



Form 20 – Affidavit

Industrial Relations Act 2016, section 989

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

INDUSTRIAL REGISTRAR
29 MAY 2023
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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Applicant:	National Retail Association, Union of Employers

V

Respondent:	

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)

REMY ATKINSON
29 / 06 / 2023

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 Agricultural Show Society hosts the Mount Isa Show annually with the help of local volunteers and sponsors and is a major tourist drawcard in regional Queensland, providing tourism and employment opportunities. 2023 will be the Show's 41st iteration, and marks 100 years since the establishment of the city of Mount Isa. The Mount Isa City Council has promoted a series of centenary events to celebrate the milestone, including the Mount Isa Show.

3. The Mount Isa Show will run from Friday 23 June to Saturday 24 June 2023.

4. Accordingly, the NRA asks the Commission to grant an order under Part 5 Division 3 of the Act for Mt Isa for Friday 23 June up to and including Sunday 25 June 2023. This covers the period of the Mount Isa Show and the following Sunday (See Exhibit B for a map of the area).

5. The event begins at 8am on Friday and closes at 11:45pm on Saturday night. Mount Isa is an extremely remote town and the NRA submits that it is extremely unlikely that out-of-town visitors will drive home after the events close at 11:45pm. Therefore, we are seeking the inclusion of Sunday to allow local businesses to better service the needs of visitors for the entire duration of their stay. We rely on earlier decisions regarding the Mount Isa Mines Rotary Rodeo (TH/2021/9, TH/2019/3) and Mount Isa Show (TH/2021/5 and TH/2022/3), noting that in these circumstances, the Commission considered it appropriate to include the day after the event (Sunday) within the applicable period.

6. Mt Isa has a population of 23,000 people which swells during key annual events. The 2021 Mount Isa Show welcomed around 8,000 attendees through the gates of Buchanan Park over 2 days, including visitors from inter- and intrastate. The NRA predicts that the 2023 Mount Isa Show will feasibly have higher attendance due to the Centenary celebrations.

7. Exhibit A includes trading data from a non-exempt retailer during the 2022 Mount Isa Show, clearly demonstrating a need for extended trade for this special event in 2023. The NRA has also submitted data to support the special event criteria, including media coverage, local business sponsorship, community support and the alignment of the event with the Mount Isa Tourism Strategy 2020 to 2025.

8. The NRA submits that the Mt Isa Show positively contributes to the reputation of Queensland both nationally and internationally as an authentic representation and celebration of the Queensland agricultural community. The Show is one of many community events celebrating Queensland produce, livestock, skills and talents that are a source of pride and economic benefit to the local community.

Signed:

(deponent/s to sign)

Taken by:

REMY ATKINSON
29/05/2023
(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:	29/5/23

Taken by	
Sworn/Affirmed by the deponent at:	
on:	29 / 05 / 2023
Signature:	
Print name:	REMY ATKINSON
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.



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:	
on:	29/06/2023
Signature:	
Print name:	REMY ATKINSON
Justice of the peace/commissioner for declarations/lawyer/other qualified person	

EXHIBIT A
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
Trading (Allowable Hours) Act 1990
National Retail Association Limited, Union of Employers
Applicant

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.
2. Part 5 Division 3 of the Trading (Allowable Hours) Act 1990 ("The Act"), as revised in 2022, 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. The NRA and its members believe the Mount Isa Show fits the description of a special event.
3. 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 Mount Isa Show is an annual 2-day festival held at the Mount Isa Buchanan Park with sideshows, section competitions, amusement rides, fireworks, and other entertainment. This year, the Mount Isa Show includes a Bronco Branding Competition, Mount Isa Mighty Miner Competition, Demolition Derby and a Pet Parade and Weiner Dog Race.
4. The Mount Isa Show is a major tourist drawcard in regional Queensland, providing tourism and employment opportunities. In 2023, this will be the Mount Isa Show's 41st iteration, and marks 100 years since the establishment of the city of Mount Isa. The Mount Isa City Council has promoted a series of centenary events to celebrate the milestone, including the Mount Isa Show.
5. The Mount Isa Show will run from Friday 23 June to Saturday 24 June 2023.

Justification

6. 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. The Commission must also consider whether there is a need for a non-exempt shop to trade for hours greater than the core trading hours for the period of the event.
7. Further, the Commission must have regard to the size of the place where the event will be held, whether the event will be held at multiple places, predicted attendance numbers, expected media coverage, any contribution the event may make to Queensland's national or international reputation. The Commission must also have regard to a submission made by a local government for an area in which the declaration is likely to have an impact or an industrial organisation in relation to the likely impact of the special event declaration on employees.
8. 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 Part 5 Division 3 of the Act for Mt Isa for Friday 23 June up to and including Sunday 25 June 2023. This covers the period of the Mount Isa Show and the following Sunday (See Exhibit B for a map of the area).
9. As with any local event, the town will experience an influx of visitors and their needs will be surplus to existing infrastructure. As with previous Shows, 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. The Show will activate the entire town with events taking place across the CBD and surrounds. The area of this application has been constructed to include the area immediately surrounding the Mount Isa Buchanan Park as well as the town of Mount Isa for visitors to take advantage of retail trade opportunities at the start or end of the days' official events (as per Exhibit B). The NRA believes

this order would allow retailers to better cater for the additional needs of visitors to the event, as well as residents in town on Show holiday.

10. The NRA is seeking the inclusion of Sunday 25 June within this application. The event begins at 8am on Friday and closes at 11:45pm on Saturday night. Mount Isa is an extremely remote town, 121km from Cloncurry, 1,823km north-west of Brisbane and 904km west of Townsville. An attendee survey during the 2021 Mount Isa Mines Rodeo, a comparable event in the region, found that only 9.98% travelled to Mount Isa via air, and the rest of the respondents confirmed they travelled by road. The NRA submits that it is extremely unlikely that out-of-town visitors will drive home after the events close at 11:45pm. Therefore, we are seeking the inclusion of Sunday to allow local businesses to better service the needs of visitors for the entire duration of their stay.
11. We rely on earlier decisions regarding the Mount Isa Mines Rotary Rodeo (TH/2021/9, TH/2019/3) and Mount Isa Show (TH/2021/5 and TH/2022/3), noting that in these circumstances, the Commission considered it appropriate to include the day after the event (Sunday) within the applicable period. Consideration was given to the “remoteness of Mount Isa and the large distances out of town visitors, competitors and exhibitors will no doubt be required to travel in order to attend the Show.”

Commissioner Knight stated, “I am satisfied on this occasion, there is some merit to the NRA’s submission as to the value in extending the period for which the declaration applies to include 20 June 2021, such that both visitors and locals more broadly can take advantage of extended trading hours over what will no doubt be a particularly busy period” [51](Th/2021/5).

12. We 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, with a precedent set for the 2021 and 2022 Mt Isa Shows (TH/2021/5, TH/2022/3) and other similar applications previously granted by the Commission, such as the Mount Isa Rodeo (TH/2019/3) and the Chinchilla Show (TH/2021/3).

The cultural, religious, or sporting significance of the event

13. The Mount Isa Show holds historical and cultural significance for the region, with the 2023 Mount Isa Show being its 41st iteration and is central to the city’s centennial celebrations. The Mount Isa Agricultural Show Society Committee President Anne Pittis says the Show is about taking everything great about the Mount Isa region and celebrating it with the whole community.
14. The Mount Isa Show event features Horse Riding Competitions and Section Competitions across handicraft, art, photography, woodwork, scarecrows, cooking and horticulture. This year, the Mount Isa Show will also include a Bronco Branding Competition, Mount Isa Mighty Miner Competition, Demolition Derby and a Pet Parade and Weiner Dog Race. These events provide very popular sporting entertainment and highlight local talent as well as showcasing local agriculture.

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

15. The Mount Isa City Council has received funding under the Federal Government’s Building Better Regions Fund Community Investments Stream Round 5 for the city’s ‘100 Years’ celebrations. Mount Isa 100 Years Advisory Committee Chair, Cr Peta MacRae said the funding would be used to build on Mount Isa’s flagship Centennial events – including the Mount Isa Show and the Mount Isa Mines Rodeo. “With the help of the Building Better Regions Funding that was received from the Federal Government, we have been able to allocate funds to build even bigger and better events that are traditionally on the Mount Isa social calendar,” Cr MacRae said. “We see the Mount Isa 100 Years Celebrations as not just promoting Mount Isa and the region as a tourism destination and great place to live to people across Australia, but also celebrating Indigenous culture, and increasing community pride and social inclusion.”
16. Show attendance has been rising year by year, and Advisory Committee Chair Councillor Peta MacRae expects the 2023 Show to be especially well attended for the Mount Isa City Centennial celebrations. “We are expecting a massive influx of visitors, both former Mount Isa residents and visitors that are yet to experience our terrific city,” Cr MacRae said.

17. The Mount Isa Show lists partners and sponsors, drawn from both the private and public sector, including:
 - Australian Government
 - Queensland Government
 - Glencore Mount Isa Mines
 - Mount Isa City Council
 - Queensland Chamber of Agricultural Society Inc.
 - Sunset Tourist Park Mount Isa
 - Brumby's
 - Ozzie Outdoors
 - Isa Hair Design
 - Mount Isa Pets and Produce
18. Testament to the perceived economic value and cultural importance of the event to the local community, Glencore Mount Isa Mines has been locked-in as one of the major sponsors of the 2022, 2023 and 2024 Mount Isa Show. Glencore will contribute \$20,000 each year towards the Children's Entertainment Zone.
19. The Mount Isa Show is a ticketed event at \$30 for adults, \$10 for children and free for children under 6. Ticket sale revenue is invested back into the improvement of the Show and local community.
20. The Mt Isa Show has been promoted across newspapers, radio and blogs, from the Northwest Star, to websites: Discover Mt Isa, Mount Isa Show, Outback Queensland, Isa Rodeo and the Mt Isa Council. The Mt Isa Show is covered in the media each year with articles appearing in the North West Star and The Courier Mail, and has 2700 active social media followers for its Facebook page.
21. The Mount Isa Tourism Strategy 2020 to 2025 sets out a plan to establish the region as an outback tourism destination with its mission statement "to be more than mining, rodeo, and a stop on the road." Events such as the Mount Isa Show support the Strategy to attract visitors to the region and diversify their regional tourism.

Demonstrated need for the application

22. The NRA submits that there is a clearly demonstrated need and support for extended trade, as evidenced by customer data from a Mount Isa non-exempt retailer following the approved Friday 17 June through to Sunday 19 June 2022 special event declaration (TH/2022/3). Noting that Sunday is a closed day, the retailer reported the following:
 - Friday 17 June 2022: 1,456 customers
 - Saturday 18 June 2022: 2,247 customers
 - Sunday 19 June 2022: 1,474 customers
23. Mt Isa has a population of 23,000 people which swells during key annual events. The 2021 Mount Isa Show welcomed around 8,000 attendees through the gates of Buchanan Park over 2 days, including visitors from inter- and intrastate. The NRA predicts that the 2023 Mount Isa Show will feasibly have higher attendance due to the Centenary celebrations.
24. 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, with a precedent set for the 2021 and 2022 Mt Isa Shows (TH/2021/5, TH/2022/3) and other similar applications previously granted by the Commission, such as the Mount Isa Rodeo (TH/2019/3) and the Chinchilla Show (TH/2021/3).

Other factors

25. The Mt Isa Agricultural Show positively contributes to the reputation of Queensland both nationally and internationally as an authentic representation and celebration of the Queensland agricultural community. The Show is one of many community events celebrating Queensland produce, livestock, skills and talents that are a source of pride and economic benefit to the local community.
26. The Mount Isa Show is managed by local community members through the Mount Isa Agricultural Show Society and supported by volunteers who form the Mount Isa Show Committee. Demonstrating the significance of the event to the community, Mount Isa local Anthony "Tonka" Toholke was named 2022 Volunteer of the Year for the Volunteering North Queensland Awards for his work across multiple organisations, including the Mount Isa Show. The Mount Isa Show presents an opportunity for competitors, businesses and volunteers, who rely on the Show for employment, funding and business promotion opportunities.

Conclusion

27. The NRA recognises the ongoing tremendous efforts of our essential retail team members who have continued to serve our community in the midst of the global COVID-19 pandemic and natural disasters, including recent floods. We also recognise the necessary staff contribution for stores to trade additional hours.
28. The NRA understand that s 36BA applies in relation to an employee of particular shops in the area to which the declaration applies. As previously stated prior to the amendment of the Act, any work during extended hours will continue to be on a voluntary basis.
29. The NRA emphasises that the granting of this application will not come at the expense of regulation and employees. This application allows flexibility for stores to trade and better cater for the needs of residents and visitors to Mount Isa, and allows the retail sector of Mount Isa an opportunity to attract a share of the significant increase in potential custom during the influx of visitors this event will draw to the region. 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.
30. The NRA submits that the Mount Isa Show is one of the most iconic regional shows in Queensland and clearly meets the Act criteria as a Special Event. We further submit that the Commission, should it be minded to grant this application, could rely on the available evidence in support of the significance of the event.

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:	
on:	29 / 05 / 2023
Signature:	
Print name:	REMY ATKINSON
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