



# Notification of breach by ADI

## Section 62A Banking Act 1959

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

(See final page for information on completing this form – attach extra pages if insufficient space)

Name of ADI


ABN

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

### Authorisation conditions or Legislative Provisions breached

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

Authority under section 9 of the  
*Banking Act 1959*

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

*Banking Act 1959*

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

*Banking Regulation 2016*

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

*Financial Sector (Collection of Data)  
Act 2001*

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

*Financial Institutions Supervisory  
Levies Collection Act 1998*

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

### ADI Prudential Standards (select applicable PS from list below)

- 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 115 Capital Adequacy: Standardised Measurement Approach to Operational Risk

*Continued on the next page*

*ADI Prudential Standards (continued)*

<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"/>	CPS 190	Recovery and Exit Planning
<input type="checkbox"/>	APS 210	Liquidity
<input type="checkbox"/>	APS 220	Credit Risk Management
<input type="checkbox"/>	CPS 220	Risk Management
<input type="checkbox"/>	APS 221	Large Exposures
<input type="checkbox"/>	3PS 221	Aggregate Risk Exposures
<input type="checkbox"/>	APS 222	Associations with Related Entities
<input type="checkbox"/>	3PS 222	Intra-group Transactions and Exposures
<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"/>	3PS 310	Audit and Related Matters
<input type="checkbox"/>	APS 330	Public Disclosure
<input type="checkbox"/>	CPS 510	Governance
<input type="checkbox"/>	CPS 511	Remuneration
<input type="checkbox"/>	CPS 520	Fit and Proper
<input type="checkbox"/>	APS 610	Prudential Requirements for Providers of Purchased Payment Facilities
<input type="checkbox"/>	CPS 900	Resolution Planning
<input type="checkbox"/>	APS 910	Financial Claims Scheme
<input type="checkbox"/>	IPS	Individual Prudential Standard



**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**

--	--	--	--	--	--	--	--	--	--

**Estimate of \$ dollar amount involved**

*(Amount range is not acceptable)*

\$									
----	--	--	--	--	--	--	--	--	--

**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
- Recovery and Resolution (including Financial Claims Scheme)
- Fit and Proper
- Governance, Remuneration or Conflict Management
- Information Security
- Liquidity
- Outsourcing
- Risk Management
- Securitisation or Covered Bonds
- Other (Please state)



**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

Email

Position held with ADI

Date 

D	D		M	M		Y	Y	Y	Y
		/			/				

*End of form*

**Email** directly to your APRA responsible Supervisor’s email address  
**Post to** GPO Box 9836 SYDNEY NSW 2001  
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 S. 62A of the *Banking Act 1959*.

## When must you notify APRA?

Some breaches or matters must be reported immediately to APRA in writing<sup>1</sup>.

Other significant breaches or matters must be reported to APRA in writing as soon as practicable and no later than 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 the *Banking Act 1959*.

## 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 912DAA(5).<sup>2</sup> 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](mailto:info@apra.gov.au)

Mail GPO Box 9836 SYDNEY NSW 2001

## 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.

<sup>1</sup> a member of a relevant group of bodies corporate must notify APRA immediately in writing immediately after it becomes aware that it, another member of the group, or the group as a whole, may not be in a sound financial position.

<sup>2</sup> 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.