

Form 20 – Affidavit

Industrial Relations Act 2016, section 989

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

INDUSTRIAL REGISTRAR

09 JUN 2022

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.
- 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 Burdekin Show is an annual festival held at the Ayr Showgrounds. The event is a major tourist drawcard, providing interstate and intra-state tourism and employment opportunities.

3. Every year, in June, the community celebrates the significance of agriculture to the region's economy with the Burdekin Show, which has in itself become a major cultural event drawing thousands of visitors from across the region and afar. The 2022 Burdekin Show program features 21 sections, with over 50 exhibitors and 300 prizes to be won. Other entertainment includes the Trackskill V8 Ute Show, fireworks display, petting zoo, equestrian competitions, displays of farm equipment and sideshow alley.

4. The Burdekin Show will take place 10am to 11pm Wednesday 22 June 2022.

5. The NRA asks the Commission to grant an order under s 5(1)(c) of the Act for an area of Ayr for Wednesday 22 June 2022.

6. The 2021 Burdekin Show is sponsored by 71 local businesses, banks and government bodies. The Show presents an opportunity for competitors, businesses and volunteer groups who rely on the show for employment, funding and business promotion. From large to small businesses, the range and number of local businesses that support the Burdekin Show is clear evidence of the perceived significance of the event to the local economy by the business community.

7. Ayr Pastoral, Agricultural and Industrial Association secretary Lorraine Strathdee said the annual Burdekin Show is a great day for the entire family. "The show highlights the agricultural, commercial, trade and cultural aspects of our community for the people of Ayr, Home Hill, Brandon and surrounding area. It provides a great way to have a top time with your loved ones and friends while soaking in the unique atmosphere all the top entertainment the show has to offer."

8. 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.

9. The NRA submits that the Burdekin Show clearly meets the criteria for section (1)(c) order under the Act, as revised in 2017.

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:	9, 6, 2022

Taken by	
Sworn/Affirmed by the deponent at:	Brisbane
on:	9, 6, 22
Signature:	
Print name:	Bradley Ellacott
Justice of the peace/commissioner for declarations/lawyer/ <input checked="" type="radio"/> 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	

Sworn/Affirmed by the deponent at:	Brisbane
on:	9/16/22
Signature:	
Print name:	Bradley Ellacott
Justice of the peace/commissioner for declarations/lawyer/other qualified person	

Exhibit A – Statement of Facts
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
Trading (Allowable Hours) Act 1990
National Retail Association Limited, Union of Employers
Applicant
Burdekin 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 Burdekin 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 Burdekin Show is an annual festival held at the Ayr Showgrounds. The Ayr Pastoral, Agricultural and Industrial Association hosts the Burdekin Show annually with the help of local volunteers and sponsors. The event is a major tourist drawcard, providing interstate and intra-state tourism and employment opportunities.
3. The 2022 Burdekin Show will take place 10am to 11pm Wednesday 22 June 2022.
4. **Accordingly, the NRA asks the Commission to grant an order under s 5(1)(c) of the Act for an area of Ayr for Wednesday 22 June.** This covers the entirety of the Burdekin Show (See Exhibit B for a map of the area).

The order being sought by the applicant

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 Burdekin Show. For this reason, the area of this application has been constructed to include the key trading areas of the Ayr region 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.
7. We contend that such an order is in keeping with the letter and the intent of the Act. This is in consideration of the 2021 application granted by Deputy President Merrell (TH/2021/7), as well as other show applications including the Bowen Show (TH/2021/6), Charters Towers Show (TH/2021/8) and Chinchilla Show (TH/2021/3).
8. 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.
9. 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.

10. 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 Ayr.

The cultural, religious or sporting significance of the event

1. Every year, in June, the community celebrates the significance of agriculture to the region's economy with the Burdekin Show, which has in itself become a major cultural event drawing thousands of visitors from across the region and afar.
2. Ayr Pastoral, Agricultural and Industrial Association secretary Lorraine Strathdee said the annual Burdekin Show is a great day for the entire family. "The show highlights the agricultural, commercial, trade and cultural aspects of our community for the people of Ayr, Home Hill, Brandon and surrounding area. It provides a great way to have a top time with your loved ones and friends while soaking in the unique atmosphere all the top entertainment the show has to offer" (<https://www.northqueenslandregister.com.au/story/4712606/a-fun-filled-family-day-out/>).
3. The 2022 Burdekin Show program features 21 sections, with over 50 exhibitors and 300 prizes to be won. Other entertainment include:
 - Trackskill V8 Ute show
 - Above Ground Zero fireworks display
 - Burdekin Machinery Preservationist
 - Animal farm & petting zoo
 - Honeycombes Tractor Pull
 - Super Tank fish habitat display
 - Equestrian competitions
 - Camel rides
 - Circus performers
 - Sideshow alley
 - Roving entertainers
4. On the Rural Queensland Today show with Ben Dobbin, Member for Burdekin Dale Last spoke about the 2018 Burdekin Show, "really well attended by the community, the Showmans Guild put on a great show with rides and stalls and the show jumping teams turned up from all around Queensland and interstate – great day" (<https://player.whooshkaa.com/rural-queensland-today-with-ben-dobbin>).
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," (<https://minister.awe.gov.au/littleproud/media-releases/%2436m-ag-shows>).
6. 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”
(<https://minister.infrastructure.gov.au/littleproud/media-release/show-and-shine-support-ensures-bright-future>).

7. The NRA submits that the endorsements and comments made by the Burdekin Show secretary Lorraine Strathdee, Burdekin Shire Council Mayor Lyn McLaughlin, Member for Burdekin Dale Last speaks to the significance of the event to the local community. Statements from Deputy Prime Minister Michael McCormack and Chair of Agricultural Shows Australia Dr Rob Wilson support agricultural shows are an important fixture of regional Australian local culture, taking on additional significance this year following the impact of COVID-19.

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

8. The Burdekin Show presents an opportunity for competitors, businesses and volunteers who rely on the Show for employment, funding and business promotion activities. The 2022 Burdekin Show is sponsored by 93 supporters from the private and public sector. Sponsors include major retailers Coles, Woolworths and McDonalds, Burdekin Shire Council, local MPs, banks, schools and local small businesses. The NRA submits that the range and number of sponsors that support the Burdekin Show is clear evidence of the widely perceived significance of the event to the local economy.
9. 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. 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 (<https://www.agriculture.gov.au/aq-farm-food/infrastructure/supporting-aq-shows#queensland>).
10. Adult admission to the show is \$10, \$8 for pensioners and students and \$5 for children, which is invested back into the Show as a major source of funding for the maintenance and improvement of the showgrounds and facilities.
11. The NRA submits that the number of local businesses and service providers that sponsor the Burdekin Show indicates the significance of the event to the local economy and tourism. The Commission can confidently determine that the 2021 Burdekin Show highly significant event for the local community, economy and tourism.

Conclusion

12. The NRA submit that the Burdekin 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.

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:	Description of location
Marked:	Exhibit B
mentioned in the affidavit of	


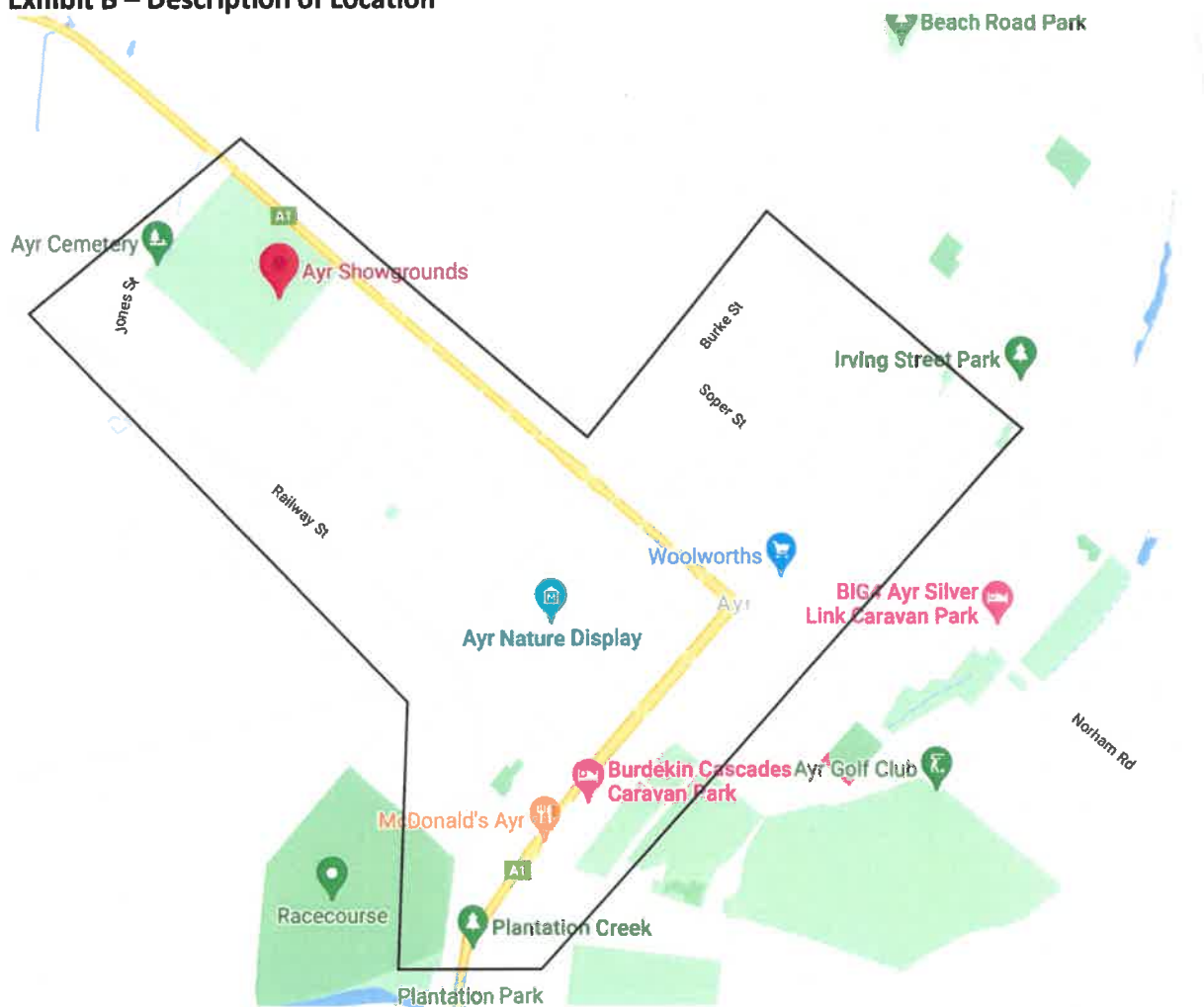
Sworn/Affirmed by the deponent at:	Brisbane
on:	9/1/2022
Signature:	
Print name:	Bradley Eilacott
Justice of the peace/commissioner for declarations/lawyer/other qualified person	

Exhibit B – Description of Location



Starting on the corner of Jones St and Bruce Hwy at the Ayr Showgrounds
Travelling south-east and turning onto Burke St then onto Chippendale St
Turning at MacMillan St and turning onto Kennedy and then onto Bower St northbound
Through to Railway St and then onto Jones St to starting point