repository Rules 2013*. DDRS is a foreign trade repository incorporated in Singapore.

This submission responds to Question 7, which is an issue particularly relevant to DTCC and its licensed trade repository (**TR**) incorporated outside of Australia.

### **Question 7: Do you have any comments on the proposal to exclude licensed TRs that are not incorporated in Australia from the scope of the domestic resolution regime?**

DTCC welcomes the current proposal that a licensed trade repository not incorporated in Australia would be excluded from the scope of the domestic resolution regime on the basis that a foreign TR would be subject to the resolution regime in the foreign jurisdiction in which it is incorporated.

DTCC supports this approach because the introduction of additional domestic resolution powers which could be applied to a foreign TR (such as DDRS) in Australia would create the potential for cross border conflicts of laws issues between the Australian resolution regime and that of the foreign TR's home jurisdiction. These conflicts could aggravate or impede the maintenance of critical services during times of distress, as well as potentially impeding the speed by which a TR could efficiently recover. In addition, as a foreign TR may be licensed as a trade repository in a number of different jurisdictions, the introduction of domestic resolution powers in each of the jurisdictions for which a foreign TR is licensed as well as in its home jurisdiction, would likely lead to unnecessary complexity and uncertainty, and potentially inhibit the underlying objective of the resolution regime, being the timely and effective resolution of a failing financial market infrastructure in a manner that maintains financial system stability.

DTCC welcomes the opportunity to discuss these matters, and other issues in connection with the Consultation Paper, with you. Please contact me at [ptierney@dtcc.com](mailto:ptierney@dtcc.com) if we may be of further assistance. Thank you for your consideration.

Yours faithfully



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*Non-Confidential*

