

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: <ul style="list-style-type: none"> (i) 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 (ii) 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: <ul style="list-style-type: none"> (i) 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 (ii) 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: <ul style="list-style-type: none"> (i) 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 (ii) 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.