



Authority to carry on banking business 2024 – Avenue Bank Ltd

Banking Act 1959

To: Avenue Bank Ltd ABN 24 628 073 085 (the body corporate)

SINCE

A. On 7 September 2021 APRA:

- (i) under subsection 9(3) of the *Banking Act 1959* (the Act), granted the body corporate authority to carry on banking business in Australia for a limited time (the Authority); and
- (ii) under paragraph 9AA(1)(a) of the Act, imposed conditions on the Authority (the Authority Conditions);

B. On 14 August 2023, the Authority was varied to change the expiry date of the Authority to 7 March 2024; and

C. The body corporate has applied in writing to APRA:

- (i) under subsection 9(2) of the Act, for an authority to carry on banking business in Australia that is not subject to a time limit; and
- (ii) for the Authority Conditions to be revoked,

I, Renée Roberts, a delegate of APRA:

- (a) under subsection 9D(6) of the Act, VARY the Authority to remove the time limit that applies to the Authority;
- (b) under paragraph 9AA(1)(b) of the Act, REVOKE the Authority Conditions; and
- (c) under paragraph 9AA(1)(a) of the Act, IMPOSE on the authority the conditions specified in the Schedule.

This instrument commences on the day it is made.

Dated: 21 February 2024

Renée Roberts
Executive Director
Banking Division

Interpretation

In this instrument:

APRA means the Australian Prudential Regulation Authority.

banking business has the meaning given in subsection 5(1) of the Act.

Notes

APRA is required to publish this instrument in the *Gazette*, and may also publish this instrument in any other way that APRA considers appropriate.

Schedule – the conditions imposed on the Authority

1. The body corporate must consult with, and receive written agreement from, APRA prior to offering any products other than products approved in APRA's letter to the body corporate dated 21 February 2024.
2. The body corporate must, prior to the issuance of Common Equity Tier 1 (CET1) Capital instruments by any member of the Level 2 group to which the body corporate belongs and as soon as practicable:
 - a) consult with APRA;
 - b) provide APRA with complete information associated with the proposed issue to allow APRA to assess the eligibility of the instruments for inclusion as CET1 Capital in the body corporate's or NOHC's Regulatory Capital, including:
 - i. all regulatory and marketing documentation;
 - ii. any other information necessary for APRA to assess the eligibility of the instruments, including information requested by APRA;
 - iii. a statement of compliance of the capital instruments signed by a senior manager of the body corporate or NOHC issuer or, if issued by a non-APRA regulated member of the Level 2 group, a senior manager of the body corporate or NOHC with group responsibility, which must:
 - A. address how the issuer is satisfied that each required capital eligibility criterion set out in *Prudential Standard APS 111 Capital Adequacy: Measurement of Capital* is met and will continue to be met in the future; and
 - B. clearly set out references to supporting documents and opinions that demonstrate that the criteria are met.

Interpretation

In this schedule:

body corporate means Avenue Bank Ltd ABN 24 628 073 085.

Level 2 has the meaning given in *Prudential Standard APS 001 Definitions*.

NOHC means Avenue Hold Limited ABN 50 628 071 198.

senior manager has the meaning given in *Prudential Standard APS 001 Definitions*.

Unless the contrary intention appears, a reference in this schedule to a Prudential Standard is a reference to the Prudential Standard as in force from time to time.