



Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2008

*Authorised Deposit-taking Institutions Supervisory Levy Imposition
Act 1998*

I, CHRIS BOWEN, Assistant Treasurer, make this Determination under subsection 7 (3) of the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998*.

Dated 2008

Assistant Treasurer

1 Name of Determination

This Determination is the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2008*.

2 Commencement

This Determination commences on 1 July 2008.

3 Revocation of *Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2007*

The *Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2007* is revoked.

4 Interpretation

(1) In this Determination:

2008–2009 financial year means the financial year beginning on 1 July 2008.

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.

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

Form ARF 320.0 means Form ARF 320.0, which formed part of Reporting Standard ARS 320.0.

Form ARF 323.0 means Form ARF 323.0, which formed part of Reporting Standard ARS 323.0.

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 Reporting Standard ARS 320.0 *Statement of Financial Position (Domestic Books)* which was made under section 13 of the *Financial Sector (Collection of Data) Act 2001* on 26 June 2006.

Reporting Standard ARS 323.0 means Reporting Standard ARS 323.0 *Statement of Financial Position (Licensed ADI)* which was made under section 13 of the *Financial Sector (Collection of Data) Act 2001* on 26 June 2006.

specialist credit card institution means an ADI that engages in credit card issuing or credit card acquiring, or both, and 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 2008 to 30 June 2008 — 31 March 2008; and
 - (b) for an ADI that was an ADI for some, but not all, of the period from 17 March 2008 to 30 June 2008 — the day, after 17 March 2008, on which it became an ADI; and
 - (c) for an ADI that became an ADI after 30 June 2008 — the day on which it became an ADI.
- (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.

5 Amount of levy (Act s 7)

For paragraphs 7 (3) (a), (b), (c) and (ca) of the Act, table 5 sets out matters for the 2008–2009 financial year.

Table 5

Item	ADI	Maximum restricted levy amount (\$)	Minimum restricted levy amount (\$)	Restricted levy percentage	Unrestricted levy percentage
1	Foreign ADI	700 000	470	0.00189	0.000447
2	Specialist credit card institution	700 000	470	0.00189	0.000447
3	ADI not mentioned in items 1 and 2	1 400 000	470	0.00377	0.000447

6 Asset value — ADI other than a specialist credit card institution (Act s 7)

- (1) For paragraph 7 (3) (d) of the Act, the asset value of an ADI, other than a specialist credit card institution, is to be worked out using table 6 and subsections (2) and (3).

Table 6

Item	If the ADI ...	the ADI's asset value is ...
1	<p>(a) was an ADI at all times from 17 March 2008 to 30 June 2008; and</p> <p>(b) was required to lodge Form ARF 320.0 for a reporting period ending during the period from 17 March 2008 to 14 April 2008</p>	<p>the sum of the amounts required to be reported in the following items in that Form:</p> <p>(a) Total assets;</p> <p>(b) Australian ADI operations: Total amount due from non-residents (excluding intra-company transactions);</p> <p>(c) Australian ADI operations: Total amount due from overseas operations of the ADI</p>
2	<p>(a) was an ADI at all times from 17 March 2008 to 30 June 2008; and</p> <p>(b) was required to lodge Form ARF 323.0 for a reporting period ending during the period from 17 March 2008 to 14 April 2008</p>	<p>the amount required to be reported in the item Total assets in that Form</p>

(2) If the ADI:

- (a) is not described in items 1 and 2 of table 6; and
- (b) was an ARS 320.0 entity on the valuation day;

the ADI's asset value is the sum of the values of the following assets of the ADI 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:
- (c) Total assets;
- (d) Australian ADI operations: Total amount due from non-residents (excluding intra-company transactions);
- (e) Australian ADI operations: Total amount due from overseas operations of the ADI.

(3) If the ADI:

- (a) is not described in items 1 and 2 of table 6; and
- (b) was not an ARS 320.0 entity on the valuation day;

the ADI's asset value is the value of the ADI's assets as at the valuation day, worked out in the same way as for item 11 Total assets in Form ARF 323.0.

7 Asset value — specialist credit card institution (Act s 7)

- (1) For paragraph 7 (3) (d) of the Act, the asset value of a specialist credit card institution is to be worked out using subsections (2) and (3).

- (2) If the specialist credit card institution:
- (a) was an ADI at all times from 17 March 2008 to 30 June 2008; and
 - (b) was required to lodge Form ARF 323.0 for a reporting period ending during the period from 17 March 2008 to 14 April 2008;
- then the specialist credit card institution's asset value is the sum of the amounts required to be reported in the following items in that Form:
- (c) 6.1.3 Credit cards (under item 6.1 Loans to Households);
 - (d) 6.2.5.2 *of which: Credit cards* (under item 6.2 Commercial Lending and item 6.2.5 Total commercial lending).
- (3) If subsection (2) does not apply to the specialist credit card institution, the specialist credit card institution's asset value is the sum of the values of the household credit card loan assets and the commercial credit card loan assets of the specialist credit card 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) 6.1.3 Credit cards (under item 6.1 Loans to Households);
 - (b) 6.2.5.2 *of which: Credit cards* (under item 6.2 Commercial Lending and item 6.2.5 Total commercial lending).