

Retail Trading Act 2008

APPLICATION FORM

Retail Trading on Restricted Trading Days

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.

Lodgement instructions

Email: ftlicensing@finance.nsw.gov.au

Post: NSW Fair Trading, Customer Experience,
Locked bag 2096, Lisarow NSW 2252.

Email or post the application – do not send more than once.

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.

Applicant details

Applicant's name: [name of company / sole trader / partnership]

Business / Trading name:

ABN / ACN:

Contact details

Person making the application: [contact name]

Position title:

Street address:

Suburb

State

Postcode

Postal address: [if different to above]

State

Postcode

Telephone number:

Mobile number:

()

Email

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]

Street address:

Suburb

State

Postcode

Details of exemption being sought

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

Good Friday

Before 1pm on ANZAC Day

Easter Sunday

Christmas Day

Is the exemption for:

a specific day or days [specify the date or dates], or

a specific period of up to three years [specify the period in years]

Information required to support the application

Please nominate the proposed trading hours:

Commencing at: (am/pm)

Closing at: (am/pm)

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:

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]

Applicants signature

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.

Signature:

Print name:

Date (dd/mm/yyyy)