



Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2013

I, William Richard Shorten, Minister for Financial Services and Superannuation, make the following determination under subsection 7(3) of the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998*.

Dated: 24 June 2013

William Richard Shorten
Minister for Financial Services and Superannuation

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1 Name of determination

This determination is the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2013*.

2 Commencement

This determination commences on 1 July 2013.

3 Authority

This determination is made under subsection 7(3) of the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998*.

4 Repeal

The *Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2012* is repealed.

5 Definitions

(1) In this determination:

2013-2014 financial year means the financial year commencing on 1 July 2013.

Act means the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998*.

ARS 320.0 entity means an entity mentioned in paragraph 2 of Reporting Standard ARS 320.0 as an entity to which that Reporting Standard applies.

foreign ADI has the same meaning as in the *Banking Act 1959*.

Form ARF 320.0 means the form titled “ARF 320.0 Statement of Financial Position (Domestic Books)”, which is part of Reporting Standard ARS 320.0.

Form ARF 323.0 means the form titled “ARF 323.0 Statement of Financial Position (Licensed ADI)”, which is part of Reporting Standard ARS 323.0.

provider of purchased payment facilities means an ADI that:

- (a) engages in the provision of one or more purchased payment facilities in circumstances in which at least one of the facilities is of the kind described in regulation 3 of the *Banking Regulations 1966*; and
- (b) does not otherwise carry on banking business within the meaning of section 5 of the *Banking Act 1959*.

purchased payment facility has the same meaning as in the *Payment Systems (Regulation) Act 1998*.

reporting period, in relation to an ADI, means the reporting period that applies to the ADI under:

- (a) paragraph 5 or 6 of Reporting Standard ARS 320.0; or
- (b) paragraph 5 or 6 of Reporting Standard ARS 323.0.

Reporting Standard ARS 320.0 means the Reporting Standard ARS 320.0 Statement of Financial Position (Domestic Books), which is:

- (a) in the Schedule to the *Financial Sector (Collection of Data) (reporting standard) determination No. 30 of 2008—Reporting standard ARS 320.0 Statement of Financial Position (Domestic Books)*; and
- (b) made under section 13 of the *Financial Sector (Collection of Data) Act 2001*.

Reporting Standard ARS 323.0 means the Reporting Standard ARS 323.0 Statement of Financial Position (Licensed ADI), which is:

- (a) in the Schedule to the *Financial Sector (Collection of Data) (reporting standard) determination No. 40 of 2008—Reporting standard ARS 323.0 Statement of Financial Position (Licensed ADI)*; and
- (b) made under section 13 of the *Financial Sector (Collection of Data) Act 2001*.

specialist credit card institution means an ADI that:

- (a) engages in credit card issuing or credit card acquiring, or both; and
- (b) does not otherwise carry on banking business within the meaning of section 5 of the *Banking Act 1959*.

valuation day, in relation to an ADI, means:

- (a) for an ADI that was an ADI at all times during the period from 17 March 2013 to 30 June 2013—31 March 2013; and
- (b) for an ADI that was an ADI for some, but not all, of the period from 17 March 2013 to 30 June 2013—the day, after 17 March 2013, on which it became an ADI; and
- (c) for an ADI that became an ADI after 30 June 2013—the day on which it became an ADI.

Note: **ADI** is defined in section 5 of the Act.

- (2) In this determination, a reference to a period from a specified date to another specified date is a reference to a period that includes both of those dates.

6 Amount of levy

For paragraphs 7(3)(a), (b), (c) and (ca) of the Act, an item in the following table sets out, for the 2013-2014 financial year, the following for the class of ADI mentioned in the item:

- (a) the maximum and minimum restricted levy amounts;
- (b) the restricted and unrestricted levy percentages.

Amount of levy					
Item	ADI	Maximum restricted levy amount (\$)	Minimum restricted levy amount (\$)	Restricted levy percentage	Unrestricted levy percentage
1	Foreign ADI	1 170 500	490	0.00250	0.000776
2	Specialist credit card institution	1 170 500	10 300	0.00250	0.000776
3	Provider of purchased payment facilities	1 170 500	10 300	0.00250	0.000776
4	ADI not mentioned in item 1, 2 or 3	2 341 000	490	0.00499	0.000776

7 ADI's levy base—ADI other than a specialist credit card institution or provider of purchased payment facilities

- (1) For paragraph 7(3)(d) of the Act, the ADI's levy base of an ADI, other than a specialist credit card institution or provider of purchased payment facilities, is to be worked out using the following table and subsections (2) to (5).

ADI's levy base—ADI other than a specialist credit card institution or provider of purchased payment facilities		
Item	If the ADI ...	the ADI's levy base is ...
1	(a) was an ADI at all times from 17 March 2013 to 30 June 2013; and (b) was required to give information using Form ARF 320.0 for a reporting period ending during the period from 17 March 2013 to 14 April 2013	the sum of the amounts required to be reported in the following items in that Form: (a) item 10 Total assets; (b) item 11.2 Australian ADI operations: Total amount due from non-residents (excluding intra-company transactions); (c) item 11.3 Australian ADI operations: Total amount due from overseas operations of the ADI.
2	(a) was an ADI at all times from 17 March 2013 to 30 June 2013; and (b) was required to give information using Form ARF 323.0 for a reporting period ending during the period from 17 March 2013 to 14 April 2013	the amount required to be reported in item 11 Total assets in that Form.

- (2) Subsection (3) applies to an ADI that:
- is not described in items 1 and 2 of the table in subsection (1); and
 - was an ARS 320.0 entity on the valuation day for the ADI.

- (3) The ADI's levy base is the sum of the values of the following assets of the ADI as at the valuation day for the ADI, with the values of those assets being worked out in the same way as for the corresponding items in Form ARF 320.0:
 - (a) item 10 Total assets;
 - (b) item 11.2 Australian ADI operations: Total amount due from non-residents (excluding intra-company transactions);
 - (c) item 11.3 Australian ADI operations: Total amount due from overseas operations of the ADI.
- (4) Subsection (5) applies to an ADI that:
 - (a) is not described in items 1 and 2 of the table in subsection (1); and
 - (b) was not an ARS 320.0 entity on the valuation day for the ADI.
- (5) The ADI's levy base is the value of the ADI's assets as at the valuation day for the ADI, worked out in the same way as for item 11 Total assets in Form ARF 323.0.

8 ADI's levy base—specialist credit card institution

- (1) For paragraph 7(3)(d) of the Act, the ADI's levy base of a specialist credit card institution is to be worked out using this section.
- (2) Subsection (3) applies to an ADI that:
 - (a) was an ADI at all times from 17 March 2013 to 30 June 2013; and
 - (b) was required to lodge Form ARF 323.0 for a reporting period ending during the period from 17 March 2013 to 14 April 2013;
- (3) The ADI's levy base is the sum of the amounts required to be reported in the following items in Form ARF 323.0:
 - (a) item 6.1.3 Credit cards (under item 6.1 Loans to Households);
 - (b) item 6.2.5.2 of which: Credit cards (under item 6.2 Commercial Lending and item 6.2.5 Total commercial lending).
- (4) If the institution is not an ADI mentioned in subsection (2), the ADI's levy base is the sum of the values of the household credit card loan assets and the commercial credit card loan assets of the institution as at the valuation day, with the values of those assets being worked out in the same way as for the following items in Form ARF 323.0:
 - (a) item 6.1.3 Credit cards (under item 6.1 Loans to Households);
 - (b) item 6.2.5.2 of which: Credit cards (under item 6.2 Commercial Lending and item 6.2.5 Total commercial lending).

9 ADI's levy base—provider of purchased payment facilities

For paragraph 7(3)(d) of the Act, the ADI's levy base of a provider of purchased payment facilities is the sum of the values of the following assets of the provider as at the valuation day, with the values of those assets being worked out in the same way as for the corresponding items in Form ARF 320.0:

- (a) item 10 Total assets;
- (b) item 11.2 Australian ADI operations: Total amount due from non-residents (excluding intra-company transactions);
- (c) item 11.3 Australian ADI operations: Total amount due from overseas operations of the ADI.