

AUSTRALIAN CAPITAL TERRITORY
SMOKE-FREE AREAS (ENCLOSED PUBLIC PLACES) ACT 1994

DETERMINATION OF FEES

NO. 56 OF 1997

EXPLANATORY STATEMENT

The Smoke-free Areas (Enclosed Public Places) Act 1994 prohibits or restricts tobacco smoking in certain enclosed public places. The Act allows for the Minister to grant exemptions to restaurants and licensed premises which meet specified criteria

Section 19A of the Act enables the Minister to determine fees for the purposes of the Act. Exemption fees reflect the costs of information, advisory, administration, monitoring, and enforcement functions provided by the Department of Health and Community Care in respect of the exemption system

This determination sets:

- fees in respect of exemption applications for restaurants and licensed premises, pursuant to subsection 7(2) of the Act;
- fees payable on granting of exemption for licensed premises, pursuant to paragraph 8(3)(c) of the Act; and
- annual fees payable in respect of restaurant and licensed premises exemptions, pursuant to subsection 8A(1) of the Act.

This determination revokes the determination of fees notice No 159 of 1995, published in the Australian Capital Territory Gazette S291 on 24 November 1995. That notice set fees only in respect of restaurant exemptions and set different fees for successful and unsuccessful applications. The new determination provides a simpler system for restaurants

The new determination retains the uniformity of fees for restaurant exemptions, which were preferred by the restaurant industry, and introduces differential fees for licensed premises based on size of their public areas. This followed consultations with owners and managers of licensed premises and their representative organisations

Schedule 1: Restaurants

The Act permits two types of fees in respect of restaurant exemptions: an application fee and an annual fee.

Schedule 1 states that a fee of \$400 must accompany an application for a restaurant exemption (section 7(2) of the Act). This fee reflects administration, processing and assessment costs, in addition to monitoring and enforcement costs incurred during the first year. There is no increase in this fee from the level determined in 1995.

Schedule 1 also states that a fee of \$300 is payable on or before the first and second anniversary of the grant of an exemption for a restaurant. The previous annual fee was \$200. Restaurants are sent reminder letters approximately one month before this payment is due.

Schedule 2: Licensed Premises

The Act permits three types of fees in respect of licensed premises exemptions: an application fee, a fee payable on grant of exemption, and an annual fee.

Schedule 2 of the determination states that a fee of \$300, \$400, or \$500, must accompany an application for a licensed premises exemption (subsection 7(2) of the Act). The amount depends on the size of the public area of the premises (as permitted by subsection 19A(2) of the Act).

Schedule 2 also sets fees payable on granting of a licensed premises exemption (paragraph 8(3)(c) of the Act). These also reflect the varying sizes of the public areas of licensed premises. This fee is the equivalent of an 'annual fee', were such a fee payable for the first year of the exemption. These fees range from \$400 to \$1000.

Schedule 2 also sets the levels of fees payable on or before the first and second anniversary of the grant of a licensed premises exemption (section 8A(1) of the Act). These fees also vary according to the size of the public area of the premises. These fees range from \$400 to \$1000.

Over the three-year period of the exemption, the smallest licensed premises would pay a total of \$1500, no licensed premises would pay more than a total of \$3500.

Circulated by the authority of Kate Carnell MLA
Minister for Health and Community Care