

Explanatory Statement

Liquor (Fees) Determination 2011 (No 1)

Disallowable instrument D12011-295

made under the

Liquor Act 2010, s 227 (Determination of fees)

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

The fees were determined taking into account the findings of the Review of Liquor Licensing Fees as set out in the Final Report tabled in the Legislative Assembly on 22 September 2011, and the criteria prescribed in section 229(2)(b) 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 Chief 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 licensing fees for all classes of liquor licences trading within the licensed times from 7am to 12am, 1am, 2am, 3am, 4am or 5am including application and renewal fees. Licensees who trade within the licensed times can apply for and renew their licence up to three years.

Annual licensing renewal fees are determined by the use of a number of risk-based factors, such as, the licence class, occupancy loading and trading hours. Fees increase depending on the type and size of premises and the trading hours at which a licensee chooses to trade.

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 applications for commercial and non-commercial permits, applications to amend commercial or non-commercial permits, and applications to renew non-commercial permits and issue replacement permits.

Schedule 3 also sets out 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.

Liquor fees under the *Liquor Act 2010* are exempt from GST.

A determination under section 227 of the *Liquor Act 2010* is a disallowable instrument.