

Explanatory Statement

Food (Fees) Determination 2014 (No 1)

Disallowable Instrument DI2014-297

made under the

Food Act 2001, s 150 (Determination of fees)

The *Food Act 2001* provides for the registration of food businesses.

This instrument sets fees for the application, renewal and transfer of food business registrations, as well for the reinspection of food businesses following service of a prohibition order.

This instrument revokes and replaces DI2013-303, notified on 2 December 2013.

This instrument comes into effect on 1 January 2015 and increases the fees by the Wage Price Indexation rate of 4.0% (rounded to the nearest dollar), as set out below:

Fee	Old Fee	New Fee
Reinspection of a food business during <i>business hours</i>	\$ 340.00	\$ 354.00
Reinspection of a food business <i>after hours</i>	\$ 659.00	\$ 685.00
Application for registration of a low risk food business	\$ 113.00	\$ 118.00
Application for registration of a medium risk food business	\$ 165.00	\$ 172.00
Application for registration of a high risk food business	\$ 221.00	\$ 230.00
Renewal of registration of a low risk food business	\$ 113.00	\$ 118.00
Renewal of registration of a medium risk food business	\$ 165.00	\$ 172.00
Renewal of registration of a high risk food business	\$ 221.00	\$ 230.00

No fee is payable for registration of a food business conducted solely at a regulated event.

For fees associated with re-inspection of a food business that is subject to a prohibition order, the full amount of the fee is non-refundable. The non-refundable portion of all other registration fees is \$59.00.

The fee for “Giving notice of changes in details of registration or the operation of the food business” has been removed.

The definition of community organisation in the determination has been updated from that in the previous determination to ensure consistency with other ACT legislation.

Recent amendments to the *Food Act 2001* (the Act) provide that food business registrations may be granted for a period of up to three years. Enabling multi-year registrations is part of a broader ACT Government regulatory reform program to reduce administrative burden on businesses.

The fees determined are based on a one year registration. Subject to some limitations, 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 registration. For example, the fee payable for a two year registration is twice the fee specified in column 4.

For every 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 registration is granted or refused. The non-refundable portion of the fee is not affected by the term of the registration. Accordingly, the fee to be paid for a three year registration will have the same non-refundable amount as a one year registration.

The recent amendments to the Act also establish that the Minister may declare an event to be a regulated event, at which all food businesses must be registered. The determination sets the registration fee for a food business at a regulated event to zero dollars.