Ms Giulia Jones MLA

Chair

Standing Committee on Justice and Community Safety

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Dear Ms Jones

I refer to the Scrutiny Report No 14 dated 19 February 2018 in which the Committee raised the question on five Disallowable Instruments (as listed below) as to why the fees determined by these instruments were being increased. The five Disallowable Instruments are as follows:

Disallowable Instrument DI2017-272 being the Food (Fees) Determination 2017 (No 1) made under section 150 of the *Food Act 2001* revokes DI2016-288 and determines fees payable for the purposes of the Act.

Disallowable Instrument DI2017-273 being the Medicines, Poisons and Therapeutic Goods (Fees) Determination 2017 (No 1) made under section 197 of the *Medicines, Poisons and Therapeutic Goods Act 2008* revokes DI2016-286 and determines fees payable for the purposes of the Act.

Disallowable Instrument DI2017-274 being the Public Health (Fees) Determination 2017 (No 1) made under section 137 of the *Public Health Act 1997* revokes DI2016-285 and determines fees payable for the purposes of the act.

Disallowable Instrument DI2017-275 being the Radiation Protection (Fees) Determination 2017   
(No 1) made under section 120 of the *Radiation Protection Act 2006* revokes DI2016-289 and determines fees payable for the purposes of the Act.

Disallowable Instrument DI2017-286 being the Health Records (Privacy and Access) (Fees) Determination 2017 (No 1) made under section 34 of the *Health Records (Privacy and Access) Act 1997* revokes DI2016-287 and determines fees payable for the purposes of the Act.

I offer the following in response to the matters raised by the Committee.

Fees are increased annually to reflect inflation, which is commonplace for all States and Territory Governments in respect of regulatory and other fees.

In respect of the *Legislation Act 2001*, I note that providing a reason for the increase of fees in a Disallowable Instrument is not listed in the mandatory requirements of subsection 56(5).

I hope this response addresses your concerns and thank you for raising this issue with me.

Yours sincerely

Meegan Fitzharris MLA

Minister for Health and Wellbeing