Form 15
Rules 8.01(1); 8.04(1)

Originating application

No. of 2026

Federal Court of Australia

District Registry: Victoria

Division: General

AUSTRALIAN PRUDENTIAL REGULATION AUTHORITY

Applicant

BENDIGO AND ADELAIDE BANK LIMITED (ACN 068 049 178)

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing: [Registry will insert time and date]

Place: Federal Court of Australia, 305 William Street, Melbourne VIC 3000

Date:

Signed by an officer acting with the authority of the District Registrar

Filed on behalf of (name & role of party) Australian Prudential Regulation Authority, the Applicant
Prepared by (name of person/lawyer) Alana Giles
Law firm (if applicable) Holding Redlich
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Address for service (include state and postcode) Level 23, 500 Bourke Street, Melbourne VIC 3000

Details of claim

This originating application is made by the Applicant under s 37G and subclause 1(1) of Schedule 2 of the *Banking Act 1959* (Cth) (**Banking Act**) and s 21 of the *Federal Court of Australia Act 1976* (Cth) (**Federal Court Act**) to obtain the declarations, payment of pecuniary penalties and other relief sought below, arising from contraventions by the Respondent of ss 37C(a) and 37D(1)(a)(i) of the Banking Act.

The nature of the proceeding is an application for:

(a) declarations of contravention of civil penalty provisions against the Respondent;

(b) orders that the Respondent pay to the Commonwealth of Australia a pecuniary penalty; and

(c) orders that the Respondent pay the Applicant's costs as agreed or assessed.

For the purposes of this originating application:

(a) **Alliance Bank** means the banking business conducted by BEN in partnership with each of AWA Credit Union Limited (ACN 087 651 652) (subsequently known as AWA Mutual Limited), Berrima District Credit Union Ltd (ACN 087 649 787) (subsequently known as Berrima District Mutual Limited and BDCU Limited), Circle Credit Co-operative Limited (ACN 087 650 968) (subsequently known as Circle Mutual Limited), Service One Credit Union Limited (ACN 095 848 598) (subsequently known as Service One Mutual Limited) and Nova Mutual Limited (ACN 087 650 440), which BEN operated as Alliance Bank;

(b) **Alliance Bank Digital Access** means the ability of Alliance Bank customers to access their accounts digitally through online banking via an internet browser on a desktop or other non-mobile device, via an internet browser on a mobile device, and through a mobile banking application;

(c) **APRA** means the Applicant, the Australian Prudential Regulation Authority;

(d) **BEN** means the Respondent, Bendigo and Adelaide Bank Limited (ACN 068 049 178);

(e) **CPS 234** means APRA *Prudential Standard CPS 234 - Information Security*;

(f) **TAS Services** means the hosting services and infrastructure provided by TransAction Solutions Limited (ACN 084 571 040) to support the Ultracs System; and

(g) **Ultracs System** means the banking system used by BEN to support the operations of Alliance Bank and to provide banking facilities, including online access to accounts to customers of Alliance Bank.

On the facts stated in the Statement of Agreed Facts and Admissions dated 10 August 2026, the Applicant seeks the following relief:

Declarations

1. A declaration pursuant to s 37G of the Banking Act or s 21 of the Federal Court Act that BEN contravened s 37C(a) of the Banking Act in the period between 2 June 2020 to June 2023 by failing to take reasonable steps to conduct the business of Alliance Bank with due skill, care and diligence, by not having:

   (a) adequate customer authentication controls for the prevention and detection of unauthorised access to, and unauthorised payments from, Alliance Bank customer accounts;

   (b) from 30 September 2020, when BEN had in force a CPS 234 Controls Testing Framework, a systematic testing program for the customer authentication controls applicable to Alliance Bank Digital Access; and

   (c) appropriate governance and risk management for the information security of the Ultracs System and TAS Services that enabled Alliance Bank Digital Access.

2. A declaration pursuant to s 37G of the Banking Act or s 21 of the Federal Court Act that BEN contravened s 37D(1)(a)(i) of the Banking Act in the period between 29 August 2022 and 30 August 2023 by failing to ensure that the responsibilities of the accountable persons of BEN and its subsidiaries covered all parts or aspects of the operations of BEN, in that Alliance Bank information technology operations was not covered in the accountability statements of any accountable person.

Pecuniary penalties

3. An order pursuant to s 37G(1) and subclause 1(2) of Schedule 2 of the Banking Act that BEN pay to the Commonwealth of Australia within 30 days of the order a pecuniary penalty fixed at an amount that the Court determines to be appropriate in respect of the contravention of s 37C(a) of the Banking Act the subject of the declaration in paragraph 1 above.

4. An order pursuant to s 37G(1) and subclause 1(2) of Schedule 2 of the Banking Act that BEN pay to the Commonwealth of Australia within 30 days of the order a pecuniary penalty fixed at an amount that the Court determines to be appropriate in respect of the contravention of s 37D(1)(a)(i) of the Banking Act the subject of the declaration in paragraph 2 above.

Costs

5. An order that BEN pay APRA's costs of and incidental to the proceeding as agreed, or failing agreement, to be taxed on a standard basis.

6. Such further or other orders as the Court considers appropriate.

Applicant's address

The Applicant's address for service is:

Place: c/- Holding Redlich, Level 23, 500 Bourke Street, Melbourne VIC 3000

Email: Alana.Giles@holdingredlich.com

The Applicant's address is Level 12, 1 Martin Place, Sydney NSW 2000.

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 10 August 2026

Signed by Alana Giles
Partner, Holding Redlich
Lawyer for the Applicant