

# Liquor (Fees) Determination 2020 (No 2)

## Disallowable instrument DI2020–236

made under the

Liquor Act 2010, section 227 (Determination of fees)

## EXPLANATORY STATEMENT

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The *Liquor Act 2010* (the Act) regulates the supply of liquor in the ACT. Section 227 of the Act provides that the Minister may determine fees for the Act. The purpose of this instrument is to determine the fees under the Act for the 2020-21 financial year.

### *Commencement and revocation*

This instrument commences on the commencement of the *Justice Legislation Amendment Act 2020*, part 20 (*Liquor Act 2010*).

This fees determination revokes the *Liquor (Fees) Determination 2020* [DI2020-117]. The schedule, item 501 of the *Liquor (Fees) Determination 2019* [DI2019-159], is revoked by the new transitional section 271 of the *Liquor Act*.

### *Annual licence fees*

Consistent with the amendments to the *Liquor Act 2010* made by the *Justice Legislation Amendment Act 2020* item 501 refers to annual fees for licences under section 32A of the *Liquor Act*.

Consistent with section 32A of the *Liquor Act 2010*, the fee determination provides that the fees for a matter at item 501 (annual fees) of the schedule to the fees determination are payable to the commissioner for fair trading. The fees for all other matters are payable to the Territory.

### *Reduced annual fees*

This instrument reflects a 25 per cent reduction in annual fees for club licences that permit trading within standard licensed times (i.e. 7am to 12am) and allow for total occupancy loadings of greater than 150 people. Reduced annual fees for club licences that allow for total occupancy loadings of 150 people or less were introduced in the *Liquor (Fees) Determination 2017* [DI2017-92]. Annual fees for club licences under item 501, are set out at section 4 of this item.

This instrument also reduces the application fee for catering licences to align the fee with the application fees for on licences, club licences and off licences.

The other items for which fees are set out in this instrument are otherwise unchanged from the items in the *Liquor (Fees) Determination 2020* [DI2020–117].

#### *Micro-producer off licence*

The *Liquor (Fees) Determination 2020* [DI2020–117] introduced a new fee category for a *first year micro-producer off licence* that reflects a fee that is 10 per cent of the application fee for an off-licence. The meaning of *first year micro-producer off licence* and eligibility requirements for the reduced fee is set out in the *Liquor Amendment Regulation 2020 (No 2)* [SL2020–19] and is reflected in this instrument.

#### *Interaction of fee waiver instruments with fees determination instruments*

In response to the COVID-19 health emergency, the *Liquor Regulation 2010* was amended to allow the Commissioner for Fair Trading (the commissioner) to make a declaration waiving a fee payable under the Liquor Fees Determination in relation to a category of licence or permit. This power is exercisable if the fee is payable during a COVID-19 emergency (or 12 months following a COVID-19 emergency) and the commissioner considers the waiver to be appropriate because of the financial impact of the COVID-19 emergency on the business carried on under the licence or permit (*Liquor Regulation 2010* s 35).

Section 35 of the *Liquor Regulation 2010* will expire at the end of a 12-month period during which no COVID-19 emergency has been in force, and with it the power of the commissioner to make fee waivers under that section.

Fee waiver declarations, made under section 35 of the *Liquor Regulation 2010* such as DI2020-119, should be read in conjunction with the fee determination.

#### *Indexation*

The Government has decided that fees in the 2020-21 financial year will be frozen at the 2019-20 levels and therefore no indexation has been applied.

The Attachment to this explanatory statement sets out the current fees (in column 3) and the new fees (in column 4) to enable a comparison.

A determination under section 227 of the Act is a disallowable instrument and must be tabled in the Legislative Assembly.

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Liquor (Fees) Determination 2020 (No 2)**

Column 1	Column 2	Column 3	Column 4
Item	Matter in respect of which fee or charge is payable	Amount Payable in 2019-20	Amount Payable in 2020-21
<b>ANNUAL FEES</b>			
500	Fee for an application for licence under section 25 of the <i>Liquor Act 2010</i> .	\$3,088.00 for general licence \$3,088.00 for catering licence \$2,507.00 for on licence \$2,507.00 for club licence \$2,507.00 for off licence other than a first year micro-producer off licence \$250.70 for a first year micro-producer off licence \$3,767.00 for special licence.	\$3,088.00 for general licence \$2,507.00 for catering licence \$2,507.00 for on licence \$2,507.00 for club licence \$2,507.00 for off licence other than a first year micro-producer off licence \$250.70 for a first year micro-producer off licence \$3,767.00 for special licence. (GST is not applicable to any fees for Item 500)
501	Fee for the renewal of a licence under section 42 of the <i>Liquor Act 2010</i> . 1) for on licence--nightclub licence: (a) if total occupancy loading for premises $\leq$ 80 people	\$3,363.00 for standard licensed times \$5,604.00 for 1am licensed times \$5,604.00 for 2am licensed times \$7,473.00 for 3am licensed times \$7,473.00 for 4am licensed times \$7,473.00 for 5am licensed times	\$3,363.00 for standard licensed times \$5,604.00 for 1am licensed times \$5,604.00 for 2am licensed times \$7,473.00 for 3am licensed times \$7,473.00 for 4am licensed times \$7,473.00 for 5am licensed times
	(b) if total occupancy loading for premises $>$ 80 people but $\leq$ 150 people	\$4,483.00 for standard licensed times \$7,848.00 for 1am licensed times \$10,092.00 for 2am licensed times \$16,449.00 for 3am licensed times \$19,439.00 for 4am licensed times \$22,430.00 for 5am licensed times	\$4,483.00 for standard licensed times \$7,848.00 for 1am licensed times \$10,092.00 for 2am licensed times \$16,449.00 for 3am licensed times \$19,439.00 for 4am licensed times \$22,430.00 for 5am licensed times
	(c) if total occupancy loading for premises $>$ 150 people but $\leq$ 350 people	\$7,473.00 for standard licensed times \$14,952.00 for 1am licensed times \$17,944.00 for 2am licensed times \$20,935.00 for 3am licensed times \$23,926.00 for 4am licensed times \$26,917.00 for 5am licensed times	\$7,473.00 for standard licensed times \$14,952.00 for 1am licensed times \$17,944.00 for 2am licensed times \$20,935.00 for 3am licensed times \$23,926.00 for 4am licensed times \$26,917.00 for 5am licensed times
	(d) if total occupancy loading for premises $>$ 350 people	\$8,969.00 for standard licensed times \$19,439.00 for 1am licensed times \$22,430.00 for 2am licensed times \$25,422.00 for 3am licensed times \$28,414.00 for 4am licensed times \$31,404.00 for 5am licensed times	\$8,969.00 for standard licensed times \$19,439.00 for 1am licensed times \$22,430.00 for 2am licensed times \$25,422.00 for 3am licensed times \$28,414.00 for 4am licensed times \$31,404.00 for 5am licensed times

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2) for on licence--restaurant and cafe licence:		
(a) if total occupancy loading for premises ≤ 80 people	\$1,117.00 for standard licensed times \$1,866.00 for 1am licensed times \$1,866.00 for 2am licensed times \$2,488.00 for 3am licensed times \$2,488.00 for 4am licensed times \$2,488.00 for 5am licensed times	\$1,117.00 for standard licensed times \$1,866.00 for 1am licensed times \$1,866.00 for 2am licensed times \$2,488.00 for 3am licensed times \$2,488.00 for 4am licensed times \$2,488.00 for 5am licensed times
(b) if total occupancy loading for premises > 80 people but ≤ 150 people	\$1,492.00 for standard licensed times \$2,614.00 for 1am licensed times \$3,363.00 for 2am licensed times \$5,480.00 for 3am licensed times \$6,476.00 for 4am licensed times \$7,473.00 for 5am licensed times	\$1,492.00 for standard licensed times \$2,614.00 for 1am licensed times \$3,363.00 for 2am licensed times \$5,480.00 for 3am licensed times \$6,476.00 for 4am licensed times \$7,473.00 for 5am licensed times
(c) if total occupancy loading for premises > 150 people but ≤ 350 people	\$2,488.00 for standard licensed times \$4,981.00 for 1am licensed times \$5,977.00 for 2am licensed times \$6,974.00 for 3am licensed times \$7,973.00 for 4am licensed times \$8,969.00 for 5am licensed times	\$2,488.00 for standard licensed times \$4,981.00 for 1am licensed times \$5,977.00 for 2am licensed times \$6,974.00 for 3am licensed times \$7,973.00 for 4am licensed times \$8,969.00 for 5am licensed times
(d) if total occupancy loading for premises > 350 people	\$2,986.00 for standard licensed times \$6,476.00 for 1am licensed times \$7,473.00 for 2am licensed times \$8,470.00 for 3am licensed times \$9,468.00 for 4am licensed times \$10,465.00 for 5am licensed times	\$2,986.00 for standard licensed times \$6,476.00 for 1am licensed times \$7,473.00 for 2am licensed times \$8,470.00 for 3am licensed times \$9,468.00 for 4am licensed times \$10,465.00 for 5am licensed times
3) for on licence—bar licence/ general licence/ catering licence/ special licence:		
(a) if total occupancy loading for premises ≤ 80 people	\$2,240.00 for standard licensed times \$3,737.00 for 1am licensed times \$3,737.00 for 2am licensed times \$4,981.00 for 3am licensed times \$4,981.00 for 4am licensed times \$4,981.00 for 5am licensed times	\$2,240.00 for standard licensed times \$3,737.00 for 1am licensed times \$3,737.00 for 2am licensed times \$4,981.00 for 3am licensed times \$4,981.00 for 4am licensed times \$4,981.00 for 5am licensed times
(b) if total occupancy loading for premises > 80 people but ≤ 150 people	\$2,988.00 for standard licensed times \$5,230.00 for 1am licensed times \$6,820.00 for 2am licensed times \$10,964.00 for 3am licensed times \$12,958.00 for 4am licensed times \$14,952.00 for 5am licensed times	\$2,988.00 for standard licensed times \$5,230.00 for 1am licensed times \$6,820.00 for 2am licensed times \$10,964.00 for 3am licensed times \$12,958.00 for 4am licensed times \$14,952.00 for 5am licensed times
(c) if total occupancy loading for premises > 150 people but ≤ 350 people	\$4,981.00 for standard licensed times \$9,967.00 for 1am licensed times \$11,961.00 for 2am licensed times \$13,955.00 for 3am licensed times	\$4,981.00 for standard licensed times \$9,967.00 for 1am licensed times \$11,961.00 for 2am licensed times \$13,955.00 for 3am licensed times

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	\$15,950.00 for 4am licensed times \$17,838.00 for 5am licensed times	\$15,950.00 for 4am licensed times \$17,838.00 for 5am licensed times
(d) if total occupancy loading for premises > 350 people	\$5,977.00 for standard licensed times \$12,958.00 for 1am licensed times \$14,952.00 for 2am licensed times \$16,946.00 for 3am licensed times \$18,940.00 for 4am licensed times \$20,935.00 for 5am licensed times	\$5,977.00 for standard licensed times \$12,958.00 for 1am licensed times \$14,952.00 for 2am licensed times \$16,946.00 for 3am licensed times \$18,940.00 for 4am licensed times \$20,935.00 for 5am licensed times
4) for club licence:		
(a) if total occupancy loading for premises ≤ 80 people	\$2,240.00 for standard licensed times \$3,737.00 for 1am licensed times \$3,737.00 for 2am licensed times \$4,981.00 for 3am licensed times \$4,981.00 for 4am licensed times \$4,981.00 for 5am licensed times	\$2,240.00 for standard licensed times \$3,737.00 for 1am licensed times \$3,737.00 for 2am licensed times \$4,981.00 for 3am licensed times \$4,981.00 for 4am licensed times \$4,981.00 for 5am licensed times
(b) if total occupancy loading for premises > 80 people but ≤ 150 people	\$2,988.00 for standard licensed times \$5,230.00 for 1am licensed times \$6,820.00 for 2am licensed times \$10,964.00 for 3am licensed times \$12,958.00 for 4am licensed times \$14,952.00 for 5am licensed times	\$2,988.00 for standard licensed times \$5,230.00 for 1am licensed times \$6,820.00 for 2am licensed times \$10,964.00 for 3am licensed times \$12,958.00 for 4am licensed times \$14,952.00 for 5am licensed times
(c) if total occupancy loading for premises > 150 people but ≤ 350 people	\$4,981.00 for standard licensed times \$9,967.00 for 1am licensed times \$11,961.00 for 2am licensed times \$13,955.00 for 3am licensed times \$15,950.00 for 4am licensed times \$17,838.00 for 5am licensed times	\$3,735.00 for standard licensed times \$9,967.00 for 1am licensed times \$11,961.00 for 2am licensed times \$13,955.00 for 3am licensed times \$15,950.00 for 4am licensed times \$17,838.00 for 5am licensed times
(d) if total occupancy loading for premises > 350 people	\$5,977.00 for standard licensed times \$12,958.00 for 1am licensed times \$14,952.00 for 2am licensed times \$16,946.00 for 3am licensed times \$18,940.00 for 4am licensed times \$20,935.00 for 5am licensed times	\$4,482.00 for standard licensed times \$12,958.00 for 1am licensed times \$14,952.00 for 2am licensed times \$16,946.00 for 3am licensed times \$18,940.00 for 4am licensed times \$20,935.00 for 5am licensed times
5) for off licence:		
(a) if gross liquor purchase value for reporting period ≤ \$5,000	\$661.00 for standard licensed times	\$661.00 for standard licensed times
(b) if gross liquor purchase value for reporting period > \$5,000 but ≤ \$100,000	\$2,250.00 for standard licensed times	\$2,250.00 for standard licensed times
(c) if gross liquor purchase value for reporting period > \$100,000 but ≤ \$500,000	\$4,864.00 for standard licensed times	\$4,864.00 for standard licensed times

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(d) if gross liquor purchase value for reporting period > \$500,000 but ≤ \$1,000,000	\$7,523.00 for standard licensed times	\$7,523.00 for standard licensed times
(e) if gross liquor purchase value for reporting period > \$1,000,000 but ≤ \$3,000,000	\$12,839.00 for standard licensed times	\$12,839.00 for standard licensed times
(f) if gross liquor purchase value for reporting period > \$3,000,000 but ≤ \$4,000,000	\$23,476.00 for early licensed times	\$23,476.00 for early licensed times
	\$24,651.00 for standard licensed times	\$24,651.00 for standard licensed times
(g) if gross liquor purchase value for reporting period > \$4,000,000 but ≤ \$5,000,000	\$23,476.00 for early licensed times	\$23,476.00 for early licensed times
	\$25,824.00 for standard licensed times	\$25,824.00 for standard licensed times
(h) if gross liquor purchase value for reporting period > \$5,000,000 but ≤ \$6,000,000	\$23,476.00 for early licensed times	\$23,476.00 for early licensed times
	\$26,998.00 for standard licensed times	\$26,998.00 for standard licensed times
(i) if gross liquor purchase value for reporting period > \$6,000,000 but ≤ \$7,000,000	\$23,476.00 for early licensed times	\$23,476.00 for early licensed times
	\$28,172.00 for standard licensed times	\$28,172.00 for standard licensed times
(j) if gross liquor purchase value for reporting period > \$7,000,000	\$34,112.00 for early licensed times	\$34,112.00 for early licensed times
	\$40,934.00 for standard licensed times	\$40,934.00 for standard licensed times

(GST is not applicable to any fees for Item 501)

*Early licensed times – see the Liquor Regulation 2010, section 32*  
*Standard licensed times—see the Liquor Regulation 2010, section 32.*  
*1am licensed times—see the Liquor Regulation 2010, section 32.*  
*2am licensed times—see the Liquor Regulation 2010, section 32.*  
*3am licensed times—see the Liquor Regulation 2010, section 32.*  
*4am licensed times—see the Liquor Regulation 2010, section 32.*  
*5am licensed times—see the Liquor Regulation 2010, section 32.*  
*Total occupancy loading, for licensed premises—see the Liquor Regulation 2010, dictionary.*  
*Reporting period—see the Liquor Regulation 2010, schedule 1, section 1.19 (3).*

**HOURLY FEES**

502	Fee payable per hour for the preparation of occupancy loading recommendation under section 86 of <i>Liquor Act 2010</i> .	\$256.00	\$256.00 (GST is not applicable)
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**OTHER FEES**

503	Fee for an application to amend licence under section 38 of the <i>Liquor Act 2010</i> . <i>Explanatory note: The fee for amendment of a licence, means the annual fee for the licence as amended.</i>	\$136.00	\$136.00 (all cases) (GST is not applicable)
	Fee for amendment of licence under section 38 of the <i>Liquor Act 2010</i> . new fee > old fee <i>Explanatory note: Remaining period for amendment of a licence, means the number of months (whole or part) until the earlier of the following: (a) the day the next annual fee is due for the licence as amended. (b) the day the licence as amended is to expire.</i>	Fee difference	Fee difference (GST is not applicable)
504	Fee for an application to amend floor plan under section 39 of the <i>Liquor Act 2010</i> .	\$271.00	\$271.00(GST is not applicable)
505	Fee for an application to transfer licence under section 40 of the <i>Liquor Act 2010</i> .	\$1,881.00	\$1,881.00(GST is not applicable)
506	Fee for an application to issue replacement licence under section 44 of the <i>Liquor Act 2010</i> .	\$28.00	\$28.00 (GST is not applicable)
507	Fee for an application for permit under section 50 of the <i>Liquor Act 2010</i> . 1) for commercial permit: (all cases)		
	(a) if liquor retail value stated in permit ≤ \$2,000	\$129.00	\$129.00
	(b) liquor retail value stated in permit > \$2,000 but ≤ \$5,000	\$529.00	\$529.00
	(c) if liquor retail value stated in permit > \$5,000 but ≤ \$10,000	\$794.00	\$794.00
	(d) if liquor retail value stated in permit > \$10,000 but ≤ \$50,000	\$1,060.00	\$1,060.00
	(e) if liquor retail value stated in permit > \$50,000 but ≤ \$100,000	\$1,326.00	\$1,326.00
	(f) if liquor retail value stated in permit > \$100,000 but ≤ \$500,000	\$3,985.00	\$3,985.00
	(g) if liquor retail value stated in permit > \$500,000 but ≤ \$1,000,000	\$6,645.00	\$6,645.00
	(h) if liquor retail value stated in permit > \$1,000,000 but ≤ \$3,000,000	\$11,961.00	\$11,961.00
	(i) if liquor retail value stated in permit > \$3,000,000	\$22,596.00	\$22,596.00
	2) for non-commercial permit: (all cases)		
	(a) if liquor retail value stated in permit ≤ \$2,070	\$50.00	\$50.00
	(b) if liquor retail value stated in permit > \$2,070	\$181.00	\$181.00 (GST is not applicable to any fees for Item 507)

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508	Fee for an application to amend permit under section 58 of the <i>Liquor Act 2010</i> .	\$135.00	\$135.00 (all cases) (GST is not applicable)
509	Fee for an application to renew non-commercial permit under section 61 of the <i>Liquor Act 2010</i> . (a) if liquor retail value stated in permit $\leq$ \$2,070 (b) if liquor retail value stated in permit $>$ \$2,070	\$50.00 \$181.00	\$50.00 \$181.00 (GST is not applicable to any fees for Item 509)
510	Fee for the issue of replacement permit under section 63 of the <i>Liquor Act 2010</i> .	\$28.00	\$28.00 (all cases) (GST is not applicable)
511	Fee for an application to amend approved risk assessment management plan under section 91 of the <i>Liquor Act 2010</i> .	\$271.00	\$271.00 (all cases) (GST is not applicable)
512	Fee for an application for young people's event approval under section 95 of the <i>Liquor Act 2010</i> .	\$135.00	\$135.00 (all cases) (GST is not applicable)
513	Fee for an application for RSA training course approval under section 189 of the <i>Liquor Act 2010</i> .	\$1,366.00	\$1,366.00 (all cases) (GST is not applicable)
514	Fee for the renewal of RSA training course approval under section 192 of the <i>Liquor Act 2010</i> .	\$753.00	\$753.00 (all cases) (GST is not applicable)
515	Fee for an application for proof of identity card under section 210 of the <i>Liquor Act 2010</i> .	\$7.00	\$7.00 (all cases) (GST is not applicable)