

Notification of breach by ADI

Section 62A Banking Act 1959

All questions in the form must be completed before it can be accepted

[See over page for information on completing this form - attach extra pages if insufficient space]

Name of ADI

ABN

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Authorisation conditions or Legislative Provisions breached

(select and answer all relevant provisions below for this breach notification)

APRA Authority

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Banking Act 1959

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Banking Regulations 1966

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Financial Sector (Collection of Data) Act 2001

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Financial Institutions Supervisory Levies Collection Act 1998

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ADI Prudential Standards (select applicable PS from list below)

- APS 001 Definitions
- APS 110 Capital Adequacy
- APS 111 Capital Adequacy: Measurement of Capital
- APS 112 Capital Adequacy: Standardised Approach to Credit Risk
- APS 113 Capital Adequacy: Internal Ratings-based Approach to Credit Risk
- APS 114 Capital Adequacy: Standardised Approach to Operational Risk

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ADI Prudential Standards (continued)

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|--------------------------|---------|--|
| <input type="checkbox"/> | APS 115 | Capital Adequacy: Advanced Measurement Approaches to Operational Risk |
| <input type="checkbox"/> | APS 116 | Capital Adequacy: Market Risk |
| <input type="checkbox"/> | APS 117 | Capital Adequacy: Interest Rate Risk in the Banking Book (Advanced ADIs) |
| <input type="checkbox"/> | APS 120 | Securitisation |
| <input type="checkbox"/> | APS 121 | Covered Bonds |
| <input type="checkbox"/> | APS 210 | Liquidity |
| <input type="checkbox"/> | APS 220 | Credit Quality |
| <input type="checkbox"/> | CPS 220 | Risk Management |
| <input type="checkbox"/> | APS 221 | Large Exposures |
| <input type="checkbox"/> | APS 222 | Associations with Related Entities |
| <input type="checkbox"/> | CPS 226 | Margining and risk mitigation for non-centrally cleared derivatives |
| <input type="checkbox"/> | CPS 231 | Outsourcing |
| <input type="checkbox"/> | CPS 232 | Business Continuity Management |
| <input type="checkbox"/> | APS 310 | Audit and Related Matters |
| <input type="checkbox"/> | APS 330 | Public Disclosure |
| <input type="checkbox"/> | CPS 510 | Governance |
| <input type="checkbox"/> | CPS 520 | Fit and Proper |
| <input type="checkbox"/> | APS 610 | Prudential Requirements for Providers of Purchased Payment Facilities |
| <input type="checkbox"/> | APS 910 | Financial Claims Scheme |
| <input type="checkbox"/> | 3PS 001 | Definitions |
| <input type="checkbox"/> | 3PS 221 | Aggregate Risk Exposures |
| <input type="checkbox"/> | 3PS 222 | Intra-group Transactions and Exposures |
| <input type="checkbox"/> | 3PS 310 | Audit and Related Matters |

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Nature and impact of the breach (including details on the effect on depositors) and how the breach was identified *(use an attachment to this form if necessary)*

Date the breach occurred (or will occur)
(Date ranges are not acceptable)

D	D		M	M		Y	Y	Y	Y
		/			/				

Date ADI became aware of breach
(Date ranges are not acceptable)

D	D		M	M		Y	Y	Y	Y
		/			/				

Estimated number of depositors affected

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Estimate of \$ dollar amount involved
(Amount range is not acceptable)

\$									
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Category of Breach

(Please select only ONE of the following categories that best describes the nature of the breach)

- Audit or Reporting
- Business Continuity Management
- Capital Adequacy
- Credit Quality
- Fees and Charges
- Financial Claims Scheme
- Fit and Proper
- Governance, Remuneration or Conflict Management
- Liquidity
- Outsourcing
- Risk Management
- Securitisation or Covered Bonds
- Other

Continued on next page



Rectification action already undertaken and/or proposed action

(use an attachment to this form if necessary)

Whether ASIC has been separately notified of breach

Yes

No

Contact Person in relation to breach

First name

Last name

Phone number

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Return address for APRA acknowledgment of notification (email, fax or postal address)

Position held with ADI

Date

D	D		M	M		Y	Y	Y	Y
		/			/				

End of form.

Email Email form directly to your APRA Responsible Supervisor’s email address

Fax to 02 9210 3411

Post to GPO Box 9836, in your Capital City

APRA will acknowledge receipt of this breach notification.



Your obligations

If an APRA-regulated institution becomes aware it has breached (or will breach) a prudential requirement, it may have obligations to report the breach to APRA.

The relevant legislative requirements for reporting breaches are found in the Prudential Acts.

- s. 62A of the *Banking Act 1959*
- s. 38AA of the *Insurance Act 1973*
- s. 132A of the *Life Insurance Act 1995*
- s. 29JA of the *Superannuation Industry (Supervision) Act 1993*

When must you notify APRA?

Some breaches or matters must be reported immediately to APRA in writing.

Other significant breaches or matters must be reported to APRA in writing **within 10 business days** of becoming aware that a breach has occurred or will occur.

Refer to the relevant legislation to determine whether a breach or matter needs to be reported and for the required timeframe.

Failure to notify APRA of a breach

Failure to notify APRA of a breach within the required time frame is an offence under each relevant Act.

Format of Breach Notification

Breach notification must be **in writing**.

For ease of reporting, APRA has made available an Online Breach Notification System. Alternatively you may use this form and send to APRA. APRA prefers institutions to use the Online System.

Reporting breaches to ASIC

Breaches under APRA administered legislation may also breach ASIC-administered legislation. You should determine if you are also required to report the breach to ASIC.

If you use the Online Breach Notification System to report your breach, you can elect for APRA to pass it on to ASIC, fulfilling your reporting obligations. If you notify APRA of your breach using this form, you must report your breach separately and directly to ASIC.

You cannot use the Online System or forms to report a breach that relates solely to ASIC-administered legislation. You should refer to ASIC to ascertain how to report these breaches.

Enquiries

Telephone 1300 55 88 49

Email info@apra.gov.au

Mail
GPO Box 9836
in all capital cities
(except Hobart and Darwin)

Disclaimer

The purpose of these instructions is to provide general assistance in the use of the APRA online breach reporting system. These instructions do not contain any legal advice and APRA disclaims any and all liability or responsibility for any loss or damages arising out of any use of, or reliance on, these instructions or the APRA online breach reporting system. Users of the APRA online breach reporting system are encouraged to obtain professional advice on their breach reporting obligations under the relevant legislation and to exercise their own skill and care in relation to any material contained in these instructions or in the APRA.