

1999

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA^v

HOUSE OF REPRESENTATIVES

**AUTHORISED NON-OPERATING HOLDING COMPANIES SUPERVISORY
LEVY DETERMINATION VALIDATION BILL 1999**

**LIFE INSURANCE SUPERVISORY LEVY DETERMINATION VALIDATION
BILL 1999**

**GENERAL INSURANCE SUPERVISORY LEVY DETERMINATION VALIDATION
BILL 1999**

**RETIREMENT SAVINGS ACCOUNT PROVIDERS SUPERVISORY LEVY
DETERMINATION VALIDATION BILL 1999**

**SUPERANNUATION SUPERVISORY LEVY DETERMINATION VALIDATION
BILL 1999**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Financial Services and Regulation,
the Honourable J.B. Hockey, MP)

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1**Outline**

1.1 The purpose of these Bills is to validate certain determinations made by the Treasurer. These determinations are the:

- Authorised Non-operating Holding Companies Supervisory Levy Imposition Determination 1998;
- Life Insurance Supervisory Levy Imposition Determination 1998;
- General Insurance Supervisory Levy Imposition Determination 1998;
- Retirement Savings Account Providers Supervisory Levy Imposition Determination 1998; and
- Superannuation Supervisory Levy Imposition Determination 1998.

1.2 These determinations relate to a levy imposed on certain industries from 1 July 1998. The determinations were signed by the Treasurer on 11 August 1998 and appeared in the Commonwealth Gazette of 13 August 1998 (S402).

1.3 Subsection 48(2) of the *Acts Interpretation Act 1901* provides that determinations have no effect if they take effect before the date of notification. In this case, the determinations were to take effect from 1 July 1998, but did not appear in the Gazette until 13 August 1998.

1.4 The determinations relate to the imposition of taxation and, therefore, require separate validating legislation for each determination.

Financial impact statement

1.5 There will be no net impact on the budget as levy receipts are fully appropriated for expenditure on regulatory purposes.

1.6 The Office of Regulation Review has advised that a Regulation Impact Statement is not required for these Bills as they are of a minor or government machinery nature and do not substantially alter existing arrangements.

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Clauses

The clauses in each of the Bills are consistent across each Bill.

Clause 1 – Short title

4.1 Upon enactment, these Bills will be known as the:

- *Authorised Non-operating Holding Companies Supervisory Levy Determination Validation Act 1999;*
- *Life Insurance Supervisory Levy Determination Validation Act 1999;*
- *General Insurance Supervisory Levy Determination Validation Act 1999;*
- *Retirement Savings Account Providers Supervisory Levy Determination Validation Act 1999; and*
- *Superannuation Supervisory Levy Determination Validation Act 1999.*

Clause 2 – Commencement

The Bills will commence when the *Financial Sector Reform (Amendments and Transitional Provisions) Bill (No.2) 1999* receives Royal Assent.

Clause 3 – Interpretation

These Bills relate to levies imposed by the:

- *Authorised Non-operating Holding Companies Supervisory Levy Imposition Act 1998;*
- *Life Insurance Supervisory Levy Imposition Act 1998;*
- *General Insurance Supervisory Levy Imposition Act 1998;*
- *Retirement Savings Account Providers Supervisory Levy Imposition Act 1998; and*
- *Superannuation Supervisory Levy Imposition Act 1998.*

Clause 4 – Validity of determination

The effect of this clause is that the determinations are valid from 1 July 1998, despite subsection 48(2) of the *Acts Interpretation Act 1901*.