

RETAIL TRADING ON RESTRICTED TRADING DAYS APPLICATION FORM



Fair
Trading

13 32 20 www.fairtrading.nsw.gov.au

Important – Please read the following before completing and lodging your application:

This form is to be used 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.

Lodgement instructions

Email: FTlicensing@customerservice.nsw.gov.au

Privacy compliance statement

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

Note. This application will be published by Fair Trading for public comment.

Applicant details

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

Sydney Tools Pty Ltd

Trading / Business name

Sydney Tools

ABN

19 112 852 285

ACN

112 852 285

Contact details

Person making the application (contact name)

Position title

Street address

Suburb

State

Postcode

Postal address (if different to above)

Suburb

State

Postcode

Telephone number

Mobile number

Email

note - if required, please attach additional information/pages if there is insufficient space in this application (this includes if there are more than 3 shops).

Information for the shop name and location this application applies to

SHOP 1

PLEASE SEE ATTACHED

Name of the shop (in full)

Street address

Suburb

State

Postcode

SHOP 2

Name of the shop (in full)

Street address

Suburb

State

Postcode

SHOP 3

Name of the shop (in full)

Street address

Suburb

State

Postcode

Details of exemption being sought

Please identify the restricted trading day/s for which you are seeking an exemption: *(Check the boxes for those days for which you are seeking an exemption to trade)*

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

SHOP 2 Good Friday Easter Sunday Before 1pm on ANZAC Day Christmas Day

SHOP 3 Good Friday Easter Sunday Before 1pm on ANZAC Day Christmas Day

Details of exemption being sought *continued*

Are you seeking an exemption for the current year or for a number of years (up to 3 years) (check one of these boxes and specify your choice)

SHOP 1

Specify the dates for which you are seeking exemption

OR

Specify the years (up to 3 years) for which you are seeking an exemption

SHOP 2

Specify the dates for which you are seeking exemption

OR

Specify the years (up to 3 years) for which you are seeking an exemption

SHOP 3

Specify the dates for which you are seeking exemption

OR

Specify the years (up to 3 years) for which you are seeking an exemption

Information required to support the application (Please attach additional pages for more shops)

Please nominate the proposed trading hours:

SHOP 1 Commencing at:

am pm

Closing at:

am pm

SHOP 2 Commencing at:

am pm

Closing at:

am pm

SHOP 3 Commencing at:

am pm

Closing at:

am pm

Details of exemption being sought

Fair Trading NSW, may only grant an exemption if satisfied that it is, in the exceptional circumstances of the case, in the public interest to approve this application.

Please specify the exceptional circumstances in support of your exemption application for the shop and restricted trading day specified above. "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", please refer to Dwyer v Department of Services, Technology and Administration and Kmart Australia Limited [2010] NSWADT 312 available on the Fair Trading website.)

SHOP 1

SHOP 2

SHOP 3

Determining whether your application is in the public interest

To enable Fair Trading NSW to determine whether the exemption sought is in the public interest, please answer the following questions.

Note: Fair Trading will have regard to each of these matters in determining whether the exemption sought is in the public interest.

SHOP 1

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

2. What is the need for the shop to be open on the restricted trading day?

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

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)

SHOP 2

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

[Empty response box for question 1]

2. What is the need for the shop to be open on the restricted trading day?

[Empty response box for question 2]

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

[Empty response box for question 3]

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)*

[Empty response box for question 4]

SHOP 3

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

[Empty response box for question 1]

2. What is the need for the shop to be open on the restricted trading day?

[Empty response box for question 2]

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

[Empty response box for question 3]

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)*

[Empty response box for question 4]

Declaration

- i I have been authorised to complete this application on behalf of the organisation (for applications other than for an individual)
- ii I consent to the making of enquiries and the exchange of information with other authorities in NSW, or other states and territories regarding any matter, relevant to this application.
- iii I declare that the contents of this application including any attachments are true and correct in every particular.
- iv I acknowledge that under the *Crimes Act 1900* it is an offence to provide false, misleading or deficient information in this application.
- v I acknowledge that failure to provide all required information may result in refusal of the application.
- vi 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.

Total number of pages including additional information:

[REDACTED]

Signature

[REDACTED]

Print name

[REDACTED]

Date (dd/mm/yyyy)

[REDACTED]

SAVE AS

PRINT

SHOP 1

Name of Shop

Sydney Tools Alexandria

Street Address

88 Bourke Road, Alexandria NSW 2015

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

SHOP 2

Name of Shop

Sydney Tools Brookvale

Street Address

24 Mitchell Road, Brookvale NSW 2100

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 3

Name of Shop

Sydney Tools Campbelltown

Street Address

Tenancy 5, 4 Blaxland Road, Campbelltown NSW 2560

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 4

Name of Shop

Sydney Tools Castle Hill

Street Address

Unit 4,7-13 Victoria Avenue, Castle Hill NSW 2154

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 5

Name of Shop

Sydney Tools Dulwich Hill

Street Address

429 New Canterbury Road, Dulwich Hill NSW 2203

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 6

Name of Shop

Sydney Tools Gregory Hills

Street Address

Unit 1, No 1 Gregory Hills Drive, Gledswood Hills NSW 2257

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 7

Name of Shop

Sydney Tools Kotara

Street Address

Shop G004 Kotara Home, 30 Northcott Drive Kotara NSW 2289

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 8

Name of Shop

Sydney Tools North Parramatta

Street Address

596A Church Street, North Parramatta NSW 2151

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 9

Name of Shop

Sydney Tools Orange

Street Address

13-15 Peisley, Street Orange NSW 2800

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 10

Name of Shop

Sydney Tools Penrith

Street Address

100-104 Batt Street, Jamisontown NSW 2750

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 11

Name of Shop

Sydney Tools Commercial

Street Address

102 Bonds Road, Riverwood NSW 2210

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 12

Name of Shop

Sydney Tools Rutherford

Street Address

Unit 3, 387 New England Hwy, Rutherford NSW 2320

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 13

Name of Shop

Sydney Tools Silverwater

Street Address

50 Silverwater Road, Silverwater NSW 2128

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 14

Name of Shop

Sydney Tools Smithfield

Street Address

45 Victoria Street, Smithfield NSW 2164

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 15

Name of Shop

Sydney Tools Taren Point

Street Address

Unit 1, 2, 3 and 4, 169-171 Taren Point Road, Taren Point NSW 2229

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 16

Name of Shop

Sydney Tools Tuggerah

Street Address

120-124 Pacific Highway, Tuggerah NSW 2259

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 17

Name of Shop

Sydney Tools Warrawong

Street Address

Unit 1/139 King Street, Warrawong NSW 2502

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 18

Name of Shop

Sydney Tools Wollongong

Street Address

63 Flinders Street, Wollongong NSW 2500

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

SHOP 19

Name of Shop

Sydney Tools Port Macquarie

Street Address

Unit 2, 3, and 4, 215 Lake Road, Port Macquarie NSW

DETAILS OF EXEMPTION BEING SOUGHT

Days and proposed trading hours being sought

Good Friday - from 7:30am to 5:30pm

Easter Sunday - from 7:30am to 5:30pm

Before 1pm on ANZAC Day - from 7:30am to 1:00pm

Years for which exemption is being sought

3 years from 2021, 2022 and 2023.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

We refer to pages 2 to 42 of our attachment to the application.

DETAILS OF EXEMPTION BEING SOUGHT (Continued)

Fair Trading NSW, may only grant an exemption if satisfied that it is, in the exceptional circumstances of the case, in the public interest to approve this application. Please specify the exceptional circumstances in support of your exemption application for the shop and restricted trading day specified above. "Exceptional circumstances" must be more than "special circumstances" to satisfy the requirements under section 10(2) of the *Retail Trading Act 2008*.

We note under the *Retail Trading Act 2008 (NSW)* ('the Act'), Sydney Tools Pty Ltd ('Sydney Tools') falls under the definition 'Shop' and is not permitted to open on a 'restricted trading day'. Taking this into account, we respectfully seek New South Wales ('NSW') Fair Trading's approval for our Sydney Tools Alexandria ('Store') located at 88 Bourke Road, Alexandria NSW 2015, to open on from 7:30am to 5:30pm Good Friday and Easter Sunday, and from 7:30am to 1:00pm on Anzac Day ('Restricted Trading Days') for a period of 3 years considering the following.

EXCEPTIONAL CIRCUMSTANCES

Under the *Essential Services Act 1988 (NSW)* ('Essential Services Act'), Sydney Tools is an 'essential service' in supplying essential goods to other essential service providers listed under the Essential Services Act. Please see **attached** marked Annexure 1 a highlighted copy of the Essential Services Act.

1. COVID19 LOCKDOWNS

COVID19 is not a circumstance or an event that is regularly, routinely or normally encountered. As outbreaks and clusters are unpredictable, it is difficult to determine the frequency and duration of a lockdown occurring. Although a single outbreak or cluster may not seem exceptional, a combination of outbreaks or clusters may lead to a state of emergency or lockdowns in New South Wales, similar to that of the Sydney Northern Beaches lockdown.

Victoria: 6 Week Stage 4 Restrictions

From 6:00pm 2 August 2020 to 11:59pm 13 September 2020, all Victorian Sydney Tools' stores were able to operate in line with the Victorian Government's Stage 4 restrictions by supplying the necessary goods to essential companies and entities. Please see **attached** marked Annexure 2 an email from the Department of Defence supporting the Victorian Department of

Health and Human Services who have advised they require our goods in order to continue supporting their part in the COVID19 response.

Victoria: 5 day Circuit Breaker

Under the Victorian Government's 5 day circuit breaker schedule, Sydney Tools are defined as 'essential retail' as we provide an 'essential service' and employ 'essential workers'. As a result, all Sydney Tools in Victoria were able to trade during the entire 5 day circuit breaker period from 12 February 2021 to 17 February 2021. Please see **attached** and marked Annexure 3 a highlighted copy of the 5 day circuit breaker schedule.

South Australia: 6 Day Lockdown

On 19 November 2020, our Sydney Tools Windsor Gardens' store was able to trade in line with the South Australian Government Restrictions. Under the *Emergency Management (State at Home) (COVID19) Direction 2020 ('the South Australian Directions')*, Sydney Tools employees are defined as an 'essential worker' performing work that is essential for the continued operation of a hardware store. Under section 6 of the Directions, a person was permitted to leave home to obtain essential goods or services from a hardware store. Please see **attached** and marked Annexure 4 a highlighted copy of the South Australian Directions.

Western Australia: 5 Day Lockdown

On 31 January 2021 at 6:00pm, our Sydney Tools Malaga store was able to trade for the entire 5 day lockdown period. Under paragraph 30(k) of the *Stay at Home and Closure (Perth, Peel and the South West Regions) Directions ('the Western Australian Directions')* Sydney Tools are defined as an 'essential provider', and under paragraph 31(a) our employees are defined as 'essential workers'. Please see **attached** and marked Annexure 5 a highlighted copy of the Western Australian Directions.

2. DISASTER MANAGEMENT

Sydney tools is the only business in its class, capable of dealing with large disasters, by providing much needed stock when other suppliers have failed.

As an example of this, during the recent bush fires in Canberra, masks became scarce and other companies were unable to provide government departments. Sydney Tools were able to deliver the required masks and other essential equipment to Canberra from their Melbourne, Sydney and Brisbane stores.

In the past, Sydney Tools have provided the State Emergency Services (SES) with equipment such as tarps, rescue blades, reciprocating blades, power and demolition rescue tools to aid in their assistance with storm damage.

Another example is Sydney Tools did the same during the Sydney and Melbourne floods this year by shipping pumps and generators in to those effected areas.

Other examples include the Rock Hampton cyclone, Coffs Harbour fires, Newcastle earthquake and the Sydney, Melbourne and Brisbane floods, where we were able to deliver pumps and generators in to those effected areas.

DETERMINING WHETHER YOUR APPLICATION IS IN THE PUBLIC INTEREST

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

Sydney Tools Pty Ltd ('Sydney Tools') is one of the largest national retailers of power tools, currently employing more than 600 staff across Australia, with stores in New South Wales ('NSW'), Victoria, Queensland, South Australia, Western Australia, Northern Territory and Australian Capital Territory.

As an essential items supplier to essential service providers, Sydney Tools have a stock holding of 70 million products nationwide and supply these products and services to a number of customers from the federal government, health and emergency services, state infrastructure providers and transportation providers.

PRODUCTS WE SUPPLY

Sydney Tools are the market leader in electrical, construction, plumbing and carpentry. We also note the following essential safety protective products currently being supplied online and in all of our stores:

- An extensive line of respirator masks;

- Hand sanitisers;
- Protective coveralls;
- Gloves and boot covers;
- Petrol, diesel, silent and 3 phase generators;
- Chemical spray units;
- Commercial vacuum cleaners
- Electric, diesel and water pressure washers;
- Air compressors;
- Automotive tools and accessories;
- Portable hygiene sinks; and
- Petrol commercial and electrical steamers.

Whilst we note under the Act only shops with an exemption are permitted to open on a 'Restricted Trading Day', Sydney Tools' safety gear competitors such as RSEA Safety, Bunnings and Mitre 10 have minimal stock holdings in safety work wear and dust masks. They do not carry brands such as Fluke, Milwaukee, Delco or Chem Tools.

Sydney Tools supply its own range of dust masks, as well as being one of the only trade-based dealers in Australia able to offer 3M products, Honey Well, Pro Safe, In tech and Sundstrom, as well as being the exclusive national distributor for Draper and Sanders - Currently we have over 1 million masks being air freighted into various locations across Australia.

An example of a product that we believe will play a crucial role in the fight against COVID-19, is Fluke Distributor thermal imagery, infrared cameras.

These products sell for up to \$20,000.00 per unit and Sydney Tools is 1 of 5 businesses in Australia with access to these products and as a full distributor, one of the only businesses that works outside specialty markets such as oil and gas. We provide the following link for your reference:

<https://sydneytools.com.au/category/by-brand/fluke/thermal-imaging>

2. What is the need for the shop to be open on the restricted trading day?

As we are all aware, the Covid-19 pandemic ('COVID19') is major issue facing us all. We are in unprecedented times and it is difficult to predict and forecast COVID19's impact. The approval for Sydney Tools to operate as an exempt shop for Restricted Trading Days allows Sydney Tools to provide a service for the supply of goods necessary to the essential service providers as mentioned in the *Essential Services Act*.

COMPANIES AND ENTITIES WE SUPPLY AND SERVICE IN NSW

Please find a list of some of the industry sectors of essential service providers that we supply and service below:

Government, Health and Emergency Services

- Public Hospitals including Wollongong and Napean Hospital, RPA, Ambulance and Paramedic services;
- Randwick, Liverpool, Camden and Blacktown Council;
- State Emergency Services;
- The Royal Fire Service;
- The Australian Police Force;
- Australian Defence Force;
- Parliament House;
- NSW Tafes – Hunter Institute
- Parklea Correction Centre; and
- Thales Group at Garden Island.

Infrastructure Services

- Origin Energy, Origin Gas, AGL, UGL, Endeavour Energy;
- Transport for New South Wales;
- Sydney Metro;
- North and West Connex;
- Bouygues Construction Australia;
- Rozelle Interchange;
- John Holland Rail; and

- Comdain Civil Constructions Pty Ltd.
- Lendlease;

Utility Providers

- Sydney water, Hunter Water and Western water; and
- Telstra and NBN.

In the event a state of emergency is declared, provisions have been made for securing measures which affect the public safety of the state by regulating the supply, distribution and maintenance of essential goods required by essential service providers and the general public.

Please find **attached** and marked Annexure 6 an email from our NSW essential service customers, Water NSW and WestConnex.

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

UNUSUAL INFLUX OF CUSTOMERS

In times of crisis mentioned above, Sydney Tools in the past have experience an unusual influx of customers from essential service providers and the general public. Often the State Government announces a lockdown to be effective the same day. Customers do not have time to prepare and keep their families and themselves safe before and during the lockdown period.

ACCESS TO ESSENTIAL GOODS

The likely effect of a COVID19 lockdown will not affect customers access to our Store or the purchasing of goods sold. In the past, Sydney Tools have been able to adapt to the government restrictions implementing a no contact 'Click and Collect' service and no contact 'Door to Door' delivery to our customers. In addition, our freight providers have implemented their own COVID19 Safe practices by maintaining social distancing and zero contact delivery service by no longer requesting signatures on delivery.

PUBLIC INTEREST

We note under the Act, our competitors are defined as 'non-exempt shop' and are of the belief they have not lodged an application seeking an exemption for the Restricted Trading Days. Taking this into account, we believe Sydney Tools' real worth is being able to provide essential items that other stores cannot.

The nature of the sales and service provided by Sydney Tools require our Store to be open and our Store employees to be physically present. The appropriate sales skills, range and volume of specialised products will not be available from any other equivalent store in the area on the Restricted Trading Days being sought.

The essential goods being sold from our Store are of public interest as our essential service customers are not a small subset of consumers. Similarly, Sydney Tools is well known to the general public as we employ staff with an in-depth tool knowledge and expertise, and provide a large scale and volume of power tools and accessories than our competitors.

We note the likely effect of small stores and other businesses in the area is minimal as they do not sell the same range of essential goods supplied by Sydney Tools. Taking this into account, if Sydney Tools were granted an exemption to open on the Restricted Trading Days, it will benefit the local economy by generating revenue from both essential service customers and customers from the general public.

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)

We propose a minimum of 4 employees to be rostered to work on the Restricted Trading Days. These employees will be paid the public holiday rate in accordance with the General Retail Industry Award 2010. The Store will only be operated by employees who have freely elected to work on that day without any pressure, coercion, harassment, threat or intimidation.

Our Store will continue to practice:

- A distance of 4 meters radius between people within each of our premises to be maintained at all times;
- 1.5 meter line marking will be marked to indicate safe distances between employees and customers;
- Signs displayed to manage the maximum number of patrons;
- Customers will be provided hand sanitiser prior to Store entry;
- Customers to scan QR code prior to Store entry to assist contact tracing if required;
- Zero contact to take place between employees and employees with customers;
- Personal protective equipment provided to all staff including dust masks and hand sanitisers;
- Staff to have meal breaks at different times to achieve maximum personal space;
- Encouraging EFTPOS transactions to minimise possible cross contamination;
- Counters and all surfaces will be disinfected frequently;
- Maintain good personal hygiene; and
- Get tested if unwell.

If approved to open on the Restricted Trading Days, we will continue to provide our services and maintain a close watch on the changing environment and the guidance being provided by the Federal and NSW Government to ensure that we are familiar with, and are proactive in complying or exceeding the required protocols for our Stores, our staff and customers.