

## **NON-CONFIDENTIALITY DETERMINATION NO. 1 OF 2005**

**Determination that information is non-confidential (information provided by locally-incorporated banks and foreign authorised deposit-taking institutions under Reporting Standard ARS 320.0 (2003))**

### **EXPLANATORY STATEMENT**

Issued by the authority of the Australian Prudential Regulation Authority ('APRA')

*Australian Prudential Regulation Authority Act 1998 ('APRA Act'), s 57*

Non-Confidentiality Determination No. 1 of 2005 (the 'Determination'), made on 21 January 2005 is APRA's eighth determination under s 57 of the APRA Act. The purpose of the Determination is to enable APRA to publish an edition of *Monthly Banking Statistics*, which will contain data in respect of December 2004.

#### **Legislative background**

Subsection 56(5C) of the APRA Act provides that it is not an offence against s 56(2) of that Act to disclose information in a reporting document given to APRA under s 13 of the *Financial Sector (Collection of Data) Act 2001* where APRA has determined, under s 57, that the document does not contain confidential information.

Section 57 of the APRA Act gives APRA power to determine whether a document given under s 13 of the Financial Sector (Collection of Data) Act contains confidential information. The section provides that before doing so APRA must give relevant entities or bodies, or their representative association, a reasonable opportunity to make representations as to whether information of the kind contained in the document is confidential, and take such representations into account.

#### **Information covered by the determination**

The Determination provides that certain information given to APRA under Reporting Standard ARS 320.0 (2003) *Statement of Financial Position (Domestic Books)* (made under s 13 of the Financial Sector (Collection of Data) Act), being information received after APRA's last determination under s 57, non-confidential. It applies to information given to APRA by foreign ADIs (generally banks) and locally-incorporated banks.

The Determination excludes information of a sensitive nature, including information relating to shareholder's equity, total income tax liability and total tax provisions. The latter two items were excluded as a result of consultations with industry under s 57 of the APRA Act (see below).

Items that will be disclosed (and which are covered by the Determination) are set out in Appendix A to the Explanatory Statement.

## **Consultation**

APRA commenced consultations in relation to whether information of the kind covered by the Determination should be treated as non-confidential by writing to locally-incorporated banks, foreign ADIs, and their respective representative bodies, on 24 December 2003. Most agreed that information of the kind covered by the Determination could be treated as non-confidential. A small minority objected to the publication of any information from ARS 320.0, but in APRA's view there is a strong public interest in the publication of the information, and it is noted that similar information was regularly published under the former s 51 of the *Banking Act 1959*.

## **Regulation Impact Statement**

The Office of Regulation Review has exempted APRA from the requirement to provide a Regulation Impact Statement in relation to the Determination.

## **Appendix A: List of items to be published in the Monthly Banking Statistics publication**

**Table 1: Selected Assets on Australian Books of Individual Banks**

- Cash and liquid assets
- Trading securities
- Investment securities
- Acceptances of customers
- Gross loans and advances
- Other investments
- Total resident assets
- Outstanding value of all assets that have been securitised
- Value of housing loans securitised during the month

**Table 2: Loans and Advances on Australian Books of Individual Banks**

- Loans to non-financial corporations
- Loans to financial corporations
- Loans to general government
- Housing loans - owner-occupied
- Housing loans - investment
- Household credit cards
- Other household loans
- Loans to community service organisations and non-profit institutions
- Total gross loans and advances
- Intra-group loans and advances

**Table 3: Selected Liabilities on Australian Books of Individual Banks**

- Due to clearing houses and financial institutions
- Acceptances
- Total deposits
- Intra-group deposits
- Bonds, notes and long-term borrowings
- Other borrowings

**Table 4: Deposits on Australian Books of Individual Banks**

- Deposits from non-financial corporations
- Deposits from financial corporations
- Deposits from general government
- Deposits from households
- Deposits from community service organisations and non-profit institutions
- Other deposit accounts
- Certificates of deposit
- Total deposits