

# Retail Trading Regulation 2009

[2009-186]



New South Wales

## Status Information

### Currency of version

Repealed version for 25 February 2011 to 31 August 2014 (accessed 15 October 2024 at 5:14)

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—

- **Previously named**  
Shop Trading Regulation 2009
- **Repeal**  
The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2014.

### 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 1 September 2014

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New South Wales

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# Retail Trading Regulation 2009



New South Wales

## 1 Name of Regulation

This Regulation is the *Retail Trading Regulation 2009*.

## 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

## 3 Definition

In this Regulation, **the Act** means the *Retail Trading Act 2008*.

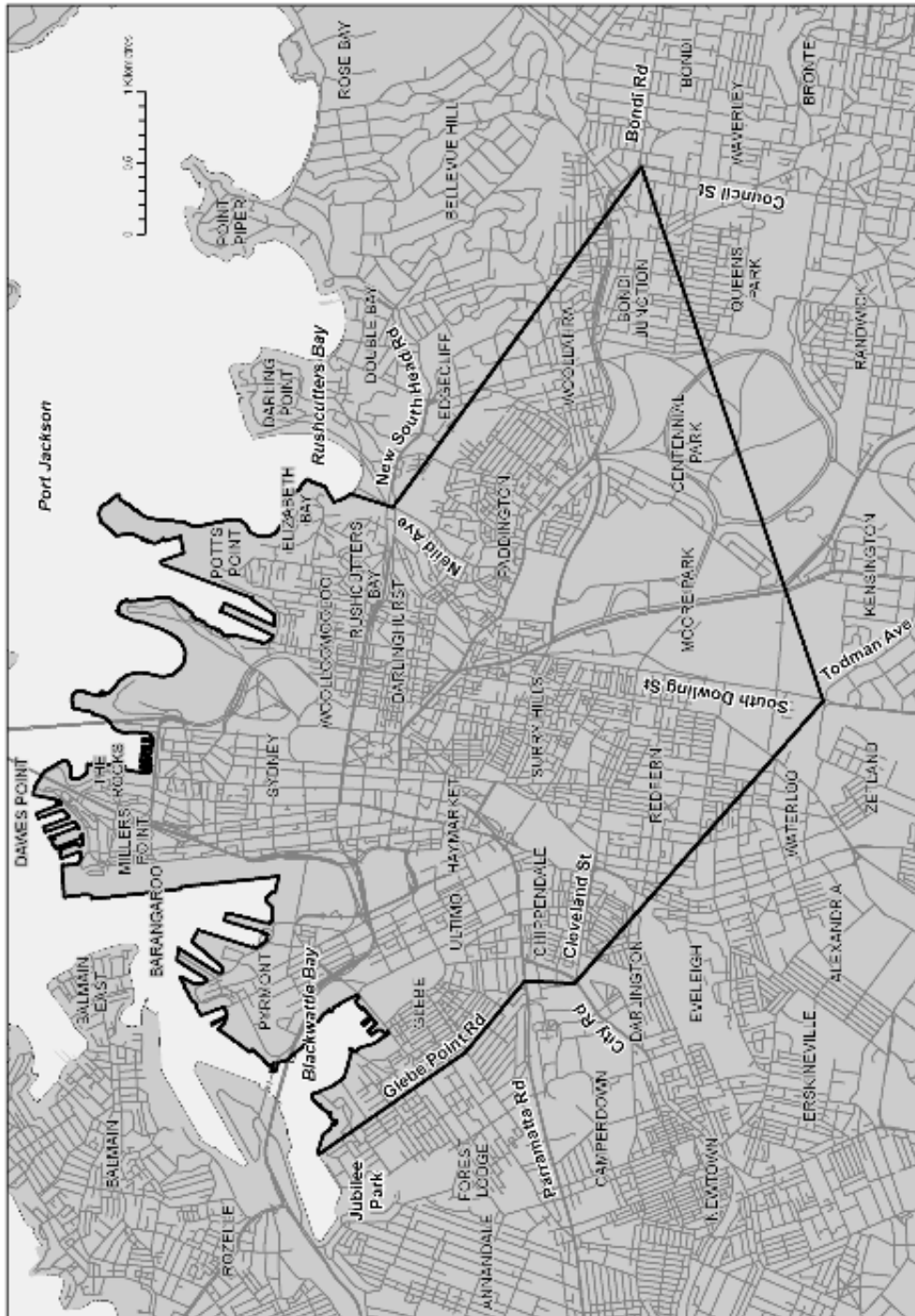
### 3A Sydney Trading Precinct

For the purpose of section 4 (3) of the Act, the Sydney Trading Precinct is the precinct described as:

- (a) having a northern boundary composed by the southern shoreline of Port Jackson Harbour, extending from Rushcutters Bay to Jubilee Park at Blackwattle Bay, and
- (b) having a western boundary extending from Jubilee Park at Blackwattle Bay, along the western side of Glebe Point Road to Parramatta Road, and then in a direct line to the corner of City Road and Cleveland Street, Chippendale, and
- (c) having a south-western boundary extending from the corner of City Road and Cleveland Street, Chippendale, proceeding in a direct line to the corner of South Dowling Street and Todman Avenue, Kensington, and
- (d) having a south-eastern boundary from the corner of South Dowling Street and Todman Avenue, Kensington, proceeding in a direct line to the corner of Council Street and Bondi Road, Bondi Junction, and
- (e) having a north-eastern boundary from the corner of Council Street and Bondi Road, Bondi Junction, proceeding in a direct line to the corner of New South Head Road and Neild Avenue, Rushcutters Bay, and then in a direct line due north to the southern shoreline of Port Jackson Harbour.

**Note—**

An illustration of the above description is as follows:



**4 Public review period for exemption applications**

- (1) 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.

(2) This clause does not apply to an application for an exemption made before the commencement of this clause.

(3) This clause as amended by the [Retail Trading Amendment Regulation 2011](#) extends to an application for an exemption made but not finally determined before the commencement of the amendment.

## 5 Application for exemption

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

## 6 (Repealed)

# Schedule 1 Application form

## Application for retail trading on restricted trading days

*Retail Trading Act 2008*

### Applicant's details

Applicant's name:

Business name:

Trading name:

ABN/ACN:

Particulars of shop/s for which you are seeking an exemption:

### Contact details

Street address: *[include city/town and postcode]*

Postal address: *[if different from above]*

Telephone number: *[include area code]*

Fax number:

Email address:

Person making the application:

Position title:

### 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.

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

Please nominate the proposed trading hours:

Commencing at: [*am/pm*]

Closing at: [*am/pm*]

#### Note—

The Director-General of the NSW Department of Services, Technology and Administration 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:

#### Note—

“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.

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

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?\*

#### Note—

The Director-General of the NSW Department of Services, Technology and Administration will have regard to each of the matters asterisked above in determining whether the exemption sought is in the public interest.

Employees working on the restricted trading day will be employed under which industrial instrument/s?

Number of employees likely to work in the shop if the exemption is granted? [*insert number*]

#### Note—

This application will be put on public exhibition by the Director-General of the NSW Department of Services, Technology and Administration.

It is an offence to fail to comply with any conditions imposed on an exemption by the Director-General.

[*signature*]

[*date*]

## **Schedule 2 (Repealed)**