

**Australian Prudential Regulation Authority (confidentiality) determination  
No.2 of 2010**

**Information provided by locally-incorporated banks and foreign authorised  
deposit-taking institutions under Reporting Standard ARS 320.0 (2005)**

**EXPLANATORY STATEMENT**

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

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

Australian Prudential Regulation Authority (confidentiality) determination **No.2 of 2010** (the Determination), made on **22 January 2010** is APRA's **seventy first** determination in relation to information provided under Reporting Standard *ARS 320.0 (2005) Statement of Financial Position (Domestic Books)* (**ARS 320.0**) (and its predecessor reporting standards) under section 57 of the APRA Act.<sup>1</sup> 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 2009**.

**Legislative background**

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

**Information covered by the determination**

The Determination provides that certain information given to APRA under ARS 320.0 (made under section 13 of the Financial Sector (Collection of Data) Act by *Financial Sector (Collection of Data) determination No. 37 of 2005*<sup>2</sup>), being information received on or after the date of APRA's last determination under section 57 and before the date of this one, is non-confidential. It applies to information given to

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<sup>1</sup> Prior to January 2006, determinations under section 57 of the APRA Act were entitled 'Non-confidentiality determination No. X of 200X'.

<sup>2</sup> Legislative Instrument - F2005L01683: see <http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/asmade/bytitle/0F204D94AC5C5E1FCA2570280080F2F0?OpenDocument>.

APRA by foreign Authorised Deposit-taking Institutions (**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 provisions. The latter two items were excluded as a result of consultations with industry under section 57 of the APRA Act (see below).

Items that will be disclosed (and which are covered by the Determination) are set out in the Appendix to this 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 section 51 of the *Banking Act 1959*.

## Appendix

### 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 principal balance of securitised assets
- Value of housing loans securitised

#### **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