

Liquor (COVID-19 Emergency Response—Licence Fee Waiver) Declaration 2020 (No 2)

Disallowable Instrument DI2020-238

made under the

Liquor Regulation 2010, s35 (Waiver of licence and permit fees—COVID-19 emergency response—Act, s 229 (2) (d))

EXPLANATORY STATEMENT

This instrument is the *Liquor (COVID-19 Emergency Response—Licence Fee Waiver) Declaration 2020 (No 2)*.

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.

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 for Fair Trading (the commissioner) may waive or reduce fees.

Section 35 of the *Liquor Regulation 2010* (the Liquor Regulation) provides for the commissioner to make a declaration waiving 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 is appropriate because of the financial impact of the emergency on the business carried on under the licence or permit.

Fees determined by the Minister for each licence or permit category are listed in the *Liquor (Fees) Determination 2020 (No 2)* [DI2020-236] (the Fees Determination). This instrument should be read with section 35 of the Liquor Regulation, and the Fees Determination.

The table at schedule 1 of the instrument sets out the fees in the Fees Determination waived by the commissioner, the period during which the waiver operates, and the conditions of the waiver. They are fees for:

- An application for a general licence under section 25 of the *Liquor Act 2010* listed at item 500;
- Annual fee for on licences listed at items 501 (1) to (4); and
- Annual fee for off licences listed at items 501 (5) (a) to (e).

The waivers are made in response to the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020* (the closure direction) [NI2020-181]. The closure direction, made on 23 March 2020 directed the closure of:

- businesses that supply liquor for consumption ON the premises but not including any part of those businesses that sell liquor for consumption OFF the premises as defined by the *Liquor Act 2010*;
- hotels, whether licensed or unlicensed, but not to the extent that they provide accommodation, takeaway meals or a meal delivery service, or a bottle shop;
- a casino;
- cinemas, nightclubs or entertainment venues of any kind;
- restaurants or cafes, other to than to the extent that they provide takeaway meals, or a meal delivery services.

The direction was made in relation to the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] to prohibit the operation of non-essential business and undertakings to limit the spread of Novel Coronavirus 2019 (COVID-19).

This instrument commences on the commencement of the *Justice Legislation Amendment Act 2020*, part 20 (*Liquor Act 2010*). It expires on 31 March 2021 to ensure that the waivers for fees at items 501 (1) to (4) and 501 (5) (a) to (e) which commenced in the previous instrument [DI2020-119], are in place for 12 months.