



Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2009¹

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

I, CHRIS BOWEN, Minister for Financial Services, Superannuation and Corporate Law, make this Determination under subsection 7 (3) of the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998*.

Dated 1 July 2009

CHRIS BOWEN

Minister for Financial Services, Superannuation and Corporate Law

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1 Name of Determination

This Determination is the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2009*.

2 Commencement

This Determination commences on 1 July 2009.

3 Revocation of *Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2008*

The *Authorised Deposit-taking Institutions Supervisory Levy Imposition Determination 2008* is revoked.

4 Interpretation

(1) In this Determination:

2009–2010 financial year means the financial year beginning on 1 July 2009.

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.

FHSA has the same meaning as in the *First Home Saver Accounts Act 2008*.

foreign ADI has the same meaning as in section 5 of the *Banking Act 1959*.

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

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

provider of purchased payment facilities means an ADI that:

- (a) engages in the provision of 1 or more purchased payment facilities in circumstances in which at least 1 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 *Reporting Standard ARS 320.0 Statement of Financial Position (Domestic Books)*, made under section 13 of the *Financial Sector (Collection of Data) Act 2001*.

Reporting Standard ARS 323.0 means *Reporting Standard ARS 323.0 Statement of Financial Position (Licensed ADI)*, 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 2009 to 30 June 2009 — 31 March 2009; and
 - (b) for an ADI that was an ADI for some, but not all, of the period from 17 March 2009 to 30 June 2009 — the day, after 17 March 2009, on which it became an ADI; and
 - (c) for an ADI that became an ADI after 30 June 2009 — 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 2009–2010 financial year.

Table 5

Item	ADI	Maximum restricted levy amount (\$)	Minimum restricted levy amount (\$)	Restricted levy percentage	Unrestricted levy percentage
1	Foreign ADI	800 000	470	0.00216	0.000415
2	Specialist credit card institution	800 000	10 000	0.00216	0.000415
3	Provider of Purchased Payment Facilities	800 000	10 000	0.00216	0.000415
4	ADI not mentioned in item 1, 2 or 3	1 600 000	470	0.00431	0.000415

6 Asset value — ADI other than a specialist credit card institution or provider of purchased payment facilities (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 or provider of purchased payment facilities, 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 2009 to 30 June 2009; and</p> <p>(b) was required to give information using Form ARF 320.0 for a reporting period ending during the period from 17 March 2009 to 14 April 2009</p>	<p>the sum of the amounts required to be reported in the following items in that Form:</p> <p>(a) item 10 Total assets;</p> <p>(b) item 11.2 Australian ADI operations: Total amount due from non-residents (excluding intra-company transactions);</p> <p>(c) item 11.3 Australian ADI operations: Total amount due from overseas operations of the ADI</p> <p>minus an amount equal to the sum of the balances of FHSAs provided by the ADI</p>
2	<p>(a) was an ADI at all times from 17 March 2009 to 30 June 2009; and</p> <p>(b) was required to give information using Form ARF 323.0 for a reporting period ending during the period from 17 March 2009 to 14 April 2009</p>	<p>the amount required to be reported in item 11 Total assets in that Form minus an amount equal to the sum of the balances of FHSAs provided by the ADI</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) item 10 **Total assets**;
 - (d) item 11.2 Australian ADI operations: Total amount due from non-residents (excluding intra-company transactions);
 - (e) item 11.3 Australian ADI operations: Total amount due from overseas operations of the ADI;
- minus an amount equal to the sum of the balances of FHSAs provided by the ADI as at the valuation day.
- (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, minus an amount equal to the sum of the balances of FHSAs provided by the ADI as at the valuation day.

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 institution:
- (a) was an ADI at all times from 17 March 2009 to 30 June 2009; and
 - (b) was required to lodge Form ARF 323.0 for a reporting period ending during the period from 17 March 2009 to 14 April 2009;
- the institution's asset value is the sum of the amounts required to be reported in the following items in that Form:
- (c) item 6.1.3 Credit cards (under item 6.1 **Loans to Households**);
 - (d) item 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 institution, the 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 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**).

8 Asset value — provider of purchased payment facilities (Act s 7)

For paragraph 7 (3) (d) of the Act, the asset value 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.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.