



Matter No:

TH '2025' 1

Form 20 – Affidavit

INDUSTRIAL REGISTRAR

03 FEB 2025



Industrial Relations Act 2016, s 989
Industrial Relations (Tribunals) Rules 2011, r 52, r 53, r 55

Information

- This form is to be used to prepare an Affidavit.
- Please read this form carefully and 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 non-acceptance of your form.
- Documents which are longer than 30 pages in length must be provided to the Industrial Registry in hard copy before it will be accepted for filing.
- For further information please refer to the website www.qirc.qld.gov.au or contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au.

Instructions

- Affidavits must comply with the formal requirements for documents in accordance with rules 50 to 57 of the *Industrial Relations (Tribunals) Rules 2011*.
- The affidavit must set out the facts divided into consecutively numbered paragraphs. Each paragraph should be confined to a distinct part of the subject matter.
- This affidavit must be sworn or affirmed before a person authorised by law to witness the swearing of affidavits (e.g. Justice of the Peace, Commissioner for Declarations, Lawyer).
- Each page must be signed by the deponent (person making the affidavit) and the witness (person taking the affidavit).
- **Attach extra page(s) if you need more space, ensuring that Part 5 containing the signature is always on the last page of the form and that each additional page is signed at the bottom of the page by the deponent and witness.**
- Any handwritten alteration to the affidavit must be initialled by the deponent and witness.
- If this affidavit contains exhibits (document mentioned in the affidavit and used with the affidavit) you will need to complete a **Form 21 - Certificate of Exhibit to Affidavit** for each exhibit (which is also to be signed and witnessed).
- If the affidavit is sworn by a person incapable of reading the affidavit or physically incapable of signing it, the witness must complete the Certificate at Part 6.
- If required by the Court, Commission or Registrar, the deponent must appear to give evidence or for cross-examination.
- The Court, Commission or Registrar may remove or strike out any material contained within the affidavit deemed to be a scandalous or oppressive matter.

Signed:

[Redacted Signature]

[Signature of the deponent/substitute signatory]

Taken by:

[Redacted Signature]

[Signature of witness]

Justice of the Peace/Commissioner for Declarations/Lawyer

1. Matter details

Applicant:	National Retail Association, Union of Employers

v

Respondent:	NA

If there are more than two parties to the application, please complete a **Form 1 – Parties list** and file with this form.

This affidavit is filed for the:	<input checked="" type="checkbox"/> Applicant/Appellant	<input type="checkbox"/> Respondent (or as the case may be)
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2. Contact details of party filing this affidavit

Title [please select]:	<input checked="" type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss	<input type="checkbox"/> Mx	<input type="checkbox"/> Other: _____
Name of Party:	National Retail Association, Union of Employers					
Name of contact person: [if party is an organisation]	David Stout					
Postal/Service address:						
	Suburb/Town				Postcode	
Phone number:				Mobile number:		
Email address:						

3. Deponent's details (person making the affidavit)

Title [please select]:	<input checked="" type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss	<input type="checkbox"/> Mx	<input type="checkbox"/> Other: _____
Deponent's Name:	David Stout					
Postal/Service address*:	[REDACTED]					

* The deponent does not have to give a residential address if they are concerned about their safety. They may give another address at which they are satisfied they will receive documents e.g. a business address.

Signature

[Signature of the deponent/substitute signatory]

[Signature of witness]

Justice of the Peace/Commissioner for Declarations/Lawyer

4. Evidence

Attach extra pages if you need more space ensuring that Part 5 containing the signature is always on the last page of the form and that each additional page is signed at the bottom of the page by the deponent and witness.

Affidavit

David Stout

I, _____ of _____
[insert full name of deponent] [insert residential or business address of deponent*]

state on oath: OR do solemnly and sincerely affirm and declare, that:

1. I am the Director of Policy for the National Retail Association, Union of Employers. The National Retail Association is one of Australia's most diverse retail associations.
2. The Chinchilla Melon Festival is a 4-day festival held every two years celebrating the fruit's significance to the region's economy and agricultural heritage. The event has grown to become the biggest Melon Festival in the world.
3. The 2025 program features a long list of events across multiple locations, including farm tours, melon weigh-ins, street parade, bike show, classic car display, melon big bash cricket, rodeo, live entertainment and a unique range of melon-themed sporting events. These include melon skiing, melon bungy, melon tug-of-war, melon dash for cash, celebrity melon eating, melon chariot race, and melon iron man / woman.
4. The 2025 Chinchilla Melon Festival will run from Wednesday 13 February to Sunday 16 February 2025. Accordingly, the National Retail Association asks the Commission to grant an order under s 5(1)(c) of the Act for Wednesday 13 February to Sunday 16 February 2025, inclusive (See Exhibit B for map of the area). 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, including the Chinchilla Melon Festival in 2019 and 2023 (TH/2019/1, TH/2023/1) and the 2022 Kingaroy BaconFest (TH/2022/8).
5. The 2023 Chinchilla Melon Festival saw attendance of 20,000. As Chinchilla has a population of approximately 7,000, the event presents a significant tourism opportunity for local businesses to benefit from increased foot traffic and sales.
6. Economic consultant Reuben Lawrence estimated that the 2019 Chinchilla MelonFest brought an estimated \$3.5 million of economic benefit.
7. The Chinchilla Melon Festival positively contributes to the reputation of regional Queensland both nationally and internationally as an authentic representation and celebration of the Queensland agricultural community.

Signed: _____
[Signature of the deponent/substitute signatory] [Signature of witness]

Justice of the Peace/Commissioner for Declarations/Lawyer

5. Signature

The contents of this affidavit are true and correct. Where the contents of this affidavit are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and the grounds for the belief and, if contained in a document, I have attached that document to this affidavit.

I understand that it is a criminal offence to provide a false matter in an affidavit, for example, the offence of perjury under section 123 of the Criminal Code.

I state that: [Deponent to complete – *only tick if applicable* – leave blank if not applicable]:

- This affidavit was made in the form of an electronic document
- I electronically signed this affidavit
- This affidavit was made, signed and witnessed under Part 6A (Audio visual link) of the *Oaths Act 1867*.

SWORN/AFFIRMED BY:

Signature of person making the affidavit	
Full name of deponent:	DAVID STOU
Signature of deponent:	[Redacted]
Sworn/Affirmed at [place]:	[Redacted]
Date:	[Redacted]

Alternative signature panel if substitute signatory signs	
Complete this section <u>only</u> if the affidavit was signed by a substitute signatory (a person directed to sign the affidavit on behalf of the deponent) Signed for and at the direction of the deponent by:	
Full name of substitute signatory:	
Signature of substitute signatory:	
Sworn/Affirmed at [place]:	
Date:	

BEFORE ME:

Witness details	
Full name of witness:	REMY LOUISE ATKINSON
Signature and type of witness:	[Redacted]
	<input type="checkbox"/> Justice of the Peace <input type="checkbox"/> Commissioner for Declarations <input checked="" type="checkbox"/> Lawyer
Date:	3 February 2025
Insert name of law practice/place of employment:	[Redacted]

6. Certificate (pursuant to rule 55 of the *Industrial Relations (Tribunals) Rules 2011*):

WITNESS to complete [only tick if applicable]

If deponent is incapable of reading or physically signing the affidavit

- I certify that this affidavit was read in the presence of the deponent who seemed to understand it, and signified that they made the affidavit.
- I certify that this affidavit was read in the presence of the deponent who seemed to understand it, and signified that they made the affidavit, but was physically incapable of signing it.
- A substitute signatory signed for and at the direction of the deponent.

7. For Special Witnesses (see s 12 of the *Oaths Act 1867*):

SPECIAL WITNESS to complete [only tick if applicable]

For special witnesses only:

- I am a special witness under the *Oaths Act 1867* (see s 12 of the *Oaths Act 1867*).
- This affidavit was made in the form of an electronic document.
- I electronically signed this affidavit.
- This affidavit was made, signed and witnessed under Part 6A (Audio visual link) of the *Oaths Act 1867* - I understand the requirements for witnessing a document by audio visual link and have complied with those requirements.

Signed: _____

[Signature of the deponent/substitute signatory]

[Signature of witness]

Justice of the Peace/Commissioner for Declarations/Lawyer



Matter No:

Tt 12025/1

Form 21 – Certificate of Exhibit to Affidavit

Industrial Relations Act 2016, s 989

Industrial Relations (Tribunals) Rules 2011, r 53

Information

- This form is to be used when attaching exhibits to an affidavit. Exhibits are documents mentioned in the affidavit and used with the affidavit. Attach one Certificate per exhibit.
- Please read this form carefully and 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 non-acceptance of your form.
- For further information please refer to the website www.qirc.qld.gov.au or contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au.

Matter details

Applicant:	National Retail Association, Union of Employers
	v
Respondent:	NA

Exhibit details

Name of document:	Description of location
Marked:	Exhibit B
Mentioned in the affidavit of:	David Stout

Signature

Full name of deponent/ substitute signatory:	DAVID STOUT
Signature of deponent/ substitute signatory:	
Full name of witness:	REMY LOUISE ATKINSON
Signature and type of witness:	 <input type="checkbox"/> Justice of the Peace <input type="checkbox"/> Commissioner for Declarations <input checked="" type="checkbox"/> Lawyer
Sworn/Affirmed at [place]:	
Date:	3 February 2025

Exhibit B – Description of Location



Starting at Chinchilla S Rd at the Chinchilla Showgrounds moving south and turning onto Lloyd St then turning north onto Carmichael St
 Travelling north and turning north-west on Warrego Hwy and then turning onto Wondai St then West onto Railway St
 Turning onto Helena St and then onto Hypatia St through to Heeneys St and back to starting point on Chinchilla S Rd at Chinchilla Showgrounds



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Matter details

Applicant: National Retail Association, Union of Employers

v

Respondent: NA

Exhibit details

Name of document: Statement of Facts

Marked: Exhibit A

Mentioned in the affidavit of: David Stout

Signature

Full name of deponent/ substitute signatory: DAVID STOUT

Signature of deponent/ substitute signatory: [Redacted]

Full name of witness: KEMY LOUISE ATKINSON

Signature and type of witness: [Redacted]

Justice of the Peace Commissioner for Declarations Lawyer

Sworn/Affirmed at [place]: [Redacted]

Date: 3 February 2025

Exhibit A – Statement of Facts

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

Application summary

1. The National Retail Association is Australia's 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 National Retail Association and its members believe the Chinchilla Melon Festival fits the description of a special event.
3. The Chinchilla Melon Festival is a 4-day festival held every two years celebrating the fruit's significance to the region's economy and agricultural heritage. The inaugural Chinchilla Melon Festival was held in 1994 to boost community morale as it struggled under a long-term drought. 2025 will mark its sixteenth iteration. The event has grown to become the biggest Melon Festival in the world and a highly significant event for the Western Downs community that draws high regional, interstate and international attendance.
4. Chinchilla is promoted as the 'Melon Capital' of Australia, once producing 25 per cent of melons grown domestically. The Chinchilla Melon Festival celebrates the produces' significance to the local community, and Queensland more broadly, and creates significant tourism and economic benefits for Chinchilla and the surrounding region.
5. The National Retail Association asks the Commission to grant an order under s 5(1)(c) of the Act for Wednesday 13 February to Sunday 16 February 2025, inclusive. This covers the period of the 2025 Chinchilla Melon Festival (See Exhibit B for a map of the area).

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 National Retail Association asks the Commission to grant an order under s 5(1)(c) of the Act for Wednesday 13 February to Sunday 16 February 2025, inclusive. This covers the period of the Chinchilla Melon Festival (See Exhibit B for a map of the area).
9. As with any local event, 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. For this reason, the area of this application has been constructed to include the town of Chinchilla for visitors to take advantage of retail trade opportunities at all businesses. The National Retail Association believes this order would allow retailers to better cater for the needs of visitors to the event, as well as residents.

10. Non-exempt retailers within the highlighted area are in support of this application. We note that this application, if approved, will give non-exempt retailers exempt status for the duration of the order. 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, including the Chinchilla Melon Festival in 2019 and 2023 (TH/2019/1, TH/2023/1) and the 2022 Kingaroy BaconFest (TH/2022/8).
11. The National Retail Association recognises the tremendous efforts of our essential retail team members who continued to serve our community during the global COVID-19 pandemic and natural disasters. We also recognise the necessary staff contribution for stores to trade additional hours.
12. The National Retail Association understand that s 36BA applies in relation to an employee of particular shops in the area to which the order applies. As previously stated prior to the amendment of the Act, any work during extended hours will continue to be on a voluntary basis.

Cultural significance of the event

13. The Chinchilla Melon Festival is heralded as the biggest melon festival in the world. In 2023, farmers donated 20 tonnes of watermelons that were smashed, skied on or eaten.
14. The 2025 program features a long list of events across multiple locations, including farm tours, melon weigh-ins, street parade, bike show, classic car display, melon big bash cricket, rodeo, live entertainment and a unique range of melon-themed sporting events. These include melon skiing, melon bungy, melon tug-of-war, melon dash for cash, celebrity melon eating, melon chariot race, and melon iron man / woman (<https://www.melonfestival.com.au/media/kq4dywvj/melon-festival-2025-program.pdf>).
15. Due to economic pressures, labour shortages and volatile weather, the Chinchilla watermelon industry has faced a significant downturn with only a few growers remaining in the region. However, the Chinchilla Melon Festival is supported by locals as a tool to showcase the region to the world, attract international workers and invest back into the community (<https://www.abc.net.au/news/2023-02-18/chinchilla-melonfest-crowds-western-downs-community/101991486>).

Tourism significant of the event

16. The 2023 Chinchilla Melon Festival saw attendance of 20,000. As Chinchilla has a population of approximately 7,000, the Chinchilla Melon Festival presents a significant tourism opportunity for local businesses to benefit from increased foot traffic and sales.
17. There are currently no hotel rooms available within Chinchilla during the event with the closest available rooms in Miles, 47km away, and Dalby, over 80km away. Past media coverage indicates that visitors book months, or even two years ahead. Minimal sites are still available via nearby commercial campsites and showgrounds. National Retail submits that this is clear evidence that the event is highly anticipated by visitors.
18. Admission to the event is free, maximising the ability of both locals and visitors to participate.
19. Due to the popularity and uniqueness of the event, Chinchilla Melon Festival has high media coverage. The event has been promoted across newspapers, radio and blogs, from the Courier Mail, ABC News and Brisbane Times, through to the Chinchilla News and Queensland Country Life and multiple travel blogs.

Economic significance of the event

20. The 2025 Chinchilla Melon Festival is supported by long-term major sponsor Shell QGC. Shell QGC stated:

“We have a proud history of supporting regional economic development by partnering with community organisations to deliver projects which increase the liveability of the regions where we operate – and the Melon Festival is a great example of this. It makes a significant economic and social contribution to Chinchilla and the Western Downs region, strengthening community cohesion, attracting visitors from across Australia...and having a great time while we do it. We know this year’s festival will once again be a huge success and showcase why Chinchilla and the Western Downs Region is such a great place to live.”
21. The 2025 event is also supported by a range of large and local small businesses, including Origin Australia Pacific LNG, Arrow Energy, Mitchell Energy & Water Infrastructure, Keith Crawley’s Industrial Rural Supplies, RSL Chinchilla, Base Camp Chinchilla, EnVision Partners, WDC, The Club Hotel, 95.5 Breeze, Rebel 97.1 Rocks Chinchilla, Chinchilla First National Real Estate, 7 Tooowoomba, Cash for Cans, CS Energy, Max Fitness, Powerlink Queensland, Remondis, Stag Machinery Group and Western Downs Regional Council.
22. Economic consultant Reuben Lawrence estimated that the 2019 Chinchilla MelonFest brought an estimated \$3.5 million of economic benefit.
(<https://www.brisbanetimes.com.au/national/queensland/how-smashing-watermelons-became-more-profitable-than-selling-them-for-chinchilla-20170220-guh7n5.html>). According to Festival President Doug McNally, each tonne of fruit destroyed or handed out brings in more than \$125,000.

Demonstrated need for the application

23. The Chinchilla Melon Festival has seen record-breaking attendance each year with 12,000 in 2013, 15,000 in 2015, over 15,000 in 2017, just under 20,000 in 2019 and 20,000 in 2023. As attendance and awareness of the event domestically and internationally increases each year, it is feasible that the 2025 Chinchilla Melon Festival could see 22,000 attendees.
24. The Chinchilla retail community has the infrastructure capacity to service the existing population of 7,000. During the Festival, the population will swell by thousands of people which will put significant pressure on existing infrastructure. To meet the needs of both locals and visitors, National Retail Association submits that Chinchilla needs to have all available services open.

Other factors

25. The Chinchilla Melon Festival positively contributes to the reputation of regional Queensland both nationally and internationally as an authentic representation and celebration of the Queensland agricultural community. The Chinchilla MelonFest is one of many community events celebrating Queensland produce, including the Kingaroy BaconFest, Cleveland RedFest, Blackbutt Avocado Festival and Stanthorpe Apple & Grape Harvest Festival.
26. In past years, multiple Chinchilla Melon Festival event competitors have broken world records. In 2007, a local man made the Guinness World Record books after smashing 40 watermelons on his head in 58 seconds. In 2019, a local man grew a 100-kilogram watermelon, the heaviest watermelon ever grown in the southern hemisphere.

Conclusion

27. The National Retail Association submits that the Chinchilla Melon Festival is one of the most iconic events in Queensland and 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.
28. The National Retail Association 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. We also recognise the necessary staff contribution for stores to trade additional hours. We submit that this application provides greater choice for residents and visitors and allows flexibility for stores to better cater for the needs of residents and visitors to Chinchilla.

29. National Retail 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.
30. National Retail 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 Chinchilla. 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.

May it please the Commission.