



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

**No. 51, 1998**

## **Compilation No. 8**

<b>Compilation date:</b>	20 June 2020
<b>Includes amendments up to:</b>	Act No. 55, 2020
<b>Registered:</b>	29 June 2020

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998* that shows the text of the law as amended and in force on 20 June 2020 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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# An Act to impose a levy on authorised deposit-taking institutions

## 1 Short title

This Act may be cited as the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998*.

## 2 Commencement

- (1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.
- (2) If this Act does not commence under subsection (1) within the period of 24 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.
- (3) If this Act commences during a financial year (but not on 1 July of that financial year), this Act has effect in relation to that financial year subject to the modifications specified in the regulations.

## 3 Act binds the Crown

This Act binds the Crown in each of its capacities.

## 4 External Territories

This Act extends to each external Territory.

## 5 Definitions

In this Act, unless the contrary intention appears:

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

Note: ADI is short for authorised deposit-taking institution.

***indexation factor*** means the indexation factor calculated under section 8.

***index number***, in relation to a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of that quarter.

***levy imposition day***, in relation to an ADI for a financial year, means:

- (a) if the ADI is an ADI on 1 July of the financial year—that day; or
- (b) in any other case—the day, during the financial year, on which the ADI becomes an ADI.

***statutory upper limit*** means:

- (a) for the financial year commencing on 1 July 2020—\$10,000,000; or
- (b) for a later financial year—the amount calculated by multiplying the statutory upper limit for the previous financial year by the indexation factor for the later financial year.

## **6 Imposition of authorised deposit-taking institutions supervisory levy**

Levy payable in accordance with subsection 8(1) of the *Financial Institutions Supervisory Levies Collection Act 1998* is imposed.

## **7 Amount of levy**

- (1) Subject to subsection (2), the amount of levy payable by an ADI for a financial year is the sum of the restricted levy component and the unrestricted levy component for the financial year.

Note: For ***restricted levy component***, see subsection (1A). For ***unrestricted levy component***, see subsection (1B).

- (1A) The ***restricted levy component*** for the financial year is:

- (a) unless paragraph (b) or (c) applies—the amount that, for the financial year, is the restricted levy percentage of the ADI's levy base; or
- (b) if the amount worked out under paragraph (a) exceeds the maximum restricted levy amount for the financial year—the maximum restricted levy amount; or
- (c) if the amount worked out under paragraph (a) is less than the minimum restricted levy amount for the financial year—the minimum restricted levy amount.

Note: The restricted levy percentage, maximum restricted levy amount, minimum restricted levy amount and the method of working out the ADI's levy base are as determined under subsection (3).

- (1B) The **unrestricted levy component** for the financial year is the amount that, for the financial year, is the unrestricted levy percentage of the ADI's levy base.

Note: The unrestricted percentage is as determined under subsection (3).

- (2) If the levy imposition day for the ADI for the financial year is later than 1 July in the financial year, the amount of levy payable by the ADI for the financial year is the amount worked out using the following formula:

$$\frac{\text{The amount worked out under subsection (1)}}{\text{The number of days in the financial year}} \times \left( 1 + \frac{\text{The number of days in the financial year after the levy imposition day}}{\text{The number of days in the financial year}} \right)$$

- (3) The Treasurer is, by legislative instrument, to determine:
- (a) the **maximum restricted levy amount** for each financial year; and
  - (b) the **minimum restricted levy amount** for each financial year; and
  - (c) the **restricted levy percentage** for each financial year; and
  - (ca) the **unrestricted levy percentage** for each financial year; and
  - (d) how an **ADI's levy base** is to be worked out.

- (4) An amount determined under subsection (3) as the maximum restricted levy amount for a financial year must not exceed the statutory upper limit for the financial year.
- (5) The Treasurer's determination under paragraph (3)(d) of how an ADI's levy base is to be worked out is to include, but is not limited to, a determination of the day as at which the ADI's levy base is to be worked out. That day must be:
  - (a) if the ADI was an ADI at all times from and including 17 March of the previous financial year to and including the following 30 June—a day in the period from and including that 17 March to and including the following 14 April; or
  - (b) if the ADI was not an ADI at all times from and including 17 March of the previous financial year to and including the following 30 June—the day after that 17 March when the ADI became, or becomes, an ADI.
- (6) A determination under subsection (3) may make different provision for different classes of ADIs.

## **8 Calculation of indexation factor**

- (1) The indexation factor for a financial year is the number worked out by:
  - (a) ascertaining the index number for the most recent quarter for which the Australian Statistician has published an index number, as at the start of the day on which the Treasurer makes the first determination under subsection 7(3) of an amount or percentage for the financial year; and
  - (b) dividing that index number by the index number for the quarter 12 months before the quarter mentioned in paragraph (a); and
  - (c) adding 0.030 to the number worked out under paragraph (b).
- (2) The indexation factor is to be calculated to 3 decimal places, but increased by .001 if the 4th decimal place is more than 4.
- (3) Calculations under subsection (1):

- (a) are to be made using only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and
- (b) are to be made disregarding index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

## **9 Regulations**

The Governor-General may make regulations for the purposes of subsection 2(3).

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled

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Endnote 1—About the endnotes

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law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

**Endnote 3—Legislation history**

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998	51, 1998	29 June 1998	1 July 1999 (s 2 and gaz 1999, S289)	
Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999	44, 1999	17 June 1999	Sch 6 (item 4) and Sch 8 (item 22): 17 June 1999 (s 2(1))	Sch 8 (item 22)
Authorised Deposit-taking Institutions Supervisory Levy Imposition Amendment Act 2005	12, 2005	22 Feb 2005	22 Feb 2005 (s 2)	Sch 1 (item 7)
Financial Sector Legislation Amendment (Simplifying Regulation and Review) Act 2007	154, 2007	24 Sept 2007	Sch 4 (items 2, 3): 24 Sept 2007 (s 2(1) item 7)	—
First Home Saver Accounts (Further Provisions) Amendment Act 2008	92, 2008	30 Sept 2008	Sch 3 (item 1): 1 July 2009 (s 2(1) item 3)	—
Financial Sector Legislation Amendment (Prudential Refinements and Other Measures) Act 2010	82, 2010	29 June 2010	Sch 5 (items 1–6): 1 July 2010 (s 2(1) item 16)	—
Statute Law Revision Act (No. 2) 2015	145, 2015	12 Nov 2015	Sch 4 (item 2): 10 Dec 2015 (s 2(1) item 7)	—

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

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## Endnotes

### Endnote 3—Legislation history

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<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Authorised Deposit-taking Institutions Supervisory Levy Imposition Amendment Act 2020	55, 2020	19 June 2020	20 June 2020 (s 2(1) item 1)	Sch 1 (item 6)

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## Endnote 4—Amendment history

**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
s 5 .....	am No 12, 2005; No 55, 2020
s 7 .....	am No 12, 2005; No 154, 2007; No 92, 2008; No 82, 2010; No 55, 2020
s 8 .....	am No 44, 1999; No 12, 2005; No 145, 2015; No 55, 2020