BOARD MEMORANDUM

TO: **CANDIDATE FOR POSITION AS DIRECTOR**

FROM: DAVID MUNDAY – CHIEF GOVERNANCE OFFICER / COMPANY SECRETARY

SUBJECT: NOMINATION FOR DIRECTOR APPLICATION AND SUPPORTING MATERIAL

DATE: 3/7/2017

CC:

ACTION REQUIRED: FOR COMPLETION AND RETURN

To whom it may concern

The following documentation relates to the nomination for the position of director with Community Mutual Ltd (trading as **Regional Australia Bank**). The following documents are required to be completed:

1. Nomination for Director Form;
2. Fit and Proper Policy – Annexure A & B;
3. Australian Federal Police Check application – as well as a copy of your current drivers licence which is required to be supplied with this application; and
4. Any other relevant information which you feel necessary to support your application to the Board.

Nominations and supporting information must be received prior to 12:00 noon on Friday 28 July 2017 and need to be returned to the Returning Officer, Technology Park, Madgwick Drive, Armidale NSW 2350.

Regards

David Munday
Chief Governance Officer / Company Secretary

Call for Director Nominations

Nominations are called to fill **one vacant position** on the Board of Community Mutual Ltd, trading as **Regional Australia Bank**, to be appointed at the 2017 Annual General Meeting held on Wednesday 29 November 2017.

Currently, the Board has a total of six directors. It has been determined by the Board that the number of directors will remain at six. Pursuant to the constitution Director Geoff Thompson is to retire by rotation. Therefore, there will be **one vacant position**, with Geoff Thompson, as current director, offering himself for re-election.

Nominations are invited from eligible members to stand as a candidate for the position of Director. Nomination forms must be in writing and may be obtained from www.regionalaustraliabank.com.au or by contacting:

Mr David Munday - Company Secretary
Email: companysecretary@communitymutual.com.au
Ph: 02 6776 0417

In order to nominate, a candidate must:

- **(i)** be a member of Community Mutual Ltd (trading as **Regional Australia Bank**);
- **(ii)** be eligible for election under Division 13.2 of the Constitution (Eligibility to be a Director);
- **(iii)** be nominated by two (2) members of Community Mutual Ltd (trading as **Regional Australia Bank**) and consent to the nomination;
- **(iv)** be at least 18;
- **(v)** complete a Personal Information Questionnaire and other relevant eligibility information;
- **(vi)** provide all information that is requested to determine if the candidate is disqualified by law from acting as a director;
- **(vii)** demonstrate how they meet the required skills, knowledge and competencies for eligibility; and appointment; and
- **(viii)** be able to attend an interview.

You will be ineligible to be a director of Community Mutual Ltd (trading as **Regional Australia Bank**) if you have been convicted of a disqualifying offence as set out in section 20 of the *Banking Act 1959*.

Each candidate will be interviewed and assessed by the Board Director Nominations Committee to determine the fitness and propriety and skills, knowledge and competency of the candidate to be and act as a director, by reference to the Board's Fit and Proper Policy and Skills and Experience Matrix. The Board is pursuing a candidate with experience in analysing key financial statements and critically assessing financial viability and performance, experience in business adaptation to new technologies and consumer behavior in transforming business models in a digital environment, an ability to positively influence others, as well as prior director experience.

Nominations must be received by the Returning Officer, Technology Park, Madgwick Drive, Armidale NSW 2350, prior to 12:00 noon on Friday 28 July 2017.

By the order of the Board

David Munday
Company Secretary

Regional Australia Bank is a trading name of Community Mutual Ltd: ABN 21 087 650 360: AFSL & Australian Credit Licence 241167.

NOMINATION FOR DIRECTOR

I, the undersigned member hereby nominate for the position of Director with Community Mutual Ltd (trading as Regional Australia Bank).

In accepting this nomination, I confirm that I am eligible for election under Division 13.2 (Eligibility to be a Director) and satisfy Division 16 (Conflicts of Interest) of the Constitution and that I am eligible to be a Director in accordance with the provisions of *Corporations Act 2001* (Cth) and the *Banking Act 1959* (Cth).

I note that the 'Profile of Candidate' attached and completed by me will be used to prepare the Statement of Candidates to issue with the Ballot Papers.

My Signature appears below and is witnessed by two (2) other members of Regional Australia bank.

Nominee Name and Address

.....
Nominee Name

.....

.....
Nominee's Address

.....
Nominee's Signature

.....
Nominee's Membership Number

Members Nominating (2 required)

.....
Member Name

.....
Membership Number

.....
Member's Signature

.....
Member Name

.....
Membership Number

.....
Member's Signature

PROFILE OF CANDIDATE FOR NOMINATION AS DIRECTOR

Name:

Address:

Present Occupation:

Previous Occupation:

Leadership Experience:

Strategic Planning experience:

Financial Performance experience

Legal & Compliance experience

Risk Management experience:

Experience in the role of a director:

Digitisation

Working in regional context (Member Engagement):

Authorised Deposit Taking Institution industry knowledge and experience:

Academic Qualifications:

Commitment to the time and effort necessary to be a valuable and successful Director:

Proposed Goals as a Director:

Additional Information:

Privacy Information

Under the Privacy Act 1988, the personal information provided in your nomination will be held securely and used only by Regional Australia Bank for the purposes for which it was collected. We have a duty to keep confidential all personal information we hold about you. Except where required by law, we only disclose personal information to third parties with your express or implied consent. We will not sell any personal information about you to any other organisation, and we will not disclose names and addresses to third parties for the purpose of allowing them to direct market their product and services to you.

This personal information will be held for up to three (3) months following a nomination for Director before being securely destroyed. If you are elected as a Director the personal information provided in your application and any other personal information collected in the course of the nomination and selection process will become part of your Director file.

By signing this nomination you are consenting to the provision of your personal information necessary for the process for nomination of Director.

I certify that the above details are true and correct.

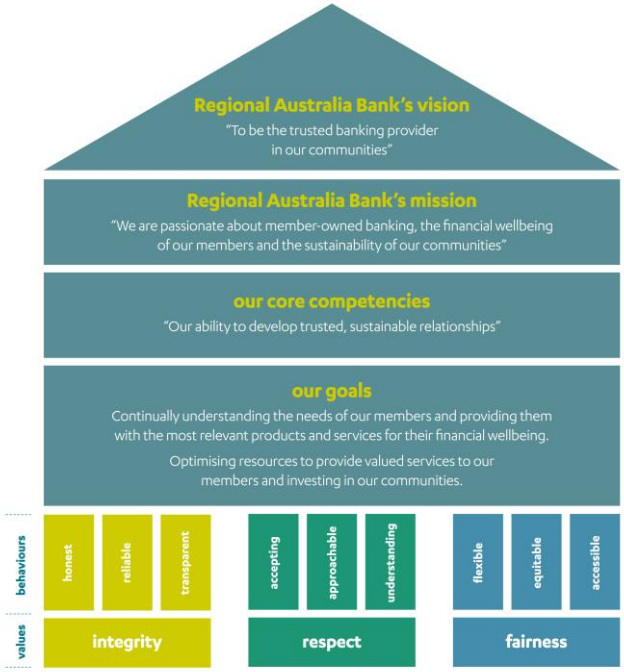
Should I be elected, I consent to act as a Director of Community Mutual Ltd (trading as Regional Australia Bank).

Name: _____

Signature: _____ **Date :** _____

Director - Position Description

Role:	Non-Executive Director
Reports to:	Chairman
Prepared by:	Company Secretary
Date approved / updated:	January 2016
Version No:	008 / 16



1. Role as a Director

As a Director of Community Mutual Ltd, trading as **Regional Australia Bank**, it is your responsibility as a member of the Board for directing the business. The rules setting out these powers and functions are encompassed in the Constitution of Community Mutual Ltd. As a Director, you are expected to drive performance in the best interest of the company and ensure that Regional Australia Bank is successful in the business operating environment. In doing so, you must exercise your powers with appropriate care and diligence.

In discharging this obligation, you will assist in setting the strategic direction, approving the strategic plan and ensuring the necessary processes & resources are in place to ensure that Regional Australia Bank's performance is measured and reported in an honest and reliable manner.

As a Director, you need to be satisfied that management is ensuring that Regional Australia Bank is meeting all of its legal obligations and that you meet the specific legal obligations that are attached to your position as a Director of a company.

2. Key Responsibilities

As a member of the Board you are responsible for:

Strategy

2.1 Reviewing, assisting in developing, challenging and approving the strategic plans for Regional Australia Bank.

2.2 Monitoring the implementation and outcomes of the strategic plan and ensure that the strategic plan is reviewed regularly to respond to changes as required.

2.3 Ensuring that reporting systems are appropriate to measure and monitor Regional Australia Bank's:
(i) fulfilment of its strategy;
(ii) identification, assessment and management of its key risks; and
(iii) setting of the risk appetite within the organisation.

Policies

2.4 Reviewing, modifying and approving policies as required to ensure:
(i) that Regional Australia Bank has effective, adequate and appropriate risk management and control systems to manage the risks to which its is exposed; and
(ii) compliance with legislation, APRA prudential standards, ASIC Regulatory Guides and the strategic plan.

Budgeting and Performance Indicators

2.5 Approving the annual budget and strategic performance indicators and objectives for the CEO necessary to achieve the objectives as agreed in the strategic plan.

Risk Management & Compliance

2.6 Ensuring a sound system of internal controls based on the adoption by the Board of a risk based approach to the identification, evaluation and management of risks that are significant to the fulfilment of Regional Australia Bank's objectives.

2.7 Monitoring the integrity of financial performance and reporting.

2.8 Ensuring that at all times Regional Australia Bank complies with all legislation, prudential standards and regulatory requirements.

2.9 Ensuring at all times adherence with the code of conduct as approved by the board and the ability for whistle blowing to occur.

2.10 Overseeing the internal audit and assurance and external audit plans, the engagement of the external auditor and the monitoring of the reports from both internal and external auditors, and adherence to the corporate governance and risk management frameworks to ensure compliance.

CEO Appointment

2.11 Under the leadership of the Chairman, assist with appointing, monitoring and reviewing the performance of the CEO and ensure that appropriate succession plans are in place for the executive managers directly reporting to the CEO.

2.12 Under the leadership of the Chairman, ensure the CEO's remuneration and Contract of Employment are aligned to Regional Australia Bank's key goals and objectives.

Time Commitment

2.13 Commiting the required time to competently perform responsibilities and duties including allowing sufficient time for pre-reading and preparation for board and committee meetings, ensuring an understanding of the issues sufficiently to be able to exercise appropriate decision making at the board and or such committees.

2.14 Commiting time to attend required training and development programs to ensure the maintenance of the required competency levels to meet the APRA and ASIC competency requirements

Corporate Social Responsibility

2.15 Ensuring an understanding of the governance aspect of Corporate Social Responsibility which refers to corporate decision making, management practice, performance and reporting which is:
(i) ethical;
(ii) sustainable; and
(iii) has regard to local, social, community and environmental interests as well as financial considerations.

3. Decision Making Authority

3.1 As a director you are responsible for making decisions in the best interest of Regional Australia Bank, and as such you will need to contribute to decision making in key responsibility areas, including, but not limited to the following:
(i) determining the overall strategic direction of Regional Australia Bank;
(ii) determining the delegated authority of the Board and the CEO;
(iii) appointing the CEO and review their performance six monthly along with agreeing on their appropriate professional development;
(iv) developing, monitoring and reviewing board policies;
(v) developing, monitoring and reviewing the strategic plan and its performance;
(vi) developing the terms of reference of board committees;
(vii) approving the annual budget and any significant operational expenditure outside the budget;
(viii) approving all mergers and acquisitions, and delegated property acquisitions and disposals;
(ix) determining the enhancement and positioning of Regional Australia Bank's brand;
(x) reviewing the annual progress and performance of Regional Australia Bank in meeting its objectives, performance indicators and key ratios;
(xi) determining the risk governance framework of Regional Australia Bank;

(xii) determining that Regional Australia Bank's risk management and control systems are effective and appropriate to manage Regional Australia Bank; and

(xiii) establishing a succession plan for the CEO.

4. Knowledge, Skills, Competencies and Personal Qualities

4.1 As a director, you must possess knowledge, skills and competency in some of the following areas:

(i) strategy – ability to think strategically and identify and critically assess strategic opportunities and threats and develop effective strategies in the context of the strategic objectives of Regional Australia Bank;

(ii) risk management – knowledge and experience of risk management practices and the ability to identify and understand strategic risk and risk appetite in an authorised deposit taking institution;

(iii) legal and compliance – qualifications and experience in law and /or knowledge and experience of the legal and compliance requirements of a public company in the context of an authorised deposit taking institution;

(iv) financial performance – qualifications and experience in accounting and/or finance with the ability to analyse key financial statements, critically assess financial viability and performance. Knowledge and experience of commercial business activity and what drives profitability and cash flow ;

(v) leadership - ability to positively influence others through the responsibility for decisions and actions;

(vi) digitisation - experience in business adaptation to the operating environment and changing services delivery in the financial services sector in a digital environment;

(vii) experience in the role of a director – Experience in the role of a director to assist the Board in:

- reviewing and approving the strategy;
- monitoring the progress of key performance indicators;
- ensuring the adequacy of internal controls and reporting; and
- contribution to Board decision making.

(viii) working in a regional context (member engagement)- knowledge and experience of the regional context and environment in which Regional Australia Bank operates;

(ix) ADI sector knowledge / experience - knowledge of the wider authorised deposit taking institution sector and its changing operating environment and its impact on the customer owned banking sector;

(x) Merger Experience – experience and expertise in mergers between mutual ADIs.

4.2 In addition to 4.1, a director must possess the following personal qualities:

(i) integrity – fulfilling a Director's duties and responsibilities, putting the organisations interest before personal interests, acting ethically;

(ii) curiosity and courage – a director must have the curiosity to ask questions and the courage to persist in asking or to challenge management and fellow Board members where necessary;

(iii) interpersonal skills and the ability to work in a team – a director must work well in a group, listen well, be tactful but able to communicate their point of view frankly;

(iv) genuine interest in the organisation and its business;

(v) instinct – good business instincts and acumen, ability to get to the basis of the issue quickly;
(vi) an active contributor – being able to continually contribute in active discussion and decision making;
(vii) use judgement, common sense and tact when discussing issues; and
(viii) ensure that others are given a reasonable opportunity to put forward their views (i.e. refraining from interrupting or interjection when another director or person is speaking).

5. Directors' Duties

5.1 As a director, you have a duty to act in good faith, for a proper purpose and in the best interests of Regional Australia Bank as a whole. You are required to act in the interests of all members and to avoid any potential conflict of interest. Breaches of these common law duties may expose you to potential liability in damages. The *Corporations Act 2001* also codifies these duties and provides substantial fines or disqualification from a directorship as a consequence for breaches as follows:
(i) duty to act in good faith in the best interests of the corporation and for a proper purpose;
(ii) duty to exercise a reasonable degree of care and diligence;
(iii) duty not to make improper use of information; and
(iv) duty to not make improper use of position.

6. Professional Development

As a member of the Board you are responsible for:

6.1 Undertaking and completing the Australian Institute of Company Directors diploma course, or equivalent qualification.

6.2 Ensuring that you attend conferences and training sessions relevant to Regional Australia Bank's needs in accordance with Regional Australia Bank's requirements for continual professional development for directors.

6.3 Ensuring a willingness and capacity to become better equipped to perform job responsibilities by transferring new knowledge and skills gained through training to your role.

7. Performance Management

As a member of the Board you are responsible for:

7.1 Engaging with the process for the setting of mutually agreed goals, objectives and performance measures for the role, and identify Key Performance Areas for an annual review processes.

7.2 Actively participating in an annual director and board evaluation review, providing constructive feedback to the Chairman.

Board Fit & Proper Policy

Table of Contents

1. Policy Purpose 3
2. Definitions 3
3. Policy 4
4. Criteria for Assessing Fitness and Propriety 5
5. Assessing Fitness and Propriety 5
6. Whistle blowing 7
7. Dealing with a Responsible Person who is not Fit and Proper 7
8. Informing APRA 8
9. Policy Review 8

Annexure A: Responsible Person Positions 9

Annexure B: Initial Declaration for Responsible Person Position 12

Annexure C: Initial Personal Information Questionnaire 20

Annexure D: Personal Information Questionnaire 24

Annexure E: Assessment (Annual Declaration) 28

Annexure F: Bankruptcy Search 29

Annexure G: APRA & ASIC Search 30

Annexure H: Criminal History Search 31

FIT AND PROPER POLICY

1. Policy Purpose

1.1 The purpose of this policy is:

(i) to ensure persons responsible for the management and oversight of Community Mutual Ltd (trading as Regional Australia Bank (**Regional Australia Bank**)) have the appropriate skills, competence, experience and knowledge, and act at all times with honesty and integrity, in accordance with the Australian Prudential Regulation Authority's (APRA's) Fit and Proper requirements contained in CPS 520, *Banking Act 1959 (Cth),* and the Corporations Act;

(ii) to assist Regional Australia Bank in managing the treatment of any person who holds a position of responsibility with Regional Australia Bank and, for whatever reason, is considered not to be fit and proper to continue fulfilling that role.

2. Definitions

ADI means authorised deposit-taking institution under the Banking Act.

APG 520 means APRA's Prudential Practice Guide APG 520 – Fit and Proper.

APS 310 means APRA's Prudential Standard APS 310 "Audit and Related Arrangements for Prudential Reporting".

APRA means the Australian Prudential Regulation Authority.

ASIC means the Australian Securities & Investments Commission.

Audit Committee & Risk Committee means the Board committees established by the Board in accordance with CPS 510 to generally review the effectiveness of Regional Australia Bank's financial reporting and risk management framework.

Banking Act means the *Banking Act 1959 (Cth).*

Board means the board of directors of Community Mutual Ltd.

CPS 510 means APRA's Prudential Standard CPS 510 "Governance".

CPS 520 means APRA's Prudential Standard CPS 520 "Fit and Proper".

Corporate Governance Committee means the Board committee established by the Board to generally review the effectiveness of the corporate governance framework.

CEO means the Chief Executive Officer of Regional Australia Bank.

Corporations Act means the *Corporations Act 2001 (Cth).*

Responsible Person means, for the purposes of this Policy:

(i) Directors;
(ii) Chief Executive Officer;
(iii) Chief Governance Officer / Company Secretary;
(iv) Chief Financial Officer
(v) Chief Member Service Officer
(vi) Chief Operating Officer

(vii) Chief Marketing Officer
(viii) Chief Information Officer
(ix) Chief Risk Officer
(x) External Auditor
(xi) Head of Internal Audit and Assurance; and
(xii) any other person considered by the Board and / or the CEO to be holding a responsible person position.

Senior Manager, as defined in CPS 520 means, for the purposes of this Policy, a person (other than a director) who:

(i) makes, or participates in making, decisions that affect the whole, or a substantial part, of the business;
(ii) has the capacity to significantly affect the financial standing of the businss;
(iii) may materially affect the whole, or a substantial part of the business or the financial standing through their responsibility for:

(a) enforcing policies and implementing strategies approved by the Board;
(b) the development and implementation of systems that identify, assess, manage or monitor risks in relation to the business;
(c) monitoring the appropriateness, adequacy and effectiveness of risk management systems.

3. Policy

3.1 Regional Australia Bank will ensure compliance with the requirements of CPS 520 and, in particular, will ensure that Responsible Persons are fit and proper for the business and circumstances of Regional Australia Bank.

3.2 The Board and CEO will take all prudent steps to ensure that a person is not appointed to a responsible position if they are not considered to be fit and proper and (with respect to persons already holding responsible positions) the Board will take appropriate steps to ensure that such persons remain fit and proper for the roles they hold.

3.3 The Board and CEO will take all reasonable steps to ensure that each of its responsible persons is aware of, and understands, the provisions of this Fit and Proper Policy.

3.4 Regional Australia Bank will report to APRA on the fitness and propriety of its responsible persons, as required under CPS 520, with respect to each of the responsible person positions in Annexure A.

3.5 This Fit and Proper Policy must be provided to:

(i) any candidate for election as a director as soon as possible after the candidate is nominated; and
(ii) any other person before an assessment of their fitness and propriety is conducted.

3.6 Responsible persons must consent to the collection and use of personal information:

(i) to comply with this Fit and Proper Policy and CPS 520; and
(ii) by APRA for its powers and functions under the Banking Act.

3.7 Fit and proper assessments must be retained to demonstrate the fitness and propriety of current, and recently resigned, responsible persons.

4. Criteria for Assessing Fitness and Propriety

4.1 The criteria that must be met for a person to be considered fit and proper to hold a responsible person position include:

(i) whether it would be prudent to conclude that the person possesses the competence, character, diligence, honesty, integrity and judgement to perform properly the duties of the responsible person position;
(ii) establishing that the person is not disqualified under the Banking Act from holding the position;
(iii) establishing that the person either:

(a) has no conflict of interest in performing the duties of the responsible person position; or
(b) if the person has a conflict of interest, establishing that it would nevertheless be prudent to conclude that the conflict will not create a material risk that the person will fail to perform properly the duties of the position; and

(iv) meeting the relevant skills and experience as determined by the Board from time to time.

4.2 In addition to CPS 520 requirements, responsible persons must also satisfy the criteria in:

(i) the Corporations Act 2001 (Cth);
(ii) Governance Standard - CPS 510;
(iii) Banking Act 1959 (Cth);
(iv) the Governance Policy and Constitution;
(v) the Code of Conduct and Conflict of Interest Policy; and
(vi) the position description for a particular responsible person's position.

4.3 The criteria, in addition to that under clause 4.1 above, that must be met for a person to be fit and proper to act as auditor are whether the person:

(i) is registered as an auditor under the Corporations Act 2001 (Cth);
(ii) has had five years of recent relevant experience and has an understanding of the regulatory environment Regional Australia Bank operates in, particularly the three key licensing authorities – APRA, ASIC and Fair Trading;
(iii) is a member of a recognised professional body; and
(iv) is ordinarily resident in Australia.

5. Assessing Fitness and Propriety

5.1 The Board Corporate Governance Committee will conduct fit and proper assessments annually of directors' who are not standing for re-election and will then make a recommendation to the Board whether the individuals are fit and proper.

5.2 The Board Corporate Governance Committee will carry out the role of the Director Nominations Committee and will conduct fit and proper assessments for candidates for the position of:

(i) Director;
(ii) Chief Executive Officer;
(iii) Chief Governance Officer / Company Secretary; and
(iv) External and Internal Auditor.

The Board Corporate Governance Committee will then make a recommendation to the Board whether the individuals are fit and proper. An attestation will then be signed by the Board Chairman declaring that such individuals, as outlined above, have been assessed as being fit and proper to hold a responsible person position.

5.3 The CEO will conduct fit and proper assessments, to be completed before a person becomes the holder of a responsible person position and annually, with respect to the holders of the responsible person positions, excluding those positions in 5.2.

An attestation will then be signed by the CEO declaring that such individuals have been assessed as being fit and proper to hold a responsible person position.

5.4 Regional Australia Bank will ensure that, when making a determination about the propriety and fitness of a responsible person, or a candidate for a responsible person position, consideration will be given to the following:

(i) the person's character, competence, experience and qualifications, including whether there are reasonable grounds to believe that the person possesses the necessary knowledge, skills and expertise, and has demonstrated in their existing role appropriate professional conduct, sound judgement and diligence for the responsible person position;

(ii) an assessment of the responses provided in the:

(a) Initial Declaration for Responsible Person Position [Annexure A];
(b) Initial Personal Information Questionnaire [Annexure B];
(c) Declaration for Responsible Person Position [Annexure C];

Reassessment.

(d) Personal Information Questionnaire [Annexure D];
(e) Assessment (Annual Declaration) [Annexure E];
(f) Bankruptcy Search [Annexure F];
(g) APRA and ASIC Search and [Annexure G];
(h) Criminal History Search [Annexure H].

(iii) whether the person has demonstrated a lack of willingness to comply with legal obligations, regulatory requirements or professional standards, or been obstructive, misleading or untruthful in dealing with regulatory bodies or a court;

(iv) whether the person has breached a fiduciary obligation, perpetrated or participated in negligent, deceitful, or otherwise discreditable business or professional practices;

(v) whether the person has been reprimanded, or disqualified, or removed, by a professional or regulatory body in relation to matters relating to the persons honesty, integrity or business conduct;

(vi) whether the person has seriously or persistently failed to manage personal debts or financial affairs satisfactorily in circumstances where such failure caused loss to others;

(vii) any other information about the person's fitness and propriety that Regional Australia Bank should be aware of.

5.5 Regional Australia Bank will conduct fit and proper assessments, to be completed before a person becomes the holder of a responsible person position. On an annual basis, Regional Australia Bank will ensure a fit and proper assessment of each of its responsible persons is undertaken. This annual assessment will require each fit and proper person to attest that there are no matters relevant and material to their reassessment using the Declaration in Appendix E, along with obtaining information relevant to the assessment. On every fifth year, a Personal Information Questionnaire in Appendix D, will be completed. The annual performance review will typically be the appropriate time for the annual assessment of a responsible person's fitness and propriety.

5.6 If Regional Australia Bank becomes aware of information that may be relevant to an assessment of a person's fitness and propriety which was not known at the time of its last fit and proper assessment, Regional Australia Bank must undertake reasonable enquiries to determine if a fitness or propriety concern exists.

5.7 Regional Australia Bank will ensure that sufficient documentation for fit and proper assessments is retained to demonstrate the fitness and propriety of current, and recently past, responsible persons.

6. Whistle blowing

6.1 If a person believes that a responsible person does not meet the fit and proper criteria, that person must notify either the Chief Governance Officer / Company Secretary, CEO, Corporate Governance Committee Chairman, Board Chairman or APRA of that belief and the reasons for it.

6.2 Regional Australia Bank will not constrain, impede, restrict or discourage any person from providing information to APRA who believes CPS 520 has not been complied with.

6.3 Regional Australia Bank will comply with its Whistle Blowing Policy and consents to any person who held a responsible person position disclosing information or providing documents to APRA relating to their reasons for resignation, retirement or removal.

6.4 Regional Australia Bank will ensure that the provisions for whistle blowing in this Fit and Proper Policy are communicated to those of its directors and employees whom it considers should receive such information to assist them in conducting fit and proper assessments.

6.5 Regional Australia Bank must take all reasonable steps to ensure that no person making such disclosures in good faith is subject to, or threatened with, a detriment because of any notification in accordance with the requirements of this Fit and Proper Policy.

7. Dealing with a Responsible Person who is not Fit and Proper

7.1 Regional Australia Bank will take all prudent steps to ensure that:

(i) a person who is not fit and proper for a responsible person position, is not appointed to that position; and
(ii) an existing responsible person does not continue to hold that position if subsequently found not to be fit and proper for that position.

7.2 If, upon the assessment of director nominations and other applications for responsible person positions, it is deemed that a person is not fit and proper, then either the Chairman, CEO, or Corporate Governance Committee Chairman will advise, by reference to this policy and the Constitution, that the person does not have the appropriate fitness and propriety.

7.3 In the situation where Regional Australia Bank forms the belief that a responsible person is not fit and proper, APRA must be notified within ten (10) business days of the following:

(i) the fact and basis of the belief;
(ii) whether or not the person remains in the responsible person position;
(iii) the action that has been taken or will be taken; and
(iv) whether there is a need for a direction by APRA under the Banking Act to enable the prompt removal of the person.

8. Informing APRA

8.1 In conforming to CPS 520, Regional Australia Bank will:

(i) provide a copy of this policy to APRA upon request;
(ii) obtain any information and documentation that APRA ask of it and provide that information to APRA; and
(iii) notify APRA of the following details in relation to each responsible persons within twenty eight (28) days of commencement of CPS 520 and within twenty eight (28) days of any subsequent change or new appointment:

(a) the person's full name;
(b) the person's date of birth;
(c) the person's position and responsibility; and
(d) a statement of whether the person has been assessed under the Fit and Proper Policy.

9. Policy Review

9.1 This policy will be reviewed every twelve (12) months by the Corporate Governance Committee to ensure that it operates in a manner consistent with the Board's requirements.

Policy Amended:	**May 2017**
Related Policies:	**Corporate Governance Policy – CPS 510, Risk Management Policies – APS 310, Whistle Blowing Policy.**

Annexure A: Initial Declaration - Responsible Person Position

Full Name of Applicant: 'the Applicant'	
Responsible Person Position being considered for: 'the Position'	

I, THE APPLICANT, DO SOLEMNLY AND SINCERELY DECLARE AS FOLLOWS:

1. I am applying for the Position.

2. I have been provided with copies of the following documents which I have read:
   (i) Regional Australia Bank's Fit and Proper Policy;
   (ii) Prudential Standard CPS 520 'Fit and Proper Requirements';
   (iii) Australian Practice Guide APG 520 Fit and Proper; and
   (iv) this Declaration including 'Information for Applicants of Responsible Person Position' and my completed Questionnaire.

3. The answers given in my completed Person Information Questionnaire, and any other information that I have given to Regional Australia Bank in connection with my application for the Position, are complete and accurate as at today's date. I am not aware of any other matters which are relevant and material to an assessment of my fitness and propriety for the Position with Regional Australia Bank in accordance with paragraph 13 of APG 520 Fit and Proper.

4 I authorise Regional Australia Bank to collect the information and make enquiries to assess my fitness and propriety for the Position.

Declared at:

City/Town	
State/Territory	
Signature of applicant	

Before me:

Signature of witness	
Name of witness	
Address of witness	
Qualification of witness	

Date:

Information for Applicants of Responsible Person Position

Persons who apply for a responsible person position with Regional Australia Bank must provide the following:

(i) a Declaration – Responsible Person Position;
(ii) Personal Information Questionnaire;
(iii) Bankruptcy Search;
(iv) APRA and ASIC Search; and
(v) Criminal History Search.

Regional Australia Bank will collect this personal information from you for the following purposes:

(i) to assess your application for a responsible person position;
(ii) to verify information contained in your completed Questionnaire; and
(iii) to assess whether you are a fit and proper person to be a responsible person of Regional Australia Bank as an Authorised Deposit-taking Institution under the Banking Act

We also collect information about you to assist with our assessment from:

(i) the character referees you nominate in your completed Questionnaire; and
(ii) other persons and organisations disclosed in your completed Questionnaire, such as previous employees, professional and industry bodies of which you may have been a member, business associates, educational institutions; and
(iii) the Australian Federal Police

If you do not give us the personal information we require we will not be able to assess your application.

If your application is not successful we will, in accordance with the *Privacy Act 1998*, dispose of your information securely within six (6) months.

If your application is successful:

(i) we will retain this information for seven (7) years after you cease to be a responsible person of Regional Australia Bank; and
(ii) we may disclose your information to the Australian Prudential Regulation Authority (APRA).

By submitting the completed Personal Information Questionnaire, you consent to our collection and use of your personal information as disclosed above.

Important Note

The Banking Act 1959 (*Cth*) provides that a disqualified person cannot act as a Director of a Bank and that a Bank cannot allow a disqualified person to act as a Director. A disqualified person is defined in Section 20 of *the Banking Act 1959* as a person who has been convicted of certain offences, entered into bankruptcy arrangements or been disqualified by the Australian Prudential Regulation Authority (*APRA*). The questionnaire which follows is for the purpose of determining whether any individual is a disqualified person. In completing the questionnaire you are not required to reveal any convictions which may be protected by Part VIIC of the *Crimes Act 1914* which means that you do not have to disclose any convictions to which any of the following criteria apply:

(i) if you were granted a free and absolute pardon because of a wrongful conviction;
(ii) the conviction was quashed; or
(iii) the conviction is spent.

A Commonwealth, State, Territory or foreign conviction is spent if a pardon was granted for a reason other than wrongful conviction or if it meets all of the following conditions:

(i) it is 10 years or more since the date of the conviction (*or 5 years since the date of the conviction if the person was dealt with as a juvenile*);
(ii) if a sentence of imprisonment was imposed it was for a period of not more than 30 months;
(iii) there have not been any further offences in the 10 (*or 5*) year period; and
(iv) an exclusion which removes or restricts the rights of an individual which may allow the disclosure of criminal convictions does not apply.

Annexure B: Initial Personal Information Questionnaire

Your Personal Details

Family Name	
Given Names	
Have you ever been known by another name?	**Yes ☐ No ☐**
If Yes, by what other names?	
When?	
Sex	**Male ☐ Female ☐**
Date of Birth	**/ /**
Town/City of birth	
Country of birth	
Are you a member of Regional Australia Bank?	**Yes ☐ No ☐**
If Yes, what is your membership number?	

Your Contact Details

Telephone	**Home**	**( )**	**Business**	**( )**
	Mobile			
Email				
Residential address				
Town / Suburb				
Postcode				

Your Employment Details

Your occupation	
Your employer	
Business address	
Town / Suburb	
Postcode	

Your Employment History

Please provide details of your employment history by completing the Detailed Employment History section.

Your Knowledge, Skill & Experience

1.	**Do you have any tertiary qualifications?**	**No** ☐	**Yes** ☐ **Provide details at page 17**
2.	**Have you ever been a director or manager of a company?**	**No** ☐	**Yes** ☐ **Provide details at page 18**
3.	**Have you ever been the director or employee of, or professional consultant to, an Authorised Deposit Taking Institution (ADI)?**	**No** ☐	**Yes** ☐ **Provide details at page 18**
4.	**Have you ever been a member of a professional services firm?**	**No** ☐	**Yes** ☐ **Provide details at page 19**
5.	**Have you ever been a member of a professional or industry body?**	**No** ☐	**Yes** ☐ **Provide details at page 20**
6.	**Do you have any other qualifications or experience which makes you suitable to be a responsible person of Regional Australia Bank?**	**No** ☐	**Yes** ☐ **Provide details below:**
7.	**Refer to the relevant position description and state whether you believe that you have the specified competencies.**	**No** ☐ **Identify any deficiencies and training needs below**	**Yes** ☐

Your Propriety

8.	**Have you ever been convicted of a criminal offence under the laws of Australia or of a foreign country?**	**No** ☐	**Yes** ☐ **Provide details below:**

9. Have you ever been bankrupt under the laws of Australia or of a foreign country?	**No** ☐	**Yes** ☐ **Provide details below:**
10. Have you ever executed a deed or arrangement, or accepted a composition with your creditors under the Bankruptcy Act, 1966 (Cth) or a similar law of a foreign country?	**No** ☐	**Yes** ☐ **Provide details below:**
11. Have you ever been disqualified from managing or directing a corporation?	**No** ☐	**Yes** ☐ **Provide details below:**
12. Has the Australian Prudential Regulation Authority ('APRA') ever disqualified you from being or acting as a director or senior manager of an authorised deposit taking institution or a authorised non-operating holding company, or a senior manager of the Australian operations of a foreign authorised deposit-taking institution?	**No** ☐	**Yes** ☐ **Provide details below:**

13. Have you ever been disqualified under the law of a foreign country from managing, or taking part in the management of an entity that carries on the business of banking or insurance or otherwise deals in financial matters?	**No** ☐	**Yes** ☐ **Provide details below:**
14. Has a personal representative or trustee ever been appointed to administer your property on the grounds of mental incapacity?	**No** ☐	**Yes** ☐ **Provide details below:**
15. Are there any unsatisfied judgments against you in any court of law?	**No** ☐	**Yes** ☐ **Provide details below:**
16. Are you able to pay your debts as and when they fall due?	**No** ☐	**Yes** ☐
17. Are you aware of any other matters which may be relevant to an assessment of your character, diligence, honesty, integrity or judgment?	**No** ☐	**Yes** ☐ **Provide details below:**

Conflicts of Interest

18. Do you have any interest in a contract or a proposed contract with Regional Australia Bank?	**No** ☐	**Yes** ☐ **Provide details below:**
19. Do you hold an office or have an interest, whereby, whether directly or indirectly, a conflict could arise with your duties and interests as a responsible person of Regional Australia Bank?	**No** ☐	**Yes** ☐ **Provide details below:**

Other Matters

20. Are you aware of any other matters which are relevant and material to an assessment of your fitness and propriety by Regional Australia Bank in accordance with paragraph 13 of APG 520 Fit and Proper?	**No** ☐	**Yes** ☐ **Provide details below:**

Character References

Provide the names and contact details of 3 people who are prepared to give a character reference about you.

Reference 1
Family Name

Given Names

Telephone **Home** ( ) **Business** ( )

Mobile

Reference 2
Family Name

Given Names

Telephone **Home** ( ) **Business** ( )

Mobile

Reference 3
Family Name

Given Names

Telephone **Home** ( ) **Business** ( )

Mobile

Your Employment History

Details of your employment history:
(For more than 4 past employers, provide details on an attached sheet)

Employer 1

Address

Period of employment / / **to** / /

Position held

Reason for leaving

Employer 2

Address

Period of employment / / **to** / /

Position held	
Reason for leaving	
Employer 3	
Address	
Period of employment	**/ / to / /**
Position held	
Reason for leaving	
Employer 4	
Address	
Period of employment	**/ / to / /**
Position held	
Reason for leaving	

Details of Tertiary Qualifications for Question 1

Qualification 1 - attach a copy of your academic transcript	
What is the name of the qualification?	
Which institution conferred the qualification?	
When was the qualification conferred?	
Qualification 2 - attach a copy of your academic transcript	
What is the name of the qualification?	
Which institution conferred the qualification?	
When was the qualification conferred?	
Qualification 3 - attach a copy of your academic transcript	
What is the name of the qualification?	

Which institution conferred the qualification?	
When was the qualification conferred?	

Qualification 4 - attach a copy of your academic transcript

What is the name of the qualification?	
Which institution conferred the qualification?	
When was the qualification conferred?	

Details of Directorships or Management of Companies for Question 2

(For more than 4 companies, provide details on an attached sheet)

Company 1

What was the name of the company?	
What was your role?	
During what periods did you have this role?	

Company 2

What was the name of the company?	
What was your role?	
During what periods did you have this role?	

Company 3

What was the name of the company?	
What was your role?	
During what periods did you have this role?	

Company 4

What was the name of the company?	
What was your role?	
During what periods did you have this role?	

Details of Directorship, Employment or Consultancy of an ADI for Question 3

(For more than 4 ADIs, provide details on an attached sheet)

ADI 1

What was the name of the ADI?	
What was your role?	
During what periods did you have this role?	

ADI 2

What was the name of the ADI?	
What was your role?	
During what periods did you have this role?	

ADI 3

What was the name of the ADI?	
What was your role?	
During what periods did you have this role?	

ADI 4

What was the name of the ADI?	
What was your role?	
During what periods did you have this role?	

Details of Membership of a Professional Services Firm for Question 4

(For more than 4 Professional Services Firms, provide details on an attached sheet)

Professional Services Firm 1

What was the name of the Professional Services Firm?	
What was your role?	
During what periods did you have this role?	

Professional Services Firm 2

What was the name of the Professional Services Firm?	
What was your role?	
During what periods did you have this role?	

Professional Services Firm 3

What was the name of the Professional Services Firm?	
What was your role?	
During what periods did you have this role?	

Professional Services Firm 4

What was the name of the Professional Services Firm?	

What was your role?	
During what periods did you have this role?	

Details of Membership of a Professional or Industry Body for Question 5

(For more than 4 Professional or Industry Bodies, provide details on an attached sheet)

Professional or Industry Body 1	
What was the name of the Professional or Industry Body?	
During what periods were you a member?	
Professional or Industry Body 2	
What was the name of the Professional or Industry Body?	
During what periods were you a member?	
Professional or Industry Body 3	
What was the name of the Professional or Industry Body?	
During what periods were you a member?	
Professional or Industry Body 4	
What was the name of the Professional or Industry Body?	
During what periods were you a member?	

Annexure C: Declaration - Responsible Person Position – Reassessment

Full Name of Applicant: 'the Applicant'	
Responsible Person Position being considered for: 'the Position'	

I, THE APPLICANT, DO SOLEMNLY AND SINCERELY DECLARE AS FOLLOWS:

1. I have been provided with copies of the following documents which I have read:
   (i) Regional Australia Bank's Fit and Proper Policy;
   (ii) Prudential Standard CPS 520 'Fit and Proper Requirements';
   (iii) Australian Practice Guide APG 520 Fit and Proper; and
   (iv) this Declaration including 'Information for Applicants of Responsible Person Position' and my completed Questionnaire.

2. The answers given in my completed Person Information Questionnaire, and any other information that I have given in connection with the reassessment of my fitness and propriety for the Position, are complete and accurate as at today's date. I am not aware of any other matters which are relevant and material to an assessment of my fitness and propriety for the Position with Regional Australia Bank in accordance with paragraph 13 of APG 520 Fit and Proper.

3. I authorise Regional Australia Bank to collect the information and make enquiries to assess my fitness and propriety for the Position.

Declared at:

City/Town	
State/Territory	
Signature of applicant	

Before me:

Signature of witness	
Name of witness	
Address of witness	
Qualification of witness	

Date:

Information for Reassessment of Responsible Person Position

All responsible persons of Regional Australia Bank are subject to annual reassessment as to their fitness and propriety for the responsible person position they occupy with Regional Australia Bank. Such persons must provide Regional Australia Bank with a completed questionnaire.

Regional Australia Bank will collect this personal information from you for the following purposes:

(i) to verify information contained in your completed Questionnaire; and
(ii) to assess whether you continue to be a fit and proper person to be a responsible person of Regional Australia Bank as an Authorised Deposit-taking Institution under the Banking Act

We also collect information about you from other persons and organisations disclosed in your completed questionnaire, such as previous employees, professional and industry bodies of which you may have been a member, business associates and educational institutions.

If you do not give us the personal information we require we will not be able to assess your continued fitness and propriety to hold a responsible person position within Regional Australia Bank.

Under the *Privacy Act 1998*, we will retain your personal information in your Fit and Proper file for seven (7) years after you cease to be a responsible person of Regional Australia Bank. Regional Australia Bank may disclose your information to the Australian Prudential Regulation Authority (APRA).

By submitting the completed Personal Information Questionnaire, you consent to our collection and use of your personal information as disclosed above.

Important Note

The Banking Act 1959 (*Cth*) provides that a disqualified person cannot act as a Director of a Credit Union and that a Credit Union cannot allow a disqualified person to act as a Director. A disqualified person is defined in Section 20 of *the Banking Act 1959* as a person who has been convicted of certain offences, entered into bankruptcy arrangements or been disqualified by the Australian Prudential Regulation Authority (*APRA*). The questionnaire which follows is for the purpose of determining whether any individual is a disqualified person. In completing the questionnaire you are not required to reveal any convictions which may be protected by Part VIIC of the *Crimes Act 1914* which means that you do not have to disclose any convictions to which any of the following criteria apply:

(i) if you were granted a free and absolute pardon because of a wrongful conviction;
(ii) the conviction was quashed; or
(iii) the conviction is spent.

A Commonwealth, State, Territory or foreign conviction is spent if a pardon was granted for a reason other than wrongful conviction or if it meets all of the following conditions:

(i) it is 10 years or more since the date of the conviction (*or 5 years since the date of the conviction if the person was dealt with as a juvenile*);
(ii) if a sentence of imprisonment was imposed it was for a period of not more than 30 months;
(iii) there have not been any further offences in the 10 (*or 5*) year period; and
(iv) an exclusion which removes or restricts the rights of an individual which may allow the disclosure of criminal convictions does not apply.

Annexure D: Personal Information Questionnaire

Your Personal Details

Family Name	
Given Names	

Your Contact Details

Telephone	**Home**	**( )**	**Business**	**( )**
	Mobile			
Email				
Residential address				
Town /Suburb				
Postcode				

Your Employment Details

Your occupation	
Your employer	
Business address	
Town /Suburb	
Postcode	

Your Employment History

1. Have there been any changes to your employment history from the details previously provided to Regional Australia Bank?	**No ☐**	**Yes ☐** **Provide details**

Your Knowledge, Skill & Experience

2. Have you obtained any tertiary qualifications or undertaken any formal training in the previous 12 months?	**No ☐**	**Yes ☐** **Provide details below**

3.	**Refer to the relevant position description and state whether you believe that you have the specified competencies.**	**No ☐** **Identify any deficiencies and training needs below**	**Yes ☐**

Your Propriety

4.	**Have you ever been convicted of a criminal offence under the laws of Australia or of a foreign country?**	**No ☐**	**Yes ☐** **Provide details below:**
5.	**Have you ever been bankrupt under the laws of Australia or of a foreign country?**	**No ☐**	**Yes ☐** **Provide details below:**
6.	**Have you ever executed a deed or arrangement, or accepted a composition with your creditors under the Bankruptcy Act, 1966 (Cth) or a similar law of a foreign country?**	**No ☐**	**Yes ☐** **Provide details below:**
7.	**Have you ever been disqualified from managing or directing a corporation?**	**No ☐**	**Yes ☐** **Provide details below:**

8.	**Has the Australian Prudential Regulation Authority ('APRA') ever disqualified you from being or acting as a director or senior manager of an authorised deposit taking institution or a authorised non-operating holding company, or a senior manager of the Australian operations of a foreign authorised deposit-taking institution?**	**No** ☐	**Yes** ☐ **Provide details below:**
9.	**Have you ever been disqualified under the law of a foreign country from managing, or taking part in the management of an entity that carries on the business of banking or insurance or otherwise deals in financial matters?**	**No** ☐	**Yes** ☐ **Provide details below:**
10.	**Has a personal representative or trustee ever been appointed to administer your property on the grounds of mental incapacity?**	**No** ☐	**Yes** ☐ **Provide details below:**
11.	**Are there any unsatisfied judgments against you in any court of law?**	**No** ☐	**Yes** ☐ **Provide details below:**
12.	**Are you able to pay your debts as and when they fall due?**	**No** ☐	**Yes** ☐
13.	**Are you aware of any other matters which may be relevant to an assessment of your character, diligence, honesty, integrity or judgment?**	**No** ☐	**Yes** ☐ **Provide details below:**

Conflicts of Interest

14.	**Do you have any interest in a contract or a proposed contract with Regional Australia Bank?**	**No** ☐	**Yes** ☐ **Provide details below:**
15.	**Do you hold an office or have an interest, whereby, whether directly or indirectly, a conflict could arise with your duties and interests as a director of Regional Australia Bank?**	**No** ☐	**Yes** ☐ **Provide details below:**

Other Matters

16.	**Are you aware of any other matters which are relevant and material to an assessment of your fitness and propriety for the Position by Regional Australia Bank in accordance with paragraph 13 of APG 520 Fit and Proper?**	**No** ☐	**Yes** ☐ **Provide details below:**

Annexure E: Fit and Proper Assessment (Annual Declaration) – Responsible Person Position

Full Name of Applicant:	
Responsible Person Position being considered for: 'the Position'	

I my capacity as a responsible person for Community Mutual Ltd trading as Regional Australia Bank, I solemnly and sincerely declare that since my [insert year] fit and proper reassessment, and along with any other information that I have given in connection with the reassessment of my fitness and propriety for the Position, as at today's date, I am not aware of any matters which are relevant and material to an assessment of my fitness and propriety, which have not already been disclosed, to hold the Position.

Declared at:

City/Town	
State/Territory	
Signature of applicant	

Before me:

Signature of witness	
Name of witness	
Address of witness	
Qualification of witness	

Date:

Annexure F: Bankruptcy Search

This involves a search of the National Persons Insolvency Index (NPII) maintained by the Insolvency and Trustee Services of Australia (ITSA).

A search can be directly undertaken through ITSA or the following broker:

SAI Global – https://login.property.saiglobal.com/servlet/CSMLogin

NPII does not contain information on discharged bankrupts or previous administrators. Therefore, information must be relied upon from the Personal Information Questionnaire.

Annexure G: APRA and ASIC Search

Persons referring to this register should note carefully that it contains details only of those persons who are disqualified from managing corporations under the Corporations Act where ASIC receives express notice of the disqualification under the terms of that Act.

There are other circumstances in which a person may be disqualified from managing corporations, for example where the person is an undischarged bankrupt or has been convicted of certain offences involving dishonesty. ASIC does not receive statutory notice of such disqualifications, and so they are not able to be recorded in this register.

To undertake a search of the Disqualified Persons Register search the ASIC website at the below address.

https://connectonline.asic.gov.au/RegistrySearch/faces/landing/SearchRegisters.jspx?_adf.ctrl-state=otgew4rmg_29

To undertake a search of APRA's disqualification register search the APRA website at the below address.

http://www.apra.gov.au/crossindustry/pages/disqualification-register.aspx

Annexure H: Criminal History Search

The Criminal History Branch of the Australian Federal Police conducts criminal history checks and has a specific check for fitness and propriety which is available on the AFP website at:

https://afpnationalpolicechecks.converga.com.au/static/images/afp/npc_offline_form.pdf

Send each complete form to:

The Australian Federal Police
Criminal History Branch
Locked Bag No 1
WESTON ACT 2611

Alternatively, criminal history checks can also be undertaken with Australian Background using the following website:

Australian Background – www.australianbackground.com.au

Banking, Insurance and Life Insurance (prudential standard) determination No. 9 of 2016

Prudential Standard CPS 520 Fit and Proper

Banking Act 1959
Insurance Act 1973
Life Insurance Act 1995

I, Wayne Byres, delegate of APRA:

(a) under subsection 11AF(3) of the *Banking Act 1959* REVOKE Banking, Insurance and Life Insurance (prudential standard) determination No. 4 of 2012, including *Prudential Standard CPS 520 Fit and Proper* made under that Determination, to the extent that it applied to all ADIs and authorised banking NOHCs;

(b) under subsection 32(4) of the *Insurance Act 1973* REVOKE Banking, Insurance and Life Insurance (prudential standard) determination No. 4 of 2012, including *Prudential Standard CPS 520 Fit and Proper* made under that Determination, to the extent that it applied to all general insurers, authorised insurance NOHCs, and subsidiaries of general insurers and authorised insurance NOHCs;

(c) under subsection 230A(5) of the *Life Insurance Act 1995* REVOKE Banking, Insurance and Life Insurance (prudential standard) determination No. 4 of 2012, including *Prudential Standard CPS 520 Fit and Proper* made under that Determination, to the extent that it applied to life companies, friendly societies, registered life NOHCs, and subsidiaries of life companies and registered life NOHCs;

(d) under subsection 11AF(1) of the *Banking Act 1959* DETERMINE *Prudential Standard CPS 520 Fit and Proper* in the form set out in the Schedule, to the extent that it applies to all ADIs and authorised banking NOHCs;

(e) under subsection 32(1) of the *Insurance Act 1973* DETERMINE *Prudential Standard CPS 520 Fit and Proper* in the form set out in the Schedule, to the

Authorised Version F2016L01440 registered 15/09/2016

extent that it applies to all general insurers, authorised insurance NOHCs, and subsidiaries of general insurers and authorised insurance NOHCs; and

(f) under subsection 230A(1) of the *Life Insurance Act 1995* DETERMINE *Prudential Standard CPS 520 Fit and Proper* in the form set out in the Schedule, to the extent that it applies to all life companies, friendly societies, registered life NOHCs, and subsidiaries of life companies and registered life NOHCs.

This instrument commences on 1 July 2017.

Dated: 8 September 2016

[Signed]

Wayne Byres
Chairman

Interpretation

In this Determination:

ADI has the meaning given in section 5 of the *Banking Act 1959*.

APRA means the Australian Prudential Regulation Authority.

authorised banking NOHC has the meaning given to the expression authorised NOHC in section 5 of the *Banking Act 1959*.

authorised insurance NOHC has the meaning given to the expression authorised NOHC in subsection 3(1) of the *Insurance Act 1973*.

friendly society has the meaning given in section 16C of the *Life Insurance Act 1995*.

general insurer has the meaning given in section 11 of the *Insurance Act 1973*.

life company has the meaning given in the Schedule to the *Life Insurance Act 1995*.

registered life NOHC has the meaning given to the expression registered NOHC in the Schedule to the *Life Insurance Act 1995*.

Schedule

Prudential Standard CPS 520 Fit and Proper comprises the 23 pages commencing on the following page.

Authorised Version F2016L01440 registered 15/09/2016

Prudential Standard CPS 520

Fit and Proper

Objectives and key requirements of this Prudential Standard

This Prudential Standard sets out minimum requirements for APRA-regulated institutions in determining the fitness and propriety of individuals to hold positions of responsibility. Its objective is to ensure that an institution prudently manages the risks that persons acting in responsible person positions who are not fit and proper pose to the institution's business and financial standing.

The ultimate responsibility for ensuring the fitness and propriety of the responsible persons of an APRA-regulated institution rests with its Board of directors (or equivalent).

Persons who are responsible for the management and oversight of an APRA-regulated institution, and persons employed by a member of the group whose activities may materially affect the business or financial standing of the group, need to have appropriate skills, experience and knowledge, and act with honesty and integrity. These skills and qualities strengthen the protection afforded to depositors, policyholders and other stakeholders. To this end, institutions need to prudently manage the risk that persons in positions of responsibility might not be fit and proper.

The key requirements of this Prudential Standard are that an APRA-regulated institution and a Head of a group must:

- maintain a Fit and Proper Policy that meets the requirements of this Prudential Standard;
- ensure that the fitness and propriety of a responsible person generally be assessed prior to initial appointment and then re-assessed annually;
- take all prudent steps to ensure that a person is not appointed to, or does not continue to hold, a responsible person position for which they are not fit and proper;
- ensure that additional requirements be met for certain auditors and Appointed and Reviewing Actuaries; and
- ensure that certain information be provided to APRA regarding responsible

Authorised Version F2016L01440 registered 15/09/2016

persons and the APRA-regulated institution's and Head of a group's assessment of their fitness and propriety.

Authorised Version F2016L01440 registered 15/09/2016

Table of Contents

Authority....4
Application....4
Interpretation....5
Fit and Proper Policy....6
Additional requirements of the Head of a group....7
Responsible persons....7
Senior managers....8
Criteria to determine if a responsible person is fit and proper....9
Additional criteria applying to auditors....10
Additional criteria applying to Appointed Actuaries and Reviewing Actuaries....12
Process for assessment of fitness and propriety....13
Whistleblowing....15
When a responsible person is not fit and proper....16
Informing APRA....16
Adjustments and exclusions....17
Determinations made under previous prudential standards....17
Attachment A - Responsible persons of authorised deposit-taking institutions and authorised banking NOHCs....18
Attachment B - Responsible persons of foreign authorised deposit-taking institutions....19
Attachment C - Responsible persons of general insurers and authorised insurance NOHCs....20
Attachment D - Responsible persons of Category C insurers....21
Attachment E - Responsible persons of life companies and registered life NOHCs....22
Attachment F - Responsible persons of eligible foreign life insurance companies....23

Authorised Version F2016L01440 registered 15/09/2016

Authority

1. This Prudential Standard is made under:

   (a) section 11AF of the *Banking Act 1959* (**Banking Act**);

   (b) section 32 of the *Insurance Act 1973* (Insurance Act); and

   (c) section 230A of the *Life Insurance Act 1995* (Life Insurance Act).

Application

2. This Prudential Standard applies to all 'APRA-regulated institutions',[1] defined as:

   (a) all **authorised deposit-taking institutions** (**ADIs**), including **foreign ADIs**, and **non-operating holding companies** authorised under the Banking Act (authorised banking NOHCs);

   (b) all **general insurers**, including **Category C insurers**, non-operating holding companies authorised under the Insurance Act (authorised insurance NOHCs) and **parent entities** of **Level 2 insurance groups**; and

   (c) all **life companies**, including **friendly societies** and **eligible foreign life insurance companies** (EFLICs), and non-operating holding companies registered under the Life Insurance Act (registered life NOHCs).

3. All APRA-regulated institutions have to comply with this Prudential Standard in its entirety, unless otherwise expressly indicated. The obligations imposed by this Prudential Standard on, or in relation to, a foreign ADI, a Category C insurer or an EFLIC apply only in relation to the Australian branch operations of that institution.

4. Where an APRA-regulated institution is the 'Head of a group',[2] it must comply with a requirement of this Prudential Standard:

   (a) in its capacity as an APRA-regulated institution;

   (b) by ensuring that a requirement is applied appropriately throughout the group, including in relation to institutions that are not APRA-regulated; and

   (c) where specified, on a group basis.

   In applying the requirements of this Prudential Standard on a group basis, references in paragraphs 12 to 16 and 25 to 63 to an 'APRA-regulated

---

1 Note, for the purposes of this Prudential Standard, an **RSE licensee** is not treated as an 'APRA-regulated institution'. Refer to *Prudential Standard SPS 520 Fit and Proper* (SPS 520) for fitness and propriety requirements for an RSE licensee.

2 Where a Level 2 group operates within a Level 3 group, a requirement expressed as applying to a Head of a group is to be read as applying to the Level 3 Head.

Authorised Version F2016L01440 registered 15/09/2016

institution' should be read as 'Head of a group' and references to 'institution' should be read as 'group'.

5. This Prudential Standard commences on 1 July 2017.

Interpretation

6. Terms that are defined in *Prudential Standard 3PS 001 Definitions*, *Prudential Standard APS 001 Definitions* (APS 001), *Prudential Standard GPS 001 Definitions* (GPS 001) or *Prudential Standard LPS 001 Definitions* appear in bold the first time they are used in this Prudential Standard.

7. Where this Prudential Standard provides for APRA to exercise a power or discretion, this power or discretion is to be exercised in writing.

8. For the purposes of this Prudential Standard:

   'group' means a Level 2 group or a **Level 3 group**, as relevant;

   'Head of a group' means a Level 2 Head or **Level 3 Head**, as relevant;

   'Level 2 group' means the entities that comprise:

   (a) **Level 2** as defined in APS 001; or

   (b) a Level 2 insurance group as defined in GPS 001;

   Level 2 Head' means:

   (a) where an ADI that is a member of a Level 2 group is not a **subsidiary** of an authorised banking NOHC or another ADI, that ADI

   (b) where an ADI that is a member of a Level 2 group is a subsidiary of an authorised banking NOHC, that authorised banking NOHC; or

   (c) the parent entity of a Level 2 insurance group as defined in GPS 001.

9. For the purposes of this Prudential Standard, a reference to an 'auditor' is taken to be a reference to a person holding any of the following positions unless otherwise specified:

   (a) '**Appointed auditor**' has the meaning given in APS 001, in relation to an ADI or authorised banking NOHC;

   (b) '**Appointed Auditor**' has the meaning given in GPS 001, in relation to a general insurer (including a Category C insurer);

   (c) 'Auditor' has the meaning given in *Prudential Standard LPS 310 Audit and Related Matters* (LPS 310), in relation to a life company (including an EFLIC);

   (d) '**responsible auditor**' has the meaning given in GPS 001, in relation to an authorised insurance NOHC, and, in relation to a registered life NOHC, is

Authorised Version F2016L01440 registered 15/09/2016

an auditor who is required to prepare a report under the Life Insurance Act, prudential standards made under the Life Insurance Act or reporting standards made under the *Financial Sector (Collection of Data) Act 2001* (FSCODA); and

(e) 'Appointed Auditor' has the meaning given in *Prudential Standard 3PS 310 Audit and Related Matters*, in relation to a Level 3 Head.

10. In this Prudential Standard, the term 'Prudential Acts' is used to refer to the Banking Act, the Insurance Act and the Life Insurance Act.

11. This Prudential Standard specifies:

(a) the senior management responsibilities for the purposes of the definition of **senior manager** in the Prudential Acts[3];

(b) the fitness and propriety criteria for auditors and **Appointed Actuaries** for the purposes of the Prudential Acts[4];

(c) the fitness and propriety criteria for certain responsible persons for the purposes of the Prudential Acts[5]; and

(d) the fitness and propriety criteria for the purposes of paragraph 21(3)(b) of the Banking Act.

Fit and Proper Policy

12. An APRA-regulated institution must prudently manage the risks that persons acting in **responsible person positions**[6] who are not fit and proper pose to the institution's business and financial standing. To this end, an APRA-regulated institution must maintain a documented policy relating to the fitness and propriety of the institution's responsible persons that meets the requirements of this Prudential Standard (Fit and Proper Policy).

13. The Fit and Proper Policy must be approved by the **Board**.[7]

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3 Refer to subsection 5(1) of the Banking Act in relation to ADIs and authorised banking NOHCs, subsection 3(1) of the Insurance Act in relation to general insurers and authorised insurance NOHCs, and section 8 of the Life Insurance Act in relation to life companies and registered life NOHCs.

4 Refer to paragraph 17(2)(b) of the Banking Act in relation to ADIs and authorised banking NOHCs, paragraphs 39(3)(a) and 43(2)(c), and subparagraph 44(1)(a)(iii), of the Insurance Act in relation to general insurers and authorised insurance NOHCs, and section 84 and subsection 93(3) of the Life Insurance Act in relation to life companies and registered life NOHCs.

5 Refer to paragraph 23(2)(b) of the Banking Act in relation to ADIs and authorised banking NOHCs, paragraphs 25A(3)(b), 27(2)(b), 43(2)(b), 44(3)(b) and 49R(3)(b), and subparagraph 44(1)(a)(ii), of the Insurance Act in relation to general insurers and authorised insurance NOHCs, and section 245A(3)(b) of the Life Insurance Act in relation to life companies and registered life NOHCs.

6 Refer to paragraph 24 for the definition of responsible person position.

7 A reference to the Board in the case of a foreign ADI is a reference to the **senior officer outside Australia**.

Authorised Version F2016L01440 registered 15/09/2016

14. An APRA-regulated institution must take all reasonable steps to ensure that each responsible person is aware of, and understands, the provisions of its Fit and Proper Policy.

15. The Fit and Proper Policy must form part of an institution's **risk management framework**.[8]

16. Nothing in this Prudential Standard prevents an APRA-regulated institution from adopting and applying a group Fit and Proper Policy used by a **related body corporate**[9], provided that the policy has been approved by the Board in accordance with paragraph 13 and meets the requirements of this Prudential Standard.

Additional requirements of the Head of a group

17. The Head of a group must maintain a group Fit and Proper Policy (refer to paragraphs 12 to 16).

18. Where an entity within the group that is not an APRA-regulated institution engages in business activities that may materially affect, either directly or indirectly, the whole, or a substantial part, of the group, the Head of the group must ensure that the responsible persons for those business activities are assessed for fitness and propriety in a way that complies with the group Fit and Proper Policy.[10]

19. The Head of a group must notify APRA in accordance with paragraphs 57 to 62 in respect of each responsible person across the group, except where an APRA-regulated institution within the group has otherwise notified APRA of that information.

Responsible persons

20. A 'responsible person' is:

    (a) for an ADI (other than a foreign ADI) or an authorised banking NOHC, a person defined in Attachment A;

    (b) for a foreign ADI, a person defined in Attachment B;

    (c) for a general insurer (other than a Category C insurer) or an authorised insurance NOHC, a person defined in Attachment C;

    (d) for a Category C insurer, a person defined in Attachment D;

    (e) for a life company (other than an EFLIC) or a registered life NOHC, a person defined in Attachment E;

    (f) for an EFLIC, a person defined in Attachment F; and

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8 Refer to *Prudential Standard CPS 220 Risk Management*.

9 Related body corporate has the meaning given in section 50 of the *Corporations Act 2001* (Corporations Act).

10 This paragraph does not override any requirements in SPS 520 applying to an RSE licensee.

Authorised Version F2016L01440 registered 15/09/2016

(g) for the purposes of a group, a person whose activities may materially affect, either directly or indirectly, the whole, or a substantial part, of the business or financial status of the group.

21. A person need not be an employee of an APRA-regulated institution to be a responsible person. In some circumstances a consultant, contractor or employee of another entity may be a responsible person.

22. In addition to persons who meet the definition of a responsible person, APRA may determine that a person is a responsible person if APRA is satisfied that the person plays a significant role in the management or control of the APRA-regulated institution or group, or that the person's activities may materially impact on **prudential matters**.

23. APRA may determine that a person is not a responsible person in relation to a particular position, responsibility or activity if APRA is satisfied that the person does not play a significant role in the management or control of the APRA-regulated institution or group or that the person's activities may not materially impact on prudential matters.

24. 'Responsible person position' means the responsibilities or activities of a responsible person that would lead to the person being a responsible person under the definition in paragraph 20.

Senior managers

25. 'Senior manager' means a person (other than a **director**) who:

(a) makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the institution;

(b) has the capacity to affect significantly the institution's financial standing[11];

(c) may materially affect the whole, or a substantial part, of the business of the institution or its financial standing through their responsibility for:

(i) enforcing policies and implementing strategies approved by the Board of the APRA-regulated institution;

(ii) the development and implementation of systems used to identify, assess, manage or monitor risks in relation to the business of the institution; or

(iii) monitoring the appropriateness, adequacy and effectiveness of risk management systems; or

(d) for a foreign ADI or Category C insurer, is nominated as the senior officer outside Australia to the extent that the person meets the definition in

[11] Paragraphs 25(a) and (b) are intended to be interpreted consistently with the definition of 'senior manager' (in relation to a corporation) in section 9 of the Corporations Act.

Authorised Version F2016L01440 registered 15/09/2016

subparagraphs (a), (b) or (c).

26. For the purposes of the definition of senior manager in the Prudential Acts[12], the responsibilities set out in paragraph 25, when exercised for an APRA-regulated institution, are senior management responsibilities (except where carried out by a director).

27. 'Senior manager', in relation to a **corporate agent** of a Category C insurer, means a person (other than a director of the corporate agent) who, when acting for the corporate agent:

    (a) makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the Category C insurer represented by the corporate agent;

    (b) has the capacity to affect significantly the Category C insurer's financial standing;[13] or

    (c) may materially affect the whole, or a substantial part, of the business of the Category C insurer or its financial standing through:

        (i) enforcing policies and implementing strategies approved by the Board of the Category C insurer;

        (ii) the development and implementation of systems that identify, assess, manage or monitor risks in relation to the business of the Category C insurer; or

        (iii) monitoring the appropriateness, adequacy and effectiveness of risk management systems.

28. For the purposes of the definition of senior manager in subsection 3(1) of the Insurance Act, the responsibilities set out in paragraph 27, when exercised for a corporate agent in respect of an APRA-regulated institution, are senior management responsibilities (except when carried out by a director of the corporate agent).

Criteria to determine if a responsible person is fit and proper

29. An APRA-regulated institution must clearly define and document the competencies required for each responsible person position.

30. For the purposes of the Prudential Acts and for the purposes of determining whether a person is fit and proper to hold a responsible person position, the criteria are whether: [14]

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12 Refer to subsection 5(1) of the Banking Act, subsection 3(1) of the Insurance Act and section 8 of the Life Insurance Act.

13 Paragraphs 27(a) and (b) are intended to be interpreted consistently with the definition of 'senior manager' (in relation to a corporation) in section 9 of the Corporations Act.

14 Refer to paragraphs 21(3)(b) and 23(2)(b) of the Banking Act, paragraphs 25A(3)(b), 27(2)(b), 43(2)(b) and 44(3)(b) and subparagraph 44(1)(a)(ii) of the Insurance Act and paragraph

Authorised Version F2016L01440 registered 15/09/2016

(a) it would be prudent for an APRA-regulated institution to conclude that the person possesses the competence, character, diligence, honesty, integrity and judgement to perform properly the duties of the responsible person position;

(b) the person is not disqualified under an applicable Prudential Act from holding the position;

(c) the person either:

(i) has no conflict of interest in performing the duties of the responsible person position; or

(ii) if the person has a conflict of interest, it would be prudent for an APRA-regulated institution to conclude that the conflict will not create a material risk that the person will fail to perform properly the duties of the position; and

(d) for a senior manager of a corporate agent of a general insurer, the person is ordinarily resident in Australia.

Additional criteria applying to auditors[15]

31. The criteria for fitness and propriety of an auditor for the purposes of the Prudential Acts are those contained in paragraphs 30 and 32.[16]

32. The additional criteria which must be met for an auditor to be fit and proper are that the person:

(a) is a registered company auditor under the Corporations Act;

(b) has a minimum of five years' relevant experience in the audit of APRA-regulated institutions in the industry within which they are working;

(c) is neither the Chief Executive Officer (CEO) nor a director of the APRA-regulated institution nor of a related body corporate;

(d) has experience relating to ADIs, general insurers or life companies (as applicable) that is sufficiently relevant and recent to provide reasonable assurance that the person is familiar with current issues in the audit of that type of APRA-regulated institution;

245A(3)(b) of the Life Insurance Act. Paragraphs 32 and 35 to 38 provide additional criteria for fitness and propriety of an auditor, Appointed Actuary or a Reviewing Actuary of a general insurer (as applicable) and the eligibility criteria that must be met before an auditor or Appointed Actuary may be appointed (other than a criterion that APRA has determined under paragraphs 33 or 39 does not apply in relation to a particular case).

15 Refer to *Prudential Standard CPS 510 Governance* (CPS 510) for the requirement for auditors to be independent.

16 Refer to paragraphs 17(2)(b) and 21(3)(b) of the Banking Act; paragraphs 39(3)(a), 43(2)(b) and 44(3)(b), and subparagraph 44(1)(a)(ii) of the Insurance Act and paragraph 245A(3)(b) of the Life Insurance Act.

Authorised Version F2016L01440 registered 15/09/2016

(e) for an Appointed Auditor of a general insurer[17] or responsible auditor of an authorised insurance NOHC, is not:

(i) for the Appointed Auditor of a general insurer, the **Appointed Actuary** of the general insurer or, for the responsible auditor of an authorised insurance NOHC, the Appointed Actuary of a general insurer that is a **subsidiary** of the authorised insurance NOHC;

(ii) an employee or director of a body corporate, statutory body, partnership, trust, or commercial or professional enterprise of any kind of which that Appointed Actuary is an employee or director[18]; or

(iii) a partner of that Appointed Actuary;

(f) for an Auditor of a life company or responsible auditor of a registered life NOHC, is not:

(i) the **Appointed Actuary** of the life company or of a life company that is a subsidiary of the registered life NOHC;

(ii) an employee or director of a body corporate, statutory body, partnership, trust, or commercial or professional enterprise of any kind of which that Appointed Actuary is an employee or director; or

(iii) a partner of that Appointed Actuary;

(g) is a member of a recognised professional body; and

(h) is ordinarily resident in Australia.

33. The criteria in paragraph 32 do not apply if the following conditions are met:

(a) the APRA-regulated institution reasonably considers that there are exceptional circumstances;

(b) the APRA-regulated institution has promptly notified APRA of the eligibility criteria that are not satisfied and of the exceptional circumstances as to why they do not apply; and

(c) APRA has notified the APRA-regulated institution that APRA has no objections to the person holding the position in question.

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17 For paragraphs 32 to 39 refer also to *Prudential Standard GPS 310 Audit and Related Matters* and *Prudential Standard GPS 320 Actuarial and Related Matters*.

18 Refer to CPS 510 for a similar restriction on the Appointed Auditor and Appointed Actuary of a general insurer being from the same entity.

Authorised Version F2016L01440 registered 15/09/2016

Additional criteria applying to Appointed Actuaries[19] and Reviewing Actuaries

34. The criteria for fitness and propriety of an Appointed Actuary of a general insurer or life company, or of a **Reviewing Actuary** of a general insurer, for the purposes of the Prudential Acts are those contained in paragraphs 30 and 35 to 39.[20]

35. The additional criteria that must be met for a person to be fit and proper to act as an Appointed Actuary of a general insurer or life company, or as a Reviewing Actuary of a general insurer, are that the person:

    (a) has appropriate formal qualifications;

    (b) is not the CEO or a director of the general insurer or life company, as applicable, or of a related body corporate (except when that related body corporate is a subsidiary of the general insurer or life company, as applicable);

    (c) is not:

        (i) the Appointed Auditor or Auditor, as applicable;

        (ii) for an Appointed Actuary, an employee or director of an entity of which the Appointed Auditor or Auditor is an employee or director; or

        (iii) for an Appointed Actuary, a partner of the Appointed Auditor or Auditor, as applicable;

    (d) has a minimum of five years' relevant experience in the provision of actuarial services to entities carrying on **insurance business (**for a general insurer) or **life business** (for a life company) and has experience relating to general insurers or life companies, as applicable, that is sufficiently relevant and recent to provide reasonable assurance that the person is familiar with current issues in the provision of actuarial services to such institutions;

    (e) is a Fellow or Accredited Member[21] of the Institute of Actuaries of Australia; and

    (f) is ordinarily resident in Australia.

36. In addition to the criteria specified in paragraph 35, a Reviewing Actuary of a general insurer must not be an employee of the insurer.

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19 Refer to *Prudential Standard LPS 320 Actuarial and Related Matters* for eligibility criteria for appointed actuaries as required by section 93 of the Life Insurance Act.

20 Refer to paragraphs 39(3)(a), 43(2)(b) and 44(3)(b), and subparagraph 44(1)(a)(ii) of the Insurance Act.

21 'Fellow' and 'Accredited Member' as defined by the Institute of Actuaries of Australia.

Authorised Version F2016L01440 registered 15/09/2016

37. In addition to the criteria specified in paragraph 34, where a general insurer's Appointed Actuary is not an employee of the insurer, the Reviewing Actuary must not be:

    (a) an employee or director of the same firm or company as the Appointed Actuary, or from a related firm or related company; or

    (b) a partner of the same firm or related firm as the Appointed Actuary.

    A Reviewing Actuary may, however, be from the same firm or company as the general insurer's Appointed Auditor or from a related firm or related company.

38. The criterion in paragraph 35(f) does not apply to the Appointed Actuary of a **Category B insurer** and a Category C insurer if:

    (a) the Appointed Actuary is responsible for providing actuarial services to the corporate group, as a whole, to which the insurer belongs; and

    (b) the Appointed Actuary meets the criteria in paragraphs 35(a) to (e).[22]

39. The criteria in paragraphs 34 to 38 do not apply while:

    (a) the APRA-regulated institution reasonably considers that there are exceptional circumstances;

    (b) the APRA-regulated institution has promptly notified APRA of the eligibility criteria that are not satisfied and of the exceptional circumstances as to why they do not apply; and

    (c) APRA has notified the APRA-regulated institution in writing that APRA has no objections to the person holding the position.

Process for assessment of fitness and propriety

40. The Fit and Proper Policy must include the processes to be undertaken in assessing whether a person is fit and proper for a responsible person position (fit and proper assessment). The processes must include details of:

    (a) a statement of who will conduct fit and proper assessments on behalf of the APRA-regulated institution;

    (b) the information to be obtained and how it will be obtained;

    (c) the matters that will be considered before determining if a person is fit and proper for a responsible person position; and

    (d) the decision-making processes that will be followed.

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22 Note that, by application of paragraphs 35 to 37, the Reviewing Actuary of the general insurer must meet the criteria specified in those paragraphs, including that the Reviewing Actuary is a Fellow or Accredited Member of the Institute of Actuaries of Australia and ordinarily resident in Australia.

Authorised Version F2016L01440 registered 15/09/2016

41. The Fit and Proper Policy must specify the actions to be taken where a person is assessed as being not fit and proper.

42. The Fit and Proper Policy must provide that a copy of the Policy is to be given to:

    (a) any candidate for election as a director as soon as possible after the candidate is nominated; and

    (b) any other person before an assessment of their fitness and propriety is conducted.

43. The Fit and Proper Policy must require a fit and proper assessment to be completed before a person becomes the holder of a responsible person position unless they hold the position:

    (a) because of a resolution of members of the APRA-regulated institution; or

    (b) because APRA has determined that the person is a responsible person under paragraph 22.

    In such cases, the Fit and Proper Policy must require an assessment to be completed within 28 days of the person becoming the holder of the responsible person position or 28 days after APRA makes the determination under paragraph 22.

44. Interim appointment to a responsible person position may be made without a full fit and proper assessment for a period of up to 90 days (or longer with APRA's written agreement) including any prior period of interim appointment. Prior to making such an appointment, reasonable steps must be taken, as specified in the Fit and Proper Policy, to assess the fitness and propriety of the person. The APRA-regulated institution must complete a full fit and proper assessment prior to appointing the person to the responsible person position on a permanent basis.

45. The Fit and Proper Policy must require annual fit and proper assessments (or as close to annual as is practicable) for each responsible person position.

46. When a fit and proper assessment is conducted, an APRA-regulated institution must make all reasonable enquiries[23] to obtain information, including collecting sensitive information as defined in the *Privacy Act 1988* (Privacy Act), that it believes may be relevant to an assessment of whether the person is fit and proper to hold a responsible person position.

47. Where a responsible person has been assessed as fit and proper, but the APRA-regulated institution subsequently becomes aware of information that may result in the person being assessed as not fit and proper, the APRA-regulated institution must take all reasonable steps, including collecting sensitive information as defined in the Privacy Act if relevant, to ensure that it can

[23] Including following the processes described in the Fit and Proper Policy under subparagraph 40(b).

Authorised Version F2016L01440 registered 15/09/2016

prudently conclude that no material fitness and propriety concern exists. Where a concern exists, a full fit and proper assessment must be conducted.

48. The Fit and Proper Policy must contain adequate provisions:

    (a) to encourage any person to disclose information that may be relevant to a fit and proper assessment to the APRA-regulated institution or to APRA;

    (b) to enable the disclosure to APRA of any information the APRA-regulated institution is required to provide under this Prudential Standard; and

    (c) for giving or obtaining any consents required for the collection and use of any information:

        (i) by the APRA-regulated institution to comply with the Fit and Proper Policy or this Prudential Standard; and

        (ii) by APRA for its powers and functions under the Prudential Acts.

49. The Fit and Proper Policy must require that sufficient documentation for each fit and proper assessment is retained to demonstrate the fitness and propriety of the institution's current, and recently past, responsible persons.

Whistleblowing[24]

50. The Fit and Proper Policy must include adequate provisions to allow whistleblowing if a person has information that a responsible person does not meet the APRA-regulated institution's fit and proper criteria. The Fit and Proper Policy must ensure that the APRA-regulated institution and its subsidiaries consent to the person providing that information to either the person responsible for conducting fit and proper assessments or APRA.

51. The Fit and Proper Policy must include adequate provisions to allow persons who have information that the APRA-regulated institution has not complied with this Prudential Standard to provide that information to APRA.

52. The Fit and Proper Policy must provide that the APRA-regulated institution and its subsidiaries consent to any person who held a responsible person position disclosing information or providing documents to APRA relating to their reasons for resignation, retirement or removal.

53. An APRA-regulated institution must not, and must ensure that its subsidiaries do not, constrain, impede, restrict or discourage, whether by confidentiality clauses, policies or other means, any person from disclosing information or

[24] Also refer to the provisions for the protection of whistleblowers in Part VIA, Division 1 of the Banking Act, Part IIIA, Division 4 of the Insurance Act, and Part 7, Division 5 of the Life Insurance Act, and the provisions in CPS 510 for not constraining persons from providing information.

Authorised Version F2016L01440 registered 15/09/2016

providing documents to APRA about matters referred to in paragraphs 50 to 52.[25]

54. The Fit and Proper Policy must require that all provisions of the Policy encouraging whistleblowing, and the procedures related to whistleblowing, are adequately explained to directors and employees of the APRA-regulated institution and its subsidiaries who are likely to have information relevant to fit and proper assessments.

55. APRA does not require that an APRA-regulated institution impose an obligation on any person to make the disclosures under paragraphs 50 to 52. However, the Fit and Proper Policy must require that all reasonable steps be taken to ensure that no person making such disclosures in good faith is subject to, or threatened with, a detriment because of any notification in purported compliance with the requirements of the Fit and Proper Policy.

When a responsible person is not fit and proper

56. Where an APRA-regulated institution has assessed that a person is not fit and proper, or a reasonable person in the APRA-regulated institution's position would make that assessment, the APRA-regulated institution must take all steps it reasonably can to ensure that the person:[26]

    (a) is not appointed to; or

    (b) for an existing responsible person, does not continue to hold,

    the responsible person position.

Informing APRA

57. An APRA-regulated institution must notify APRA of the following information for each responsible person:

    (a) the title of the responsible person's position;

    (b) the person's full name;

    (c) the person's date of birth (for identification purposes only);

    (d) the person's position and main responsibilities; and

    (e) a statement of whether the person has been assessed under the Fit and Proper Policy.

58. An APRA-regulated institution must ensure that the information provided under paragraph 57 remains correct for all of its responsible persons. Subject to the Prudential Acts, it must provide revised information to APRA within 28 days of any change or new appointment.

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25 Refer also to section 52C of the Banking Act, section 38C of the Insurance Act and section 156C of the Life Insurance Act.

26 Including the actions outlined in the Fit and Proper Policy in accordance with paragraph 41.

Authorised Version F2016L01440 registered 15/09/2016

59. An APRA-regulated institution must notify APRA within 10 **business days** if it assesses that a responsible person is not fit and proper. If the person remains in the responsible person position, the notification must state the reason for this and the action that is being taken.

60. The information or notifications required by this Prudential Standard must be given in such form, if any, and by such procedures, if any, as APRA publishes on its website from time to time.

61. An APRA-regulated institution must take reasonable steps to:

    (a) obtain any information and documentation that APRA asks of it; and

    (b) provide that information to APRA,

    to assist APRA in assessing the fitness and propriety of a person. This could include providing the Fit and Proper Policy to APRA on request.

62. APRA does not and will not require disclosure of spent convictions where precluded under Part VIIC of the *Crimes Act 1914*.

Adjustments and exclusions

63. APRA may adjust or exclude a specific prudential requirement in this Prudential Standard in relation to an APRA-regulated institution.[27]

Determinations made under previous prudential standards

64. An exercise of APRA's discretion (such as an approval, waiver or direction) under a previous version of this Prudential Standard continues to have effect as though exercised pursuant to a corresponding power (if any) exercisable by APRA under this Prudential Standard. For the purposes of this paragraph, 'a previous version of this Prudential Standard' includes any versions of:

    (a) *Prudential Standard APS 520 Fit and Proper;*

    (b) *Prudential Standard GPS 520 Fit and Proper*; and

    (c) *Prudential Standard LPS 520 Fit and Proper.*

[27] Refer to subsection 11AF(2) of the Banking Act, subsection 32(3D) of the Insurance Act and subsection 230A(4) of the Life Insurance Act.

Authorised Version F2016L01440 registered 15/09/2016

Attachment A - Responsible persons of authorised deposit-taking institutions and authorised banking NOHCs

1. A responsible person of an ADI (other than a foreign ADI) or authorised banking NOHC is any person who is:

   (a) a director of the APRA-regulated institution;

   (b) a senior manager of the institution;

   (c) an appointed auditor who provides any report in relation to the ADI that is required to be prepared by an auditor under the Banking Act, prudential standards made under the Banking Act or reporting standards under FSCODA;

   (d) an appointed auditor who provides any report in relation to the authorised banking NOHC that is required to be prepared by an auditor under the Banking Act, prudential standards made under the Banking Act or reporting standards; or

   (e) a person who performs activities for a subsidiary of the APRA-regulated institution where those activities could materially affect the whole, or a substantial part, of the business of the APRA-regulated institution or its financial standing, either directly or indirectly.

2. References to a subsidiary in subparagraph 1(e) of this Attachment do not apply to a subsidiary that is an RSE licensee.

Authorised Version F2016L01440 registered 15/09/2016

Attachment B - Responsible persons of foreign authorised deposit-taking institutions

1. A responsible person of a foreign ADI is any person who is:

   (a) a senior manager of the Australian operations of the foreign ADI who is, except in the case of the senior officer outside Australia referred to in paragraph 25(d) of this Prudential Standard, ordinarily resident in Australia;

   (b) an appointed auditor of the foreign ADI; or

   (c) a person who performs activities for a subsidiary of the foreign ADI that the foreign ADI controls as part of its Australian operations, where:

      (i) those activities could materially affect the whole, or a substantial part, of the business of the Australian operations of the foreign ADI or its financial standing, either directly or indirectly; and

      (ii) the person is ordinarily resident in Australia.

2. References to a subsidiary in subparagraph 1(c) of this Attachment do not apply to a subsidiary that is an RSE licensee.

Authorised Version F2016L01440 registered 15/09/2016

Attachment C - Responsible persons of general insurers and authorised insurance NOHCs

1. A responsible person of a general insurer (other than a Category C insurer) or authorised insurance NOHC is any person who is:

   (a) a director of the APRA-regulated institution;

   (b) a senior manager of the institution;

   (c) for a general insurer, the Appointed Auditor;

   (d) for a general insurer, the Appointed Actuary and the Reviewing Actuary;

   (e) a responsible auditor who provides any report in relation to the authorised insurance NOHC that is required to be prepared by an auditor under the Insurance Act, prudential standards made under the Insurance Act or reporting standards under FSCODA; or

   (f) a person who performs activities for a subsidiary of the APRA-regulated institution where those activities may materially affect the whole, or a substantial part, of the business of the APRA-regulated institution or its financial standing, either directly or indirectly.

2. References to a subsidiary in subparagraph 1(f) of this Attachment do not apply to a subsidiary that is an RSE licensee.

Authorised Version F2016L01440 registered 15/09/2016

Attachment D - Responsible persons of Category C insurers

1. A responsible person of a Category C insurer is any person who is:

   (a) a senior manager of the Category C insurer who is, except in the case of the senior officer outside Australia referred to in paragraph 25(d) of this Prudential Standard, ordinarily resident in Australia;

   (b) the Category C insurer's **agent in Australia** where the agent in Australia is an individual[28];

   (c) a director of the Category C insurer's agent in Australia where the agent in Australia is a corporate agent;

   (d) a senior manager of the Category C insurer's agent in Australia where the agent in Australia is a corporate agent;

   (e) the Appointed Auditor of the Category C insurer;

   (f) the Appointed Actuary and the Reviewing Actuary of the Category C insurer; or

   (g) a person who performs activities for a subsidiary of the Category C insurer that the Category C insurer controls as part of its Australian operations, where:

      (i) those activities may materially affect the whole, or a substantial part, of the business of the Category C insurer or its financial standing, either directly or indirectly; and

      (ii) the person is ordinarily resident in Australia.

2. References to a subsidiary in subparagraph 1(g) of this Attachment do not apply to a subsidiary that is an RSE licensee.

[28] Note that 'agent in Australia' in this Prudential Standard includes a person appointed under subsection 118(2), (3) or (3A) of the Insurance Act to act as agent on a temporary basis.

Authorised Version F2016L01440 registered 15/09/2016

Attachment E - Responsible persons of life companies and registered life NOHCs

1. A responsible person of a life company (other than an EFLIC) or registered life NOHC is any person who is:

   (a) a director of the APRA-regulated institution;

   (b) a senior manager of the institution;

   (c) for a life company, the Auditor;

   (d) for a life company, the Appointed Actuary;

   (e) a responsible auditor who is required, in relation to a registered life NOHC, to prepare a report under the Life Insurance Act, prudential standards made under the Life Insurance Act or reporting standards under FSCODA; or

   (f) a person who performs activities for a subsidiary of the life company or registered life NOHC where those activities may materially affect the whole, or a substantial part, of the business of the life company or registered life NOHC or its financial standing, either directly or indirectly.

2. References to a subsidiary in subparagraph 1(f) of this Attachment do not apply to a subsidiary that is an RSE licensee.

Authorised Version F2016L01440 registered 15/09/2016

Attachment F - Responsible persons of eligible foreign life insurance companies

1. A responsible person of an EFLIC is any person who is:

   (a) a member of the Compliance Committee of the EFLIC;

   (b) a senior manager of the Australian operations of the EFLIC who is ordinarily resident in Australia;

   (c) the Auditor of the EFLIC;

   (d) the Appointed Actuary of the EFLIC; or

   (e) a person who performs activities for a subsidiary of the EFLIC that the EFLIC controls as part of its Australian operations, where:

      (i) those activities may materially affect the whole, or a substantial part, of the business of the Australian operations of the EFLIC or its financial standing, either directly or indirectly; and

      (ii) where the person is ordinarily resident in Australia.

2. References to a subsidiary in subparagraph 1(e) of this Attachment do not apply to a subsidiary that is an RSE licensee.

Authorised Version F2016L01440 registered 15/09/2016

AFP
AUSTRALIAN FEDERAL POLICE

NATIONAL POLICE CHECK (NPC) APPLICATION FORM

Website: www.afp.gov.au Telephone: 02 6140 6502 Fax: 1300 549 456
Enquiries: AFP-NationalPoliceChecks@converga.com.au ABN: 17 864 931 143
Office Hours: 8am to 5pm, Monday to Friday (except A.C.T Public Holidays)

FOR OFFICE USE ONLY

- ☐ Payment
- ☐ Consent
- ☐ Proof of IDs
- ☐ Mandatory Details
- ☐ Fingerprints (attached)
- ☐ Fingerprints (paid)

Ref No:

Notes:

Please complete this form by referring to the Application Completion Guide. If completing manually, use **BLOCK LETTERS** and **black ink.** Mark check boxes with a cross (X).

SECTION 1: Type of check required

(this section must be completed - select only one)

☐ Name Check Only (Fee: $42) ☐ Name and Fingerprint Check (Fee: $99 if fingerprints are taken and paid, $139 if not paid)

SECTION 2: Fingerprints (Optional)

(complete only where fingerprints are required and/or authorised by law)

Please note that a fingerprint check is only required under very limited circumstances. Please ensure that you are actually required to have a fingerprint check conducted before going to the expense of this level of check by checking with the organisation/department requesting the check.

Note: Fingerprints can be taken by your local police jurisdiction or the AFP. Where fingerprints are taken by the AFP and the AFP charges for this service a receipt must be obtained and supplied to Criminal Records with this application.

Date Taken: (DD MM YYYY)

Police Station: Officer's Name & No:

SECTION 3: Details of Applicant

(this section must be completed)

Family Name / Surname :

First Name / Given Name:

Other Given Names:

Date of Birth: (DD MM YYYY) ☐ Male ☐ Female

Were you born in Australia?

☐ Yes ▶ Suburb / Town of Birth: State:

☐ No ▶ Country of Birth:

Daytime Contact Number:

Email Address (optional):

Australian Driver's Licence No: Issuing State:

SECTION 4: Other names you have used

(including former, maiden name/s etc)

☐ Former Name ☐ Also known as Date of Birth: (DD MM YYYY)

Family Name / Surname :

First Name / Given Name:

Other Given Names:

☐ Former Name ☐ Also known as Date of Birth: (DD MM YYYY)

Family Name / Surname :

First Name / Given Name:

Other Given Names:

Note: If you need to record additional names please use Attachment B.

SECTION 5: Current & Previous Residential Addresses

(this section must be completed)

Current Residential Address (must not be a PO Box or Business Address)

Unit No / Street No / Street Name:

Suburb / Town / Locality:

Postcode: State:

Country:

Date you started living at this address: (DD MM YYYY)

In the event you have not resided in your current location for 10 years or greater, please provide details of your previous residential addresses.

Previous Residential Address (must not be a PO Box or Business Address) - **Note:** To record additional addresses please use Attachment C.

Unit No / Street No / Street Name:

Suburb / Town / Locality:

Postcode: State:

Country:

Date you started living at this address: (DD MM YYYY)

SECTION 6: Mailing Address for Police Certificate

This can be a PO Box or Business Address. **Note: If not completed**, the certificate will be sent to the applicant at the Current Residential Address specified in Section 5.

(optional) I authorise the Police Certificate to be forwarded to the following person/organisation

Attn. To / Organisation:

Unit No / Street No / Street Name:

Suburb / Town / Locality:

Postcode: State:

Country:

SECTION 7: Payment Details

(this section must be completed)

☐ Credit Card/Debit Card (please complete card details below) ☐ Bank Cheque ☐ Money Order

Cardholder's Name:

Credit Card Number:

☐ Mastercard (Surcharge: 0.528%) ☐ Visa 0.528% ☐ Amex 1.595%)

Expiry Date: (MM YY) CVC Number:

I authorise the AFP or their agent to process the relevant application amount from the above credit card account.

NB: The amount to be deducted is as per the selected fee specified on Page 1 (Section 1) of this form, plus a surcharge where payment is by Credit Card.

FOR OFFICE USE ONLY

Payment Confirmation No:

Processed Amount: (AUD)

☐ Card Declined

SECTION 8: Purpose of Check

(Choose one purpose only from the following list)

If the purpose for your NPC is not listed or you are unsure please call the National Police Check Help Desk on 02 6140 6502 between 8am and 5pm (Australian EST).

	Code Number	A.C.T. Purpose / Employment	Offences recorded in the A.C.T. that will be released (Spent Convictions Act 2000)
☐	10	Aged Care provider/worker	All offences
☐	11	Brothel or Escort Agency Owner/Operator/Interested party	All offences
☐	12	Child Care provider/worker	All offences
☐	13	Disabled Care provider/worker or Hospital Employment	All offences
☐	15	Fire fighting/prevention	Unspent offences and Arson or Attempted Arson offences
☐	16	Firearms Licence/permit	All offences
☐	17	Interactive Gambling Licence/Casino Employee	All offences
☐	18	Judge/Magistrate/Justice of the Peace/ Police Officer/Prison Officer	All offences
☐	19	Child/Aged/Disabled Care provider/worker	All offences
☐	20	Working in a School	All offences
☐	21	Teacher/teacher's aide	All offences
☐	30	Pre employment/standard disclosure	Unspent offences

	Code Number	Commonwealth Purpose / Employment	Offences recorded in the Commonwealth that will be released (Part VIIC Crimes Act 1914)
☐	22	Aged Care staff/volunteers	Unspent offences and offences against the person
☐	23	Aged Care Key Personnel	Unspent offences
☐	24	Australian Securities and Investments Commission (ASIC) employee/consultant	All offences
☐	25	Australian Securities and Investments Commission (ASIC) Consumer Credit/Financial Services Licensing Requirements	Unspent offences
☐	26	AUSTRAC employee/consultant	All offences
☐	27	Care of intellectually disabled persons	Unspent offences and offences against the person
☐	28	Care, instruction or supervision of children	Unspent offences (a) a sexual offence; or (b) any other offence against the person if the victim of the offence was under 18 at the time the offence was committed
☐	29	CASA ASSC	Unspent offences
☐	31	Employee with access to secret or top secret information	All offences
☐	32	Immigration Detention Centre Employment	Unspent offences and offences involving violence
☐	33	Immigration/Citizenship ** Please note, fingerprints are <u>not required</u> unless specifically advised by the Department of Immigration and Citizenship	All offences
☐	35	Overseas employment/visa	Unspent offences
☐	36	Superannuation Trustee/Custodian/Investment manager or Responsible officer of a body corporate that is a trustee, investment manager or custodian of a superannuation entity	Unspent offences and offences in respect of dishonest conduct
☐	37	Care, instruction or supervision of children/ Care of intellectually disabled persons/ Aged Care staff/volunteers	Unspent offences, offences against the person and (i) a sexual offence; or (ii) any other offence against the person if the victim of the offence was under 18 at the time the offence was committed
☐	40	Commonwealth department employee	Unspent offences

SECTION 9: Applicant's Consent

(this section must be completed)

i. I acknowledge I have read all the instructions while completing this form and I am aware exclusions from spent convictions legislation may apply to some categories of NPCs.
ii. The personal information I have provided on this form (including fingerprints if supplied) and all the attachments (if any) relate to me and are correct.
iii. I acknowledge the details contained on this form, including fingerprints where relevant, will be forwarded to the AFP, CrimTrac, and/or the Police Services of the States or Territories of the Commonwealth of Australia.
iv. I consent to the AFP and any other Australian police force extracting details of any convictions, findings of guilt or pending court proceedings relating to me, including in relation to any traffic offence, and providing that information to me or to the Employer/Organisation named in Section 6.
v. I acknowledge the information provided on this form will not be used without my prior consent for any other purpose, unless otherwise authorised by law.
vi. I acknowledge that any information provided on this form or disclosed by the police as a result of the records check may be taken into account by any organisation to whom I present the results of the records check in assessing my suitability to receive the entitlement.
vii. I acknowledge that only details contained in this application or on attachments signed by me will be checked and that should I subsequently require further names and/or details to be checked then I will be required to submit a new application and payment.
viii. I understand that it is an offence to provide false or misleading information in this application, or omit to provide information that may result in this application being false or misleading.

Applicant's Signature: **Date:** / /

If you are under 18 years of age (as at the date of the application), please provide consent below from a parent/guardian.

Parent/Guardian's Name:

Parent/Guardian's Signature: **Date:** / /

Attachment A: Proof of Identity (this section must be completed)

A minimum of 100 points of identification has to be provided with the application. Please ensure that only photocopies of the original documents are attached.

Tick if included	You must supply at least ONE Primary document Foreign documents must be accompanied by an official translation	Required on document **N** = Name, **P** = photo **A** = Address, **S** = Signature	Points Worth	Points gained (applicant to fill)
	Primary Documents			
☐	Foreign Passport (current)	N – P	70	
☐	Australian Passport (current or expired last 2 years but not cancelled)	N – P	70	
☐	Australian Citizenship Certificate	N	70	
☐	Full Birth certificate (not extract)	N	70	
☐	Certificate of Identity issued by the Australian Government to refugees and non Australian citizens for entry to Australia	N	70	
☐	Australian Driver License/Learner's Permit	N – A – P	40	
☐	Current (Australian) Tertiary Student Identification Card	N – P	40	
☐	Photo identification card issued for Australian regulatory purposes (e.g. Aviation/Maritime Security identification, security industry etc.)	N – P	40	
☐	Government employee ID (Australian Federal/State/Territory)	N – P	40	
☐	Defense Force Identity Card (w/ photo or signature)	N – P	40	
	Secondary Documents			
☐	Department of Veterans Affairs (DVA) card	N – A	40	
☐	Centrelink card (with reference number)	N – A	40	
☐	Birth Certificate Extract	N	25	
☐	Birth card (NSW BDM only)	N	25	
☐	Medicare card	N	25	
☐	Credit card or account card	N	25	
☐	Australian Marriage certificate (Registry issue only)	N – S	25	
☐	Decree Nisi / Decree Absolute (Registry issue only)	N – S	25	
☐	Change of name certificate (Registry issue only)	N – S	25	
☐	Bank statement	N – A	25	
☐	Property lease agreement - current address	N – A	25	
☐	Taxation assessment notice	N – A	25	
☐	Australian Mortgage Documents	N – A	25	
☐	Rating Authority - eg Land Rates	N – A	25	
☐	Utility Bill - electricity, gas, telephone (less than 12 months old)	N – A	20	
☐	Reference from Indigenous Organisation	N – P	20	
☐	Documents issued outside Australia (equivalent to Australian documents). Must have official translation attached	N – P	20	
	Total points provided (minimum 100) with this application :			

Submission Checklist

Prior to submitting your application, please complete the checklist below to ensure your request can be processed in a timely manner. **Failure to complete or supply any part of the application may result in it being returned prior to processing.**

- ☐ All required details in Sections 1 to 9 are complete.
- ☐ I can be reached during business hours on the phone number I have provided in section 3.
- ☐ I have attached photocopies of my identification, for documents selected in attachment A above.
- ☐ I have provided my credit card details for electronic payment or I will attach a cheque or money order payable to the AFP for the current fee.
- ☐ (optional) If a fingerprint check is required, I have provided my fingerprints and if relevant, a copy of the receipt for payment.

Once all the above steps have been completed, attach your photocopied identification documents and payment to the application form and post to:

Australian Federal Police
Criminal Records
Locked Bag 8550
CANBERRA CITY ACT 2601

Attachment B: Other names you have used

(use only if required)

☐ Former Name ☐ Also known as Date of Birth: (DD MM YYYY)

Family Name / Surname :

First Name / Given Name:

Other Given Names:

☐ Former Name ☐ Also known as Date of Birth: (DD MM YYYY)

Family Name / Surname :

First Name / Given Name:

Other Given Names:

☐ Former Name ☐ Also known as Date of Birth: (DD MM YYYY)

Family Name / Surname :

First Name / Given Name:

Other Given Names:

Attachment C: Previous Residential Address

(use only if required - must not be a PO Box or Business Address)

Unit No / Street No / Street Name:

Suburb / Town / Locality:

Postcode: State:

Country:

Date you started living at this address: (DD MM YYYY)

Unit No / Street No / Street Name:

Suburb / Town / Locality:

Postcode: State:

Country:

Date you started living at this address: (DD MM YYYY)

Unit No / Street No / Street Name:

Suburb / Town / Locality:

Postcode: State:

Country:

Date you started living at this address: (DD MM YYYY)