Australian Capital Territory

Public Health (Fees) Determination 2021 (No 1)

**Disallowable instrument DI2021-262**

made under the

Public Health Act 1997, s 137 (Determination of fees)

**1 Name of instrument**

This instrument is the *Public Health (Fees) Determination 2021 (No 1)*.

**2 Commencement**

This instrument commences on 1 January 2022.

**3 Determination of fees**

I determine the fees for the Public Health Act specified in Schedules 1 to 5. The fee payable in respect of each matter listed in column 2 of a schedule is the amount listed for that item in column 4.

**4 Payment of fees**

A fee listed in a schedule is payable to the Territory by the person identified in column 3 of the schedule.

The fees are exempt from Goods and Services Tax under Division 81 of *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

**5 Refunding of fees**

Column 5 of the schedules specifies what amount, if any, of a fee identified in column 4 is non‑refundable.

A non‑refundable amount is included to cover the costs associated with the processing and administration of an application.

**6 Licence and registration terms**

The amounts listed in column 4 are based on a one-year licence or registration.

Subject to some limitations, licences and registrations can also be issued for longer terms, up to a maximum duration of three years. Where a longer term is granted, the applicable fee in column 4 is multiplied to correspond with the term of the licence or registration.

For example, the fee payable for a two-year licence is twice the fee specified in column 4.

**7 Definitions**

 The following terms apply to the Schedules:

***charity*** means a charity endorsed under subdivision 50-B of the *Income Tax Assessment Act 1997 (Commonwealth)*

***community pharmacy*** means a community pharmacy as defined by the *Medicines, Poisons and Therapeutic Goods Act 2008*

***dentist*** means a dentist as defined by the *Legislation Act 2001*

***medical practitioner***means a medical practitioner as defined by the *Legislation Act 2001.*

**8 Revocation**

This instrument revokes DI2019-250

Rachel Stephen-Smith MLA

Minister for Health

Date 11 November 2021

**SCHEDULE 1**

LICENSABLE PUBLIC HEALTH RISK ACTIVITY – INFECTION CONTROL - FEES

| **Column 1** | **Column 2** | **Column 3** | **Column 4** | Column 5 |
| --- | --- | --- | --- | --- |
| **Section** | **Description of matter for which fee is payable** | Payable By | **Fee Payable** | Non-refundable portion of fee |
| 29 | Application for licensable public health risk activity of infection control | Owner of the licensed premises to which the application relates | $201 per premises | $60 |
| Owner of the licensed premises to which the application relates and is a medical practitioner who: 1. has been accredited against the Royal Australian College of General Practitioners Standards for Accreditation by an accreditation authority authorised by the Commonwealth Department of Health and Ageing; and
2. holds an accreditation certificate that is current the day the licence takes effect.
 | Nil | Not Applicable |
| Owner of the licensed premises to which the application for licence relates who is a charity | Nil | Not Applicable |

| **Column 1** | **Column 2** | **Column 3** | **Column 4** | Column 5 |
| --- | --- | --- | --- | --- |
| **Section** | **Description of matter for which fee is payable** | Payable By | **Fee Payable**  | Non-refundable portion of fee |
| 33 | Renewal of licensable public risk activity licence for infection control | Owner of the licensed premises to which the renewal of the licence relates | $201 per premises | $60 |
| Owner of the licensed premises to which the renewal of the licence relates and is a medical practitioner who:1. has been accredited against the Royal Australian College of General Practitioners Standards for Accreditation by an accreditation authority authorised by the Commonwealth Department of Health and Ageing; and
2. holds an accreditation certificate that is current the day the licence takes effect.
 | Nil | Not Applicable |
| Owner of the licensed premises to which the renewal of licence relates who is a charity  | Nil | Not Applicable |

| **Column 1** | **Column 2** | **Column 3** | **Column 4** | Column 5 |
| --- | --- | --- | --- | --- |
| **Section** | **Description of matter for which fee is payable** | Payable By | **Fee Payable** | Non-refundable portion of fee |
| 36 | Transfer of public health risk activity licence for infection control | Proposed owner of the premises to which the licence is being transferred | $82 per premises | $60 |
| Proposed owner of the premises to which the licence is being transferred and is a medical practitioner who:1. has been accredited against the Royal Australian College of General Practitioners Standards for Accreditation by an accreditation authority authorised by the Commonwealth Department of Health and Ageing; and
2. holds an accreditation certificate that is current the day the licence takes effect.
 | Nil | Not Applicable |
| Proposed owner of the premises to which the licence is being transferred who is a charity  | Nil | Not Applicable |

**SCHEDULE 2**

LICENSABLE PUBLIC HEALTH RISK ACTIVITY – HEALTH CARE FACILITIES - FEES

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Column 1** | **Column 2** | **Column 3** | **Column 4** | Column 5 |
| **Section** | **Description of matter for which fee is payable** | Payable By | **Fee Payable** | Non-refundable portion of fee |
| 29 | Application for licensable public health risk activity for the operation of a health care facility | Occupier of the premises to which the application relates | $676 per premises that has less than 200 beds and is accredited | $121 |
| $1,350 per premises that has more than, or equal to, 200 beds and is accredited | $244 |
| $1,010 per premises that is not accredited | $244 |
| $270 per premises operated by a sole dentist | $121 |
| 33 | Renewal of licensable public risk activity licence for the operation of a health care facility | Occupier of the licensed premises to which the renewal of the licence relates | $676 per premises that has less than 200 beds and is accredited | $121 |
| $1,350 per premises that has more than, or equal to, 200 beds and is accredited | $244 |
| $1,010 per premises that is not accredited | $244 |
| $270 per premises operated by a sole dentist | $121 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Column 1** | **Column 2** | **Column 3** | **Column 4** | Column 5 |
| **Section** | **Description of matter for which fee is payable** | Payable By | **Fee Payable** | Non-refundable portion of fee |
| 36 | Transfer of public health risk activity licence for the operation of a health care facility | Proposed occupier of the licensed premises and to which the licence is being transferred | $82 per premises | $60 |

**SCHEDULE 3**

LICENSABLE PUBLIC HEALTH RISK ACTIVITY – OPERATION OF A DRINKING WATER UTILITY - FEES

| **Column 1** | **Column 2** | **Column 3** | **Column 4** | Column 5 |
| --- | --- | --- | --- | --- |
| **Section** | **Description of matter for which fee is payable** | Payable By | **Fee Payable** | Non-refundable portion of fee |
| 29 | Application for licensable public health risk activity for the operation of a drinking water utility providing greater than one (1) gigalitre of drinking water | Owner or manager of the drinking water utility to which the licence application relates | $83,801 | $2,556 |
| 33 | Renewal of licensable public risk activity licence for the operation of a drinking water utility providing greater than one (1) gigalitre of drinking water | Owner or manager of the drinking water utility to which the renewal of the licence relates | $83,801 | $2,556 |
| 29 | Application for licensable public health risk activity for the operation of a drinking water utility providing twenty (20) megalitres or less of drinking water | Owner or manager of the drinking water utility to which the licence application relates | $837 | $147 |
| 33 | Renewal of licensable public risk activity licence for the operation of a drinking water utility providing twenty (20) megalitres or less of drinking water | Owner or manager of the drinking water utility to which the renewal of the licence relates | $837 | $147 |

**SCHEDULE 4**

REGISTRABLE PUBLIC HEALTH RISK ACTIVITY – COOLING TOWERS AND WARM WATER STORAGE SYSTEM - FEES

| **Column 1** | **Column 2** | **Column 3** | **Column 4** | Column 5 |
| --- | --- | --- | --- | --- |
| **Section** | **Description of matter for which fee is payable** | Payable By | **Fee Payable** | Non-refundable portion of fee |
| 56F | Application for registrable public health risk activity of cooling towers and warm water storage systems | Owner or manager of the cooling tower or warm water storage system to which the registration application relates | $338 per cooling tower or warm water storage system | $182 |
| Owner or manager of the cooling tower or warm water storage system to which the registration application relates that is a charity | Nil | Not Applicable |
| 56K | Renewal of registrable public risk activity of cooling towers and warm water storage systems | Owner or manager of the cooling tower or warm water storage system to which the registration renewal relates | $338 per cooling tower or warm water storage system | $182 |
| Owner or manager of the cooling tower or warm water storage system to which the registration renewal relates that is a charity | Nil | Not Applicable |
| 56M | Transfer of public health risk activity registration for cooling towers or warm water storage systems | Owner or manager of the cooling tower or water storage system to which the registration is being transferred | $82 per cooling tower or warm water storage system | $60 |
| Owner or manager of the cooling tower or water storage system to which the registration is being transferred who is a charity | Nil | Not Applicable |

**SCHEDULE 5**

LICENSABLE PUBLIC HEALTH RISK ACTIVITY – COMMUNITY PHARMACY - FEES

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Column 1** | **Column 2** | **Column 3** | **Column 4** | Column 5 |
| **Section** | **Description of matter for which fee is payable** | Payable By | **Fee Payable** | Non-refundable portion of fee |
| 29 | Application for licensable public health risk activity for the operation of a community pharmacy | Owner of the licensed premises to which the application relates | $652 per premises | $182 |
| 33 | Renewal of licensable public health risk activity licence for the operation of a community pharmacy | Occupier of the licensed premises to which the renewal of the licence relates | $652 per premises | $182 |
| 36 | Transfer of public health risk activity licence for the operation of a community pharmacy | Proposed occupier of the premises to which the licence is being transferred | $390 per premises | $121 |

The fees determined are based on a one-year licence or registration. Subject to some limitations, licences and registrations can also be issued for longer terms, up to a maximum duration of three years. Where a longer term is granted, the determined fee is multiplied to correspond with the term of the licence or registration. For example, the fee payable for a two-year licence is twice the fee specified in column 4. For a three-year registration, the fee in column 4 is multiplied by three.

For every licence or registration for which a fee is payable, there is a non‑refundable amount that has been included to cover the costs associated with the processing and administration of the application. Such costs are incurred by the regulator irrespective of whether a licence or registration is granted or refused. The non-refundable portion of the fee is not affected by the term of the licence or registration. Accordingly, the fee to be paid for a three-year licence will have the same non-refundable amount as a one-year licence.