

# AUSTRALIAN CAPITAL TERRITORY

## *FOOD ACT 2001*

### **Food Act (Fees) Determination 2002**

**Disallowable instrument DI2002—37**

### **Explanatory Statement**

Section 150 of the *Food Act 2001* provides the Minister for Health with the power to determine fees for the purposes of the Act or its regulations.

The *Food Act 2001* regulates the manufacture and sale of food in the ACT.

Section 91 of the *Food Act 2001* requires a person who is conducting a food business to be registered, unless exempted under the Act. This instrument sets out three different fees (application for registration, application for renewal and notification to change details of registration or change in operation) and associated risk classifications.

This instrument further provides an exemption from the requirement to pay the fees if the business is a registered charity, a childcare centre, an educational facility, a sporting club where volunteer members of the club sell food to raise money or a benevolent institution.

For the purpose of exemption from the requirement to pay a fee, a childcare centre means a premises mentioned in section 324 of the *Children and Young People Act 1999*.

For the purpose of exemption from the requirement to pay a fee, an educational facility means a school, pre-school or other educational institution. The exemption does not include the operation of a food business within that institution by another party.

For the purpose of exemption from the requirement to pay a fee, a sports club means a club that organises food sales involving volunteers who are members of that club, to raise money for the club.

The first risk classification (Low-risk) for food businesses is for those businesses that have been classified as low risk using the ANZFA Priority Classification System for Food Businesses. A \$50.00 fee has been set for low-risk food businesses that are required to be registered.

The second risk classification (Medium-risk) for food businesses is for those businesses that have been classified as medium risk using the ANZFA Priority Classification System for Food Businesses. A \$100.00 fee has been set for medium-risk food businesses that are required to be registered.

The third risk classification (High-risk) for food businesses is for those businesses that have been classified as high risk using the ANZFA Priority Classification System for Food Businesses. A \$150.00 fee has been set for high-risk food businesses that are required to be registered.

The operator of a food business is required to give notice of changes to the details of registration or operation of the food business (section 97 of the Act). This requirement allows for the monitoring of changes that may affect registration details or have an adverse effect on food safety. The Act allows the Minister to determine a fee to cover the administrative costs of processing and assessing proposed changes. A \$50.00 fee has been set to require the food business operator to contribute to these costs.