

Commonwealth of Australia

Telecommunications (Consumer Protection and Service Standards) Act 1999

**Levy Debit Formula Modification
Determination (No. 1) 2002**

I, RICHARD KENNETH ROBERT ALSTON, Minister for Communications, Information Technology and the Arts, make the following Determination under subsection 20R(3) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

Dated 12 February 2002.

RICHARD ALSTON
Minister for Communications, Information Technology and the Arts

1 Name of Determination

This Determination is the *Levy Debit Formula Modification Determination (No. 1) 2002*.

2 Commencement

This Determination commences on gazettal.

3 Application

This Determination applies for the 2001-02 claim period and all subsequent claim periods.

4 Definitions

In this Determination:

Act means the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

claim period has the same meaning as in subsection 8D(1) of the Act.

5 Modification of the formula in subsection 20R(2) of the Act

The formula in subsection 20R(2) of the Act is modified by omitting subsection 20R(2) and substituting the following:

- (2) The *levy debit* for a participating person who is in receivership or liquidation or for any reason ceases to exist before the *decision date*, is worked out using the formula:

Levy contribution factor x Total levy credits

where:

decision date means the end of the claim period, or a later date decided by the Australian Communications Authority, but not after the Australian Communications Authority has issued its levy assessment under section 20U of the Act.

levy contribution factor means the person's levy contribution factor for that eligible revenue period worked out under section 20H.

total levy credits means the total of all the levy credits to which persons are entitled for that claim period.

- (2A) The *levy debit* for any other participating person is worked out using the formula:

$$\frac{\text{Levy contribution factor} \times (\text{Total levy credits} + \text{Previous levy deficit})}{\text{Adjustment factor}}$$

where:

adjustment factor means the sum of the levy contribution factors for that eligible revenue period worked out under section 20H for all participating persons covered by this subsection.

levy contribution factor means the person's levy contribution factor for that eligible revenue period worked out under section 20H.

previous levy deficit means the total of any shortfall between levy debits and levy credits for the 2001-02 claim period and all subsequent claim periods.

total levy credits means the total of all the levy credits to which persons are entitled for the claim period.

Note: Receivership and liquidation are primarily dealt with by Chapter 5 of the *Corporations Act 2001* (Cth) but may in some cases be dealt with by a law of a State or Territory. Chapter 5 includes provisions

dealing with schemes of arrangement, receivership and winding up. However, Chapter 5 does not apply to a scheme of arrangement, receivership, winding up or other external administration of a company to the extent to which the scheme, winding up or administration is carried out in accordance with a provision of a law of a State or Territory (see s. 5G(8) of the *Corporations Act 2001*).