

## Form 20 – Affidavit

Industrial Relations Act 2016, section 989  
Industrial Relations (Tribunals) Rules 2011, rules 52, 53 and 55

  
**INDUSTRIAL REGISTRAR**  
**15 MAY 2019**  
  
**QUEENSLAND**

### Information

- Please read this form carefully. Please complete all relevant sections. Information that is missing or non-compliant with the relevant section of an Act or the Rules may result in the rejection of your form.
- Practice Note 1 of 2018 - ELECTRONIC FILING AND HARD COPIES OF DOCUMENTS. Documents which are longer than 30 pages in length must be supplied to the Industrial Registry in hard copy before it will be accepted for filing.

For further information please contact the Industrial Registry on 1300 592 987 or via email at [qirc.registry@qirc.qld.gov.au](mailto:qirc.registry@qirc.qld.gov.au)

<b>Applicant:</b>	National Retail Association, Union of Employers
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v

<b>Respondent:</b>	
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**PLEASE NOTE:** If there are more than two parties to this application, please complete a **Form 1 – Parties list** and file it with this form.

**PLEASE NOTE:** If this affidavit contains exhibits you will need to complete a **Form 21 - Certificate of exhibit to affidavit** for each exhibit.

This affidavit is filed for the  applicant  respondent (or as the case may be)

<b>Affidavit of (name of person making affidavit)</b>	
<b>I (Name):</b>	David Stout
<b>of (Address):</b>	33 Park Road Milton
<b>Position:</b>	Manager Policy
<input type="radio"/> make oath and say <input checked="" type="radio"/> or solemnly and sincerely affirm and declare as follows -	

Signed:  
(deponent/s to sign)

Taken by:  
(person taking the affidavit to sign)

1. I am .....

2. Exhibit A to this affidavit is .....

1.Im the Manager Policy for the National Retail Association, Union of Employers. The NRA is one of Australia's largest and most diverse retail associations.

2.The Burdekin Show is held annually in June in Ayr, and attracts interest from across the Burdekin region and further afield. This includes exhibitors, competitors and visitors to the show. According to the Burdekin Shire Council, the show is also a drawcard for tourism from the surrounding region:

3.The Show highlights the agricultural, commercial, trade and cultural aspects of our community for the people of Ayr, Home Hill, Brandon and surrounding area. The annual show is a family orientated, fun day/night program filled with entertainment, food and displays of many different types for the general public to experience and enjoy. From Sweets and Preserves to Horse Sports, our show has it all. Machinery enthusiasts can check out the latest in farm machinery and vehicles or simply appreciate the historical restorations on display.

4.The Burdekin Shire Council covers an area of approximately 5,053 square kilometres and is bordered by Townsville City Councils to the north, Charters Towers Regional Council to the west and Whitsunday Regional Council to the south.

5.The Shire has an estimated resident population of approximately 17,500 as at the 2011 census and is categorised as a Rural Agricultural Very Large (RAV) Local Authority under the Australian classification of Local Governments.

6.Every year, in June, the community celebrates the significance of agriculture to the region's economy with the Burdekin Annual Show, which has in itself become a major cultural event.

<https://www.burdekin.qld.gov.au/council/council-information/about-us/#gsc.tab=0>

7.These events reflect a large part of the cultural heritage of regional Queensland, as does the wider notion of annual shows as a highlight of community activity in any given year. For these reasons, the NRA contends that the Burdekin Annual Show is clearly an event of cultural significance to the region.

8.The 2018 Show Schedule (See Appendix C) indicates that there were 19 separate areas of show competition, many of which had as many as 20 or 30 sub-categories for competitors.

Events on the Burdekin Show 2018 program included:  
Sporting competitions, Sugar Cane, Poultry and Caged Birds  
Flowers and Garden exhibition, Equestrian Show Jumping  
Needlework and sewing, Arts and Crafts displays  
Cooking, Fireworks, Animal Farm, Markets  
Children's activities, live entertainment, Miss Showgirl quest

9.We further that the commercial activity generated by the show would benefit local main street businesses if non-exempt store were able to trade and draw visitors into the business region throughout the day.

10.The NRA submits that the Burdekin Annual Show clearly meets the criteria for section (1)(c) order under the Act, as revised in 2017.


11 Exhibit A and B to the affidavit is both description and a map of the area subject to the appl.


Signed:  
(deponent/s to sign)

Taken by:  
(person taking the affidavit to sign)

Further, I  make oath and say  solemnly and sincerely affirm and declare

All the facts and circumstances deposed to in this my affidavit are within my own knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

Signature	
Signature:	
Name:	David Stout
Date:	22/5/19

Taken by	
Sworn/Affirmed by the deponent at:	Milton
on:	22/5/19
Signature:	
Print name:	Alexander Milligan
Justice of the peace/commissioner for declarations/lawyer/other qualified person	

Certificate:

Pursuant to section 55 of the *Industrial Relations (Tribunals) Rules 2011*

- I certify that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit.
- I certify that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit, but was physically incapable of signing it.

## Form 21 – Certificate of exhibit to affidavit

*Industrial Relations Act 2016, section 989*  
*Industrial Relations (Tribunals Rules) 2011, rule 53*

<b>Applicant/Appellant:</b>	National Retail Association, Union of Employers
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v

<b>Respondent:</b>	NA
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This is the	
<b>Name of document:</b>	Statement of facts
<b>Marked:</b>	Exhibit A
mentioned in the affidavit of	David Sturt

<b>Sworn/Affirmed by the deponent at:</b>	Milton
<b>on:</b>	15 / 5 / 19
<b>Signature:</b>	
<b>Print name:</b>	Alexander Millman

Justice of the peace/commissioner for declarations/lawyer/other qualified person.

## The 2019 Burdekin Annual Show

The Burdekin Show is held annually in June in Ayr, and attracts interest from across the Burdekin region and further afield. This includes exhibitors, competitors and visitors to the show. According to the Burdekin Shire Council, the show is also a drawcard for tourism from the surrounding region:

*The Show highlights the agricultural, commercial, trade and cultural aspects of our community for the people of Ayr, Home Hill, Brandon and surrounding area. The annual show is a family orientated, fun day/night program filled with entertainment, food and displays of many different types for the general public to experience and enjoy. From Sweets and Preserves to Horse Sports, our show has it all. Machinery enthusiasts can check out the latest in farm machinery and vehicles or simply appreciate the historical restorations on display.*

*The Beautiful Burdekin is renowned for its wonderful hospitality so come along to the Burdekin Show and experience the best of everything the Burdekin has to offer.*

<https://www.burdekin.qld.gov.au/event/burdekin-annual-show-6/#gsc.tab=0>

## The applicant and the order being sought

The National Retail Association is Australia's largest and most diverse retail organisation. The Association represents thousands of retailers nationwide, ranging from individual retail outlets and franchise locations to large supermarkets and department stores. The NRA and its members believe the Burdekin Annual Show fits the description of a special event under the Trading (Allowable Hours) Act 1990 ("The Act").

The Act (as revised in 2017) provides for non-exempt shops operating in a stated area for an event" to be considered exempt for the period of that event, if the QIRC declares the event to be a special event. In deciding whether to declare an event to be a special event the Commission must consider the cultural, religious or sporting significance of the event, and the significance of the event to the economy and the tourism industry. Further, the Commission may consider a submission made by a local government for an area in which the declaration is likely to have an impact.

A declaration must state the details of the event the subject of the declaration, the period for which the declaration applies, and the area to which the declaration applies. Accordingly, the NRA asks the Commission to grant an order under sub-section (1)(c) of the Act for the business district of Ayr, as described at Appendix A to this application and as shown in Appendix B), beginning on 26 June 2019, and concluding on the 26 June 2019.

## The cultural, religious or sporting significance of the event

*The Burdekin Shire Council covers an area of approximately 5,053 square kilometres and is bordered by Townsville City Councils to the north, Charters Towers Regional Council to the west and Whitsunday Regional Council to the south.*

*The Shire has an estimated resident population of approximately 17,500 as at the 2011 census and is categorised as a Rural Agricultural Very Large (RAV) Local Authority under the Australian classification of Local Governments.*

*Every year, in June, the community celebrates the significance of agriculture to the region's economy with the Burdekin Annual Show, which has in itself become a major cultural event.*  
<https://www.burdekin.qld.gov.au/council/council-information/about-us/#gsc.tab=0>

The 2018 Show Schedule (See Appendix C) indicates that there were 19 separate areas of show competition, many of which had as many as 20 or 30 sub-categories for competitors.

Events on the Burdekin Show 2018 program included:

- Sporting competitions
- Sugar Cane
- Poultry and Caged Birds
- Flowers and Garden exhibitions
- Equestrian Show Jumping
- Needlework and sewing
- Arts and Crafts displays
- Cooking
- Fireworks
- Animal Farm
- Markets
- Children's activities
- And live entertainment.
- Miss Showgirl quest

These events reflect a large part of the cultural heritage of regional Queensland, as does the wider notion of annual shows as a highlight of community activity in any given year. For these reasons, the NRA contends that the Burdekin Annual Show is clearly an event of cultural significance to the region.

#### [The significance of the event to the economy and the tourism industry](#)

As outlined above, the Burdekin Council promotes the show on its website as part of its events program, and urges visitors to the town at show time to "experience the best of everything the Burdekin has to offer". Admission to the show is free, maximising the opportunity for both locals and visitors to participate.

The show society lists some 82 local businesses as sponsors in the 2018 schedule. The NRA submits this is clear evidence that the business community considers the show to be a significant event for the local economy.

We further that the commercial activity generated by the show would benefit local main street businesses if non-exempt store were able to trade and draw visitors into the business region throughout the day.

#### Conclusion

The NRA submits that the Burdekin Annual Show clearly meets the criteria for section (1)(c) order under the Act, as revised in 2017. We further submit that the order sought is proportionate and sensible, and will adequately serve the needs of both visitors and locals during the Burdekin Annual Show.

May it please the Commission.

## Form 21 – Certificate of exhibit to affidavit

Industrial Relations Act 2016, section 989  
Industrial Relations (Tribunals Rules) 2011, rule 53

<b>Applicant/Appellant:</b>	National Retail Association, Union of Employers
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v

<b>Respondent:</b>	NA
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This is the	
<b>Name of document:</b>	Description of location
<b>Marked:</b>	Exhibit B
mentioned in the affidavit of	<i>David Strat</i>

<b>Sworn/Affirmed by the deponent at:</b>	<i>Milton</i>
<b>on:</b>	<i>15 / 5 / 19</i>
<b>Signature:</b>	
<b>Print name:</b>	<i>Alexander Millman</i>
Justice of the peace/commissioner for declarations/lawyer/other qualified person	



## Appendix A – Description of the area subject to this application

From a point on the corner of Bruce Hwy and Craig St, travelling East along Craig St until its intersection with Chippendale St.

Travelling south on Chippendale St to the intersection of Wickham St.

Travelling West on Wickham St to the intersection of Mackenzie St.

Travelling North on Mackenzie St to the intersection of Craig St

Then travelling North East direction to the starting point.

## Appendix B – Map of the area subject to this application

