

# APPLICATION FORM

## Retail Trading on Restricted Trading Days

Retail Trading Act 2008



1800 502 042 [fairtrading.nsw.gov.au](http://fairtrading.nsw.gov.au)

**Please read this information before completing this form.**  
**This form can be completed in Adobe Reader and saved for your records.**

**Use this form to apply for retail trading on restricted trading days.**

### How to fill in this form

Please type directly into this form. When complete, save a copy before printing. If completing by hand, please print clearly and mark box(es) with a tick ✓ where required.

You will need to ensure that all sections of the form are completed. Additional sheets may be included if there is insufficient space on the form to provide your supporting evidence. Please number all additional pages.

**For assistance call 13 32 20.**

### Fees

There are no fees associated with this application.

### How to lodge

**Email:** [FTLicensing@customerservice.nsw.gov.au](mailto:FTLicensing@customerservice.nsw.gov.au)

### Privacy compliance statement

Information that you voluntarily provide in this form is collected by NSW Fair Trading to assess and process your application. NSW Fair Trading intends to use and disclose the information

(including any personal information) you have provided to exercise its functions under the Retail Trading Act 2008, including to administer, monitor and enforce compliance with that Act.

**The above information is intended as a guide only and is included to assist you in completing and lodging this form. This page is not part of the form. If required, professional advice should be obtained regarding the matters dealt with in this form.**



# APPLICATION FORM

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Fee - Nil

### 1. Applicant details

Applicant's name (name of company / sole trader / partnership)

LOUIS VUITTON AUSTRALIA PTY LTD

Business / Trading name

LOUIS VUITTON AUSTRALIA PTY LTD

ABN / ACN

005918678

### 2. Contact details of person making the application

Title Given name(s) Family/Surname

Address

Suburb

State

Postcode

Postal address (if different to above)

Suburb

State

Postcode

Telephone number

Mobile number

Email address

### 3. Name and location of the shop/s subject of this application

**Important note.** In the case of an application for an exemption relating to more than one shop or restricted trading day, the information below should be provided separately for each shop and day. **If insufficient space has been provided, attach additional numbered sheets.**

State the name and full street address (including city/town and postcode) of the shop/s for which you are seeking an exemption:

Name of shop (in full)

LOUIS VUITTON SYDNEY

Address

365 GEORGE ST

Suburb

SYDNEY

State

NSW

Postcode

2000



#### 4. Details of exemption being sought

Please identify the restricted trading day/s for which you are seeking an exemption:

Good Friday     Easter Sunday     Before 1pm on ANZAC Day     Christmas Day

Is the exemption for:

a specific day or days (*specify the date or dates*), or

a specific period (*specify the period in years*)

3 YEARS

#### 5. Information required to support the application

Please nominate the proposed trading hours:

Commencing at: (*am/pm*)

10AM

Closing at: (*am/pm*)

5PM

#### 6. Exceptional circumstances

An exemption may only be granted if it is, in the exceptional circumstances of the case, in the public interest to do so. "Exceptional circumstances" must be more than "special circumstances" to satisfy the requirements under section 10 (2) of the *Retail Trading Act 2008*. For guidance on the test for "exceptional circumstances", refer to *Dwyer v Department of Services, Technology and Administration and Kmart Australia Limited* [2010] NSWADT 312.

Specify the exceptional circumstances in support of your exemption application for the shop and restricted trading day:

**Exceptional Circumstance: The significant impact of the COVID-19 pandemic on our employees and surrounding Sydney CBD businesses.**

According to an analysis on movement data performed by market research company Roy Morgan, movement in the Sydney CBD was still stuck below 50% of pre-pandemic levels as of December 2021 - over a year and a half since the pandemic began.

(<https://www.roymorgan.com/findings/8867-roy-morgan-near-covid-19-movement-capital-cities-december-2021-202112140106>).

As a business in the CBD, we have experienced the effects of this first-hand. Harsh extended lockdowns have significantly impacted our financial performance and, more importantly, our employees. For example, in the three months of the 2021 lockdown, sales at Louis Vuitton Sydney were on average 72% less than the 2021 non-lockdown months, and the Full-Time Equivalent (FTE) of casual staff members dropped by 90% when compared to the 2021 yearly average. There's no doubt that this would be a similar story for our neighbouring businesses.

We believe the COVID-19 pandemic is an exceptional circumstance. We truly feel that trading on Easter Sunday will have immense benefits to the general public, our employees and the surrounding businesses in the CBD. We will delve into each aspect in the subsequent sections.

## 7. Public interest

To help determine whether the exemption sought is in the public interest, answer the following questions:

1. What is the nature of the shop and kinds of goods sold?

Louis Vuitton is a global luxury retail company and French fashion house founded in 1854. Whilst is originally known for luxury luggage, the brand has since evolved to have a significant influence in the fashion landscape. It is now similarly recognisable for luxury apparel, jewellery and accessories.

Louis Vuitton has twelve retail stores in Australia. These stores are positioned in areas of street appeal, positioned amongst luxury retail and central business districts. Louis Vuitton's Australian flagship store, and the relevant store for the Application, is Louis Vuitton Sydney. Louis Vuitton Sydney is located in the Sydney CBD, being a key tourist area, particularly over public holiday periods such as the Easter long weekend.

Louis Vuitton Sydney is located within 4 minutes walking distance from the Sydney CBD's leading retail hub, the Pitt Street Mall, and is also located close to other key tourist destinations such as the Sydney Harbour Bridge, the Opera House, the Sydney Tower, the Art Gallery of New South Wales, King Street Wharf and the Royal Botanic Gardens. It is also situated close to several premier accommodation spots such as The Westin Sydney, the Swissotel Sydney, the InterContinental, the Sofitel Sydney Wentworth and the Shangri-La Hotel.

In 2019, approximately 30% of our pre-COVID turnover was from non-Australian clients. These clients are predominantly of Chinese heritage - who are unlikely to view Easter Sunday as a significant cultural day. However, as Australia re-opens its border to international tourists, we expect to return to this level of non-local clients soon.

Further information about Louis Vuitton can be found at <https://au.louisvuitton.com/eng-au/homepage>.

2. Why does the shop need to be kept open on the restricted trading day?

We believe that it is in the public's best interest and our employees to keep the shop open on Easter Sunday. COVID has had an extremely detrimental financial effect on our surrounding local businesses and our employees, who experienced a significant reduction in hours throughout the pandemic.

**Public Interest:**

It is Louis Vuitton's submission that being able to trade on Easter Sunday would have a positive impact on the local economy, tourism and small businesses that are close to Louis Vuitton Sydney due to a large amount of foot traffic and revenue that our store attracts on Easter Weekend.

**Employees Interest:**

It is Louis Vuitton's submission that trading on Easter Sunday would positively impact our employees. The financial incentive of public holiday work is substantial for our employees who freely elect to work on Easter Sunday, especially for our casual staff members who have experienced a significant reduction in hours during both the 2020 and 2021 lockdowns.

We will expand on these topics in the subsequent sections.



## 7. Public interest *(continued)*

3. What is the likely effect on the local economy, tourism, small businesses and other businesses in the area if the exemption is granted?

It is Louis Vuitton's submission that being able to trade on Easter Sunday would positively impact the local economy, tourism, and small businesses that are in close proximity to Louis Vuitton Sydney. Hundreds of small businesses (cafes, florists, tobacconists, restaurants) in the Sydney CBD are exempt from the public holiday restriction and have struggled to survive throughout the COVID pandemic. According to an ABS survey conducted on Revenue in January 2022, 41% of Australian businesses recorded a decrease in year-on-year revenue in January 2022, up 10% from the January 2021 survey. In the same survey, 48% of small businesses reported not having enough cash on hand to last more than three months. These statistics are truly worrying, with the lack of foot flow and consumer spending being a large contributor to these trends, especially in the CBD.

(<https://www.abs.gov.au/statistics/economy/business-indicators/business-conditions-and-sentiments/latest-release>).

We believe many of the aforementioned small businesses will have no choice but to open on Easter Sunday to take advantage of the high public holiday foot traffic in the CBD. If granted an exemption, Louis Vuitton Sydney - as a flagship store - will attract hundreds of domestic and international clients to our store, which would undoubtedly have a significant positive financial impact on the surrounding businesses.

In addition to this, as announced recently by the Government, international tourists will return to Australia from February 21 2022 (<https://covid19.homeaffairs.gov.au/travel-restrictions>). With our flagship store in close proximity to many Sydney landmarks, we predict our store to be a major attraction to many international tourists as experienced in the years before COVID. In 2019, 38% of our Holy Saturday turnover was from non-Australian clients, a figure we forecast to get close to in 2022 after the international borders reopen. For example, suppose Louis Vuitton Sydney were to remain closed. In that case, it is anticipated that the store (and other surrounding businesses) would lose a significant amount of potential revenue from tourists and locals who are drawn to the area and the specific offerings of Louis Vuitton Sydney. Our sales records from Holy Saturday 2021 show a spike in sales of 74% when compared to the Saturday prior (27/03/21) and 52% compared to the Saturday following (10/04/21), highlighting the increase in activity on Easter Weekend.

4. What is the likely effect on employees or persons working in the shop if the exemption is granted?

*[In your response indicate the number of employees likely to work on the restricted trading day if an exemption is granted, and specify the industrial instrument/s (including agreement number/s), under which employees working on the day will be employed]*

It is Louis Vuitton's submission that being able to trade on Easter Sunday would positively impact our employees. Our employees would be engaged on the basis they have "freely elected to work", as per the Act. When it comes to the voluntary staffing of team members, Louis Vuitton proposes the following approach for engaging staff to work on Easter Sunday (where permitted):

(a) Before the Easter long weekend, managers will advise team members of Louis Vuitton Sydney's opening hours over the Easter long weekend period and ask whether any team member would like to work during this period, including specifically on Easter Sunday;

(b) As a show of good faith, we will be prioritising casual staff members over permanent staff members. This decision has been made on the basis that our casual staff members have suffered immensely as a result of the 2020 and 2021 COVID-19 lockdowns. Our records show that during the 2021 lockdown, the Full-Time Equivalent (FTE) of casual staff members dropped by 90% compared to the 2021 yearly average - with an average FTE of only 1.8 during the months July-September 2021.

(c) Between employees opting to work over the Easter long weekend (and specifically Easter Sunday) and before the shift occurs, all employees will have the ability to opt-out of working Easter Sunday.

On an average Sunday, Louis Vuitton employs approximately 45-55 staff to work at Louis Vuitton Sydney. We expect to employ the same amount on Easter Sunday, with the majority - as mentioned above - being casual staff members. Our employees are covered by the General Retail Industry Award [MA000004].

We would also like to highlight that employees of Louis Vuitton Sydney are of diverse cultural and religious backgrounds and may not place significance on the Easter period.

Should the Application be approved by the Department, employees who voluntarily elect to work will receive rates of pay ranging from approximately \$56 per hour to \$113 per hour, depending on the particular duties and seniority of the position.

## 8. Applicant's declaration

**Note.** Regard will be had to each of the matters listed above in determining whether the exemption sought is in the public interest. This application will be put on public exhibition.

**It is an offence to fail to comply with any conditions imposed on an exemption.**

I am authorised to complete this application on behalf of the organisation.

- I acknowledge that failure to provide all required information may result in refusal of the application.
- I consent to the making of enquiries and the exchange of information with NSW Fair Trading and other authorities in NSW, other states and territories or the banking industry regarding any matter, relevant to this application.
- I declare that the contents of this application including any attachments are true and correct in every particular.
- I am aware the application will be publicly exhibited for a period of at least 14 days for public comment.
- I acknowledge that under section 307A of the *Crimes Act 1900* it is an offence to provide false, misleading or deficient information in this application.
- I understand that specific details I have supplied in this application may be 'personal information' under the *Privacy and Personal Information Protection Act 1998*, and that NSW Fair Trading is collecting personal information to enable processing of the application and may disclose this information to other Government agencies. I also understand that personal information is any information or opinion that identifies an individual, or enables someone to identify an individual.

Signature

 Date signed (DD/MM/YYYY)  
16.02.22

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