

**Memorandum of Understanding for Procedures for  
Liaison Between  
Reserve Bank of Australia  
and  
Australian Payments Network Limited**

**Objective**

1. The Reserve Bank of Australia (RBA) and the Australian Payments Network Limited (AusPayNet) both have an interest in the operation and development of the Australian payments system. Both organisations agree to the procedures set out in this document to facilitate an effective working relationship through which to promote an efficient, stable, and competitive payments system in Australia. This memorandum is a statement of intent of the RBA and AusPayNet and is not intended to create any binding legal obligations, or to fetter the discretion of the parties in any way in the discharge of their functions.
2. AusPayNet recognises that the RBA has multiple roles – as a member of AusPayNet, payments system regulator, provider and operator of payment system infrastructure, and provider of transactional banking services to the Australian Government and its agencies. Accordingly, AusPayNet will ensure that the RBA is informed of all relevant activities undertaken by AusPayNet on the basis that these may have public policy or operational implications. Where appropriate, the RBA will in turn inform AusPayNet of any operational or public policy issues that may impact on AusPayNet's role. In addition, the RBA communicates with AusPayNet during RITS incidents, and acts as the crisis communications facilitator for major disruptions to AusPayNet administered frameworks. These communication procedures are covered in separate operational documentation.<sup>1</sup>

**Responsibilities**

3. Under the *Reserve Bank Act 1959*, the RBA has responsibility for promoting the efficiency, stability and competitiveness of the Australian payments system. Its powers to achieve this mandate are contained in the *Payment Systems (Regulation) Act 1998*, the *Cheques Act 1986* and the *Payment Systems and Netting Act 1998*. The RBA also operates the real-time gross settlement system, has a role in supplying banknotes to Australian banks, and provides banking services to the Australian Government and some agencies. The RBA's Banking Department, which provides transactional banking services to the Australian Government, is represented on the AusPayNet Board.
4. AusPayNet is the industry association and self-regulatory body for payments which enables competition and innovation, promotes efficiency, controls and manages risk in the Australian payments system. It does this through facilitating industry collaboration, self-regulation, system-wide standards, and the development of industry policy in order to coordinate the operation of effective payment systems. Its members include organisations that directly

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<sup>1</sup> Australian Payments Network Limited Crisis Communications Plan, AusPayNet Member Incident Plan, and Operational Manager – Member Communication Arrangements (Community of Interest Network Infrastructure System (COIN)).

participate in the payments system (such as banks, building societies, and credit unions); commercial operators of payment systems and technology companies; and suppliers of goods and services to card issuers, acquirers and schemes.

### **Liaison**

5. The RBA and AusPayNet acknowledge the benefits of sharing information that will assist each other in performing their respective functions.
6. These liaison procedures are intended to promote discussions between the RBA and AusPayNet on policy and operational issues affecting the payments system. They do not cover the role of the RBA appointee on the AusPayNet Board (from the RBA's Banking Department), nor do they preclude ad hoc engagement as requested by either party.
7. Shortly after each AusPayNet Board meeting, the Chief Executive Officer (CEO) of AusPayNet will discuss with the Head of Payments Policy Department at the RBA:
  - (a) any matters raised at the AusPayNet Board meeting that could have implications for the RBA's legislative or operational responsibilities for the Australian payments system; and
  - (b) any matters of current or likely interest to the RBA that could have implications for AusPayNet's role in seeking to improve the Australian payments system.

An agenda will be prepared in draft by AusPayNet and agreed with the RBA prior to each liaison meeting. The agenda will be finalised a week before each meeting to enable distribution and feedback within the RBA.

8. The Head of Payments Policy Department will ensure that the Head of Payments Settlements Department is kept informed of any issues that may be relevant to the Payments Settlements Department and is invited to AusPayNet liaison meetings as appropriate.
9. At least once a year, the Heads of Payments Policy and Payments Settlements Departments at the RBA will meet with the Board of AusPayNet to exchange information on the activities undertaken by each body related to their respective responsibilities.
10. The CEO of AusPayNet will inform the Head of Payments Policy Department at the RBA of any issues that might have implications for the RBA's operational or policy responsibilities as soon as practicable rather than waiting for the next regularly scheduled meeting. The RBA will do likewise for any issues having implications for AusPayNet's role.
11. It will at times be desirable for the RBA's Payments Settlements Department to work closely with AusPayNet, including where an entity is applying for membership of both RITS and AusPayNet's frameworks. Accordingly, Payments Settlements Department and AusPayNet will discuss common applicants, or existing members making changes to their existing arrangements. The RBA will encourage relevant Exchange Settlement Account (ESA) applicants/holders to contact AusPayNet about participation in AusPayNet's frameworks. AusPayNet will encourage relevant applicants/members to contact the RBA about ESAs.

12. At least two times a year, Payments Settlements Department will meet with AusPayNet to discuss matters relating to membership of RITS and/or AusPayNet frameworks. Payments Settlements Department and AusPayNet may also meet on an ad-hoc basis to discuss specific applicants and/or members.
13. None of the arrangements set out above oblige either party to share information that is:
  - (a) commercially sensitive or otherwise confidential;
  - (b) subject to confidentiality obligations with a third party; or
  - (c) subject to a statutory obligation of secrecy or confidentiality.
14. The RBA and AusPayNet agree that all information disclosed through the liaison arrangements set out in this document is confidential to the parties and accordingly will not be disclosed to a third party unless it is already in the public domain or agreed otherwise. This does not, however, preclude the RBA from fulfilling its information sharing obligations with other regulators.
15. The RBA and AusPayNet further acknowledge that it is possible that information may be disclosed to the RBA for policy purposes that would not be appropriate to share with the RBA's Banking Department. If AusPayNet is of the view that specific information it provides to the Head of the Payments Policy Department should not be shared with the Banking Department because of a conflict of interest, it will make this clear at the time, including why this information cannot be shared. In such circumstances, the RBA has arrangements to protect such information. More specifically, information flow between the RBA's Banking and Payments Policy Departments is subject to the RBA's policy on Managing Potential Conflicts of Interest Arising from the Bank's Commercial Activities.<sup>2</sup> However, as indicated in paragraph 6 above, nothing in this document affects the role of the RBA appointee on the AusPayNet Board and this document will not affect the availability of information to the RBA appointee on the AusPayNet Board in his or her capacity as a Board member.
16. When RBA's Payments Policy Department is seeking information on discussions at the AusPayNet Board, it will consult the CEO or Chairman of AusPayNet rather than the RBA appointee to the AusPayNet Board.

#### **Participation on AusPayNet Committees**

17. AusPayNet undertakes to inform the Head of Payments Policy Department of the proposed establishment of any new committee or working group by the AusPayNet Board or any management committee, including details on terms of reference and membership. It will also notify the RBA of any substantial changes to existing committees and working groups.
18. The RBA may be a framework participant of any AusPayNet system for which it qualifies for membership (on the same basis as other members) and will have a right to appoint a member to the management committee of a particular framework if it meets the criteria for appointment in accordance with AusPayNet's Constitution.

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<sup>2</sup> <https://www.rba.gov.au/payments-and-infrastructure/payments-system-regulation/conflict-of-interest.html>

19. Where it is a framework participant, the RBA will be provided with management committee memoranda for that framework (on the same basis and to the same extent as other members) even if it is not represented on that management committee in its own right.
20. Given the RBA's important role in the operation and provision of services to the high value clearing system, as well as its importance to the cash distribution system, the RBA has an automatic right to appoint a representative to the management committees responsible for the administration of the corresponding AusPayNet frameworks, among other AusPayNet frameworks. The voting entitlements of the RBA's representatives will be determined in accordance with the regulations applicable to the relevant AusPayNet framework.
21. Where the RBA is not represented on a particular management committee, a representative of the RBA may attend meetings of that management committee, and any of its subcommittees, on an ad hoc basis, where the RBA and AusPayNet agree.
22. Where the RBA is not a framework participant of a system, it will receive a copy of any material that is distributed to the framework participants in that system. The RBA will treat material it receives from AusPayNet committees or subcommittees as confidential under the same terms that apply to AusPayNet members.

**Review**

23. This document will be reviewed every two years by the RBA and AusPayNet to ensure it is meeting its objective, with any proposed changes to be agreed between the RBA and AusPayNet.


**For and on behalf of the Reserve Bank of Australia:**



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Name: Ellis Connolly  
Position: Head of Payments Policy Department  
Date: 16/10/23

**For and on behalf of Australian Payments Network Limited:**



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Name: Andy White  
Position: Chief Executive Officer  
Date: 17/10/2023