



Form 20 – Affidavit

Industrial Relations Act 2016, section 989

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

INDUSTRIAL REGISTRAR

21 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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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 David Stout, 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 Charters Towers Show will be held at Charters Towers Showgrounds over 3 days on Sunday 24 July, Monday 25 July and Tuesday 26 July 2022.

3. The NRA asks the Commission to grant an order under s 5(1)(c) of the Act for Sunday 24 July up to and including Tuesday 26 July 2022. This covers the period of the Charters Towers Show (See Exhibit B for a map of the area).

4. 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 submits that the commercial activity generated by the show will benefit local businesses if non-exempt shops were able to trade and draw visitors into the area throughout the three-day event.

5. 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.

6. The NRA submits that the Charters Towers Show is of cultural significance to the people of Charters Towers area due to the significant history of the show dating back 141 years. Agricultural shows play a major role in leading development in regional communities and form an important part of the social fabric and emotional wellbeing for residents in the area. The range of events reflects the unique interests and values of the Charters Towers region and regional Queensland.

8. As recipients of the highest funding threshold for the Charters Towers Regional Council Community Grants Programme for a program of an artistic, cultural, recreational, sporting or other community-related pursuit, and in recognition of its opportunity for community inclusion and ability to foster civic pride and deliver enhanced local economic outcomes, the NRA contends that the 2022 Charters Towers Show is a highly significant event for the local community and economy.

9. The NRA has received estimates from local businesses that the 2022 Charters Towers Show will be attended by 5,000 patrons. The NRA submits that 2022 Charters Towers Show attendance will be supported by the tourism promotion by the Charters Towers Regional Council. Correspondingly, the Charters Towers Show event is also significant to the tourism economy of Charters Towers.

10. We submit that this application is in keeping with the intent of the Act, and is in line with similar applications previously granted by the Commission, including the 2021 Charters Towers Show (TH/2021/8), Chinchilla Show (TH/2021/3), and Mount Isa Show (TH/2021/5, TH/2022/3).

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:	21/6/2022

Taken by	
Sworn/Affirmed by the deponent at:	Brisbane
on:	21/6/22
Signature:	
Print name:	Bradley Ellacott
Justice of the peace/commissioner for declarations/ <input checked="" type="radio"/> 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.



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	

Sworn/Affirmed by the deponent at:	Brisbane
on:	21/6/22
Signature:	
Print name:	Bradley Ellacth
Justice of the peace/commissioner for declarations/lawyer/other qualified person	

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
Trading (Allowable Hours) Act 1990
National Retail Association Limited, Union of Employers
Applicant
Charters Towers 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 Charters Towers Show fits the description of a special event under Section 5 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 141st Charters Towers Show will be held at Charters Towers Showgrounds over 3 days. The event is a major tourist drawcard in regional Queensland, providing tourism and employment opportunities.
3. The Charters Towers Show will be held on Sunday 24 July, Monday 25 July and Tuesday 26 July 2022.
4. The NRA asks the Commission to grant an order under s 5(1)(c) of the Act for Sunday 24 July up to and including Tuesday 26 July 2022. This covers the period of the Charters Towers 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. The NRA submits that the commercial activity generated by the show will benefit local businesses if non-exempt shops were able to trade and draw visitors into the area throughout the three-day event.
6. The area of this application has been constructed to include the area immediately surrounding the Charters Towers Showgrounds as well as the town of Charters Towers for visitors to take advantage of retail trade opportunities at the start or end of the days' official events.
7. The NRA is aware 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, such as the 2021 Charters Towers Show (TH/2021/8), Chinchilla Show (TH/2021/3), and Mount Isa Show (TH/2021/5, TH/2022/3).
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. 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.

Cultural and economic significance of the event

11. TPAMA was established in 1881 as Charters Towers shifted from mining camp to a city to “showcase the district’s variety and versatility of produce and activities.” The Charters Towers Show continues to be held at the end of July each year with a wide range of exhibitors, entertainment and competitions (<https://charterstowersshow.com.au/our-history/>).
12. The 2022 Charters Towers Show features a line up of “high-octane attractions for the whole family.” Events include Australia’s best-known Monster Truck “Outback Thunda,” “Dipsy and Topsy” truck duo and “Firestorm,” a van fitted with a jet engine and custom-built afterburner, and the record biggest fireworks display from KC’s Fireworks Displays Australasia (<https://charterstowersshow.com.au/plan-your-day/#>). The program also include swoodchopping, animal farm, tug-of-war, rides, sideshow alleys, woodchopping, section competitions, and displays and judging of livestock and produce from the region.
13. In 2018, the Governor of Queensland Paul de Jersey officially opened the Charters Towers Show, stating that regional shows, such as the Charters Towers Show, bear testament to the generosity and genuine disposition of the people of regional Queensland. The Governor congratulated committee members, volunteers, stall holders, businesses and producers who make the show possible and was pleased to see the “colourful and contrasting program” (<https://www.govhouse.qld.gov.au/the-governor-of-queensland/speeches/2018/july/official-opening-of-the-charters-towers-show.aspx>).
14. The Charters Towers Regional Council offers funding under the Community Grants Programme to assist not-for-profit community organisations to “deliver activities/programs/services of an artistic, cultural, recreational, sporting or other community related pursuit.” Grant assessment criteria includes, opportunity for community inclusion, enhancement of civic pride and sense of place derived from the event, enhanced opportunities for local economic activities and other outcomes that will provide a positive contribution to the quality of life within the Charters Towers Region. The Towers Pastoral, Agricultural and Mining Association Inc received the maximum grant amount for the 2022 Charters Towers Show.
15. Under the \$1 billion Relief and Recovery Fund, the *Supporting Agricultural Shows and Field Days* program provides operational support for agricultural show societies and agricultural field day organisers to relieve cash flow pressures and ensure their sustainability in 2021 and beyond. The Charters Towers Show received \$13,630 of this funding (<https://www.agriculture.gov.au/aq-farm-food/infrastructure/supporting-aq-shows>).
16. The NRA submits that the Charters Towers Show is of cultural significance to the people of Charters Towers area due to the significant history of the show dating back 141 years. Agricultural shows play a major role in leading development in regional communities and form an important part of the social fabric and emotional wellbeing for residents in the area. The range of events reflects the unique interests and values of the Charters Towers region and regional Queensland. Further, as recipients of the highest funding threshold for the Charters Towers Regional Council Community Grants Programme for a program of an artistic, cultural, recreational, sporting or other community-related pursuit, and in recognition of its opportunity for community inclusion and ability to foster civic pride and deliver enhanced local economic

outcomes, the NRA contends that the 2022 Charters Towers Show is a highly significant event for the local community and economy.

Tourism Significance

17. The NRA has received estimates from local businesses that the 2022 Charters Towers Show will be attended by 5,000 patrons. The NRA submits that 2022 Charters Towers Show attendance will be supported by the tourism promotion by the Charters Towers Regional Council. Correspondingly, the Charters Towers Show event is also significant to the tourism economy of Charters Towers.
18. Charters Towers was a finalist of the Top Tourism Town (population over 5,000) in the 2022 Queensland Top Tourism Town Awards by the Queensland Tourism Industry Council (QTIC). The Awards recognises and celebrates Queensland's outstanding regional destinations, honouring communities across the State who demonstrate a commitment to visitor excellence (<https://www.charterstowers.qld.gov.au/news/article/1374/charters-towers-in-the-running-as-2022-top-tourism-town>).
19. Charters Towers Regional Council is hosting a series of sesquicentennial celebrations for its 150-year anniversary in 2022. Cr Sonia Bennetto said "150 years is a significant milestone in our history, and we want to celebrate it with a great range of activities. We hope these activities will also attract visitors and bring back former residents back to Charters Towers" <https://www.charterstowers.qld.gov.au/news/article/1277/150-year-celebrations-ready-to-begin>. The 2022 Charters Towers is listed as a complementary event to the celebrations.
20. In 2021, the Charters Towers Destination Tourism Board launched the "Unearth our Secrets" promotional campaign drawing on stories of the Charters Towers prospecting and goldrush era. Cr Sonia Bennetto said that members of the community, business leaders, and tourism operators were excited to see how the new brand will benefit the local tourism industry. With the events' history dating back to the 1880s, the Charters Towers Show aligns with the "Unearth our Secrets" campaign and will benefit from the campaign.
21. The Charters Towers Destination Management Plan 2020-2025 sets out to help provide direction for the community to develop the visitor economy through joint efforts by industry, community and government to help sell the tourism experience to visitors. This includes marketing to grow overnight visitations, increase spending in the region by overnight and day trippers, extending the tourism season and increasing destination awareness (<https://www.charterstowers.qld.gov.au/downloads/file/1452/charters-towers-v8-final-1->).
22. In May 2021, the Charters Towers' Visitor Information Centre (VIC) announced that more people were holidaying in their region this year. They have recorded a 37 per cent increase in people coming into the VIC in the first quarter of this year, compared to the same period last year. Councillor Julie Matthews, whose portfolio includes Tourism Economic Development, said this was positive news as the industry heads into its busiest time of year. "Peak tourism season is between May and October as people from South Australia, Victoria and New South Wales, and even southern Queensland come north to escape the cold." The VIC has welcomed 26 Tourism Ambassadors to help tourists plan their holiday. (<https://www.charterstowers.qld.gov.au/news/article/1232/tourism-season-kicks-off-in-charters-towers>).
23. The NRA submit that Charters Towers 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.



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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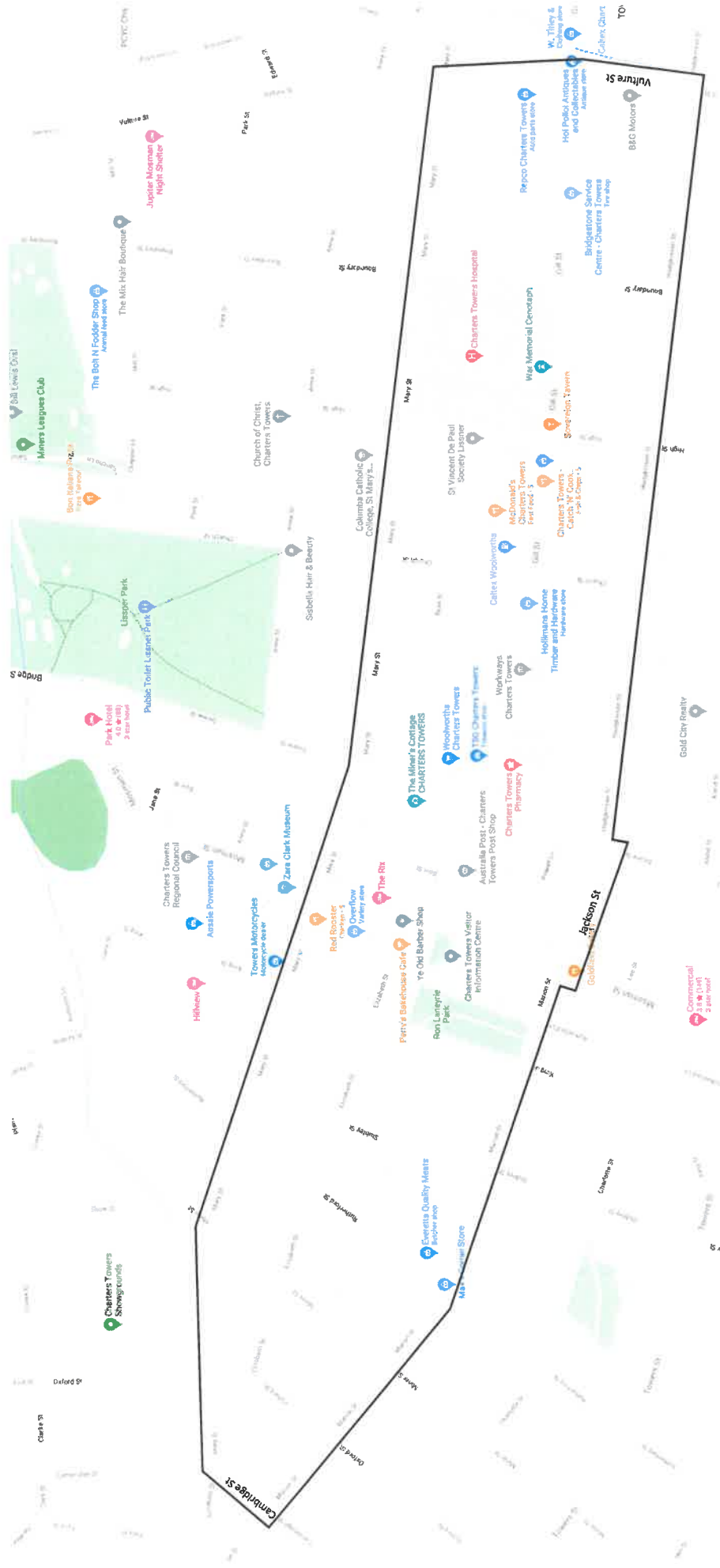
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Respondent:	NA
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This is the	
Name of document:	Description of location
Marked:	Exhibit B
mentioned in the affidavit of	

Sworn/Affirmed by the deponent at:	Brisbane
on:	21/6/22
Signature:	
Print name:	Bradley Ellacott
Justice of the peace/commissioner for declarations/ <u>lawyer</u> /other qualified person	

Exhibit B – Description of location



Starting at Mary St at Charters Towers Showgrounds, travelling the length of Mary St and turning south onto Vulture St
Turning west at Hodgkinson St to Deane St and travelling through to Marion St via Jackson St and Mosman St
Travelling west on Marion St and then turning northeast onto Cambridge St
Turning northeast onto Mary St and travelling back to starting point on Mary St at Charters Towers Showgrounds