



Form 20 – Affidavit

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

INDUSTRIAL REGISTRAR
30 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 4000 QLD
Position:	Director of 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 Kingaroy BaconFest is "an annual food festival about all things bacon." The inaugural event was held in 2018 and has grown to become a highly significant food festival for the South Burnett region with an average attendance of 16,000 (see exhibit A for statement of facts).

3. Kingaroy has a population of 10,000 and event coordinators are expecting record-breaking numbers in 2022. The NRA submits that visitor needs will be surplus to existing infrastructure. Retail operators around the venue need additional hours to cater for the increase in activity both directly related and ancillary to events that make up the BaconFest (see exhibit B for description of location).

3. Kingaroy is home to the largest pork processing plants in the southern hemisphere and is one of the town's biggest employers. The event showcases South Burnett produce and draws attendance from across the region, Brisbane, Toowoomba, Sunshine Coast and interstate. Accordingly, the Kingaroy BaconFest is a highly significant event for the local community and tourism.

4. The 2022 program features a significant number of competitions, Pig Industry Forum, an official round of the Australasian Barbeque Alliance Championship Series, cooking demonstrations, eating competitions, live music, and entertainment. The event is run by a dedicated 12-person committee and team of volunteers, with support from local businesses, community groups and local community members.

5. Kingaroy BaconFest is supported by SunPork Fresh Foods and funded by the Foundation for Rural and Regional Renewal in partnership with the Australian Government. The event is also supported by the Queensland Government through Tourism and Events Queensland (TEQ) and is featured on the It's Live! calendar and Good to Go events. This reflects the significance of the event to regional and state tourism.

6. The Kingaroy BaconFest is promoted state-wide and nationally across a range of media outlets and has over 8,000 followers on social media.

7. In 2019, the Kingaroy BaconFest contributed more than \$660,000 to the local economy, engaged with over 30 community groups and raised over \$20,000 for local charity groups to support pig farmers affected by the drought. The 2022 event lists 89 sponsors, drawn from both the private and public sector. The event website also promotes 24 local accommodation options and encourages visitors to tour the region. The NRA submits that the Kingaroy BaconFest is a highly significant event to the local economy and tourism.

8. The NRA submits that the Kingaroy BaconFest clearly meets the criteria under the Act as "a unique or infrequent event of local, State or national significance."

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:	30/6 2022

Taken by	
Sworn/Affirmed by the deponent at:	Brisbane
on:	30/6/22
Signature:	
Print name:	Bradley Ellicott
Justice of the peace/commissioner for declarations <input checked="" type="radio"/> lawyer <input 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	

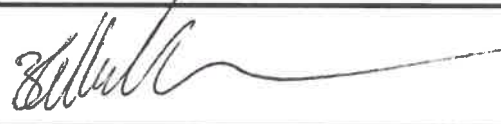
Sworn/Affirmed by the deponent at:	Brisbane
on:	30/6/22
Signature:	
Print name:	Bradley Ellacott
Justice of the peace/commissioner for declarations/ <input checked="" type="radio"/> lawyer/other qualified person	

Exhibit A – Statement of Facts
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
Trading (Allowable Hours) Act 1990
National Retail Association Limited, Union of Employers
Applicant
Kingaroy BaconFest

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 Kingaroy BaconFest fits the description of a special event under Section 5(1)(c) of the Trading (Allowable Hours) Act 1990 ("The Act").
2. The Kingaroy BaconFest is "an annual food festival about all things bacon." The inaugural event was held in 2018 has grown to become a highly significant food festival for the South Burnett region that draws attendance from across the region, Brisbane, Toowoomba, Sunshine Coast and interstate. Accordingly, the Kingaroy BaconFest celebrates the products' significance to the region and creates significant tourism and economic benefits for Kingaroy and the surrounding South Burnett region.
3. The 2022 program features a significant number of competitions, Pig Industry Forum, an official round of the Australasian Barbeque Alliance Championship Series, cooking demonstrations, eating competitions, live music, and entertainment. The event is run by a dedicated 12-person committee and team of volunteers, with support from local businesses, community groups and local community members.
4. The 2022 Kingaroy BaconFest will run from Friday 19 August through to Sunday 21 August. Events on Friday run from 6pm to 11pm, Saturday from 5am to 10pm and Sunday from 7am to 4pm.
5. The NRA asks the Commission to grant an order under s 5(1)(c) of the Act for Friday 19 August to Sunday 21 August 2022. This covers the period of the Kingaroy BaconFest (See Exhibit B for a map of the area).

Justification

6. The effect of the "special event" declaration is that non-exempt shops operating in the stated area would be treated as exempt shops for the applied period. However, we have assurances that stores will operate a span of hours which is more reflective of anticipated customer needs.
7. Kingaroy has a population of 10,000. Given attendance numbers in previous years, media coverage, and expectations for record-breaking numbers in 2022, the NRA submits that visitor needs will be surplus to existing infrastructure. Retail operators around the venue areas need additional hours to cater for the increase in activity both directly related and ancillary to events that make up the BaconFest.
8. 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. 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, including the Chinchilla Melon Festival (TH/2019/1).

9. The NRA recognises the tremendous efforts of our essential retail team members who 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.
10. 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.
11. 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.

Significance of the event

12. Pig farming is one of the South Burnett's largest industries and Kingaroy is home to the largest pork processing plants in the southern hemisphere. The plant has grown to become one of the town's biggest employers. The Kingaroy region also borders two of the state's largest pig producing regions, the Darling Downs, where 56 per cent of the state's total pig herd are grown, and Wide Bay, 30 per cent (<https://www.kingaroybaconfest.com.au/home/>).
13. Chief "Baconeer" Kristy Board said "BaconFest is a great way to put the spotlight on our hard-working farmers, to showcase top quality South Burnett produce and to help raise money for local charity" (<https://travmedia.com/showPRPreview/100082129>).
14. Kingaroy BaconFest is supported by SunPork Fresh Foods and funded by the Foundation for Rural and Regional Renewal in partnership with the Australian Government. The event is also supported by the Queensland Government through Tourism and Events Queensland (TEQ) and is featured on the *It's Live!* calendar and *Good to Go* events.
15. The 2019 Kingaroy BaconFest attracted over 16,000 attendees. Ms Board stated that they are expecting "record-breaking attendance numbers this year." The NRA submits that it is reasonable to expect 18,000 attendees in 2022 with media coverage and eased COVID-19 travel and social distancing restrictions (<https://eglobaltravelmedia.com.au/2022/06/22/kingaroy-baconfest-is-back-and-set-to-go-the-whole-hog-in-2022/>).
16. The Kingaroy BaconFest is promoted state-wide and nationally across a range of mediums. Previous years media coverage highlights include TEQ, Concrete Playground, Courier Mail, ABC Radio and Channel Seven's Sunrise. Across social media, the BaconFest has 8,000 followers. In 2019, the page reached 480,070 and generated 690,300 total impressions.
17. In 2019, the Kingaroy BaconFest contributed more than \$660,000 to the local economy. The event also benefits the local community. Previously, the event engaged with more than 30 separate community groups and provided promotional and fundraising opportunities. In addition, the event has raised over \$20,000 for local charity groups to support pig farmers affected by drought.
18. The Kingaroy BaconFest presents an opportunity for businesses and volunteers who rely on the event for employment, funding, and business promotion opportunities. The 2022 event lists 89 sponsors, drawn from both the private and public sector.

19. The event website 24 local motel, cottages, caravan parks, cabins, farm stays, glamping and camping accommodation options in and around Kingaroy and the South Burnett. The website also strongly encourages visitors to tour the South Burnett region when visiting.

Conclusion

20. The NRA submits that the Kingaroy BaconFest 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

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:	30/1/22
Signature:	
Print name:	Bradley Ellacott
Justice of the peace/commissioner for declarations/lawyer/other qualified person	

Exhibit B – description of location



Starting at intersection of Haly St and William St, travelling through to Jarrah St
Turning south onto Jarrah St and then onto Alford St E and through to Alford St
Turning south onto D'Aguilar Hwy and then west onto Avoca St
Turning north onto William St through to starting point at Haly St