



Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2019

I, Simon Birmingham, Acting Treasurer, make the following determination under subsection 7(3) of the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998*.

Dated: 26 June 2019

Simon Birmingham
Acting Treasurer

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1 Name of determination

This determination is the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2019*.

2 Commencement

This determination commences on 1 July 2019.

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The *Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2018* is repealed.

5 Definitions

(1) In this determination:

2019-2020 financial year means the financial year commencing on 1 July 2019.

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

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

ARS 320.0 entity means an entity mentioned in the table in paragraph 3 of Reporting Standard ARS 320.0 as an entity to which that Reporting Standard applies.

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

Form ARF 320.0 means the form titled “ARF 320.0 Statement of Financial Position (Domestic Books)” that 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)” that 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 section 6 of the *Banking Regulation 2016*; 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 meaning given by section 7 of 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 7 or 8 of Reporting Standard ARS 320.0; or
- (b) paragraph 7 or 8 of Reporting Standard ARS 323.0;

as the case requires.

Reporting Standard ARS 320.0 means the Reporting Standard ARS 320.0 Statement of Financial Position (Domestic Books), which is in the Schedule to the *Financial Sector (Collection of Data) (reporting standard) determination No. 14 of 2018—Reporting Standard ARS 320.0 Statement of Financial Position (Domestic Books)*, or if that instrument is repealed and replaced, the replacement instrument.

Note: Financial sector reporting standards are 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 in the Schedule to the *Financial Sector (Collection of Data) (reporting standard) determination No. 23 of 2018—Reporting Standard ARS 323.0 Statement of Financial Position (Licensed ADI)*, or if that instrument is repealed and replaced, the replacement instrument.

Note: Financial sector reporting standards are made under section 13 of the *Financial Sector (Collection of Data) Act 2001*.

valuation day, in relation to an ADI, means:

- (a) for an ADI that is an ADI at all times during the period from 17 March 2019 to 30 June 2019—31 March 2019; and
- (b) for an ADI that is an ADI for some, but not all, of that period—the day, after 17 March 2019, on which it became an ADI; and
- (c) for an ADI that becomes an ADI after 30 June 2019—the day on which it became an ADI.

Note: Terms used in this determination have the same meaning as in the Act—see section 13 of the *Legislation Act 2003*.

- (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 2019-2020 financial year, and for the class of ADI mentioned in column 1 of the item:

- (a) the maximum and minimum restricted levy amounts (columns 2 and 3); and
- (b) the restricted and unrestricted levy percentages (columns 4 and 5).

Amount of levy					
Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Class of ADI	Maximum restricted levy amount (\$)	Minimum restricted levy amount (\$)	Restricted levy percentage	Unrestricted levy percentage
1	Foreign ADI	625,000	15,000	0.00100	0.000955
2	Provider of purchased payment facilities	625,000	15,000	0.00501	0.000955
3	ADI not mentioned in item 1 or 2	3,125,000	15,000	0.00501	0.000955

7 ADI's levy base—ADI other than a 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 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 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 2019 to 30 June 2019; and (b) was required to give information using Form ARF 320.0 for a reporting period ending during the period from 17 March 2019 to 14 April 2019	the sum of the amounts required to be reported in the following items in that Form: (a) Section A, item 10 Total assets; (b) Section A, item 11.2 Australian ADI operations: Total amount due from non-residents (excluding intra-company transactions); (c) Section A, 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 2019 to 30 June 2019; and (b) was required to give information using Form ARF 323.0 for a reporting period ending during the period from 17 March 2019 to 14 April 2019	the amount required to be reported in Section A, item 11 Total assets in that Form.

- (2) Subsection (3) applies to an ADI that:
- (a) is not described in items 1 and 2 of the table in subsection (1); and
 - (b) 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) Section A, item 10 Total assets;
 - (b) Section A, item 11.2 Australian ADI operations: Total amount due from non-residents (excluding intra-company transactions);
 - (c) Section A, 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 Section A, item 11 Total assets in Form ARF 323.0.

8 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 value of the assets of the provider as at the valuation day, worked out in the same way as for Section A, item 11 Total assets in Form ARF 323.0.