

Food (Fees) Determination 2012 (No 3)

Disallowable instrument DI2012-280

made under the

Food Act 2001, s 150 (Determination of fees)

1. Name of Instrument

This instrument is the *Food (Fees) Determination 2012 (No 3)*.

2. Commencement

This instrument commences on 1 January 2013.

3. Revocation

Instrument DI2012-120 is revoked on 1 January 2013.

4. Determination of fees

The fees specified in Schedule 1, column 3, are the fees payable to the Territory for the purposes specified in column 2.

Fees are payable by the person specified in column 4.

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. Classification of risk

The fee that is payable by a food business shall be determined according to their classification under the Food Standards Australia New Zealand (FSANZ) Priority Classification System for Food Businesses. A classification can be low, medium or high.

6. Fee-exempt food businesses

A fee is not payable by a food business that supplies food in the course of providing services to people:

- (i) in a correctional centre under the *Corrections Management Act 2007*;

- (ii) in a detention place or therapeutic protection place under the *Children and Young People Act 2008*;
- (iii) at a hospice, hospital, nursing home or other health facility operated by or on behalf of the Territory;
- (iv) in a health care facility licensed under the *Public Health Act 1997*;
- (v) at a pre-school, primary school, high school or secondary college (“*educational place*”) from a canteen operated either by the educational place or by the parents and citizens association of the educational place;
- (vi) in a childcare centre licensed as a childcare service under the *Children and Young People Act 2008*;
- (vii) by a charitable organisation that is a charity endorsed under subdivision 50-B of the *Income Tax Assessment Act 1997* (Cwlth);
- (viii) by a crisis accommodation provider declared under the *Residential Tenancies Act 1997*; or
- (ix) by a community organisation, as defined in this section, that is not a charity under subdivision 50-B of the *Income Tax Assessment Act 1997* (Cwlth).

A fee is also not payable by a registered training organisation whose purpose is the provision or offering of courses that involve the handling of food intended for sale or the sale of food (eg. a hospitality school).

A **community organisation** for this section means a society, association or other body, whether incorporated or not under the *Associations Incorporations Act 1991*, that is not carried on for the pecuniary profit or gain of its members and that is engaged in the ACT in any of the following activities:

- (a) providing assistance in connection with the social welfare needs of the community;
- (b) the carrying out of projects, or the provision of services, for the benefit of the community or a section of the community;
- (c) the promotion of, the provision of facilities for, or the encouragement of participation in, any sport, recreational pursuit or hobby;
- (d) the promotion, or the encouragement of the practice, appreciation, understanding or enjoyment, of any of the arts;
- (e) conducting conventions, jamborees and other events that are designed to attract participants to the ACT from places outside the ACT;
- (f) the study of, research into, or the fostering of interest in, history or matters of historic significance; or
- (g) the preservation or protection of the national estate or the restoration, reconstruction or adaptation of the national estate for conservation purposes.

7. Definitions

The following terms in italics in Schedule 1 are defined:

Business hours - the office hours of the Health Protection Service, 9.00am to 4:30pm Monday to Friday, excluding public holidays.

After hours – any time not the *business hours* of the Health Protection Service.

Katy Gallagher MLA
Minister for Health

20 December 2012

SCHEDULE 1

Column 1 Section	Column 2 Description	Column 3 Fee Payable	Column 4 Payable By
85	Reinspection of a food business during <i>business hours</i>	\$330	Proprietor of the food business subject to a Prohibition Order at the time of the request for a reinspection
	Reinspection of a food business <i>after hours</i>	\$640	
92	Application for registration of a low risk food business	\$110	Proprietor of the food business premises to which the application for registration relates
	Application for registration of a medium risk food business	\$160	
	Application for registration of a high risk food business	\$215	
93	Renewal of registration of a low risk food business	\$110	Proprietor of the food business premises to which the renewal of the registration relates
	Renewal of registration of a medium risk food business	\$160	
	Renewal of registration of a high risk food business	\$215	
97	Giving notice of changes in details of registration or the operation of the food business	\$55	Proprietor of the food business premises to which the changes in details relate or the operation of the food business relate