

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: National Retail Association, Union of Employers 2023 QIRC 229*

PARTIES: **National Retail Association, Union of Employers**
(Applicant)

CASE NO: TH/2023/3

PROCEEDING: Application

DELIVERED ON: 4 August 2023

HEARING DATE: 4 August 2023

MEMBER: Pidgeon IC

HEARD AT: Brisbane

ORDERS: **Pursuant to s 31A(1) of the *Trading (Allowable Hours) Act 1990 (Qld)*, I declare that:**

- 1. The Mount Isa Mines Rodeo is for the purposes of s 5(1)(c) a special event;**
- 2. The declaration shall apply for a period commencing on Thursday, 10 August 2023 and shall continue up to and including Sunday, 13 August 2023; and**
- 3. The declaration applies to the area described as: Starting at Abel Smith Parade turning south onto Sunset Drive, through to Camooweal Street, then on to Patricia Steet and West Street, travelling south through to Isa Street, then onto Pamela Street, then to East Street, turning east onto Barkly**

Highway, then onto Abel Smith Parade to the starting point at Sunset Drive.

- 4. Section 36BA of the Act applies in relation to an employee of particular shops in the area to which the declaration applies.**

CATCHWORDS:

INDUSTRIAL LAW – TRADING HOURS – APPLICATION FOR DECLARATION OF SPECIAL EVENT – application to classify all non-exempt shops as exempt shops in part of the Mount Isa area for a specified period during a special event, namely the Mount Isa Mines Rodeo – application granted

LEGISLATION:

Trading (Allowable Hours) Act 1990 (Qld) ss 5, 31A, 31B, 36BA

APPEARANCES:

Mr D. Stout and Ms L. Charlton, National Retail Association, Union of Employers

Mr R. Thinee, Mount Isa City Council

Ms L. Armstrong, Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees

Mr D. Marr, Australian Workers' Union of Queensland

Reasons for Decision

[1] On 24 July 2023, the National Retail Association, Union of Employers ('the NRA') filed in the Industrial Registry an application seeking a declaration pursuant to the *Trading (Allowable Hours) Act 1990* (Qld) s 31A(1) ('the Act') that the Mount Isa Mines Rodeo be declared a special event within the meaning of s 31B of the Act. The period for which the declaration is sought is Thursday, 10 August 2023 up to and including Sunday, 13 August 2023.

[2] Exhibit B to the affidavit of Mr David Stout, Director of Policy at the NRA, filed on 24 July 2023 sets out the area that is sought to be covered by the application. The area is described as follows:

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

- [3] On 25 July 2023, I issued a Directions Order which provided that those parties who may be affected by the application may file in the Industrial Registry and serve on the other parties an application seeking leave to be heard by 28 July 2023.
- [4] As required under s 31A(3) of the Act, the application and the Directions Order were published on the Queensland Industrial Relations Commission's website.
- [5] On 27 July 2023, the Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees ('the SDA') filed an application seeking leave to be heard in this matter. On 28 July 2023, the SDA was granted leave to be heard, and on 3 August 2023 the SDA filed an outline of submissions.
- [6] Furthermore, on 28 July 2023, the Australian Workers' Union of Employees, Queensland ('the AWU') filed an application seeking leave to be heard in this matter. The AWU was granted leave to be heard on 28 July 2023, and on 3 August 2023 it filed an outline of submissions.
- [7] Also on 28 July 2023, the Mount Isa City Council filed an application seeking leave to be heard in this matter. The Council was granted leave to be heard on 28 July 2023, and it made oral submissions in support of the application at the hearing.
- [8] The question for determination is whether I should make the declaration sought by the NRA in its application.

The relevant provisions of the Act

- [9] Firstly, section 5 of the Act defines an exempt shop as follows:

5 Exempt shops

- (1) An exempt shop is—
- (a) a shop of a description mentioned in schedule 1AA used predominantly for selling goods by retail, or for supplying services, a reasonable person would expect to be sold or supplied in that shop;
 - (b) an independent retail shop; or
 - (c) a shop operating in an area to which a special event declaration applies.

...

[10] Part 5 of the Act provides for the making of orders and declarations by the Commission. Part 5, Division 3 of the Act provides for the making of special event declarations.

[11] The Commission may make a special event declaration pursuant to s 31A of the Act which relevantly provides:

31A Industrial commission may make declaration of special event

- (1) On an application by a chief executive, local government, organisation or any other person, the industrial commission may declare an event to be a special event.
- (2) A declaration for subsection (1) (a special event declaration) must state the following matters—
 - (a) details of the event the subject of the declaration;
 - (b) the period for which the declaration applies;
 - (c) the area to which the declaration applies;
 - (d) that section 36BA applies in relation to an employee of particular shops in the area to which the declaration applies.

Note—

A shop in the area to which the declaration applies is an exempt shop.

- (3) A special event declaration must be published on the QIRC website.

[12] Furthermore, section 31B of the Act outlines the following considerations to be had when deciding an application:

31B Deciding application for special event declaration

- (1) In deciding whether to declare an event to be a special event, the industrial commission must consider—
 - (a) whether the event is a unique or infrequent event of local, State or national significance; and

Examples—

- the 2032 Olympic and Paralympic Games
- the Weipa Fishing Classic event

- (b) the cultural, religious or sporting significance of the event; and
- (c) the significance of the event to the economy and the tourism industry; and
- (d) whether there is a need for a non-exempt shop, or a class of non-exempt shops, to trade for hours greater than the core trading hours for the shop or class of shops under this Act for the period of the event.

- (2) In considering the matters mentioned in subsection (1), the industrial commission must also have regard to the following—
- (a) the size of a place where the event will be held;
 - (b) whether the event will be held at multiple places;
 - (c) the predicted attendance numbers;
 - (d) any expected media coverage;
 - (e) any contribution the event may make to Queensland's national or international reputation;
 - (f) a submission made by—
 - (i) a local government for an area where the special event declaration is likely to have an impact; or
 - (ii) an industrial organisation in relation to the likely impact of the special event declaration on employees.

[13] Section 36BA relevantly provides:

36BA Protection for employees—other extended hours

- (1) This section applies if—
- (a) the core trading hours under this Act for a non-exempt shop are increased because—
 - (i) an amendment of this Act commences; or
 - (ii) a trading area order takes effect; or
 - (b) a shop becomes an exempt shop because a special event declaration takes effect.
- (2) An employer of an employee employed in the shop must not require the employee to work during extended hours unless the employee has freely elected to work during extended hours.
- Maximum penalty—
- (a) for a first offence—16 penalty units; or
 - (b) for a second or later offence—20 penalty units.
- (3) For subsection (2), an employee has not freely elected to work during extended hours—
- (a) if the employee elects to work during extended hours because the employee has been coerced, harassed, threatened or intimidated by or for the employer; or

- (b) only because the employee is rostered, or required under an industrial instrument, to work during those hours.

(4) In this section—

allowable trading hours means the shop’s core trading hours under part 4, division 2, subdivision 2 and, if relevant, the shop’s extended trading hours under part 4, division 2, subdivision 3.

elect means agree in writing for a stated or indefinite period.

extended hours means—

- (a) for a non-exempt shop mentioned in subsection (1)(a)—the core trading hours under this Act for the shop on any day (other than a closed day), but only to the extent the hours are greater than the shop’s core trading hours immediately before—
 - (i) the commencement of the amendment mentioned in subsection (1)(a)(i); or
 - (ii) the trading area order mentioned in subsection (1)(a)(ii) taking effect; or
- (b) for a shop mentioned in subsection (1)(b)—the trading hours for the shop during the period of the special event stated in the special event declaration, but only to the extent the hours are greater than what the shop’s allowable trading hours would be if the declaration had not taken effect.

Submissions filed by the NRA

[14] The NRA submits that the Mount Isa Mines Rodeo meets the criteria for a special event under Part 5, Division 3 of the Act. The NRA relied upon its application and the supporting affidavit of Mr David Stout.

Historical and cultural significance

[15] Firstly, the NRA says that the Mount Isa Mines Rodeo holds historical and cultural significance for the region. The rodeo first began in 1959, and is now ‘heralded as the largest rodeo in the Southern hemisphere’. The event is supported by 600 volunteers, a dedicated Board of Directors, a Chief Executive Officer, event coordinators and support teams. The NRA says that the rodeo has won numerous awards and has generated millions of dollars in economic benefit to Mount Isa, Outback Queensland, and Queensland as a whole.

[16] In particular, 2023 marks 100 years since the establishment of the city of Mount Isa. The Mount Isa City Council has therefore promoted a series of centenary events to celebrate this milestone, including the Mount Isa Mines Rodeo which is said to boost the profile of Mount Isa and Outback Queensland as the ‘Rodeo Capital of Australia’.

Sporting significance

[17] Secondly, the NRA submits that the event holds sporting significance. The rodeo is governed by the Australian Professional Rodeo Association (‘APRA’) which was

founded in 1944 and is the oldest national rodeo organisation in the world. The Mount Isa Mines Rodeo forms part of the APRA national circuit and competitors will earn placings towards the National Finals Rodeo to determine the Australian Champions.

- [18] The event schedule includes the Bull Ride (Open, Over 40s, 2nd & Junior Division), Saddle Bronc (Open & 2nd Division), Bareback (Open & 2nd Division), Rope & Tie (Open), Steer Wrestling, Team Roping, Ladies Barrel Race, Ladies Breakaway Roping and Mini Bull Rides.
- [19] The Mount Isa Mines Indigenous Rodeo Championship will also return for a second year in 2023, run in partnership with the Mona Aboriginal Corporation. The event aims to ‘showcase the amazing talents of Indigenous Rodeo competitors and give visibility to the stories of Australia’s Indigenous Stockmen and Stockwomen’. The NRA submits that the event connects visitors to the Kalkadoon people and visiting indigenous communities of northern Queensland by providing an opportunity to celebrate their stories and culture.
- [20] The NRA further submits that last year, the Mount Isa Mines Rodeo had Australia’s largest prize pool for competitors of over \$300,000 across the four-day event. The 2022 event also had a record number of 956 competitor entries, up from 764 entries in 2021.

Tourism significance

- [21] Thirdly, the NRA says that the event presents a significant tourism opportunity by attracting a large number of attendees.
- [22] In 2021, over 25,000 people attended the rodeo, contributing an estimated \$7.38 million in Queensland, \$6.94 million of which was event related. 2021 attendees spent an average of 8.7 nights away from home and interstate visitors spend 15.5 nights away from home. In total, the event generated over 43,700 visitor nights in Queensland.
- [23] The 2022 event attracted 34,574 attendees. Only 51.9% of these attendees were local to the Mount Isa Region. 31.4% of attendees were from intrastate locations, 14.4% of attendees travelled interstate for the event, and 2.3% of attendees were from overseas. In a post-event attendee survey conducted in 2022, 93% of survey participants agreed that the rodeo adds to the appeal of the Mount Isa Region, 89% said it generated local pride, and 86% said they would recommend the event to others.
- [24] The NRA says it is feasible that the 2023 Mount Isa Mines Rodeo will have a turnout of up to 36,000 people comprised of locals, intrastate, interstate and international visitors. This attracts tourists to both Mount Isa and nearby regions. The event has already attracted a significant amount of media attention across various mediums.

- [25] In addition to sporting events, the event schedule includes novelty events and nightly concerts with headline acts including Jessica Mauboy, Luke Geiger, Shannon Noll, The Angels and The Screaming Jets.
- [26] The event website for the rodeo promotes 26 local hotels, motels, caravan parks in the region as well as on-site camping and ‘glamping’ options. The NRA submits that all hotels and motels in Mount Isa via the websites ‘Wotif’ and ‘Booking.com’ were booked out by the time the NRA filed its application. General on-site powered campsites have also been sold out across 5-night and 3-night stays.
- [27] The NRA submits that 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 rodeo won Gold in 2016, Silver in 2017, Gold in 2018 and Gold again in 2019.

Economic significance

- [28] Furthermore, the NRA submits that the event holds economic significance.
- [29] The NRA says that last year, the Mount Isa Mines Rodeo had an economic impact of \$6.7 million in Mount Isa and over \$10 million in Queensland. In addition, the Mount Isa Mines Indigenous Rodeo Championship generated over \$818,000 to the Mount Isa economy and over \$497,000 to the Queensland economy.
- [30] For the 2021 Mount Isa Mines Rodeo, it was estimated that visitors spent \$7.38 million in Queensland, \$6.94 million of which was event related. In 2019, tourists spent a record \$12.24 million in the local economy.
- [31] The NRA submits that the event is supported by a range of strategic partners and sponsors, from Mount Isa Mines Glencore to Tourism & Events Queensland. The event has also received government support across its history, including in 2021 when the Queensland Government contributed \$10 million to Mount Isa’s tourist economy with a focus on the Mount Isa Mines Rodeo to support its revival following the global pandemic.
- [32] Finally, since its inception in 1959, the Mount Isa Mines Rodeo has given over \$6 million to charity, making it the largest fundraising platform for charities in North West Queensland.

Demonstrated need

- [33] In light of the predicted record turnout for the rodeo, the NRA says that there is a demonstrated need and support for extended trade. The NRA submits that the Mount Isa retail community has the infrastructure capacity to service the existing population of 22,000 people. However, during a significant event, the NRA says the population of the

town will swell by thousands of people which places pressure on the existing infrastructure. To meet the needs of both locals and visitors, the NRA contends that Mount Isa needs to have all available services open.

- [34] The NRA says this submission is supported by customer data from a Mount Isa non-exempt grocery retailer following the approved special event applications for the event in 2021 and 2022. In 2021, the week of the event saw 14.4% more customers than the Thursday to Sunday of the week prior, and 9.8% more customers than the following week. The NRA says that a similar trend was seen in 2022, where the week of the event saw 12.4% more customers than the week prior, and 11.2% higher than the following week.
- [35] With up to 36,000 anticipated attendees, the NRA says that additional trading hours are needed to service visitors. The NRA says that it is necessary for large anchor tenants in retail shopping precincts to be open as this will increase foot traffic and encourage other tenants of the centre to open. The NRA submits this will allow services to meet the needs of locals and visitors, thus supporting the community.

Submissions filed by the SDA

- [36] While the SDA ‘opposes the application’, it says it does so on the basis that the Commission should ‘vigorously assess’ the Applicant’s reasoning and justification for the event being characterised as a ‘special event’ and to show demonstrated need to have extended trading hours for non-exempt stores in the relevant period and area to which the application applies.
- [37] The SDA says that its members may be subject to ‘relational pressures to work extended hours’ as a result of insufficient staff available to accommodate extended hours and that its members frequently raise issues associated with understaffing. While the SDA acknowledges that s 36BA applies to employees impacted by any declaration, it seeks to highlight the importance of maintaining the legislative boundaries of the existing regime unless there is significant evidence that extended trading hours are necessary for the period requested.
- [38] The SDA does not make submissions regarding the matters set out at s 31B(1)(a)-(c) and focuses on s 31B(1)(d), that is, whether there is a need for a non-exempt shop, or a class of non-exempt shops, to trade for hours greater than the core trading hours for the shop or class of shops under the Act for the period of the event.
- [39] While previous applications regarding this event were granted, the SDA says that s 31B(1)(d) was not a requirement to be considered at that time and therefore the Commission should ‘differentiate this application’ on that basis.

- [40] With regard to the NRA's submissions set out above, the SDA says that the NRA's application presupposes that the influx of visitors to the event equates to store customers and that this provides evidence that extended time to access non-exempt retailers is warranted.
- [41] With reference to the data supplied by the NRA, the SDA says the data demonstrates 'the week of the event saw no real increase to customers shopping from Thursday to Saturday in comparison to the week prior or following the event and this demonstrates the influx of visitors did not in turn equate to store customers on those days.'
- [42] The SDA says that the event itself caters for visitors in terms of food, beverages and general event necessities and visitors and potential customers of non-exempt stores would regulate their shopping habits accordingly to the times stores were open. The SDA points to stores such as FoodWorks and Colonial Conveniences which it says give customers ample opportunity to shop before the day events or activities.
- [43] The SDA points to several supermarkets it says operate on Sundays in the Mount Isa area and says that the NRA has not provided any real detail of what non-exempt shops in the area provide specific products or services that are unavailable at exempt shops. While the application refers to only one shop that may trade on 13 August 2023, the SDA says the Applicant has not adequately identified what need that shop will meet by trading in the extended period.
- [44] The SDA says it is unclear which exempt retailers the NRA is suggesting will benefit from an 'interdependence' on a Sunday in circumstances where it says that the majority of exempt shops are independent of non-exempt shops.
- [45] The SDA submits that on the basis of evidence of customer traffic in previous years, the declaration should be restricted to Sunday 13 August 2023.

Submissions filed by the AWU

- [46] The AWU opposes the granting of the application.
- [47] The AWU says that the application lacks particulars as to which 'non-exempt' retailers are intending to trade in the extended hours and that there is a lack of evidence that the Mount Isa Mines Rodeo is a 'special event' or that there is a necessity for the non-exempt shops in the local Mount Isa area to be exempt stores as is required by s 31B of the Act.
- [48] The AWU submits that the material shows that the influx purported by the Applicant was 'rather negligible' in nature upon analysis of the figures provided in the week before, during and after the event. Further, the AWU says that the data presented is 'not explicitly representative of an influx of customers in the extended trading hours window sought' but that it appears to be representative of a holistic increase for the event generally.

However, the AWU concedes that the data presented for Sunday demonstrates an increase in customers recognising that Sunday is normally a closed day.

- [49] The AWU says that the current hours of trade of non-exempt shops will be sufficient for the purposes of providing adequate services to the influx of persons visiting the area. The AWU also notes that there is food catered for and accessible at the event.
- [50] The AWU says that the benefit to the local retailers should the application be refused, cannot be overstated and that these exempt local retailers can cater to the general needs of those persons who may still be attending the event later in the evenings in the extending trading hours sought.
- [51] The AWU says that if the application is granted, the Applicant should provide assurance before the Commission that any work undertaken by employees in the extended hours will comply with s 36BA(2) and (3).

Submissions made by the Mount Isa City Council

- [52] The Mount Isa City Council did not file written submissions and instead made brief oral submissions in support of the application at the hearing. In particular, the Council said that it supports the NRA's application and that it assisted the NRA by providing key data to be used in its application and submissions.
- [53] The Council said that while the community is well-served by excellent and reliable, local exempt stores, it is the case that the product range, scale and availability offered by these stores is not the same as one may be accustomed to in a metropolitan centre. It is reasonable to expect that the offerings in these stores will be supplemented by the larger non-exempt retailers during the period of the rodeo.

Consideration

- [54] In deciding whether to declare the Mt Isa Mines Rodeo a special event, I must have regard to the matters set out in s 31B(1)(a)-(d) of the Act.
- [55] I have had regard to the detailed submissions of the NRA addressing s 31B(1)(a)-(c) and I note that the SDA submissions do not seek to suggest that s 31B(1)(a)-(c) are not satisfied. While the AWU says that there is a lack of evidence that the Mt Isa Mines Rodeo is a special event, it confines its submissions in this regard to s 31B(1)(d).
- [56] The Mt Isa Mines Rodeo began in 1959 and is the largest rodeo in the southern hemisphere. I am satisfied that it is a unique event of local, state and national significance and that s 31B(1)(a) is satisfied.

- [57] I note that 2023 marks 100 years since the establishment of Mount Isa and that events planned by the Mount Isa City Council to celebrate this milestone include activities associated with the Mount Isa Mines Rodeo.¹ With regard to sporting significance, the Mount Isa Mines Rodeo is a highly significant event for the circuit, with competitors earning placings towards the National Finals Rodeo which determines the Australian Champions.² I also note that as stated above at [19], in 2023, the Mount Isa Mines Indigenous Rodeo Championships will return for a second year and that this offers both an opportunity to showcase the talents of Indigenous Rodeo competitors but also to connect visitors to the Kalkadoon people, their stories and culture. I am satisfied that the event is of cultural and sporting significance per s 31B(1)(b).
- [58] For the reasons set out in the submissions of the Applicant at [21]-[32] and which are not challenged by those opposing the application, I am satisfied that the event has significance to the economy and the tourism industry per s 31B(1)(c).
- [59] With regard to s 31B(1)(d), I have paid careful attention to the matters raised by the SDA and the AWU and their argument that there is no demonstrated need for a non-exempt shop to trade for extended hours during the event. I note the submissions that have been made about the exempt shops providing services to customers and questioning the import of the data provided by the NRA in support of its application.
- [60] The material before me, including submissions regarding the celebration of the 100-year milestone of the establishment of Mount Isa and the second Mount Isa Mines Indigenous Rodeo makes it reasonable to expect up to 36,000 people may attend the Mount Isa Mines Rodeo in 2023 following attendance of over 34,000 in 2022. Mr Stout deposes that all hotels and motels in Mount Isa via 'Wotif' and 'Booking.com' are booked out and that general on-site powered campsites are also sold out across 5-night and 3-night stays. It is clear that there will be a significant number of additional people moving around Mount Isa both at the rodeo and across town throughout the period. While some of these attendees will no doubt be local residents who are able to be adequately catered for by the current retail offerings in Mount Isa, I accept that there will be many additional attendees, including domestic and international tourists and this will likely give rise to a need for those retail offerings to be supplemented by way of providing an opportunity for non-exempt retailers to vary their opening hours.
- [61] I note the concession the AWU makes regarding Sunday trading and the SDA's submission that the declaration be confined to apply on Sunday only. However, I am satisfied that the predicted number of visitors expected in Mount Isa for the duration of the event means that there is a need for non-exempt shops to trade for hours greater than the core trading hours for the shop, or class of shops, under this Act for the period of the event.

¹ Affidavit of Mr David Stout filed 4 August 2023, 'Exhibit A – Statement of Facts' [3].

² Ibid [14].

- [62] As is required by s 31B(2), I have had regard to submissions regarding the size of Mount Isa,³ the location of the event,⁴ the predicted attendance numbers,⁵ expected media coverage,⁶ the contribution the event may make to Queensland's national or international reputation.⁷ Given the local, national and international attention focussed on the Mount Isa Mines Rodeo and the expected tourism benefits to Mount Isa and Queensland as a whole, I am satisfied also that the event has the potential to make a significant contribution to Queensland's reputation. I have also had regard to the written and oral submissions made by the Council,⁸ the SDA and the AWU.⁹
- [63] I note the concerns raised by the SDA and AWU regarding the potential impact of a special event declaration on employees. At the hearing, Mr Stout reiterated the NRA's commitment to abiding by the legislative regime by ensuring that the work undertaken by retail employees is voluntary. Mr Stout also provided an anecdotal observation that employers ordinarily find that there are more employees seeking to work during the extended hours than there are shifts available on the roster.
- [64] Further, while I note the submissions of the AWU and the SDA that there is no specificity in the application about what stores will open and when, I accept the position put by Mr Stout at the hearing that what the application seeks is an opportunity for these retailers to open, and therefore the application is unable to provide such particularity.
- [65] I am satisfied that those employees potentially impacted by the special event declaration are afforded protection by way of s 36BA of the Act and note that there are penalties associated with a breach of that section. Per section 31A(2)(d) of the Act, the declaration will state that section 36BA applies in relation to an employee of particular shops in the area to which the declaration applies.

³ *Trading (Allowable Hours) Act 1990* (Qld) s 31B(2)(a); Affidavit of Mr David Stout filed 4 August 2023 [9]; Affidavit of Mr David Stout filed 4 August 2023, 'Exhibit A – Statement of Facts' [35]; Reasons for Decision [33].

⁴ *Trading (Allowable Hours) Act 1990* (Qld) s 31B(2)(b); Affidavit of Mr David Stout filed 4 August 2023, 'Exhibit B – Description of Location'; Reasons for decision [2].

⁵ *Trading (Allowable Hours) Act 1990* (Qld) s 31B(2)(c); Affidavit of Mr David Stout filed 4 August 2023 [9]; Affidavit of Mr David Stout filed 4 August 2023, 'Exhibit A – Statement of Facts' [34]; Reasons for decision [24], [35], [60].

⁶ *Trading (Allowable Hours) Act 1990* (Qld) s 31B(2)(d); Affidavit of Mr David Stout filed 4 August 2023, 'Exhibit A – Statement of Facts' [24]; Reasons for decision [24].

⁷ *Trading (Allowable Hours) Act 1990* (Qld) s 31B(2)(e); Affidavit of Mr David Stout filed 4 August 2023 [8]; Affidavit of Mr David Stout filed 4 August 2023, 'Exhibit A – Statement of Facts' [3]-[5], [16], [18], [20], [22], [23], [25], [29]. Reasons for decision [24], [60].

⁸ *Trading (Allowable Hours) Act 1990* (Qld) s 31B(2)(f)(i).

⁹ *Trading (Allowable Hours) Act 1990* (Qld) s 31B(2)(f)(ii); Submissions of the Australian Workers' Union filed 3 August 2023; Submissions of the Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees filed 3 August 2023; Reasons for decision [36]-[51], [55], [59], [61], [63].

[66] Having considered all of the matters set out in Section 31B and for the reasons given above, I have decided that the Mount Isa Mines Rodeo is a special event.

Declaration

[67] I make the following declaration:

Pursuant to s 31A(1) of the *Trading (Allowable Hours) Act 1990 (Qld)*, I declare that:

- 1. The Mount Isa Mines Rodeo is for the purposes of s 5(1)(c) a special event.**
- 2. The declaration shall apply for a period commencing on Thursday, 10 August 2023 and shall continue up to and including Sunday, 13 August 2023.**
- 3. The declaration applies to the area described as: Starting at Abel Smith Parade turning south onto Sunset Drive, through to Camooweal Street, then on to Patricia Steet and West Street, travelling south through to Isa Street, then onto Pamela Street, then to East Street, turning east onto Barkly Highway, then onto Abel Smith Parade to the starting point at Sunset Drive.**
- 4. Section 36BA of the Act applies in relation to an employee of particular shops in the area to which the declaration applies.**