



Australian Prudential Regulation Authority instrument fixing charges No. 4 of 2010

Charges to be paid by representative offices of foreign banks in Australia

Australian Prudential Regulation Authority Act 1998

I, Stephen Mathews, a delegate of APRA

- (i) under paragraphs 51(1)(a) and 51(1)(b) of the *Australian Prudential Regulation Authority Act 1998* (the Act) and subsection 33(3) of the *Acts Interpretation Act 1901* REVOKE *Instrument Fixing Charges To Be Paid To APRA No 3 of 2004* made on 27 May 2004; and
- (ii) under paragraphs 51(1)(a) and 51(1)(b) of the Act, FIX the charges specified in the attached Schedule in respect of the specified services and facilities provided by APRA.

This instrument commences on the date of registration on the Federal Register of Legislative Instruments under the *Legislative Instruments Act 2003*.

Dated 17 December 2010

Stephen Mathews
Chief Financial Officer

Interpretation

In this Notice

APRA means the Australian Prudential Regulation Authority.

FRLI is short for Federal Register of Legislative Instruments established for the purposes of the *Legislative Instruments Act 2003*.

Note 1 A foreign bank is a foreign ADI as defined in subsection 5(1) of the *Banking Act 1959*. Section 67 of the *Banking Act* refers to foreign banks as overseas banks.

Note 2 The principal instrument entitled *Instrument fixing charges to be paid by APRA No 2 of 2004* made on 27 May 2004 (FRLI F 2006B01154) was amended by the instrument entitled *Variation of two instruments fixing charges to be paid to APRA* dated 15 July 2004 (FRLI F2006B01155) to replace the words "No 2 of 2004" with the words "No 3 of 2004", and was further varied by the instrument entitled *Australian Prudential Regulation Authority instrument fixing charges No 9 of 2006* (FRLI F2006LO3555) to add after the table, the words "The charges specified in Column 2 may be waived by APRA where the foreign bank is a central bank".

Schedule

Item	Application or services for which the charge is imposed	Proposed fee (GST exempt)	Person required to pay the charge	When the charge is to be paid
1	Application for APRA's consent, under paragraph 67(1)(c) of the <i>Banking Act 1959</i> (the Banking Act) to the establishment in Australia by a person (the foreign bank) referred to in subsection 67(1) of the Banking Act	\$3,000 (not refundable if the application is refused).	The foreign bank.	On the lodgement of the application.
2	Monitoring by APRA of: (a) The operations of the office, pursuant to APRA's functions in paragraph 67(1)(c) of the Banking Act, to consent to the maintenance of the office; and (b) the foreign bank's compliance with the conditions imposed on the consent pursuant to subsection 67(2) of the Banking Act.	\$5,000 per financial year per foreign bank (regardless of the number of offices in Australia). The charge for a financial year shall be pro rated where the foreign bank does not have an office in Australia at the beginning of the financial year but establishes such an office part way through the financial year, so that the foreign bank is only liable to pay a proportion of the charge corresponding to the proportion of the financial year which follows the establishment of an office in Australia of the foreign bank. However, the charge for a financial year	The foreign bank.	Twenty-eight days after receipt of APRA's invoice for the charge. APRA may invoice the charge: (a) if the foreign bank does not have an office in Australia at the beginning of the financial year – when the foreign bank establishes an office in Australia during the financial year; (b) in every other case – at the beginning of the financial year.

		shall <i>not</i> be pro rated where the foreign bank ceases to have any offices in Australia before the end of the financial year.		
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The charges specified in column 2 may be waived by APRA where the foreign bank is a central bank.

Each of the charges specified above is GST exempt (see *Note 1* below).

Note 1: By virtue of items 15.54 and 15.55 of Part 1 of Schedule 1 to the *A New Tax System (Goods and Services) (Exempt Taxes, Fees and Charges) Determination 2010 (No. 2)*, each of the charges above is specified for the purposes of subsection 81-5(2) of the *A New Tax System (Goods and Services Tax) Act 1999*.