

# Explanatory Statement

## Liquor (Fees) Determination 2010 (No 1)

### Disallowable instrument D12010-273

made under the

**Liquor Act 2010, s 227 (Determination of fees)**

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Section 227 of the *Liquor Act 2010* provides the Attorney General with the power to determine fees for the purposes of the Act. The *Liquor Act 1975* will be repealed on the commencement of the new *Liquor Act 2010* on 1 December 2010.

The *Liquor Act 2010* regulates the sale, supply, promotion and consumption of liquor in the ACT.

The fees were determined taking into account the criteria prescribed in section 229(2) of the *Liquor Act 2010*.

Section 12 of the *Liquor Act 2010* requires a person who is selling liquor to someone else to hold a licence or permit, unless exempted under the Act.

The Determination prescribes a number of liquor licence application and renewal fees, permit application and renewal fees, fees for the preparation of an occupancy loading recommendation by the Fire Brigade, and other fees relating to amending a licence or floor plan, transferring a licence and issuing a replacement licence.

Schedule 1 of the Determination sets out annual standard licensing fees for all classes of liquor licences trading within the standard licensing times from 7am to 12am, including application and renewal fees. Licensees who trade within the standard licensing times can apply for and renew their licence up to three years.

Current licensees will be required to pay a renewal fee when making an application for a liquor licence under the new liquor scheme.

Other licensees will only pay the application fee for the first year of operation of a liquor licence.

Annual standard licensing renewal fees are determined on the basis of whether a licensee purchases liquor for sale for an amount up to \$100,000 or purchases liquor for sale for an amount over \$100,000. Purchases of liquor for sale under \$100,000 attracts a lower fee than purchases for sale over \$100,000.

Schedule 1 sets out new additional risk-based licensing fees for licensees who choose to trade within the high-risk time zones between midnight and 2am, midnight and 4am and midnight and 5am. Schedule 1 also sets out licensing fees for low-risk licensed premises having an occupancy loading of 80 patrons or less and licensing fees for off licensees which are proportional to the annual amount of liquor purchased for sale.

The transitional provision in the Determination requires existing licensees to pay a renewal fee when making an application for a liquor licence and permit under the new *Liquor Act 2010*.

Schedule 2 sets out hourly fees for the preparation of an occupancy loading recommendation made by the Chief Officer (Fire Brigade) for a public area at licensed or permitted premises.

Schedule 3 sets out fees for an application to amend a licence, a floor plan, an application to transfer a licence and an application to issue a replacement licence. It also sets out fees for an application for a commercial and non-commercial permit, an application to amend a commercial or non-commercial permit, an application to renew a non-commercial permit and issue a replacement permit.

Schedule 3 also sets out other fees for an amendment to an approved risk-assessment management plan, an application for a young people's event, an application for RSA training course approval, renewal of an RSA training course approval and an application for a proof of age card.

GST on liquor fees under the *Liquor Act 2010* is exempt.

A determination under section 227 is a disallowable instrument.