

Retail Trading Regulation 2014

[2014-519]



New South Wales

Status Information

Currency of version

Repealed version for 19 November 2015 to 27 September 2020 (accessed 18 July 2024 at 2:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

This Regulation was repealed by Sch 4.2 of the [Better Regulation Legislation Amendment Act 2020 No 25](#) with effect from 28.9.2020.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 28 September 2020

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Retail Trading Regulation 2014



New South Wales

1 Name of Regulation

This Regulation is the *Retail Trading Regulation 2014*.

2 Commencement

This Regulation commences on 1 September 2014 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Retail Trading Regulation 2009* which is repealed on 1 September 2014 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

In this Regulation:

the Act means the *Retail Trading Act 2008*.

4 (Repealed)

5 Application for exemption

An application for exemption is to be in the form set out in Schedule 1.

6 Public review period for exemption applications

Before determining an application for an exemption under Division 2 of Part 3 of the Act, the Director-General must:

- (a) cause the application to be publicly exhibited for a period of at least 14 days, and
- (b) seek public comment on the application during the period of public exhibition, and
- (c) have regard to any public comment received during that period.

7 Savings

Any act, matter or thing that, immediately before the repeal of the *Retail Trading Regulation 2009*, had effect under that Regulation continues to have effect under this

Regulation.

Schedule 1 Application form

Application for retail trading on restricted trading days

Retail Trading Act 2008

Applicant's 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: *[include city/town and postcode]*

Postal address: *[if different from above]*

Telephone number: *[include area code]*

Fax number:

Email address:

Name and location of the shop/s subject of this application

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

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
- Boxing Day

Is the exemption for:

- a specific day or days, being *[specify the date or dates]*, or
- a specific period of up to three years, being *[specify the period in years]*

Information required to support the 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.

Specify the shop and restricted trading day to which the information below relates:

Nominate the proposed trading hours:

Commencing at: [am/pm]

Closing at: [am/pm]

Note—

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 specified above:

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 the kinds of goods sold?
2. Why does the shop need to be kept 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 the exemption is granted and specify the industrial instruments (including agreement number/s) under which employees working on the day will be employed.)

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]

[date]