

Form 2 – Application to Queensland Industrial Relations Commission – non-chapter 12 approved form

Industrial Relations Act 2016, sections 527 and 989
Industrial Relations (Tribunals) Rules 2011, rule 8


INDUSTRIAL REGISTRAR
17 SEP 2019

QUEENSLAND

Information

Use this form for making any of the following applications to the Queensland Industrial Relations Commission:

Industrial Relations Act 2016 and Industrial Relations (Tribunals) Rules 2011

- for the commission to deal with a general protections dispute (s 309)
- for a declaration (ss 463, 465, rr 72, and 73)
- to amend or declare void a contract (s 471, r 74)
- for an injunction (s 473, r 75)
- for an order about a demarcation dispute (s 479, r 77)
- to reopen proceedings (s 484, r 78)
- to refer a matter to the full bench (s 486(4), r 79)
- for the interpretation of an industrial instrument (s 467, r 80)
- for an order fixing minimum wages and employment conditions for apprentices and trainees (s 136(4)(b), r 149A)
- for an order about tools (s 137(3)(b), r 149B)
- for an order for employees in labour market program (s 140(3)(b), r 149C)
- for an order ensuring equal remuneration for work of equal or comparable value (s 253, r 151)
- for a compensation order (s 122(1)(b), r 154)
- for an order about severance allowance and other separation benefits (s 326, r 155)

- for order for contravention of the Industrial Relations Act 2016 (ss 269, 329, and 330, rr 185, 156, and 157)
- to make, vary, or revoke a modern award (ss 147(2)(b), and 150(3)(b), rr 160, 161, and 162)
- for a consent arbitration (s 178(1), r 169)
- to revoke or suspend authorised officer's authority (s 338(1), r 187)
- to cancel an aged or infirm person's permit (s 979(7), r 223)
- application for scope order (s 184)
- suspension or termination of protected industrial action (ss 240 and 241)

Public Interest Disclosure Act 2010 and Industrial Relations (Tribunals) Rules 2011

- for injunction (s 48, r 81)

Work Health and Safety Act 2011 and Industrial Relations (Tribunals) Rules 2011

- to disqualify a health and safety representative (s 65, r 84)
- for an order that an employer reinstate an injured worker (s 232E, r 83)

Once your form has been processed the Industrial Registry will contact you and provide you with a sealed copy of your application.

PLEASE NOTE: This form requires the completion of a supporting affidavit. Please complete and file a **Form 20 – Affidavit** alongside this form. Ensure that the affidavit complies with the rules (see: rr 11, 50, 51, 52, 53, 54, 55, 57).

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

Applicant:	National Retail Association, Union of Employers

v

Respondent:	NA

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.

Application
This is an application to the Queensland Industrial Relations Commission, pursuant to

1. Applicant			
Title: (please select)	<input type="radio"/> Mr <input checked="" type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Miss <input type="radio"/> Mx <input type="radio"/> Other:		
Name of applicant:	Dominique Lamb		
Name of contact person:	David Stout		
Postal address:	67 St Paul's Terrace		
	Suburb/Town	Spring Hill	Postcode 4000
Phone number:	3240 0100	Fax number:	
Mobile number:	0409926066		
Email address:	d.stout@nra.net.au		
Does the applicant have a representative? A representative might be a lawyer, a union, an agent or a family member or friend who will speak on behalf of the applicant. There is no requirement to have a representative.			
<input checked="" type="radio"/> Yes - provide representative's details below and file a Form 33 or 34			
<input type="radio"/> No			

2. Applicant's representative			
Organisation:	National Retail Association, Union of Employers		
Name of contact person:	David Stout		
Postal address:	67 St Paul's Terrace		
	Suburb/Town	Spring Hill	Postcode 4000
Phone number:		Fax number:	
Mobile number:	0409926066		
Email address:	d.stout@nra.net.au		

3. Respondent			
The applicant must serve a copy of this application on the respondent			
Name of respondent:	NA		
Name of contact person:			
Postal address:			
	Suburb/Town		Postcode
Phone number:		Fax number:	
Mobile number:			
Email address:			

4. Details of decision sought
<i>1000 character limit.</i>
The NRA asks the Commission to grant an order under sub-section (1)(c) of the Act for a part of the Local Government Area of Gold Coast east of the M1 Motorway and north of Tallebudgera Creek, for the period of October 25 to 27 inclusive. This covers the period of the Gold Coast 600 Motor Race. (See Annexure B for a map of the area.

TAKE NOTICE: Please ensure that this application is accompanied by and filed with a properly completed Form 20 – Affidavit.

5. Signature of applicant or representative	
Signature:	
Name in full (please print):	Dominque Lamb
Date:	10/9/19



Matter Number:

TH 12019 15

Form 20 – Affidavit

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

INDUSTRIAL REGISTRAR
17 SEP 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

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

Respondent:	
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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)

Affidavit of (name of person making affidavit)	
I (Name):	David Stout
of (Address):	67 St Paul's Terrace Spring Hill
Position:	Director Policy
<input type="checkbox"/> make oath and say or <input type="checkbox"/> solemnly and sincerely affirm and declare as follows –	

Signed:
(deponent/s to sign)

Taken by:
(person taking the affidavit to sign)

Signed: _____
(deponent/s to sign)

Taken by: _____
(person taking the affidavit to sign)

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

2. The Gold Coast is an annual motor racing event for Supercars held in Surfers Paradise on the Gold Coast every year. Since 2009, the Gold Coast 600 has been a regular part of the Supercars Championship. The event runs over three days, Friday to Sunday, and includes non-stop excitement, live music and of course the main event, racing. Last year, 196,192 fans turned out over the 2018 Gold Coast 600 which was the second highest crowd in the Supercars era, even despite the decision to abandon the Sunday night's racing due to the weather.

3. The 2019 Gold Coast 600 will run from October 25 to 27.

4. 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 Gold Coast 600 fits the description of a special event under the Trading (Allowable Hours) Act 1990 ("The Act").

5. On August 28, the Hon. Kate Jones, Minister for Innovation and Tourism Industry Development, published a media release discussing the significance of the sporting event and announcing discussions on the possible expansion on the Gold Coast 600 over the coming years due to the popularity of the major sporting event.

6. The 2018 Gold Coast 600 generated more than \$55 million for the Coast, according to the Queensland Government. (see annexure C) In the words of Minister Jones: "Major events are in the Gold Coast's DNA and the tourism industry is part of the backbone of the Gold Coast's economy".

7. Continued in Annexure A – Detailed Submission

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:	10/9/19

Taken by	
Sworn/Affirmed by the deponent at:	Brisbane
on:	10/9/19
Signature:	
Print name:	Alexander Millman
<u>Justice of the peace/commissioner for declarations/lawyer/other qualified person</u>	

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.



Matter Number: / /

Form 21 – Certificate of exhibit to affidavit

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

Applicant/Appellant:	National Retail Association, Union of Employers

v

Respondent:	NA

This is the	
Name of document:	Detailed Submission
Marked:	Annexure A
mentioned in the affidavit of	. David Stout

Sworn/Affirmed by the deponent at:	Brisbane
on:	10/9/19
Signature:	
Print name:	Alexander Millonon
Justice of the peace/commissioner for declarations/lawyer/other qualified person	

The Gold Coast 600 - a major Queensland sporting and economic event

The Gold Coast is an annual motor racing event for Supercars held in Surfers Paradise on the Gold Coast every year. Since 2009, the Gold Coast 600 has been a regular part of the Supercars Championship. The event runs over three days, Friday to Sunday, and includes non-stop excitement, live music and of course the main event, racing. Last year, 196,192 fans turned out over the 2018 Gold Coast 600 which was the second highest crowd in the Supercars era, even despite the decision to abandon the Sunday night's racing due to the weather.

The 2019 Gold Coast 600 will run from October 25 to 27.

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 Gold Coast 600 fits the description of a special event under the Trading (Allowable Hours) Act 1990 ("The Act").

The order being sought by the applicant

The Trading (Allowable Hours) Act 1990 (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 a part of the Local Government Area of Gold Coast east of the M1 Motorway and north of Tallebudgera Creek, for the period of October 25 to 27 inclusive. This covers the period of the Gold Coast 600 Motor Race. (See Annexure B for a map of the area.)

Event organisers have urged patrons attending the Gold Coast 600 to take advantage of public transport, including rail from Brisbane and "The G" – the Gold Coast light rail, or to use major Park and Ride hubs at Helensvale and Robina. For this reason, the area of this application has been constructed to include the major transport hubs where racegoers may take advantage of retail trade opportunities at the start or end of the day's official events, as well as the area immediately adjoining the race track.

The NRA believes such an order would allow major retailers to cater better to the needs of visitors to the event, as well as residents. We also contend that such an order is in keeping with the letter and the intent of the Act, and in line with similar applications previously granted by the Commission.

The cultural, religious or sporting significance of the event

On August 28, the Hon. Kate Jones, Minister for Innovation and Tourism Industry Development, published a media release discussing the significance of the sporting event and announcing discussions on the possible expansion on the Gold Coast 600 over the coming years due to the popularity of the major sporting event.

Tourism Industry Development Minister Kate Jones has today given the green light for Supercars to begin discussions with Gold Coast City Council, local businesses and residents about a potential future night race. By hosting the GC600 at night, the Gold Coast could boast the first touring car event in the world held on a street track – under lights. By upgrading lighting along the course, we can make the GC600 one of the most iconic motorsports events on the planet.

In the same media release, the Hon. Mick de Brenni, Minister for Sport, discussed the successful sporting event and the positive results for Queensland if the event was to be expanded.

“The GC600 is an iconic race on one of the worlds most challenging circuits – and now this new format will boost the event to a must-see on the international motorsport calendar,” he said. “Over the last two years our Queensland based drivers have set the circuit on fire in Surfers Paradise, so we’re building on that legacy so Queenslanders like Jack Smith get to inspire the next generation of Queensland sportsmen and women on a home track. Our approach has involved investigating every possible international motor sport option for the Gold Coast and our due-diligence shows a souped-up GC 600 will keep fans coming back for more.”

Supercars CEO Sean Seamer said the proposed expansion “would take the event to a new level” and “will elevate the Gold Coast 600 to one of the premier motorsport events in the Southern Hemisphere, it will be the first time touring cars have ever been under lights at a street circuit, anywhere”.

The Premier herself, the Hon. Anastacia Palaszczuk, and her government also “share the vision of staging one of the most spectacular sporting and entertainment events ever seen in the country”. (See Annexure C)

Expanding the already massively popular sporting event will no doubt make future Gold Coast 600 events even more significant than it is now. The NRA submits that this ringing endorsement of the significance and possible expansion of the Gold Coast 600 are a clear demonstration of its sporting significance.

The significance of the event to the economy and the tourism industry

The 2018 Gold Coast 600 generated more than \$55 million for the Coast, according to the Queensland Government. (see annexure C) In the words of Minister Jones: “Major events are in the Gold Coast’s DNA and the tourism industry is part of the backbone of the Gold Coast’s economy”. (see annexure D)

Assistant Minister for Tourism Industry Development Meaghan Scanlon, said “Gold Coast businesses have come to rely on that boost around October” and that the event is “giving confidence to tourism operators that they can rely on the GC600 into the future”. Of course, Gold Coast retailers would be the majority of those businesses who rely on that boost and who would benefit from increase in tourists over that weekend.

The proposed expansion of the event would also benefit the tourism industry as it would create more tourism jobs for Gold Coasters and would “boost revenue by more than \$25 million – cash that will go straight back to local businesses and support local jobs”. (see annexure C)

In Minister Jones’ second media release on August 28 discussing the Gold Coast 600 and the Townsville 400, she discussed the importance of major events and how they support the economy.

“Both races pump tens of millions of dollars into the economy. We’ve committed to working with Supercars to grow these events in the future to attract more tourists who stay longer in Queensland. When it comes to growing major events we’re in pole position – since 2015 we’ve more than doubled the value of Queensland’s major events calendar which is now worth around \$800 million”. (see annexure D)

The NRA submits that, on the basis of these endorsements from the Premier, the Tourism Industry Development Minister, her Assistant Minister and the Sports Minister, the Commission can confidently determine that Gold Coast 600 is a highly significant event for the Gold Coast economy and tourism industry.

Conclusion

The NRA submit that the Gold Coast 600 – one of the most iconic events on the Queensland calendar – clearly meets the criteria under the Act as “a unique or infrequent event of local, State or national significance”. We further submit that the Commission, should it be mindful to grant this application, could comfortably rely on the available evidence in support of the cultural significance of the event, and its significance to the economy.

May it please the Commission.



Matter Number:

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Form 21 – Certificate of exhibit to affidavit

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

Applicant/Appellant:	National Retail Association, Union of Employers
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Respondent:	
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This is the	
Name of document:	Map of the Area
Marked:	Annexure B
mentioned in the affidavit of	DAVID STOUT

Sworn/Affirmed by the deponent at:	Brisbane
on:	10/9/19
Signature:	
Print name:	Alexander Millman
<u>Justice of the peace/commissioner for declarations/lawyer/other qualified person.</u>	



Matter Number:

/ /

Form 21 – Certificate of exhibit to affidavit

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

Applicant/Appellant:	National Retail Association, Union of Employers

v

Respondent:	

This is the	
Name of document:	Media Release - Night Race
Marked:	Annexure C
mentioned in the affidavit of	DAVID STOUT

Sworn/Affirmed by the deponent at:	Brisbane
on:	10/11/19
Signature:	
Print name:	Alexander Millman
Justice of the peace/commissioner for declarations/lawyer/other qualified person	



Media release

Minister for Innovation and Tourism Industry Development
and Minister for the Commonwealth Games
The Honourable Kate Jones

Night race drives new dawn for Supercars on the Gold Coast

The Gold Coast 600 is revving up to be bigger and better than ever before with the Palaszczuk Government and council committed to working with Supercars on a new night race format in coming years.

Tourism Industry Development Minister Kate Jones has today given the green light for Supercars to begin discussions with Gold Coast City Council, local businesses and residents about a potential future night race.

By hosting the GC600 at night, the Gold Coast could boast the first touring car event in the world held on a street track – under lights.

It comes as the Minister confirmed a new five-year deal to keep the Supercars on the Gold Coast until 2025.

"By growing major events like the GC600, we're creating tourism jobs for Gold Coasters," she said.

"By upgrading lighting along the course, we can make the GC600 one of the most iconic motorsport events on the planet.

"Our economic modelling shows this would boost revenue by more than \$25 million – cash that will go straight back to local businesses and support local jobs."

Ms Jones said the GC600 would be one of two street races under lights held on the planet – second only to F1's Singapore fixture.

"Major events are in the Gold Coast's DNA and the tourism industry is part of the backbone of the Gold Coast's economy – that's why this just makes sense," she said.

"The GC600 is a great national event. But by racing under lights, we can tap into a new global motorsport market that could have huge benefits for tourism on the Coast.

"The GC600 is another great example of our partnership approach delivering for the economy, with Gold Coast City Council a vital partner in securing Supercars action for the city."

Assistant Tourism Industry Development Meaghan Scanlon said the GC600 last year generated more than \$55 million for the Coast.

"Businesses have come to rely on that boost around October. That's why today's announcement is so important – giving confidence to tourism operators that they can rely on the GC600 into the future," she said.

"We're committed to working with Supercars to grow the GC600 and the night racing component could play a vital role in taking this iconic event to the next level."

Minister for Sport Mick de Brenni said all the indications were that sports fans would get the best outcome from a Gold Coast 600 that was bigger and better than ever before.

"The GC600 is an iconic race on one of the worlds most challenging circuits – and now this new format will boost the event to a must-see on the international motorsport calendar," he said.

"Over the last two years our Queensland based drivers have set the circuit on fire in Surfers Paradise, so we're building on that

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Night race drives new dawn for Supercars on the Gold Coast - The Queensland Cabinet and Ministerial Directory

legacy so Queenslanders like Jack Smith get to inspire the next generation of Queensland sportsmen and women on a home track.

"Our approach has involved investigating every possible international motor sport option for the Gold Coast and our due-dilligence shows a souped-up GC 600 will keep fans coming back for more."

Supercars CEO Sean Seamer said night racing on the Gold Coast would take the event to a new level.

"Premier Palaszczuk and her government share the vision of staging one of the most spectacular sporting and entertainment events ever seen in this country," Mr Seamer said.

"This will elevate the Gold Coast 600 to one of the premier motorsport events in the Southern Hemisphere, it will be the first time touring cars have ever been under lights at a street circuit, anywhere.

"It will bring thousands of additional visitors to Queensland and the Gold Coast for what will be an unbelievable event with Supercars in full flight under lights and in prime time."

ENDS

Media contact: 0419 620 447

Matter Number:

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Form 21 – Certificate of exhibit to affidavit

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

Applicant/Appellant:	National Retail Association, Union of Employers

v

Respondent:	

This is the	
Name of document:	Media Release - Future of Supercars
Marked:	Annexure D
mentioned in the affidavit of	DAVID STOOT

Sworn/Affirmed by the deponent at:	Brisbane
on:	10 1 2019
Signature:	
Print name:	Alexander Millarum
Justice of the peace/commissioner for declarations/lawyer/other qualified person	



Media release

Minister for Innovation and Tourism Industry Development
and Minister for the Commonwealth Games
The Honourable Kate Jones

Future of Supercars secured for Queensland

The future of V8 racing in Queensland has been secured after Tourism Industry Development Minister Kate Jones today announced a new deal with Supercars.

Ms Jones said the five-year deal between Supercars and Tourism and Events Queensland secures the future of the Gold Coast 600 and the Townsville 400.

"Major events support local jobs – this deal gives locals certainty that they can rely on the revenue these events provide in the future," she said.

"Both races pump tens of millions of dollars into the economy. We've committed to working with Supercars to grow these events in the future to attract more tourists who stay longer in Queensland.

"When it comes to growing major events we're in pole position – since 2015 we've more than doubled the value of Queensland's major events calendar which is now worth around \$800 million."

Member for Townsville Scott Stewart said the Townsville 400 was an important event on the North Queensland calendar.

"Last year, the Townsville 400 pumped more than \$36 million into the North Queensland economy," he said.

"To have that locked in for the next five years is important for local businesses and a testament to the fact that the best in the business want to host events in Townsville."

Supercars CEO Sean Seamer said securing the long-term future was great news for the Gold Coast and Townsville as signature events in their regions.

"It is fantastic for our fans that Minister Jones, TEQ and the Queensland Government continue to support these two hallmark Queensland events," Mr Seamer said.

"The Gold Coast is a favourite of our fans and our teams as one of the longest-running and most successful major events in Australia, as is Townsville in North Queensland.

"We must also thank the Gold Coast and Townsville councils who continue to support these two iconic events for their cities."

Townsville Mayor Jenny Hill said having a five-year deal with Supercars was a coup for the North Queensland town.

"The Townsville 400 has been a huge boon to the tourism industry," she said.

"It's a drawcard that brings people to our city for the first time, and many of those travellers become return visitors.

"With many businesses still doing it tough after the unprecedented monsoon earlier this year, the future of the event will provide a much-needed economic boost for the city."

[ENDS]

9/10/2019

Future of Supercars secured for Queensland - The Queensland Cabinet and Ministerial Directory

Media contact: Jack Harbour 0419 620 447