

Liquor (COVID-19 Emergency Response – Permit Fee Waiver) Declaration 2021 (No 4)

Disallowable instrument DI2021–244

made under the

Liquor Regulation 2010, s 35 (Waiver of licence and permit fees – COVID-19 emergency response – Act, s229 (2) (d))

EXPLANATORY STATEMENT

This instrument is the *Liquor (COVID-19 Emergency Response - Permit Fee Waiver) Declaration 2021 (No 4)*.

This declaration has been made in light of the evolving public health situation in the Australian Capital Territory (ACT). The relevant public health emergency direction at the time of this declaration is the *Public Health (Lockdown Restrictions) Emergency Direction 2021 (No 9)* – NI2021-555 which is operational from 11:50pm on Friday, 17 September 2021 until its expiry at 11.59pm on Friday 15 October 2021.

The declaration sets out restrictions to limit the spread of coronavirus disease 2019 (COVID-19) in the ACT. The restrictions introduced by this public health emergency direction include strict requirements forbidding ACT residents from leaving their residence unless for specified essential reasons and limiting business activities that cannot be performed from a residence unless they are classified as essential businesses, activities or undertakings.

On 27 September 2021 the ACT Government released details of the pathway out of lockdown. This will involve a gradual easing of social and business restrictions as the vaccination rate in the ACT increases. The purpose of this instrument is to provide support to liquor licensees during this gradual easing of lockdown restrictions.

This instrument provides economic support to licensees selling liquor for consumption on premises and liquor permit-holders with disrupted events. Economic support is provided through the waiver of application fees which allow on licensees to receive a commercial permit to sell liquor for takeaway consumption and commercial and non-commercial permit-holders to amend their permits to reschedule event dates.

The *Liquor Act 2010* (the Act) regulates the supply of liquor in the ACT. Fees for liquor licences and permits are determined by the Minister under section 227 of the Act. Fees

determined by the Minister for each licence or permit category are listed in the *Liquor (Fees) Determination 2021* [DI2021-144] (the Fees Determination).

This instrument should be read with section 35 of the *Liquor Regulation 2010* (the Liquor Regulation), and the Fees Determination.

Section 229 of the Act provides that the Executive may make regulations for the Act. Under section 229 (2) (d), a regulation may make provision in relation to the circumstances in which the commissioner may waive or reduce fees.

Section 35 of the Liquor Regulation provides for the Commissioner to make a declaration waiving or reducing a fee for a licence or permit if the fee is payable during a COVID-19 emergency or in the 12 months following a COVID-19 emergency and the Commissioner considers the waiver or reduction is appropriate because of the financial impact of the emergency on the business carried on under the licence or permit.

The table at Schedule 1 of the instrument sets out that:

- the fee for an application for a commercial permit is waived from 1 October 2021 until 31 March 2022 for liquor licensees with an on licence (bar licence, nightclub licence and restaurant and café licence). This fee is listed at item 507 (1) in the Fees Determination; and
- the fee for an application to amend a permit is waived from 1 October 2021 until 31 March 2022 for commercial and non-commercial permit holders. This fee is listed at item 508 in the Fees Determination.