

# Explanatory Statement

## Food (Fees) Determination 2011 (No 1)

### Disallowable Instrument DI2011-2

made under the

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

---

The Food (Fees) Determination 2011 (No 1) provides for new fees under the *Food Act 2001*. The last fee determination was made in 2003.

The Food Act regulates the manufacture and sale of food in the ACT. A person who is conducting a food business is required to be registered unless exempted under the Act (see section 91). A fee is payable by a business for their application and subsequent renewal. A fee is also payable by a business when advising of a change to their registration.

The fees are payable according to a business' risk classification using the Food Standards Australia New Zealand Priority Classification System for food businesses. These classifications are low, medium and high. For a low risk food business, the fee has increased from \$50 to \$100. For a medium risk food business, the fee has increased from \$100 to \$150 and for a high risk food business the fee has increased from \$150 to \$200. There has been no change in the fee for advising ACT Health of a change in registration.

As there has been no fee increase since 2003, the fee increases are an increase of approximately 33% to 100% on the previous fee. The figures are rounded and are intended to maintain the consistency between each risk classification. It is also anticipated that in most instances, this fee is a relatively small annual cost to a food business. To mitigate some of the effects of the increase, the fee increase is being delayed in its commencement to 1 February 2011.

The fee determination also updates the categories of businesses that were exempt from the fee. Because of legislative changes, some of the references to Acts in the previous determination no longer exist. A clearer statement of what is a fee-exempt business has been included in this instrument compared to that in the 2003 fee determination.