

# Liquor (COVID-19 Emergency Response—Licence Fee Waiver) Declaration 2021 (No 1)

## Disallowable Instrument DI2021–23

made under the

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

## EXPLANATORY STATEMENT

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This instrument is the *Liquor (COVID-19 Emergency Response—Licence Fee Waiver) Declaration 2021 (No 1)*.

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 were initially made under the *Liquor (Public Health Emergency—Licence Fee Waiver) Declaration 2020* [DI2020-45] (repealed) and the *Liquor (COVID-19 Emergency Response—Licence Fee Waiver) Declaration 2020* [DI2020-119] (repealed) in response to the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020* (the closure direction) [NI2020-181].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 than to the extent that they provide takeaway meals, or a meal delivery services.

The closure 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 day after its notification and expires on 30 June 2021. The waivers for fees at items 501 (1) to (4) and 501 (5) (a) to (e) which commenced in the previous instrument [DI2020-45] expire on 31 March 2021, to ensure that they are in place for 12 months in total. The waiver for the fee for an application for a general licence at item 500 expires on 30 June 2021, as approved by the Treasurer.