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[22] April 2020

Mr Andrew Nowlan
A/g Director
Liquor & Gaming Licensing
AUSTRALIAN CAPITAL TERRITORY

Ms Fiona Hayman
Manager, SafeWork & Systems
NEW SOUTH WALES

Ms Martha Savva
Consumer and Business Services Manager
SOUTH AUSTRALIA

By email: andrew.nowlan@act.gov.au, CELottery@customerservice.nsw.gov.au and Martha.Savva@sa.gov.au

Dear Mr Nowlan, Ms Hayman and Ms Savva

Request for waiver of trade promotion fees - COVID-19 crisis response

Gadens is a law firm that manages legal compliance for a large number of trade promotions run in Australia each year, on behalf of numerous companies and marketing agencies. We deal frequently with your offices to obtain trade promotion permits and otherwise liaise with you about the conduct of trade promotions.

VCG PromoRisk Pty Ltd is a company that works with companies and marketing agencies to design, enable, execute and underwrite a large number of trade promotions in Australia each year.

Between us, Gadens and VCG act for a large segment of the entities involved in conducting trade promotions in Australia. Both Gadens and VCG have pre-eminent reputations as service providers in this sector.

We write to request that your offices **waive trade promotion permit application fees and amendment application fees for at least the period 1 May to 31 July 2020**, for promotions having a start date on or before 31 December 2020.

In support of this request we make the following points.

1. A very broad range of Australian businesses, small, medium and large, conduct trade promotions each year. These businesses operate across a broad cross-section of the economy, to incentivise consumer and retailer engagement with and support for the businesses and their products. From the perspective of the relevant consumers and retailers, the opportunity to participate in and benefit from trade promotions is highly valued.

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2. As you will be well aware, the current COVID-19 crisis is having a very significant adverse impact on the ability of many of these businesses to continue to trade. Many businesses find themselves suddenly under significant financial stress.
3. As your offices will have observed, the crisis has led to numerous existing trade promotions being cancelled and far fewer than normal new promotions being commenced or planned.
4. Each of your jurisdictions has already announced strong support for businesses affected by this crisis. For example we understand that:
 - (a) NSW Fair Trading has waived licence and permit fees for 12 months for paintball venues, tattoo parlour operators, home building contractors, trade and specialist contractors and motor vehicle repairers. Liquor and Gaming NSW has waived annual liquor licence fees. See <https://www.nsw.gov.au/covid-19/businesses-and-employment/fee-and-licence-relief>. In NSW, gaming machine tax for clubs, pubs and hotels has also been deferred for six months, as has duty on lotteries and keno – see <https://www.treasury.nsw.gov.au/Covid-19Stimulus>.
 - (b) Consumer and Business Services SA has waived various categories of annual liquor licence fees. See <https://www.cbs.sa.gov.au/liquor-licence-holders-and-covid-19#wavier>.
 - (c) The ACT Government has waived infection control licence fees for businesses such as beauty therapists, nail salons, tattoo parlours and dentists. Taxi plate and rideshare licence fees are also waived. Liquor licence fees have been waived for many businesses for 12 months. See <https://www.covid19.act.gov.au/economic-support/economic-survival-package/supporting-local-businesses-and-the-economy>.
5. We understand that each of you (except, at this stage, NSW) is already waiving trade promotion permit amendment application fees where the amendments are required as a result of COVID-19. In this regard your offices have already demonstrated your willingness to take a pragmatic approach to supporting Australian businesses involved in running trade promotions.
6. There is an "eco-system" of businesses throughout Australia that would benefit considerably from the requested broader fee waiver. A typical trade promotion can involve not just the seller of the product being promoted (this is usually the "promoter" who obtains the permits) but third party marketing and creative agencies, prize suppliers, insurers, wholesalers, retailers, legal advisers and other business partners. Many of these are small and medium businesses. A large number of individuals employed by these entities depend for their livelihood wholly or partially on the conduct of trade promotions.
7. The requested fee waiver could be expected to boost confidence amongst numerous businesses operating in your jurisdictions and stimulate the economy by ensuring meaningful employment for many individuals and boosting consumer spending on the promoted products. It would help keep businesses afloat and would even help ensure ongoing meaningful work for your own personnel involved in regulating trade promotions (for example, processing trade promotion permit applications).
8. Some businesses are unable to operate as normal in the current environment. But even these businesses would benefit from the requested fee waiver, as they would be more likely to plan (and seek permits for) promotions to be implemented once the Australian economy begins to emerge from the current crisis in coming months. As you will be aware, there is generally a "lag" period between planning a trade promotion (including obtaining permits) and executing the promotion.

We look forward to your prompt consideration of our request that your offices waive trade promotion permit application fees and amendment application fees during this difficult period. We would be most grateful for your reply within the next 14 days if possible.

This request is made by Gadens and VCG PromoRisk and also on behalf of the businesses listed on the following page. Senior representatives of each of these businesses have read and stated their support for this letter.

Yours faithfully

David Smith
Partner

List of businesses supporting this letter

- 1.
- 2.
- 3.

Draft

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