

Australian Capital Territory

## Explanatory Statement

# Food Act 2001 - Fees - Determination 2003 (No 1)

### Disallowable instrument DI2003—8

made under the

**Food Act 2001, s 150 (Determination of fees)**

---

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 revokes the previous determination of fees instrument DI2002-37, signed by the Minister on 28 April 2002, and 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 an attendance centre, charitable organisation, childcare centre, club, detention centre, educational institution, health care facility, hospital, institution, school canteen and shelter. All businesses that are exempt for the determined fee are defined in the instrument:

The first risk classification (Low-risk) for food businesses is for those businesses that have been classified as low risk using the FSANZ 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 FSANZ 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 FSANZ 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.

A determination under section 150 is a disallowable instrument.