



Matter Number:

TH 12021 / 9

## Form 20 – Affidavit

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

INDUSTRIAL REGISTRAR

25 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](mailto:qirc.registry@qirc.qld.gov.au)

<b>Applicant:</b>	National Retail Association, Union of Employers
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v

<b>Respondent:</b>	
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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 Tce Spring Hill QLD 4000
<b>Position:</b>	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 Mount Isa Mines Rodeo started in 1959 and is now recognised as the largest rodeo in the southern hemisphere. The event has sporting, tourism and economic significance to the local community and the state.

3. The 2021 Mount Isa Mines Rodeo will run from Thursday 12 August to Sunday 15 August 2021. Events on Thursday run from 6:30am to 7pm, Friday and Saturday from 8:30am to 12:45am and Sunday from 8:30am to 4pm.

4. The NRA asks the Commission to grant an order under s 5(1)(c) of the Act for Thursday 12 August to Sunday 15 August. This covers the period of the Mount Isa Mines Show (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. 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

6. The Mount Isa Mines Rodeo is a highly significant event for the Australian rodeo circuit. In 2019, over 700 competitors attended the Rodeo from across Australia and internationally from New Zealand, USA and Canada. Competitors have a minimum number of rides before reaching the Grand Finals. Therefore, the Mount Isa Mines Rodeo is an essential event as part of the professional bull riding circuit.

7. Though the 2020 Mount Isa Mines Rodeo was cancelled, event organisers were able to broadcast a Virtual Rodeo. Mount Isa Mines Rodeo Chief Executive Officer Ms Natalie Flecker said the livestream attracted 10,658 unique views and more than 15,000 total views.

8. Tourism Minister Stirling Hinchliffe said the population of Mount Isa would more than double for the event and expected the Rodeo to contribute around \$10 million to Mount Isa's tourist economy and encourage visitors to spend longer in Outback Queensland.

9. The tourism significance of the event has been nationally recognised for many years, representing Queensland at the Qantas Australian Tourism Awards for the best Festivals and Events category. The event won Gold in 2016, Silver in 2017, Gold in 2018 and Gold again in 2019.

10. At the 2019 Mount Isa Mines Rodeo, tourists spent a record \$12.24 million in the local economy - \$500,000 more than in 2018. Overall attendance also surpassed 2018 with 39,933 over the four-days, generating more than 64,000 visitor nights in Queensland.


11. The NRA submits that to a certain extent, precedence has been set with approved applications for the Mount Isa Rodeo in 2018 (TH/2018/1) and 2019 (TH/2019/3).


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:	25/6/2021

Taken by	
Sworn/Affirmed by the deponent at:	SPRING HILL
on:	25/6/2021
Signature:	
Print name:	Alexander Milnam
<del>Justice of the peace/commissioner for declarations/lawyer/other qualified person</del>	

**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:  / /
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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

v

<b>Respondent:</b>	NA

This is the	
<b>Name of document:</b>	Statement of facts
<b>Marked:</b>	Exhibit A
mentioned in the affidavit of <i>David Smut</i>	

<b>Sworn/Affirmed by the deponent at:</b>	<i>SPRING HILL</i>
<b>on:</b>	<i>25 / 6 / 2021</i>
<b>Signature:</b>	
<b>Print name:</b>	<i>Alexander Millman</i>
<del>Justice of the peace/commissioner for declarations/lawyer/other qualified person</del>	

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Trading (Allowable Hours) Act 1990*  
**National Retail Association Limited, Union of Employers**  
*Applicant*  
*Mount Isa Mines Rodeo*

### **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 Mount Isa Mines Rodeo fits the description of a special event under Section 21 of the Trading (Allowable Hours) Act 1990 ("The Act").
2. The Mount Isa Mines Rodeo started in 1959 and is now recognised as the largest rodeo in the southern hemisphere. Running over six decades, the Rodeo is supported by about 600 volunteers, a dedicated Rodeo Board of Directors, Chief Executive Officer, event coordinators and support teams. The Rodeo is internationally recognised and is the pride of Mount Isa and the Australian rodeo circuit. The Isa Rodeo states that their purpose is to better the lives of their community, city and region. "The Rodeo helps generate new economic activity and raises the profile of Mount Isa and Outback Queensland as the 'Rodeo Capital of Australia'" (<https://www.isarodeo.com.au/visitor-information/>).
3. The 2021 Mount Isa Mines Rodeo will run from Thursday 12 August to Sunday 15 August 2021. Events on Thursday run from 6:30am to 7pm, Friday and Saturday from 8:30am to 12:45am and Sunday from 8:30am to 4pm.
4. The NRA asks the Commission to grant an order under s 5(1)(c) of the Act for Thursday 12 August to Sunday 15 August. This covers the period of the Mount Isa Mines Show (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 Buchanan Park as well as the town of Mount Isa for visitors to take advantage of retail trade opportunities throughout the event.
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. The NRA submits that to a certain extent, precedence has been set with approved applications for the Mount Isa Rodeo in 2018 (TH/2018/1) and 2019 (TH/2019/3).
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.

### **Sporting, tourism and economic significance of the event**

10. The Mount Isa Mines Rodeo is a highly significant event for the Australian rodeo circuit. Section events include bull riding, saddle bronc, bareback bronc, steer wrestling, rope & tie, team roping, ladies barrel racing, ladies breakaway roping and poddy rides for riders aged 8 to 13. In 2019, over 700 competitors attended the Rodeo from across Australia and internationally from New Zealand, USA and Canada. Competitors have a minimum number of rides before reaching the Grand Finals. Therefore, the Mount Isa Mines Rodeo is an essential event as part of the professional bull riding circuit.
11. Though the 2020 Mount Isa Mines Rodeo was cancelled, event organisers were able to broadcast a Virtual Rodeo. Mount Isa Mines Rodeo Chief Executive Officer Ms Natalie Flecker said the livestream attracted 10,658 unique views and more than 15,000 total views. The event was also watched in New Zealand, Ireland, Scotland, USA, Canada, Switzerland, Germany, Japan, Italy, France, Portugal and South Africa (<https://www.isarodeo.com.au/mount-isa-mine-rodeo-goes-virtual-to-thousands-of-viewers-worldwide/>).
12. The 2021 Mount Isa Mines Rodeo schedule features nightly concerts from Guy Sebastian and Lee Kernaghan, supported by Casey Barnes and Mick Lindsay, as well as eight rodeo events, a street festival, horse races and bush poetry breakfast.
13. Tourism Minister Stirling Hinchliffe said the population of Mount Isa would more than double for Outback Queensland's biggest event. "Jeans, boots and wide brimmed hats are a must for the iconic Mount Isa Mines Rodeo. Now in its 62nd year, the Isa's world-famous rodeo has grown to become the biggest in the southern hemisphere" (<https://www.isarodeo.com.au/world-famous-isa-rodeo-is-back-in-the-arena-in-august/>).
14. The tourist significance of the event has been nationally recognised for many years, representing Queensland at the Qantas Australian Tourism Awards for the best Festivals and Events category. The event won Gold in 2016, Silver in 2017, Gold in 2018 and Gold again in 2019.
15. Queensland Tourism Minister Kate Jones opened the 2019 Rodeo as part of the "Year of Outback Tourism" campaign. "Mount Isa is what we think of when we think of the Queensland Outback. This is an amazing part of our state and very special in people's minds, already I've met many people who have used the year of the outback to come to the Mount Isa Rodeo" (<https://www.northweststar.com.au/story/6322200/mount-isa-rodeo-pulls-in-the-crowds/>).
16. At the 2019 Mount Isa Mines Rodeo, tourists spent a record \$12.24 million in the local economy - \$500,000 more than in 2018. Overall attendance also surpassed 2018 with 39,933 over the four-days, generating more than 64,000 visitor nights in Queensland.
17. On the economic significance of the 2021 event, Mr Hinchliffe said the Mount Isa Mines Rodeo is proudly supported by the Palaszczuk Government as events like these support local jobs and deliver on their economic recovery plan. "We expect the Mount Isa Mines Rodeo to contribute around \$10 million to Mount Isa's tourist economy and encourage visitors to spend longer in

Outback Queensland. The Mount Isa Mines Rodeo is a good example of an event that's been champing-at-the-bit to not only recover from the global pandemic, but rebuild better to reflect changing domestic visitor expectations and be ready for the return of international tourists" (<https://www.isarodeo.com.au/world-famous-isa-rodeo-is-back-in-the-arena-in-august/>).

18. The event website lists 26 motels and hotels as well as on-site camping and glamping options. The event is also supported by 43 strategic partners, sponsors, major partners, supporting partners and local community partners including Mount Isa Mines Glencore, Tourism & Events Queensland, Outback Queensland, Bell & Moir Toyota, Paradise Outdoor Advertising, Mount Isa City Council, North West Tours, Rex, and more. Some of the 15 local community partners include BCF, Totally Workwear, Isa Hotel and Hutchinson Builders. The NRA submits that the range of accommodation promoted evidences the Isa Rodeo's commitment to ensuring economic and tourist significance of the event to the community. Conversely, the range and number of sponsors evidences the perceived economic and tourist significance of the event to the local business community.
19. The NRA submit that the Mount Isa Mines Rodeo 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.**

## 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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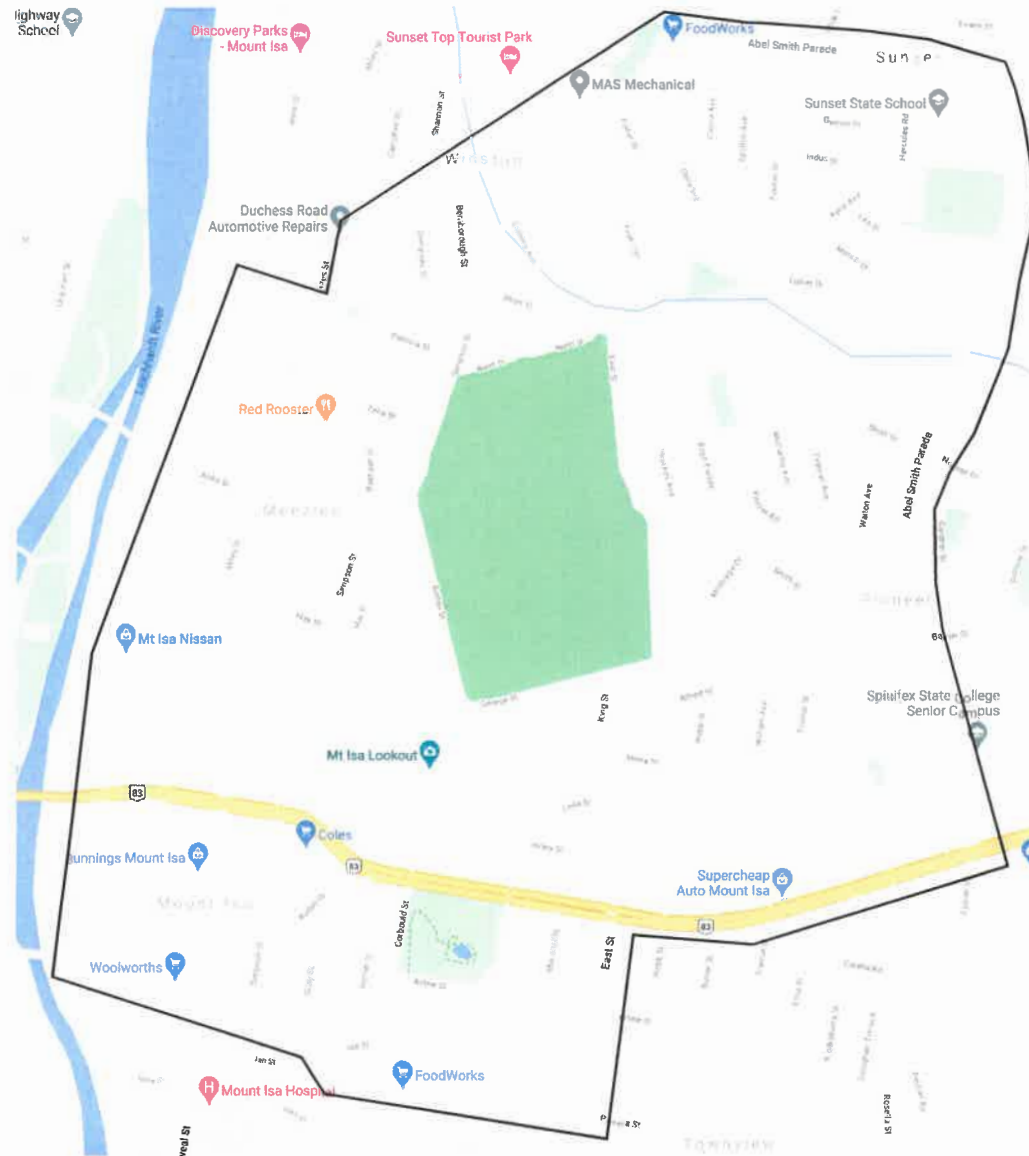
<b>Respondent:</b>	NA

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

<b>Sworn/Affirmed by the deponent at:</b>	<i>SPRING HILL</i>
<b>on:</b>	<i>25/6/2021</i>
<b>Signature:</b>	
<b>Print name:</b>	<i>Alexander Millman</i>
Justice of the peace/commissioner for declarations/lawyer/other qualified person	



Exhibit B – Description of Location



Starting at Abel Smith Parade turning south onto Sunset Dr through to Camooweal St then on to Patricia St and West St  
Travelling south through to Isa St then onto Pamela St then to East St  
Turning east onto Barkly Hwy then onto Abel Smith Parade to the starting point at Sunset Dr