

Australian Capital Territory

Liquor (Public Health Emergency—Licence Fee Waiver) Declaration 2020

Disallowable Instrument DI2020-45

made under the

Liquor Regulation 2010, s35 (Waiver of licence and permit fees – public health emergency – Act, s 229 (2) (d))

EXPLANATORY STATEMENT

This instrument is the *Liquor (Public Health Emergency—Licence Fee Waiver) Declaration 2020*.

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. Fees determined by the Minister for each licence or permit category are listed in the *Liquor (Fees) Determination 2019* [DI2019-159] (the Fees Determination). This instrument should be read with section 35 of the *Liquor Regulation 2010*, and the Fees Determination.

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 may waive or reduce fees.

With this instrument, the commissioner waives fees payable for the following liquor licences listed in the Fees Determination:

- On licences listed at items 501 (1) to (3); and
- Off licences listed at items 501 (4) (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 bottleshop;
- 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 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 (2019-nCoV).

The table at Schedule 1 of the instrument sets out the fee in the Fees Determination waived, the period during which the waiver operates, and the conditions of the waiver.

This instrument is taken to have commenced on 1 April 2020. The retrospective commencement of this declaration is non-prejudicial and is necessary to allow waivers to mitigate the adverse financial impact of the closure declaration on businesses carried on under the licence.