



Matter Number:

TH 122113

Form 20 – Affidavit

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


INDUSTRIAL REGISTRAR
23 APR 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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For further information please contact the Industrial Registry on 1300 592 987 or via email at girc.registry@girc.qld.gov.au

Applicant:	National Retail Association, Union of Employers
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v

Respondent:	NA
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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):	Daniel Stout
of (Address):	67 St Pauls Tce Spring Hill
Position:	Policy Director
<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.

3. The Chinchilla Show is an annual 2-day festival with competitions, rodeos, sideshows and amusement rides, displays of farming and commercial goods, music and other entertainment. The Chinchilla A & P Association hosts the Chinchilla Show annually with the help of local volunteers and sponsors.

4. The NRA asks the Commission to grant an order under sub-section 5 (1)(c) of the Act for the an area of Chinchilla for 21 May and 22 May 2021. This covers the period of the Chinchilla Show (See Exhibit B for a map of the area).

5. 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."

6. Agricultural shows and field days are an important fixture for the local economy, however, most of these events were cancelled in 2020. Because of these cancellations, local regional retailers were unable to capitalise on increased visitors to the region. Nationally, agricultural shows and field days contribute more than \$1 billion to the economy each year. They attract more than 6 million patrons and are supported by more than 50,000 volunteers.

7. The Hon David Little Proud, Federal Member for Maranoa supports agricultural shows stating "Shows and field days are uniquely Australian and provide huge economic spin-offs for local communities as well as opportunities for the businesses and services who exhibit"

8. The Chinchilla Show has received a range of funding through the federal government Supporting Agricultural Shows and Field Days program and the Western Downs Regional Council Local Events Program and Community Infrastructure Program. The NRA submits that this demonstrates an accepted idea of the Chinchilla Show as a significant event to the economy and tourism industry and of cultural significance.

9. 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 and the granting of this application will not come at the expense of regulation and employees.

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:	22/4/21

Taken by	
Sworn/Affirmed by the deponent at:	SPRING HILL
on:	22/4/21
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.



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:	Statement of Facts
Marked:	Exhibit A
mentioned in the affidavit of	David Stout

Sworn/Affirmed by the deponent at:	SPRING HILL
on:	22/4/21
Signature:	
Print name:	Alexander Millman
Justice of the peace/commissioner for declarations/lawyer/other qualified person.	

Exhibit A - Chinchilla Show - Statement of Facts

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 Chinchilla Show fits the description of a special event under Section 21 of the Trading (Allowable Hours) Act 1990 ("The Act").

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 Chinchilla Show is an annual 2-day festival with competitions, rodeos, sideshows and amusement rides, displays of farming and commercial goods, music and other entertainment. The Chinchilla A& P Association hosts the Chinchilla Show annually with the help of local volunteers and sponsors. The Chinchilla Show is one of the largest events of region and continues only with the public contributing to the many different sections and by visitors to the event.

Chinchilla is located within the Maranoa region, cited as being a dynamic and vibrant regional community in South West Queensland. From a proud history built around agriculture and mining, the region continues to grow and prosper today (<http://www.maranopa.org.au/visitors/what-to-see/Pages/default.aspx>).

The 2021 Chinchilla Show will run from 21 to 22 May.

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 an area of Chinchilla for 21 May and 22 May 2021. This covers the period of the Chinchilla Show (See Exhibit B for a map of the area).

As with any local event, retail operators in and around the venue areas will have an increase in activity both directly related and ancillary to events that make up the festival. For this reason, the area of this application has been constructed to include the area immediately surrounding the Chinchilla showgrounds as well as the major retail precinct in Chinchilla for visitors to take advantage of retail trade opportunities at the start or end of the days' official events.

The NRA believes this 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

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," (<http://minister.awe.gov.au/10119/mediarelease/24/0119-au-0119>).

Chair of Agricultural Shows Australia Dr Rob Wilson supports agricultural shows as crucial to each regional community cultural.

“We know agricultural shows are important to regional and metropolitan Australia as they provide community connections and wellbeing as well as encouraging agricultural education through competition and benchmarking of agricultural pursuits and produce” (<http://adelaide.bfmedia.com.au/2014/07/06/2014-chinchilla-shows-and-china-ayyoo-essays-by-rob-wilson/>).

The importance of the Chinchilla Show to the local community is shown with the recent Mango Fundraiser, selling trays of Kensington Pride mangoes to support the Chinchilla Agriculture and Pastoral Association Inc (<http://www.bjz.co.uk.com/ChinchillaShow/spot-fruities-mango-pastors-mango-fundraiser-are-having-sure-mango-fundraiser-again-they-are-12611601-2014-07>).

The range of Section Competitions span a broad range of sport and cultural activities, engaging with a significant cross-section of the local community and include the following;

- Horses
- Show Jumping
- Stud Cattle
- Wool
- Poultry
- Farm Produce
- Fruit and Vegetables
- Cookery
- Sewing
- Knitting and Crochet
- Floriculture
- Pot Plants
- Art
- Photography
- Handicraft
- School Art
- Ute Master

The Hon David Littleproud has also donated the David Littleproud Trophy awarded to the local exhibitor with the most points across all sections.

The NRA submits that range of sport and cultural sections, community support and endorsements from industry representatives and government underlining the importance of agricultural shows to regional culture clearly demonstrate the Chinchilla Show's cultural and sporting significance.

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

The impact of COVID-19 on regional Australia cannot be understated. Agricultural shows and field days are an important fixture for the local economy, however, most of these events were cancelled in 2020.

Because of these cancellations, local regional retailers were unable to capitalise on increased visitors to the region. Nationally, agricultural shows and field days contribute more than \$1 billion to the economy each year. They attract more than 6 million patrons and are supported by more than 50,000 volunteers (<http://www.agculture.com.au/forums/industry/2019-2020-ag-culture-shows-field-days>).

Last year, under the \$1 billion Relief and Recovery Fund, which supports regions, communities and industry sectors disproportionately affected by COVID-19, the Australian Government announced the Supporting Agricultural Shows and Field Days program. The program aimed to provide operational support for agricultural show societies and agricultural field day organisers to relieve cash flow pressures and ensure the sustainability of these societies and the shows they conduct. The Government showed support for these show societies to ensure they are in the best position to continue in 2021 and beyond. The Chinchilla Show received \$15,000 of this funding, qualifying because its attendance was between 2,000 and 4,999 last year.

The Hon David Little Proud, Federal Member for Maranoa and Minister for Agriculture, Drought and Emergency Management underlined the importance of agricultural shows in a December 2020 media release.

“Shows and field days are uniquely Australian and provide huge economic spin-offs for local communities as well as opportunities for the businesses and services who exhibit. They also help to maintain our farmers’ competitive edge by providing an outlet for new ideas, new technologies and new ways of working to be shared.”

“The Government is keen to ensure show societies and field day organisers are in the best shape possible to continue in 2021. These events bring our families and farmers together, build community spirit and help bridge the divide between country and city... Next year is looking so much brighter and I know this support will be a fantastic boost for our volunteers, families and school kids,” Mr Littleproud said (<https://davidlittleproud.com.au/2021-support-for-rings-above/>).

In March 2021, the Western Downs Regional Council also allocated funding under their Local Events Program to support various groups and organisations across the region. As part of this round, Council allocated funding to four show societies to help deliver local shows this year, this includes the Chinchilla Agriculture and Pastoral Association Inc. The fund prioritises events and organisations that, amongst other criteria, contribute to the local and regional economy; promote participation in sport, recreation or community volunteerism; and, demonstrate sound event management principles and planning.

Council Spokesperson for Community and Cultural Development Councillor Kate Maguire said it was fantastic to support the various initiatives contributing to the region’s active, vibrant communities.

“Our community groups are the backbone of our local towns and Council is proud to support the efforts of those working tirelessly to improve the liveability of our region” (<https://www.wdr.council.nsw.gov.au/the-show-societies-for-community-programs-and-more/>).

In December 2020, the Western Downs Regional Council also granted more than \$645,000 to twenty organisations, including the Chinchilla Agriculture and Pastoral Association Inc that delivers the Chinchilla Show, to create jobs and build growth across the Western Downs.

Western Downs Regional Council mayor Paul McVeigh said the Community Infrastructure Program would give a huge leg up to community groups looking to improve their offerings to residents.

“Our COVID-19 recovery package was designed to give certainty to the local economy and offer targeted support to where it’s most needed and we’re continuing our work investing in the region by delivering this one-off grant program” (<https://www.thechinchilla.com.au/news/press-releases/2021/01/20/council-allocates-645k-to-help-community-infrastructure-groups-recover-from-covid-19/>).

The Western Downs Regional Council has also allocated funding for a ‘Buy Local’ campaign to encourage the community to support local businesses and business recovery programs. Businesses. The NRA believes that this

order would allow retailers to capitalise on this push for supporting the local community and the series of grants will ensure the event will be the best that it can be for the local economy.

The NRA also submits that attendance will be higher this year after the Chinchilla Botanic Parkland was named Australia's Park of the Year in 2020. Mayor Paul McVeigh said the award secured the Parkland's incredible reputation, which supersedes spaces in much larger metropolitan areas.

"It's absolutely incredible to see the Chinchilla Botanic Parkland given the recognition it deserves, and being named the best park in the country is a phenomenal achievement in the region. The Chinchilla Botanic Parkland really has it all in terms of premier park spaces with various sections catering to all ages including the megafauna discovery centre, state-of-the-art water play area, parkour equipment and outdoor amphitheatre" (<https://www.northqueenslandregion.com.au/story/59177272/chinchilla-botanic-parkland-named-national-park-of-the-year-2020/>).

The NRA submits that, on the basis of these range of grants awarded, supporting its value to the local community, and endorsements from the Federal Member for Maranoa and Councillor Kate Maguire, the Commission can confidently determine that the 2021 Chinchilla Show is highly significant event for the local community and Queensland more broadly due to the COVID-19 pandemic.

Conclusion

The NRA submit that the Chinchilla Show – one of the most iconic events in the Maranoa region – 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.

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 Chinchilla. 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 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. This application allows flexibility for stores to trade and better cater for the needs of residents and visitors to Chinchilla. 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 surrounding the event venue, 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

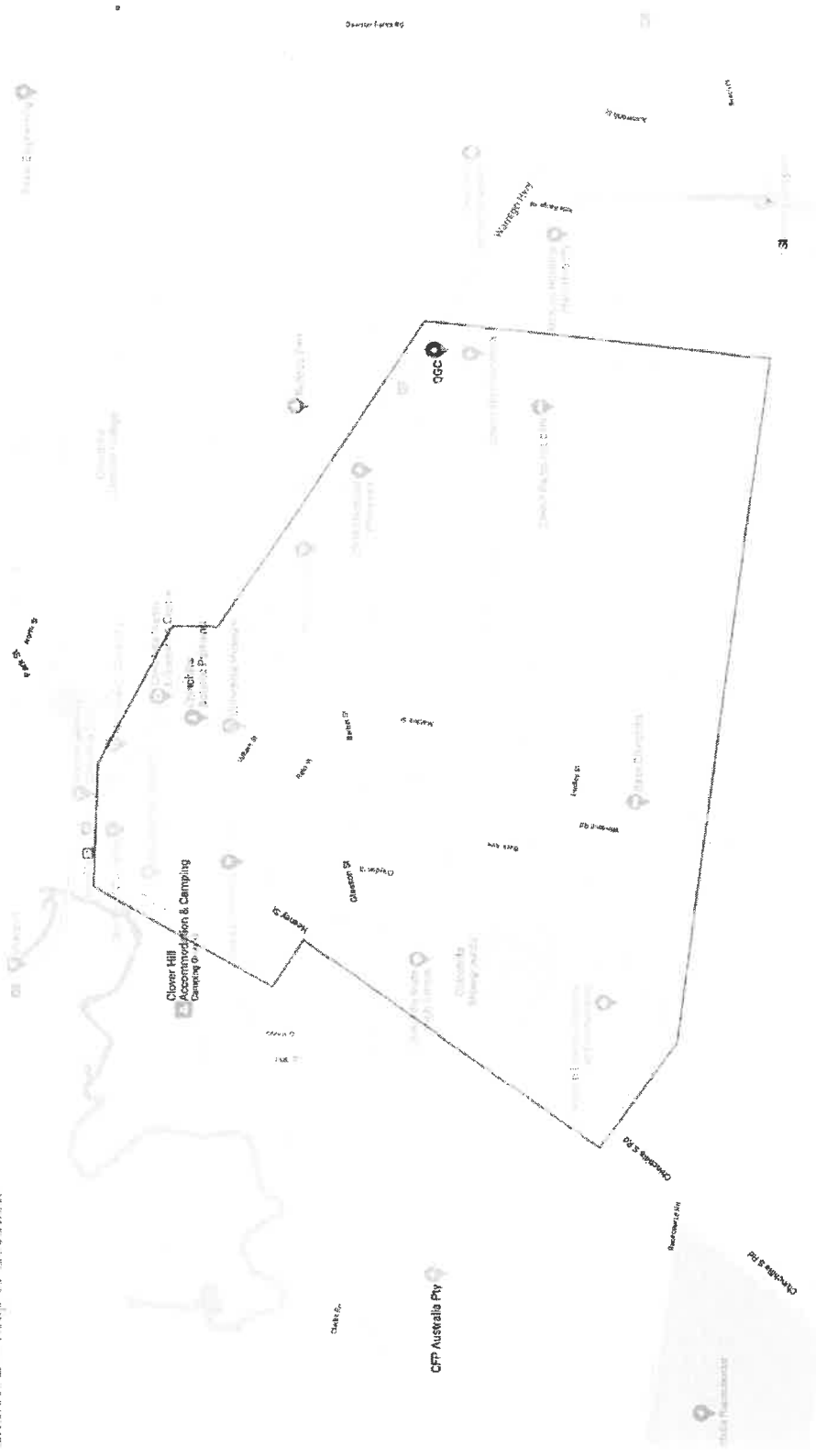
v

Respondent:	NA

This is the	
Name of document:	Map of location
Marked:	Exhibit B
mentioned in the affidavit of	David Stout

Sworn/Affirmed by the deponent at:	SPRING HILL
on:	22/4/21
Signature:	
Print name:	Alexander Millman
justice of the peace/commissioner for declarations/lawyer/other qualified person	

Exhibit B – Map of Location



Starting at Chinchilla S Rd at the Chinchilla Showgrounds moving south and turning onto Lloyd St then turning north onto Carmichael St
Travelling north and turning north-west on Warrego Hwy and then turning onto Wondai St then West onto Railway St
Turning onto Helena St and then onto Hypatia St through to Heeney St and back to starting point on Chinchilla S Rd at Chinchilla Showgrounds