

Australian Capital Territory

Liquor (COVID-19 Emergency Response—Licence Fee Waiver) Declaration 2022 (No 1)

Disallowable Instrument DI2022–36

made under the

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

EXPLANATORY STATEMENT

This instrument is the *Liquor (COVID-19 Emergency Response—Licence Fee Reduction) Declaration 2022 (No 2)*. This instrument commences on 1 April 2022 and will expire on 30 June 2022.

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 or reducing 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 or reduction 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 2021* [DI2021-144] (the Fees Determination). This instrument should be read with section 35 of the Liquor Regulation, and the Fees Determination.

The fee 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were initially made under the *Liquor (Public Health Emergency—Licence Fee Waiver) Declaration 2020* [DI2020-45] (repealed) and the *Liquor (COVID-19 Emergency Response—Licence Fee Waiver) Declaration 2020* [DI2020-119] (repealed) in response to the *Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020* (the closure direction) [NI2020-181].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 to 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).

The table at schedule 1 of the instrument sets out the annual liquor licence fees, in the Fees Determination, which are waived by the Commissioner, the period during which the reduction is in effect, and the conditions on the waiver. The fee waiver applies to annual licensing fees listed at items 501 (1) to (4) of the Fees Determination and will be in place for 3 months, from 1 April 2022 until 30 June 2022. The fee waiver will apply automatically to the annual licence fee of the following liquor licences: nightclub licence, restaurant and café licence, bar licence, general licence, catering licence, special licence and club licence.

The fee waiver supports Canberra's economic recovery from the COVID-19 pandemic.