

Form 20 – Affidavit

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



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.registrar@qirc.qld.gov.au

Applicant:	National Retail Association, Union of Employers
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Respondent:	Not applicable
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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 Terrace Spring Hill
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 David Stout, 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 Melbourne Cricket Ground (MCG) has hosted the AFL Grand Final since 1897. For the first time in 123 years, the Grand Final will be held outside of Victoria at the Gabba in Brisbane. The event has been relocated due to Victoria's second COVID-19 wave.

3. On 2 September 2020, Premier Anastacia Palaszczuk announced that Queensland will host the 2020 AFL Grand Final saying this is a "once-in-a-lifetime opportunity".

4. AFL Chief Executive Gillon McLachlan stated "while the 2020 Toyota AFL Grand Final will be the centrepiece, an extensive promotional campaign for the sport of Australian football, including multiple regional locations throughout Queensland, will bring fans closer to footy in the lead-up to the event and provide a lasting legacy."

5. Tourism Minister Kate Jones said the AFL Grand Final would be a welcome boost to the state, saying that "this is so much more than a game of footy, this is a chance to show Australia exactly what Queensland offers when it comes to being not only an events destination, but a tourist destination... we will also use this opportunity to highlight Queensland's tourism offering to encourage those who can travel to visit, and to help those who currently can't come to start dreaming about their next holiday when restrictions ease."

6. Queensland Treasurer Cameron Dick on ABC Radio Brisbane expected the grand final to add \$17 million to Queensland's economy and generate about 80 jobs.

7. Queensland Tourism Industry Council CEO Daniel Gschwin stated "longer term, it's a very important reputational boost for Queensland, that confirms our reputation as an events centre."

8. As patrons will be encouraged to use the free public transport four hours before and after the event, the food and drinks menu will be limited and the event will potentially be held later at 6:00pm AEST rather than the traditional start time of 2:30pm AEST, masses of patrons will be benefited by extended trading hours.

9. Accordingly, the NRA asks the Commission to grant an order under sub-section (1)(c) of the Act for the Central and Gabba ward for the period of 24 October and 25 October. This covers the Grand Final and the day after (See Annexure B for a map of the area).

10. 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.

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 SEBOUT
Date:	17/9/2020

Taken by	
Sworn/Affirmed by the deponent at:	Brisbane
on:	17/9/2020
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.



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
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v

Respondent:	NA
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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:	Brisbane
on:	17 / 9 / 2020
Signature:	
Print name:	Alexander Millman
Justice of the peace/commissioner for declarations/lawyer/other-qualified-person	

The 2020 AFL Grand Final - a major Queensland sporting and economic event

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 2020 AFL Grand Final fits the description of a special event under the Trading (Allowable Hours) Act 1990 ("The Act").

The Australian Football League has a long history dating back to the mid-1800s. The Melbourne Cricket Ground (MCG) has hosted the AFL Grand Final since 1897. The Grand Final is a massive drawcard, attracting fans nationally to Melbourne and providing a major boost to the local economy. For the first time in 123 years, the Grand Final will be held outside of Victoria at the Gabba in Brisbane. The event has been relocated due to Victoria's second COVID-19 wave.

The AFL Grand Final will be held on Saturday 24 October 2020.

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 5 (1)(c) of the Act for the Central and Gabba ward for the period of 24 October and 25 October. This covers the Grand Final and the day after (See Annexure B for a map of the area).

The area of this application includes the area immediately surrounding the Gabba, local retail precincts and the CBD for patrons to take advantage of retail trade opportunities at the start or end of the days' official events for multiple reasons.

First, the Gabba is a public transport destination. There are no public car parks available on event days and parking limits apply across most of the Gabba Traffic Area. Event tickets include free public transport to and from the Gabba on all Queensland Rail train services and transport for Brisbane Bus services from four hours prior to, and four hours after the game. To better accommodate social distancing getting to and from the venue, it is likely that many patrons will travel later rather than immediately following the game and visit

local precincts. Second, to make the venue more COVID-safe, a limited menu and no water bubblers will be available. Patrons will likely visit local precincts to purchase food and drinks or dine before and after the event. Third, there is debate over whether the event will be held at night, potentially at 6:00pm AEST, not at the traditional start time of 2:30pm AEST. Running later, masses of patrons will be benefited by extended trading hours.

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 2 September 2020, Premier Anastacia Palaszczuk announced that Queensland will host the 2020 AFL Grand Final.

“I want to thank the AFL, and especially the game’s fans in Victoria, for trusting Queensland with their most important event. This will be a once-in-a-lifetime opportunity, so we are determined to give everyone a Grand Final they’ll never forget.” (<https://statements.qld.gov.au/statements/90625>)

The Premier said the decision is recognition of the hard work Queenslanders have done to slow the spread of the global pandemic. “It’s economic boost for our state but this year’s season has also offered an opportunity to grow new fans for the game. Rather than marking the end of a very difficult year I hope it marks the beginning of a whole new era.”

(<https://statements.qld.gov.au/statements/90625>)

Though the Gabba has capacity for 42,000 patrons, the 2020 Grand Final will be capped at 30,000 fans. The stadium will follow strict health and safety measures and approved in their COVID-Safe site-specific plans to keep spectators, staff and players safe. Some of the risk reducing measures include extra cleaning and sanitisation pre, during and post event with a focus on high traffic areas, cashless payments, implementation of a ticketing system which supports contact tracing and socially-distanced ‘checkerboard’ seating plans (<https://thegabba.com.au/getting-here/Return-From-COVID.aspx>).

AFL Chief Executive Gillon McLachlan thanked the Premier and said that the AFL looked forward to working with the Queensland Government to stage the 2020 Toyota AFL Grand Final at the Gabba.

“It is the first time our grand final has been played outside of Victoria and we thank the Queensland Government and Premier Anastacia Palaszczuk for the opportunity of moving the game to the Gabba and for their support in taking the game to as many people across the state as possible.

“This has been a season like no other. Queensland welcomed our game and we look forward to now working with the Queensland Government to successfully stage the biggest event on the AFL calendar and share it with the community across Queensland.

“This is a really exciting opportunity for our code to take our biggest game to new audiences across Queensland and to also provide a lasting legacy for future generations.” (<https://statements.qld.gov.au/statements/90625>)

The NRA submits that these supporting statements and endorsements from government and the AFL clearly demonstrate its sporting significance.

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

Event attendance will drive spending on accommodation, merchandise, and ticketing. The Grand Final also brings economic return through media, broadcast, rights, endorsements and sponsorships. There are also intangible, intrinsic benefits from hosting the Grand Final, such as establishing Queensland as a tourist destination.

Tourism Minister Kate Jones said the AFL Grand Final would be a welcome boost to the state.

“Very few industries have been as hard hit by COVID-19 as our tourism and events businesses, so to be able to host the AFL Grand Final in Queensland for the first time ever is a huge confidence boost. This is so much more than a game of footy, this is a chance to show Australia exactly what Queensland offers when it comes to being not only an events destination, but a tourist destination.

While the successful staging of the grand final and the Brownlow Medal will be our focus, we will also use this opportunity to highlight Queensland’s tourism offering to encourage those who can travel to visit, and to help those who currently can’t come to start dreaming about their next holiday when restrictions ease.”

(<https://statements.qld.gov.au/statements/90625>)

Similarly, Mr McLachlan on Queensland’s bid said “the Queensland presentation was world class and, while the 2020 Toyota AFL Grand Final will be the centrepiece, an extensive promotional campaign for the sport of Australian football, including multiple regional locations throughout Queensland, will bring fans closer to footy in the lead-up to the event and provide a lasting legacy.”

In 2019, JW Nevile Fellow in Economics, Tim Harcourt at the UNSW Business School says the economic impact of AFL is huge. “It is an industry sector which supports 8,374 full-time equivalent jobs, excluding players and umpires. That generated \$6.80 billion in financial contribution to the Australian economy in 2018.” After the Grand Final is over, fans will continue to spend noting that the economic impact of sport should never be underestimated as “it’s one of those feel-good economic events that, regardless of the outcome, keeps many Australian businesses booming.”

(<https://newsroom.unsw.edu.au/news/business-law/economic-windfall-thanks-af1>).

Queensland Treasurer Cameron Dick on ABC Radio Brisbane expected the grand final to add \$17 million to Queensland’s economy and generate about 80 jobs. “Finals will add another \$7 million, and television audience is \$3 million or more.” Queensland Tourism Industry Council CEO Daniel Gschwind said the forecast was a “confidence boost” for the sector and that interstate visitors would be a “bonus.”

"It's a bit of good news in a sea of bad news in the tourism industry lately. Longer term, it's a very important reputational boost for Queensland, that confirms our reputation as an events centre." (<https://www.abc.net.au/news/2020-09-03/gabba-afl-grandfinal-provides-tourism-boost-coronavirus-borders/12618048>).

Ultimately, the economic impact on the Queensland will be dependent on the teams in the Grand Final. With interstate travel allowed freely into Queensland from all states except Victoria and NSW, two interstate teams would see the highest number of visitors to the state whereas an all-Victorian grand final would be less profitable.

The NRA submits that, on the basis of these endorsements from the Premier, the Tourism Minister, Mr Harcourt, Queensland Treasurer and the Queensland Tourism Industry Council CEO, the Commission can confidently determine that the 2020 AFL Grand Final is a highly significant and infrequent event for the Queensland economy and tourism industry.

Conclusion

The NRA submit that the 2020 AFL Grand Final at the Gabba 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.

We also recognise the necessary staff contribution for stores to trade additional hours. We submit that this application allows flexibility for stores to trade and better cater for the needs of residents and visitors to Brisbane. This is especially important, now more than ever, to promote economic recovery. Granting of this application will not come at the expense of regulation and employees as any additional work during extended hours will be on a voluntary basis as per section 36B of the Act. Our experience says that it is not likely that retail stores will use the full range of hours available to them and that they usually only open one to two hours on either side of their regular trading hours. We also suggest that not all stores will implement additional trading hours and it will likely be just certain stores in the CBD and suburban areas surrounding event venues, transit routes and car parks.

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:	NA
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This is the	
Name of document:	Description of Location
Marked:	Exhibit B
mentioned in the affidavit of David Stout	

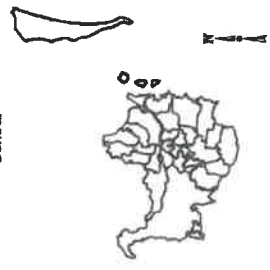
Sworn/Affirmed by the deponent at:	Brisbane
on:	17/9/2020
Signature:	
Print name:	Alexander Mathman
Justice of the peace/commissioner for declarations/lawyer/other qualified person	

FINAL WARD
BOUNDARY
BRISBANE CITY
Central

LEGEND

-  Final Ward Boundary
-  Final Adjacent Ward
-  Locality Boundary
-  Adjacent Council
-  Reserve, Parkland
-  Waterbody
-  Railway
-  Main Road
-  Wetland

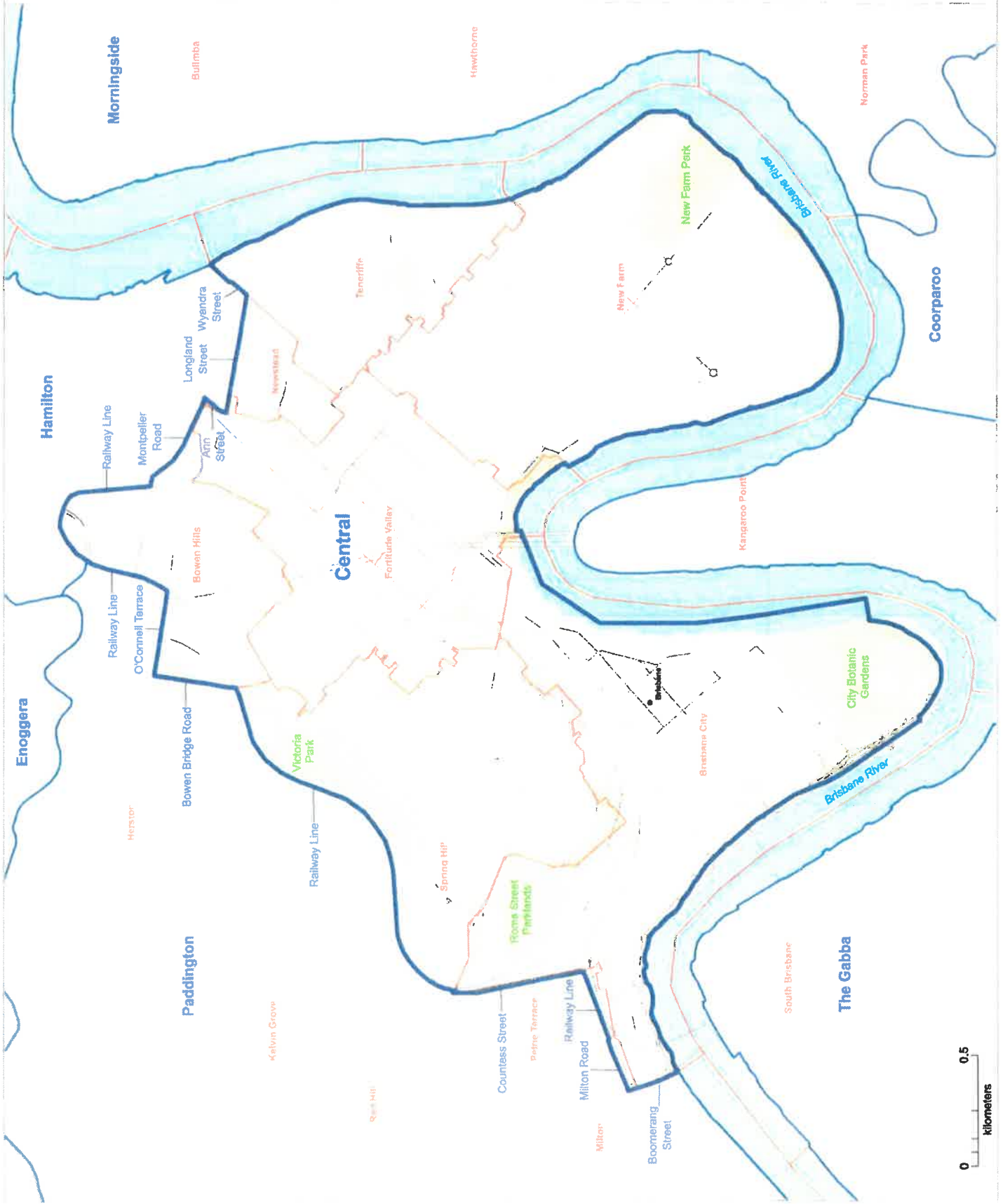
Location Map
Central



This product was created using datasets from various authoritative sources, and is intended as a guide only to display final ward boundaries.










The digital GIS data is available FREE to download from Queensland Spatial Catalogue, or OpenData, at <http://spatial.information.qld.gov.au>

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FINAL WARD
BOUNDARY
BRISBANE CITY
The Gabba

LEGEND

-  Final Ward Boundary
-  Final Adjacent Ward
-  Locality Boundary
-  Adjacent Council
-  Reserve, Parkland
-  Waterbody
-  Railway
-  Main Road
-  Wetland

Location Map
The Gabba



This product was created using datasets from various authoritative sources, and is intended as a guide only to display final ward boundaries.

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