



Banking exemption No. 6 of 2011

Banking Act 1959

I, Ross Jones, a delegate of APRA, under subsection 11(4) of the *Banking Act 1959* (the Act) VARY Banking exemption No.1 of 2011 made on 17 June 2011, as varied (the existing instrument) as follows:

- (a) In Schedule 1 of the existing instrument, an additional fund 'EFKS Financial and Investment Services' is added after 'Diocese of Wollongong – Catholic Development Fund'.

This instrument has effect from the date of registration on the Federal Register of Legislative Instruments.

Dated: 16 December 2011

[Signed]

Ross Jones
Deputy Chairman

Interpretation

In this Notice:

APRA means the Australian Prudential Regulation Authority.

Federal Register of Legislative Instruments means the register established under section 20 of the *Legislative Instruments Act 2003*.

Note 1 Under subsection 11(1) of the Act, APRA may, in writing, determine that any or all of the provisions of the Act referred to in paragraphs 11(1)(a) to (e) do not apply to a person while the determination is in force.

Note 2 Under subsection 11(2) of the Act, a determination under subsection 11(2) may be expressed to apply to a particular person or to a class of persons, may specify the period during which the order remains in force and may be made subject to conditions.

Note 3 Under subsection 11(3) of the Act, a person is guilty of an offence if the person does or fails to do an act and doing or failing to do that act results in a contravention of a condition to which a determination under section 11 is subject (being a determination that is in force and that applies to the person). The maximum penalty is 200 penalty units or, by virtue of subsection 4B(3) of the *Crimes Act 1914* in the case of a body corporate, a penalty not exceeding 1,000 penalty units. By virtue of subsection 11(3A) of the Act, an offence against subsection 11(3) is an indictable offence. Under subsection 11(3B) of the Act, if a person commits an offence against subsection 11(3), the person is guilty of an offence against that subsection in respect of the first day on which the offence is committed and each subsequent day (if any) on which the circumstances that gave rise to the person committing the offence continue (including the day of conviction for any such offence or any later day).

Note 4 Under subsection 11(4) of the Act, APRA may, in writing, vary or revoke a determination under section 11.