



Form 20 – Affidavit

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


INDUSTRIAL REGISTRAR
18 JUN 2021


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:	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):	Level 3/67 St Pauls Tce Spring Hill QLD 4000
Position:	Director 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. I am the Director of Policy for the National Retail Association, Union of Employers. The NRA is one of Australia's largest and most diverse retail associations.

2. The 140th Charters Towers Show will be held at Charters Towers Showgrounds over 3 days. The event schedule includes show jumping, sideshows and amusement rides, roving entertainers and section competitions. The event is a major tourist drawcard in regional Queensland, providing tourism and employment opportunities.

3. The Charters Towers Show will run from 8:00am to 8:30pm on Sunday 25 July, Monday 26 July and Tuesday 27 July 2021.

4. The NRA asks the Commission to grant an order under s 5(1)(c) of the Act for Sunday 25 July up to and including Tuesday 27 July 2021. This covers the period of the Charters Towers Show and (See Exhibit B for a map of the area).

5. As with any local event, retail operators around the venue areas will have an increase in activity both directly related and ancillary to events that make up the Show.

6. The NRA submits that non-exempt retailers within the highlighted area are in support of this application. The NRA has assurances that non-exempt retailers will only trade in line with customer expectations and this application will not come at the expense of regulation or employees.

7. The NRA recognises the tremendous efforts of our essential retail team members who have continued to serve our community in the midst of the global COVID-19 pandemic. The NRA also recognises the necessary staff contribution for stores to trade additional hours.

8. In May 2021, the Charters Towers' Visitor Information Centre announced that more people were holidaying in their region this year with a 37 per cent increase in people in the first quarter of 2021, compared to the same period last year.

9. In 2018, the Governor of Queensland Paul de Jersey officially opened the Charters Towers Show, stating that regional shows, such as the Charters Towers Show, bear testament to the generosity and genuine disposition of the people of regional Queensland.

9. We submit that this application is in keeping with the intent of the Act, and is in line with similar applications previously granted by the Commission, such as the Chinchilla Show (TH/2021/3), Whitsunday Show (TH/2021/4), Mount lea Show (TH/2021/5) and Bowen Show (TH/2021/6).

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:	16/6/21

Taken by	
Sworn/Affirmed by the deponent at:	SPRING HILL
on:	16/6/21
Signature:	
Print name:	Alexander Millman
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

Applicant/Appellant:	National Retail Association, Union of Employers

v

Respondent:	NA

This is the	
Name of document:	Statement of facts
Marked:	Exhibit A
mentioned in the affidavit of	David Stout

Sworn/Affirmed by the deponent at:	SPRING HILL
on:	18 / 6 / 21
Signature:	
Print name:	Alexander Millman
Justice of the peace/commissioner for declarations/lawyer/other qualified person	

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
Trading (Allowable Hours) Act 1990
National Retail Association Limited, Union of Employers
Applicant
Charters Towers Show

Application Summary

1. 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 Charters Towers Show fits the description of a special event under Section 21 of the Trading (Allowable Hours) Act 1990 ("The Act").
2. Agricultural shows have played a leading role in the development of agriculture and rural communities, they are one of the oldest continuous events in Australia. The 140th Charters Towers Show will be held at Charters Towers Showgrounds over 3 days. The event schedule includes show jumping, sideshows and amusement rides, roving entertainers and section competitions. The event is a major tourist drawcard in regional Queensland, providing tourism and employment opportunities.
3. The Charters Towers Show will run from 8:00am to 8:30pm on Sunday 25 July, Monday 26 July and Tuesday 27 July 2021.
4. The NRA asks the Commission to grant an order under s 5(1)(c) of the Act for Sunday 25 July up to and including Tuesday 27 July 2021. This covers the period of the Charters Towers Show and (See Exhibit B for a map of the area).

Justification

5. As with any local event, retail operators around the venue areas will have an increase in activity both directly related and ancillary to events that make up the Show. For this reason, the area of this application has been constructed to include the area immediately surrounding the Charters Towers Showgrounds as well as the town of Charters Towers for visitors to take advantage of retail trade opportunities at the start or end of the days' official events.
6. The NRA submits that non-exempt retailers within the highlighted area are in support of this application. The NRA has assurances that non-exempt retailers will only trade in line with customer expectations and this application will not come at the expense of regulation or employees. This application allows retailers to better cater to the needs of visitors to the region for the event, as well as residents, at their own discretion, based on their customer needs. We contend that such an order is in keeping with the letter and the intent of the Act, and is in line with similar applications previously granted by the Commission, such as the Chinchilla Show (TH/2021/3), Whitsunday Show (TH/2021/4), Mount Isa Show (Th/2021/5) and Bowen Show (TH/2021/6).
7. The NRA recognises the tremendous efforts of our essential retail team members who have continued to serve our community in the midst of the global COVID-19 pandemic. We also recognise the necessary staff contribution for stores to trade additional hours.
8. Though the QIRC may not be afforded the discretionary powers to preserve the rights protected by s 36B of the Act, the NRA submits that any additional work during extended hours will continue to be on a voluntary basis. We also note Commissioner Dwyer's statement in TH/2020/4 [32] that there are a number of protections available under other statutes or instruments to employees who may find themselves subject to duress or coercion with respect to

being directed to work during extended hours, as is their right, to ensure that work is of a voluntary nature.

9. Following the TH/2020/3 Townsville 400 granted application, retailers welcomed the extended trading hours and were overwhelmed with requests from staff to work additional hours, exceeding the number of shifts available. We submit that this oversubscription is evidence that extended trading hours are desired by retail workers and retailers alike.

Cultural, tourism and economic significance of the event

10. Towers Pastoral Agricultural and Mining Association president Lachlan McAllister said the committee was forced to cancel the 2020 Charters Towers Show but plans were underway to make a big comeback in 2021 for their 140th anniversary (<https://www.townsvillebulletin.com.au/news/townsville/regional/charters-towers/show-committee-sets-sights-on-monster-2021/news-story/05c589f3608864b46aaf46e904b7662c>).
11. In May 2021, the Charters Towers' Visitor Information Centre (VIC) announced that more people were holidaying in their region this year. They have recorded a 37 per cent increase in people coming into the VIC in the first quarter of this year, compared to the same period last year. Councillor Julie Matthews, whose portfolio includes Tourism Economic Development, said this was positive news as the industry heads into its busiest time of year. "Peak tourism season is between May and October as people from South Australia, Victoria and New South Wales, and even southern Queensland come north to escape the cold." The VIC has welcomed 26 Tourism Ambassadors to help tourists plan their holiday. (<https://www.charterstowers.qld.gov.au/news/article/1232/tourism-season-kicks-off-in-charters-towers>).
12. In 2018, the Governor of Queensland Paul de Jersey officially opened the Charters Towers Show, stating that regional shows, such as the Charters Towers Show, bear testament to the generosity and genuine disposition of the people of regional Queensland. The Governor congratulated committee members, volunteers, stall holders, businesses and producers who make the show possible and was pleased to see the "colourful and contrasting program" (<https://www.govhouse.qld.gov.au/the-governor-of-queensland/speeches/2018/july/official-opening-of-the-charters-towers-show.aspx>).
13. Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development Michael McCormack said agricultural shows are part of the fabric of regional Australia, showcasing everything positive about our communities and local industries. "They create social bonds and improve mental health in parts of regional Australia where distance, drought, bushfires and now COVID-19 have caused significant hardship and distress," (<https://minister.awe.gov.au/littleproud/media-releases/%2436m-ag-shows>).
14. Under the \$1 billion Relief and Recovery Fund, the *Supporting Agricultural Shows and Field Days* program provides operational support for agricultural show societies and agricultural field day organisers to relieve cash flow pressures and ensure their sustainability in 2021 and beyond. The Charters Towers Show received \$13,630 of this funding (<https://www.agriculture.gov.au/ag-farm-food/infrastructure/supporting-ag-shows>).
15. The NRA submit that Charters Towers Show 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 and tourism.

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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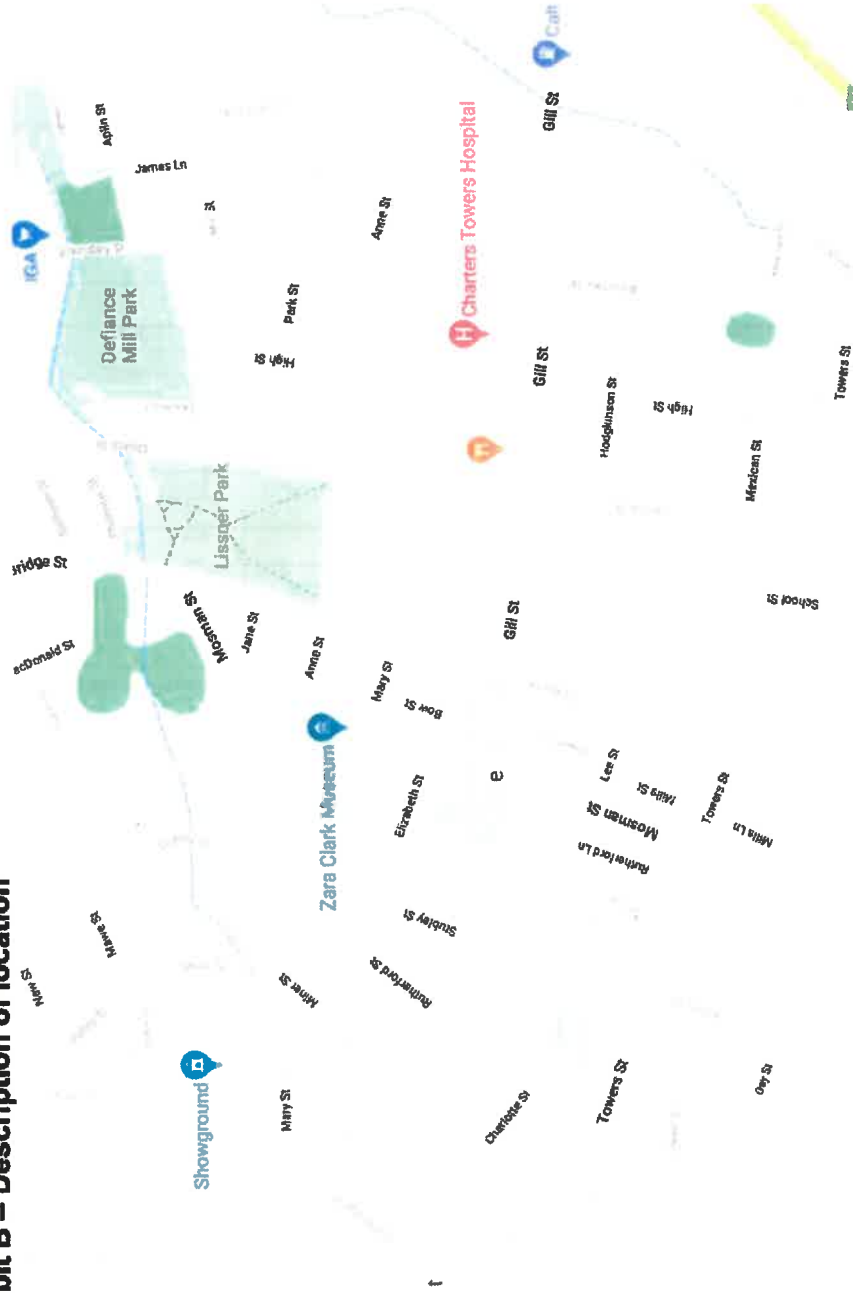
v

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

Sworn/Affirmed by the deponent at:	<i>SPRING HILL</i>
on:	<i>18 / 6 / 21</i>
Signature:	
Print name:	<i>Alexander Millman</i>
Justice of the peace/commissioner for declarations/lawyer/other qualified person	

Exhibit B – Description of location



**Starting at Mary St at Charters Towers Showgrounds travelling through to Dan Ln and onto Vulture St
Turning west onto Hodgkinson St then onto Deane St and onto Jackson St then onto Mosman St and onto Marion St
Travelling through Marion St then onto Cambridge St
Travelling back to starting point on Mary St at Charters Towers Showgrounds**