

NON-CONFIDENTIALITY DETERMINATION NO. 2 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. 2 of 2005 (the 'Determination'), made on 16 February 2005, is APRA's ninth 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 January 2005.

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, is 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