
ADI Prudential Standards (continued)

<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 180	Capital Adequacy: Counterparty Credit Risk
<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"/>	CPS 234	Information Security
<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
- Information Security
- Liquidity
- Outsourcing
- Risk Management
- Securitisation or Covered Bonds
- Other

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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*
- s. 95 of the *Private Health Industry (Prudential Supervision) Act 2015*

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.

Reporting a breach to APRA will constitute the lodgement of a report under 912DAA(1) of the *Corporations Act*, provided that the report given to APRA contains all of the information under s912DAA and is provided within the time required under s 912AA(3).^{*} This must include any information that is required by the ASIC prescribed form. APRA suggests that, in order to ensure compliance, you use the prescribed form contained on APRA's Online Breach Notification System (the Extranet).

You should not 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.

^{*}The required time is within 30 days after a financial services licensee first knows that, or is reckless with respect to whether, there are reasonable grounds to believe a reportable situation has arisen.