



RSE Licence conditions breached (continued)

- 29E(3) Public Offer Entity must be constitutional corporation
- 29E(4) Only providing old-age pensions
- 29E(5) Minimum number of individual trustees
- s29E(5A) No duty to act in the interests of another person
- 29E(6) Transferee fund obligations
- 29E(6A) s. 29TC MySuper requirements
- 29E(6B) Giving effect to MySuper elections
- 29E(6C) ERF elections
- 29E(6D) ERF requirements
- 29E(6E) Identify multiple super accounts
- s29E(7) Conditions prescribed by regulations to RSE licenses of a specified class

s. 29EA of the SIS Act (APRA imposed) *(select applicable licence condition from the list below)*

Public Offer, Extended Public Offer & Non-Public Offer licensees	Acting Trustee licensees
<input type="checkbox"/> 1 Notifying change in controlling influence	
<input type="checkbox"/> 2 Notifying change in name of RSE Licensee or MySuper product	Specific condition (insert condition no.) <input style="width: 100px; height: 20px;" type="text"/>
Specific condition (insert condition no.) <input style="width: 100px; height: 20px;" type="text"/>	

Continued on the next page



Legislative Provisions breached

(insert section/regulation reference – e.g. s.52(2)(f), r. 4.08)

SIS Act 1993 (insert section reference)

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SIS Regulations 1994

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Corporations Act 2001

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Corporations Regulations 2001

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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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Superannuation Prudential Standards

- SPS 114 Operational Risk Financial Requirement (ORFR)
- SPS 160 Defined Benefit Matters
- SPS 220 Risk Management
- CPS 226 Margining and risk mitigation for non-centrally cleared derivatives
- SPS 231 Outsourcing
- SPS 232 Business Continuity Management
- CPS 234 Information Security
- SPS 250 Insurance in Superannuation
- SPS 310 Audit and Related Matters
- SPS 450 Eligible Rollover Fund (ERF) Transition
- SPS 510 Governance
- SPS 515 Strategic Planning and Member Outcomes
- SPS 520 Fit and Proper
- SPS 521 Conf icts of Interest
- SPS 530 Investment Governance

Continued on the next page



Nature and impact of the breach (including details on the effect on members or account holders) 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 trustee became aware of breach
(Date ranges are not acceptable)

D	D		M	M	Y	Y	Y	Y
		/		/				

Estimated Number of members/account holders 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)

- Adequacy of resources
- Audit/Actuarial or reporting
- Business continuity management
- Contribution standards
- Defined benefit matters
- Disclosure
- Fit and proper
- Governance, remuneration or conflict management
- Information Security
- Insurance in superannuation
- Investment governance or valuation
- Management of reserves
- Member Outcomes
- MySuper/ERF requirements
- ORFR requirements
- Outsourcing

Continued on the next page



- Payment standards
- Risk management
- Sole purpose test
- Trustee covenants
- Unit pricing
- Other

Rectification action already undertaken and/or proposed action

(use an attachment to this form if necessary)

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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 RSE licensee

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.

(Refer to Notes on completing this form overleaf)

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 30 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.