

Australian Capital Territory

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

Disallowable Instrument DI2020-237

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—Permit 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 may waive or reduce fees.

Section 35 of the *Liquor Regulation 2010* (the Liquor Regulation) provides for the Commissioner for Fair Trading (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 2010*, 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. These are fees for commercial liquor permits listed at item 507 (1) (c) and fees for an application to amend a permit listed at item 508.

The waivers are intended to provide support to businesses affected by the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020* (the closure direction) [NI2020-181] on 23 March 2020. The closure direction required 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 24 March 2020 to ensure that the fee waiver, which commenced in the previous instrument [DI2020-44], is in place for 12 months.

This instrument revokes the *Liquor (COVID-19 Emergency Response—Permit Fee Waiver) Declaration 2020* [DI2020-120].