

Commonwealth of Australia

Telecommunications Universal Service Management Agency Act 2012

**Levy Amount Formula Modification
Determination 2014**

I, MALCOLM BLIGH TURNBULL, Minister for Communications, make the following Determination under subsection 99(2) of the *Telecommunications Universal Service Management Agency Act 2012*.

Dated 19 June 2014.

MALCOLM TURNBULL
Minister for Communications

1 Name of Determination

This Determination is the *Levy Amount Formula Modification Determination 2014*.

2 Commencement

This Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

3 Application

This Determination applies to the 2014 – 2015 eligible levy period and subsequent eligible levy periods.

4 Definitions

In this Determination:

Act means the *Telecommunications Universal Service Management Agency Act 2012*.

Note: The terms *ACMA*, *eligible levy period*, *eligible revenue period* and *participating person* have the same meaning given by section 4 of the Act.

5 Modification of the formula in subsection 99(1) of the Act

The formula in subsection 99(1) of the Act is modified by omitting subsection 99(1) and substituting the following:

Levy amount – for participating persons that cease to exist

- (1) If:
- (a) a person is a participating person for an eligible revenue period (the *relevant eligible revenue period*); and
 - (b) that person ceases to exist before the *date of assessment*;

then, for the purposes of this Act, the *levy amount* for that person for the eligible levy period starting immediately after the relevant eligible revenue period is zero.

where:

date of assessment means the date decided by the ACMA, being a date which is no earlier than the end of the relevant eligible revenue period and no later than the date the ACMA issues its written assessment under section 100.

Levy amount – for participating persons under external administration

- (1A) If:
- (a) a person is a participating person for an eligible revenue period (the *relevant eligible revenue period*); and
 - (b) that person is an *externally-administered body corporate* before the *date of assessment*;

then, for the purposes of this Act, the *levy amount* for that person for the eligible levy period starting immediately after the relevant eligible revenue period is the amount worked out using the formula:

Levy contribution factor x Overall levy target amount

where:

date of assessment means the date decided by the ACMA, being a date which is no earlier than the end of the relevant eligible revenue period and no later than the date the ACMA issues its written assessment under section 100.

externally-administered body corporate has the same meaning as in section 9 of the *Corporations Act 2001*.

levy contribution factor means the person's levy contribution factor for the eligible levy period, worked out under section 98.

overall levy target amount means the overall levy target amount for the eligible levy period worked out under section 88.

Note: External administration is primarily dealt with by Chapter 5 of the *Corporations Act 2001* (Cth). Chapter 5 includes provisions dealing with schemes of arrangement, administration, receivership and winding up.

Note: The *Telecommunications (Industry Levy) Act 2011* imposes levy on the levy amount.

Levy amount – all other participating persons

(1B) If:

- (a) a person is a participating person for an eligible revenue period (the **relevant eligible revenue period**); and
- (b) subsections (1) and (1A) do not apply to that person;

then, for the purposes of this Act, the **levy amount** for that person for the eligible levy period starting immediately after the relevant eligible revenue period is the amount worked out using the formula:

$$\frac{\text{Levy contribution factor} \times (\text{Overall levy target amount} + \text{Previous levy deficit})}{\text{Adjustment factor}}$$

where:

adjustment factor means the sum of the levy contribution factors for that eligible levy period worked out under section 98 for all participating persons covered by this subsection (1B).

levy contribution factor means the person's levy contribution factor for the eligible levy period worked out under section 98.

overall levy target amount means the overall levy target amount for that eligible levy period worked out under section 88.

previous levy deficit means the total of any shortfall between the overall levy target amount for the eligible levy period immediately before the relevant eligible revenue period and the amounts paid by all participating persons to the Commonwealth for that eligible levy period.

Note: The *Telecommunications (Industry Levy) Act 2011* imposes levy on the levy amount.