

# Retail trading on Restricted trading days

## APPLICATION FORM



Fair Trading

13 32 20 [www.fairtrading.nsw.gov.au](http://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](mailto: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)

Bernardi Group Pty Ltd

Trading / Business name

Bernardi Group

ABN

84 093 421 919

ACN

## Contact details

Person making the application (contact name)

[REDACTED]

Position title

[REDACTED]

Street address

[REDACTED]

Suburb

[REDACTED]

State

[REDACTED]

Postcode

[REDACTED]

Postal address (if different to above)

[REDACTED]

Suburb

[REDACTED]

State

[REDACTED]

Postcode

[REDACTED]

Telephone number

[REDACTED]

Mobile number

[REDACTED]

Email

[REDACTED]

**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

Name of the shop (in full)

Bernardi's Bathurst

Street address

72 Rankin Street

Suburb

Bathurst

State

NSW

Postcode

2795

### Shop 2

Name of the shop (in full)

Bernardi's Forbes

Street address

Shop 4, 159-173 Lachlan Street

Suburb

Forbes

State

NSW

Postcode

2871

### Shop 3

Name of the shop (in full)

Bernardi's Blayney

Street address

Unit 8/12 Farm Lane

Suburb

Blayney

State

NSW

Postcode

2799

## 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)

- |               |   |   |  |  |
|---------------|---|---|--|--|
| <b>sHoP 1</b> | <input checked="" type="checkbox"/> Good Friday | <input checked="" type="checkbox"/> Easter Sunday | <input type="checkbox"/> Before 1pm on ANZAC Day | <input type="checkbox"/> Christmas Day |
| <b>sHoP 2</b> | <input checked="" type="checkbox"/> Good Friday | <input checked="" type="checkbox"/> Easter Sunday | <input type="checkbox"/> Before 1pm on ANZAC Day | <input type="checkbox"/> Christmas Day |
| <b>sHoP 3</b> | <input checked="" type="checkbox"/> Good Friday | <input checked="" type="checkbox"/> Easter Sunday | <input type="checkbox"/> Before 1pm on ANZAC Day | <input type="checkbox"/> 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:

- |               |  |  |   |  |
|---------------|--|--|---|--|
| <b>sHoP 1</b> | Commencing at: <input type="text" value="8:00"/> | <input checked="" type="checkbox"/> am <input type="checkbox"/> pm | Closing at: <input type="text" value="8:00"/> | <input type="checkbox"/> am <input checked="" type="checkbox"/> pm |
| <b>sHoP 2</b> | Commencing at: <input type="text" value="8:00"/> | <input type="checkbox"/> am <input type="checkbox"/> pm            | Closing at: <input type="text" value="8:00"/> | <input type="checkbox"/> am <input checked="" type="checkbox"/> pm |
| <b>sHoP 3</b> | Commencing at: <input type="text" value="8:00"/> | <input checked="" type="checkbox"/> am <input type="checkbox"/> pm | Closing at: <input type="text" value="8:00"/> | <input type="checkbox"/> am <input checked="" type="checkbox"/> 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

Provide essential food items for customers/tourists/travellers in town that for various circumstances they weren't able to purchase these essentials on previous days.

### sHoP 2

Provide essential food items for customers/tourists/travellers in town that for various circumstances they weren't able to purchase these essentials on previous days.

### sHoP 3

Provide essential food items for customers/tourists/travellers in town that for various circumstances they weren't able to purchase these essentials on previous days.

## 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?

Supermarket which provides essential items ranging from Grocery/Freezer and Fresh Food consumables, toiletries, first aid items, stationery and baby care.

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

To provide essential food items for our community/tourists/travellers in town that for various circumstances they weren't able to purchase these essentials on previous days.

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)*

Employees working on the restricted trading days would be those who volunteered and would be paid in line with the legislation and penalty rates as per the General Retail Industry Award 2020.

There would be a minimum of 10 staff across the supermarket on the restricted trading days being Easter Sunday and ~~Boxing Day~~. Good Friday

**sHoP 2**

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

Supermarket which provides essential items ranging from Grocery/Freezer and Fresh Food consumables, toiletries, first aid items, stationery and baby care.

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

To provide essential food items for our community/tourists/travellers in town that for various circumstances they weren't able to purchase these essentials on previous days.

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

Opening on these additional days would likely have a positive effect on both the economy and tourism as it would bring additional people to town for that period.

By allowing trading our local community will have access to the essential items they require during these periods which in turn improves the likelihood of tourists/families visiting the town and attending other local businesses.

There would be minimal to no negative impact on local businesses

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)*

Employees working on the restricted trading days would be those who volunteered and would be paid in line with the legislation and penalty rates as per the General Retail Industry Award 2020.

There would be a minimum of 10 staff across the supermarket on the restricted trading days being Easter Sunday and ~~Boxing Day~~ Good Friday

**sHoP 3**

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

Supermarket which provides essential items ranging from Grocery/Freezer and Fresh Food consumables, toiletries, first aid items, stationery and baby care.

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

To provide essential food items for our community/tourists/travellers in town that for various circumstances they weren't able to purchase these essentials on previous days.

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

Opening on these additional days would likely have a positive effect on both the economy and tourism as it would bring additional people to town for that period.

By allowing trading our local community will have access to the essential items they require during these periods which in turn improves the likelihood of tourists/families visiting the town and attending other local businesses.

There would be minimal to no negative impact on local businesses

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)*

Employees working on the restricted trading days would be those who volunteered and would be paid in line with the legislation and penalty rates as per the General Retail Industry Award 2020.

There would be a minimum of 10 staff across the supermarket on the restricted trading days being Easter Sunday and ~~Boxing Day~~ Good Friday

## 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:

Signature

Print name

Date (dd/mm/yyyy)

Save as

Print

## Shop 4

Bernardi's West Wyalong  
12-20 Barnardo Street  
West Wyalong NSW 2671

Proposed trading hours:

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 4-

Provide essential food items for customers/tourists/travellers in town that for various circumstances they weren't able to purchase these essentials on previous days.

### 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 4-

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

Supermarket which provides essential items ranging from Grocery/Freezer and Fresh Food consumables, toiletries, first aid items, stationery and baby care.

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

To provide essential food items for our community/tourists/travellers in town that for various circumstances they weren't able to purchase these essentials on previous days.

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

Opening on these additional days would likely have a positive effect on both the economy and tourism as it would bring additional people to town for that period.

By allowing trading our local community will have access to the essential items they require during these periods which in turn improves the likelihood of tourists/families visiting the town and attending other local businesses.

There would be minimal to no negative impact on local businesses.

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)*

Employees working on the restricted trading days would be those who volunteered and would be paid in line with the legislation and penalty rates as per the General Retail Industry Award 2020.

There would be a minimum of 10 staff across the supermarket on the restricted trading days being Easter Sunday and ~~Boxing Day~~ Good Friday