



Matter Number:

TH 1202111

## Form 20 – Affidavit

Industrial Relations Act 2016, section 989

Industrial Relations (Tribunals) Rules 2011, rules 52, 53 and 55

INDUSTRIAL REGISTRAR  
13 JAN 2021  
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.
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<b>Applicant:</b>	National Retail Association, Union of Employers
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<b>Respondent:</b>	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)

<b>Affidavit of (name of person making affidavit)</b>	
<b>I (Name):</b>	David Stout
<b>of (Address):</b>	Level 3, 67 St Pauls Terrace Spring Hill
<b>Position:</b>	Director Policy
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 BrisAsia Festival is an annual festival hosted by the Brisbane City Council. It is one of Brisbane's premier cultural events celebrating Asian and intercultural arts, cuisine, culture and philosophy.

3. The NRA asks the Commission to grant an order under Section 5 (1)(c) of the Act for the Central Ward for the duration of the BrisAsia Festival between 1 and 28 February 2021 (See Exhibit B for a map of the area).

4. Anecdotal feedback from a major Brisbane CBD shopping centre management anticipated increased foot traffic throughout the Lunar New Year period.

5. Brisbane Lord Mayor Adrian Schrinner highlighted the importance of BrisAsia as a platform to celebrate Brisbane as a diverse, multicultural city.

6. The impacts of the COVID-19 pandemic on the local economy and tourism industry cannot be understated with retailers and shopping centre managers highlighting a dire need to solve low traffic issues in the Brisbane CBD. Some retailers have experienced drops of 30% or more in revenue and landlords have seen mass exits from centres of up to 50%. These issues have serious impacts on the reputation and viability of the Brisbane CBD as a vibrant retail precinct and unemployment. The NRA submits that events such as the BrisAsia Festival are increasingly crucial to ensure Queensland's economic recovery.

7. The NRA supports the preservation of rights protected by s 36B of the Act and that any additional work during extended hours will continue to be on a voluntary basis.

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:	13/1/2021

Taken by	
Sworn/Affirmed by the deponent at:	SPRING HILL
on:	13/1/2021
Signature:	
Print name:	ALEXANDER MULLMAN
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:

TH 1202/1 /

## 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>	Not applicable
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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 Stout

<b>Sworn/Affirmed by the deponent at:</b>	SPRING HILL
<b>on:</b>	13 / 1 / 2021
<b>Signature:</b>	
<b>Print name:</b>	ALEXANDER MILLMAN

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

## The 2021 BrisAsia Festival - a major Queensland cultural 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 2021 BrisAsia Festival fits the description of a special event under the Trading (Allowable Hours) Act 1990 ("The Act").

The BrisAsia Festival is an annual festival hosted by the Brisbane City Council. It is one of Brisbane's premier cultural events celebrating Asian and intercultural arts, cuisine, culture and philosophy. The Festival is centred around the Lunar New Year and showcases contemporary and traditional Asian arts, community events and celebrates Brisbane's cultural diversity. Events are held across multiple venues around Brisbane including performances, live concerts, dance and E-sport competitions, food demonstrations, pop-up shops, business workshops and creative sector engagement. The Festival aims to foster a shared sense of belonging – to celebrate and create life, art and culture together.

Now in its ninth year, the BrisAsia Festival will be held between 1 and 28 February 2021.

### 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 Section 5 (1)(c) of the Act for the Central Ward for the duration of the BrisAsia Festival between 1 and 28 February 2021 (See Exhibit B for a map of the area).

The NRA submits that as almost all of the events are free throughout the BrisAsia Festival, it is reasonable to expect that attendees will be more willing to shop whilst out. This is supported by anecdotal feedback from a major Brisbane CBD shopping centre management anticipating increased foot traffic throughout the Lunar New Year period. 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

BrisAsia Festival is one of thousands of markets, festivals and events Council helps deliver each year. Last year, Brisbane Lord Mayor Adrian Schrinner highlighted the importance of BrisAsia as a platform to celebrate Brisbane as a diverse, multicultural city.

The festival is centred around two of the biggest cultural and religious events of the year, Lunar New Year and Holi. Since its first edition, the festival has grown from 8 events to over 20 events across Greater Brisbane. Each year the festival has attracted a large number of attendees and established BrisAsia as an integral part of Brisbane's multicultural and economic identity. Previous year's figures show a promising outlook for attendance this year with 70,000 in 2016, 171,000 in 2017, 80,000 in 2018 and 34,000 in 2019. In 2020, the festival proceeded at the beginning of the COVID-19 outbreak in Queensland with 28,000 attendees. This year, with Queensland COVID-19 restrictions easing and Brisbane returning to mass social gatherings in time for the event, we can reasonably expect a return of high attendance to events.

The 2021 program features over 20 events and activities with COVID-safe plans in place. The majority of events are free and are outlined below.

#### **Lunar New Year – Chinatown Mall**

A major event with roving entertainment, including lion dances and Japanese drumming with events across the Fortitude Valley Chinatown Mall and other venues in the Valley precinct.

#### **BrisAsia Bazaar - Sunnybank**

A destination of Asian culture inspired by food, art, and performance. Local traders will be showcasing authentic and diverse Asian experiences, with something for everyone to immerse and engage in the rich cultural diversity Brisbane has to offer.

#### **Brisbane Holi – Festival of Colours**

Holi is a widely anticipated annual event across the globe, with many forms of celebrations taking place to share in the joy and happiness of colour, dance and music. Now in its fifth year of celebrating Brisbane's vibrant multicultural communities, Holi originated in India many centuries ago.

#### **BrisAsia Summer Party**

Extremely popular event with an entertainment line-up of talented performers, dance crews and a K-Pop World Cover Dance Contest hosted by Brisbane K-Pop dancer Lani Gibbins. In 2020, over 2.5k people registered to attend.

#### **BrisAsia Sound**

Performances by The QUBE Effect 2020 finalist, Bianca Power, followed by Ladia and MayLyn.

**Rare Voices concert**

Rare Voices gathers Brisbane artists for a concert celebrating singing traditions from across the Asia region. Featuring internationally acclaimed Carnatic singer Charulatha Mani, Chinese folk singer Zi Wang and local Indigenous stars Balairi, alongside renowned local artists and instrumentalists, the concert will also include traditional songs and world rhythms to create a collective improvisation.

**CreativeMornings**

Throughout February, CreativeMornings Brisbane showcases Ruby Yeh, Taiwanese Australian ceramic maker. Under the theme 'divergent', Ruby will discuss her work, ideas and collaboration during COVID-19 with local dancer- Anita Perng and Singaporean musician, Namira Rasman.

**Cyber Night**

University of Queensland Union (UQU) and Queensland University of Technology (QUT) E-sport teams will go head to head on League of Legends. The event will also be livestreamed internationally on Twitch.

**BrisAsia Live – Crescent Moon**

A culturally diverse collective of artists explore new worlds through a live Butoh dance, theatre and music residency across Brisbane. Led by renowned film actress Ling Cooper Tang and Butoh specialist Megan Janet White, the residency will culminate in the presentation of a new multimode performance work, Crescent Moon.

**K-Pop Celebration pop-up shop**

Melbourne's *That K-Pop Shop* will have a pop-up shop as part of BrisAsia Festival stocking K-Pop albums and merchandise.

**BrisAsia Food Festival**

One day of culinary delights and demonstrations across a handful of Brisbane restaurants. Attendees can watch cooking demonstrations by local chefs or order food at one of the participating restaurants.

**BrisAsia Business Workshops**

A series of BrisAsia business half-day workshops to learn the tips and tricks of starting and running your own small business, from budgeting, marketing and day-to-day operations.

The line-up also includes momo and dumpling cooking classes at local restaurants Momo House and Dumpling Bar.

The NRA submits that the range and number of events, attendance figures in previous years and the endorsement from the Brisbane Lord Mayor clearly speaks to the cultural significance of the Festival to the local community

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

In 2017, then Brisbane Lord Mayor Graham Quirk said the effect of BrisAsia on the Brisbane economy was hard to quantify accurately but the event will help present Brisbane as a city that is lively. "Visitors who are coming to our city will have that opportunity to experience elements of the Lunar new Year, to get that taste of diversity, not only through food but through a range of entertainment that is provided through the BrisAsia festival." [Brisbane sees in Year of the Rooster with the fifth annual BrisAsia Festival \(brisbanetimes.com.au\)](https://www.brisbanetimes.com.au/brisbane-sees-in-year-of-the-rooster-with-the-fifth-annual-brisasia-festival-20170126)

Event attendance will drive local spending and has the intangible, intrinsic benefit of establishing Brisbane as a tourist destination with a broad range of cultural events and celebrations. Promisingly, the NRA and its members have seen an increased consumer focus on spending locally to support the economy and a move towards larger-scale purchases as a self-reward and a greater appreciation for social events as they come out of lockdown.

The impacts of the COVID-19 pandemic on the local economy and tourism industry cannot be understated. Retailers and shopping centre managers have highlighted that there is a dire need to solve the low foot traffic issues in the Brisbane CBD with many office workers continuing to work remotely and little to no incoming international or interstate tourism. The NRA has engaged with Brisbane retailers and shopping centre managers and found many retailers have experienced drops of 30% or more in revenue and landlords have seen mass exits from centres of up to 50%. Low foot traffic, massive drops in revenue and store vacancies have serious impacts on the reputation and viability of the Brisbane CBD as a vibrant retail precinct. This in turn will inevitably lead to unemployment. Events such as the BrisAsia Festival are increasingly crucial to ensure Queensland's economic recovery.

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. 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.

We wish to emphasise that whilst the QIRC may not be afforded the discretionary powers to preserve the rights protected by s 36B of the Act, 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.

Nevertheless, the NRA submits that the granting of this application will not come at the expense of regulation and employees. Following the 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. 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. 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.

#### Conclusion

The NRA submits that the BrisAsia Festival 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.

Whilst the NRA recognises that the duration of the application is ambitious, we are willing to accept a shortened period between Monday 8 February 2021 and Sunday 14 February 2021.

**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

<b>Applicant/Appellant:</b>	National Retail Association, Union of Employers
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<b>Respondent:</b>	Not applicable
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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	David Stout

<b>Sworn/Affirmed by the deponent at:</b>	SPRING HILL
<b>on:</b>	13 / 1 / 2021
<b>Signature:</b>	
<b>Print name:</b>	ALEXANDER MILLMAN

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

**BRISBANE CITY  
Central**

- LEGEND**
- Ward Boundary
  - Adjacent Ward
  - Locality Boundary
  - Adjacent Council
  - Reserve, Parkland
  - Waterbody
  - Railway
  - Main Road

Location Map  
Central



This product was created using datasets from various authoritative sources and is provided as a guide only to display electoral boundaries.

The digital GIS data is available FREE to download from Queensland Spatial Catalogue, or Catalogue of Maps (<http://spatialinformation.qld.gov.au>)

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