

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *National Retail Association Limited, Union of Employers (2025 Weipa Fishing Classic)*
[2025] QIRC 125

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

CASE NO: TH/2025/3

PROCEEDING: Application

DELIVERED ON: 19 May 2025

HEARING DATE: 19 May 2025

MEMBER: O'Neill IC

HEARD AT: Brisbane

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

- 1. The Weipa Fishing Classic is for the purposes of s 5(1)(c) a special event;**
- 2. The declaration shall apply for a period commencing on 6 June 2025 and shall continue up to and including 8 June 2025; and**
- 3. The declaration applies to an area in Weipa:**

starting at Rocky Point Boat Ramp; travelling south-east to Hibberd Drive through the roundabout onto Central Avenue; travelling southbound on Central Avenue to Kerr Point

Drive at Nanum; and turning west onto Kerr Point Drive and travelling alongside the bay back to Rocky Point Boat Ramp.

- 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 - QUEENSLAND - TRADING HOURS - APPLICATION FOR DECLARATION OF A SPECIAL EVENT - application, pursuant to s 31A of the *Trading (Allowable Hours) Act 1990*, to classify all non-exempt shops as exempt shops in part of Weipa for a specified period during a special event, namely, the 2025 Weipa Fishing Classic - the 2025 Weipa Fishing Classic declared to be a special event within the meaning of s 5 of the *Trading (Allowable Hours) Act 1990*.

LEGISLATION:

Trading (Allowable Hours) Act 1990 (Qld)
s 5, s 31A, s 31B

CASES:

National Retail Association Limited, Union of Employers [2018] QIRC 118

National Retail Association Limited, Union of Employers [2021] QIRC 287

Re: National Retail Association Limited, Union of Employers [2022] QIRC 093

National Retail Association Limited, Union of Employers (the 2022 Weipa Fishing Classic case) [2022] QIRC 198

National Retail Association, Union of Employers (Mount Isa Agricultural Show) [2024] QIRC 147

National Retail Association Limited, Union of Employers [2025] QIRC 045

APPEARANCES:

Mr D. Stout and Ms L. Charlton for the Applicant

Mr D. Gaffy for the Shop Distributive and Allied Employees Association (Queensland Branch) Union of Employees

Mr T. Stephens for the Australian Workers' Union of Employees, Queensland

Reasons for Decision

- [1] By application filed on 14 April 2025, the National Retail Association Limited, Union of Employers ('NRA') applied for a declaration, pursuant to s 31A of the *Trading (Allowable Hours) Act 1990* ('the Act'), that the Weipa Fishing Classic, to be held between Friday, 6 June 2025 and Sunday, 8 June 2025, is a special event within the meaning of s 5(1)(c)(ii) of the Act ('the Application').
- [2] Part 4 of the Act provides various restrictions on the trading hours of "non-exempt shops" as defined by the Act. The declaration sought by the NRA would allow extended trading hours for the relevant non-exempt shops within a defined area of Weipa from Friday, 6 June 2025 to Sunday, 8 June 2025.
- [3] The area in Weipa, as specified in the Application, is an area as follows:

Starting at the Rocky Point Boat Ramp, travelling south-east to Hibberd Drive, through the roundabout onto Central Avenue; travelling southbound on Central Avenue to Kerr Point Drive at Nanum; turning west onto Kerr Point Drive and travelling alongside the bay back to the Rocky Point Boat Ramp.
- [4] The period for which the declaration is sought is 6 June 2025 to 8 June 2025.
- [5] A Directions Order was issued by the Commission on 17 April 2025. That Directions Order required that the Application, and the Directions Order, be served on the Weipa Town Authority, the Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees, The Australian Workers' Union of Employees, Queensland ('the AWU'), the Local Government Association of Queensland Limited, the Executive Director, Industrial Relations, Office of Industrial Relations, Department of Education and the Chief Industrial Inspector, Office of Industrial Relations, Department of Education.
- [6] The Directions Order provided that those who may be affected by the Application may make a formal application seeking leave to be heard and, if leave was granted, such a

party was to file an outline of submissions and serve those submissions on the Applicant by 13 May 2025.

- [7] The Application and Directions Order were published on the Commission's website.
- [8] By application filed on 22 April 2025, the Shop Distributive and Allied Employees Association ('SDA') made an application seeking leave to be heard. By order dated 23 April 2025, I gave leave to the SDA to be heard.
- [9] By application filed on 28 April 2025, the AWU made an application seeking leave to be heard. By order dated 29 April 2025, I gave leave for the AWU to be heard.
- [10] On 9 May 2025, the AWU filed written submissions. The AWU does not oppose the Application.
- [11] The SDA sent an email to the Industrial Registry on 8 May 2025 in which it noted SDA's understanding that the AWU did not oppose the application, but would be seeking an order that employees have the right to refuse additional hours and are protected under s 36B of the Act from being rostered or forced to work. The SDA confirmed that it adopts the position taken by the AWU and would not be providing any further written submissions.

Issue to be determined

- [12] The issue to be determined is whether the Weipa Fishing Classic 2025 should be the subject of a "special event declaration" as defined the Act.

Relevant legislation

- [13] Section 5 of the Act provides the definition of 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; or
 - (b) an independent retail shop; or
 - (c) a shop operating in an area to which a special event declaration applies.
- ...

- [14] Part 5 of the Act provides for the making of orders and declarations by the Commission.
- [15] Part 5, Division 3 of the Act provides for the making of special event declarations.
- [16] Section 31A of the Act 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.

[17] In deciding whether to declare an event to be a special event, s 31B of the Act sets out the following criteria to be considered in determining 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.

[18] Section 36BA of the Act 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.

[19] In determining whether an event is a "special event" within the meaning of s 31(B)(1) of the Act, the Commission is required to consider the following matters:

- (a) whether the event is a unique or infrequent event of local, State or national significance;¹ and
- (b) the cultural, religious or sporting significance of the event;² and
- (c) the significance of the event to the economy and the tourism industry;³ 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.⁴

[20] In addition to those matters, s 31B(2) of the Act requires the Commission to also have regard to the following:

- (a) the size of the place where the event will be held;⁵
- (b) whether the event will be held at multiple places;⁶
- (c) the predicted attendance numbers;⁷
- (d) any expected media coverage;⁸ and
- (e) any contribution the event may make to Queensland's national or international reputation.⁹

[21] The Commission must consider a submission made by a local government for an area in which the declaration is likely to have an impact.¹⁰ The Weipa Town Authority did not

¹ *Trading (Allowable Hours) Act 1990* (Qld) s 31B(1)(a).

² *Ibid* s 31B(1)(b).

³ *Ibid* s 31B(1)(c).

⁴ *Ibid* s 31B(1)(d).

⁵ *Ibid* s 31B(2)(a).

⁶ *Ibid* s 31B(2)(b).

⁷ *Ibid* s 31B(2)(c).

⁸ *Ibid* s 31B(2)(d).

⁹ *Trading (Allowable Hours) Act 1990* (Qld) s 31B(2)(e).

¹⁰ *Trading (Allowable Hours) Act 1990* (Qld) s 31B(2)(f)(i).

seek leave to appear and has not filed any written submissions supporting or opposing the application.

- [22] Further, the Commission must consider a submission made by an industrial organisation in relation to the likely impact of the special event on employees.¹¹

Grounds of the Application

- [23] In the application filed on 14 April 2025, the NRA set out the following grounds in support of the declaration sought:

- ...
3. The Weipa Fishing Classic is heralded as Cape York's premier and most exciting fishing competition, with local and interstate anglers competing for a significant prize pool. 2025 marks the 20th anniversary of the Weipa Fishing Classic, with event organisers expecting record attendance.
 4. We submit that the Weipa Fishing Classic is a unique event of local and sporting significance, with a high level of contribution to the local economy and tourism industry. The National Retail Association and its members believe the 2025 Weipa Fishing Classic fits the description of a special event
 5. Accordingly, the National Retail Association asks the Commission to grant an order under Part 5 Division 3 of the Act for Weipa for Friday 6 June up to and including Sunday 8 June 2025. This covers the period of the Weipa Fishing Classic ...

NRA Submission and Evidence

- [24] Mr David Stout, Director of Policy for the NRA provided an affidavit in support of the application which was filed on 14 April 2025. In that affidavit he deposes:

- The Weipa Fishing Classic is heralded as Cape York's premier and most exciting fishing competition which involves local and interstate anglers competing for a significant prize pool. This year is the 20th anniversary of the Weipa Fishing Classic, with the organisers expecting a record attendance.¹²
- In 2024, 2,400 anglers competed for the almost \$260,000 prize pool and 10,000 people attended the event over three days.¹³
- As Weipa has a population of approximately 4,000, the Weipa Fishing Classic presents a significant tourism and economic opportunity for local businesses to benefit from increased foot traffic and trade.¹⁴

¹¹ Ibid s 31B(2)(f)(ii).

¹² Affidavit of David Stout, 14 April 2025, [2].

¹³ Affidavit of David Stout, 14 April 2025, [3].

¹⁴ Affidavit of David Stout, 14 April 2025, [4].

- The Weipa retail community has the infrastructure capacity to service the existing population of 4,000. The expected record attendance for the 20th anniversary, giving rise to a significant swell in population, will put pressure on the existing infrastructure. NRA submits that to meet the needs of both the local residents and visitors, Weipa will need to have all available services open.¹⁵

[25] Exhibit A to the affidavit of Mr Stout is what is described as a "Statement of Facts" from the NRA in further support of the application. To the extent those submissions repeat Mr Stout's affidavit evidence, they will not be repeated.

[26] In the Statement of Facts, the NRA contend that the Weipa Fishing Classic is a special event for the purposes of the Act because:

- such an order is in keeping with the letter and intent of the Act, and is in line with similar applications previously granted by the Commission, including the Weipa Fishing Classic in 2021 and 2022 (respectively TH/2021/10; TH/2022/2);¹⁶ and
- it is listed in pt 5 div 3 s 31B(1)(a) of the Act as an example of a unique or infrequent event of local, State or national significance;¹⁷
- in relation to the sporting significance of the event:
 - Tropical North Queensland has promoted the 2025 event as three days of non-stop fishing action and is "Cape York's premier and most exciting fishing competition, with local and interstate anglers competing for a prize pool of \$100,000";¹⁸
 - In 2021, 2,200 anglers competed for the almost \$200,000 prize pool across several categories. In 2024, 2,400 anglers competed for almost \$260,000 in prizes across Senior and Junior categories;¹⁹
- the Weipa Town Authority's latest *Weipa Community Plan* aims to ensure the economic diversity of the region by developing their tourism capability by '... promoting Weipa as a world class fishing destination in international fishing media'. The Weipa Fishing Classic is a pivotal element of the area's economic diversity and tourism capability;²⁰

¹⁵ Ibid, [5].

¹⁶ Affidavit of David Stout, Exhibit A – Statement of Facts, [10].

¹⁷ Ibid.

¹⁸ Ibid, [13].

¹⁹ Affidavit of David Stout, Exhibit A – Statement of Facts, [14].

²⁰ Affidavit of David Stout, Exhibit A – Statement of Facts, [16].

- the sporting significance of the Weipa Fishing Classic to the Weipa region is also identified in the Community Plan, by aiming to '... continue to grow the annual fishing competition as a major community event that becomes known as the premier fishing competition in Australia.';²¹
- the event offers free entry for attendees, and ticketed entries for competing anglers. In 2021, then President Aaron Schleich sold a record 2,200 tickets and more than 3,500 people joined the official launch. In 2024, 2,400 tickets were sold and over 10,000 attended the event over three nights;²²
- the Western Cape Chamber of Commerce "Strategic Plan for Recreational Sportfishing Tourism Development in the Weipa/Western Cape Area" notes that during major community events, like the Weipa Fishing Classic, town facilities are often fully booked and unable to cater for the influx of visitors;²³
- in relation to the cultural significance of the event:
 - the local paper Bush 'n Beach Fishing underlined the importance of the Weipa Fishing Classic stating:

... small outback communities rely on their major community events for many reasons – for the social interaction, to raise money and to enjoy the unique lifestyle their particular location provides;²⁴
 - In 2024, television presenter and special guest Craig "Macca" McGowan told Cape York Weekly:

... I haven't seen anything like it, and the other thing I haven't seen is a committee quite like this one. There's a lot of passion for this [event] and a love for the community in this committee, and the actual calibre of this event is mind blowing; the professionalism of the people here ... is second to none ...;²⁵
- in relation to the economic significance of the event:
 - the NRA submit the economic contribution of the Weipa Fishing Classic in 2025 will sit well above a million dollars for the weekend;²⁶

²¹ Ibid.

²² Ibid, [17].

²³ Ibid, [18].

²⁴ Ibid, [20].

²⁵ Affidavit of David Stout, Exhibit A – Statement of Facts, [21] citing Lyndon Keane, 'Special guest gives thumbs up to Weipa's 'mind blowing' fishing spectacular', Cape York Weekly <<https://capeyorkweekly.com.au/special-guest-gives-thumbs-up-to-weipas-mind-blowing-fishingspectacular/10069/>>.

²⁶ Affidavit of David Stout, Exhibit A – Statement of Facts, [24].

- the Weipa Fishing Classic also gives back approximately \$150,000 to the community each year;²⁷
- Following the 2022 Weipa Fishing Classic, the total weekly sales for a non-exempt retailer during the event was 10% higher than the previous week and 11% higher than the following week.²⁸

[27] The Statement of Facts also records that the non-exempt retailers within the highlighted area are in support of the application.²⁹

[28] The NRA also records its understanding that s 36BA of the Act applies in relation to an employee of particular shops in the area to which the order applies and that any work during the extended hours will be on a voluntary basis.³⁰

AWU Submissions

[29] As noted above, the AWU supports the application.

[30] The AWU note that whilst section 31B of the Act focuses on the Commission's ability to decide that the Weipa Fishing Classic should be a "special event", it can provide ancillary orders to ensure that all employees in the affected shops receive a protection from working extended hours by reason of s 36B of the Act.

Consideration

[31] In determining the application with respect to whether the Weipa Fishing Classic should be declared a special event, I must have regard to the matters listed in s 31B(1)(a)-(d) of the Act.

[32] I note that there are two earlier decisions of the Commission where a declaration has been made that the Weipa Fishing Classic is a special event.

[33] Firstly, in *National Retail Association Limited, Union of Employers*,³¹ Industrial Commissioner Dwyer determined that the Weipa Fishing Classic, which was held from 3 September 2021 until 5 September 2021 was, for the purposes of s 5(1)(c)(ii) of the pre-amendment version of the Act, a special event. Industrial Commissioner Dwyer held:

[26] I am satisfied that the Weipa Fishing Classic is a unique event of local significance. As I have previously held, these terms as they appear in s 5 of the Act are to be given a wide and diverse meaning, and ought to be considered in the context of the event for which the

²⁷ Ibid, [25].

²⁸ Ibid, [26].

²⁹ Ibid, [10].

³⁰ Ibid, [12].

³¹ [2021] QIRC 287.

exemption is sought. Taking that approach, an annual show in a small regional community comfortably falls within those terms for *inter alia* all of the reasons submitted by the NRA.

- [27] The Weipa Fishing Classic is a stand-alone, singular event, of which there is no replica or rival in that community. The fact that it occurs annually does not make it less unique. Further, an event does not have to attract the crowds of an AFL grand final to be 'significant'. The term 'significant' can be (and is) a reference not only to attendance numbers, but also to the impact and importance of the event on those in attendance.³²

- [34] Secondly, in *National Retail Association Limited, Union of Employers (the 2022 Weipa Fishing Classic case)*³³, Deputy President Merrell in also determining that the 2022 Weipa Fishing Classic was a special event, held:

- [17] The ordinary contextual meaning of 'significance' in s 5(3)(a) of the Act is: 'important; consequence.' Having regard to the unchallenged history and description of the Weipa Fishing Classic as a sporting event and to the unchallenged significance of that event to the economy and the tourism industry of Weipa, the Weipa Fishing Classic is a unique sporting event of local significance to Weipa, its economy and its tourism industry.

- [18] I agree that the declaration, that the Weipa Fishing Classic is a special event, should apply for the period of the sporting event, namely, from 10 June 2022 and up to and including 12 June 2022. This is because of the unchallenged evidence that the population of Weipa nearly doubled for the three nights when the same event was held in 2021.

- [35] I also note the comments of Industrial Commissioner Pratt in *National Retail Association, Union of Employers (Mount Isa Agricultural Show)*,³⁴ where he observed:

- [42] Perhaps to demonstrate the other end of the scale of uniqueness or infrequency, there is the example that the legislative drafters have provided in the form of the Weipa Fishing Classic event. That is an event that occurs annually in or around June each year in North Queensland. It is a sporting event open to all comers providing a prize pool and other associated events and attractions. Whilst it tends to occur every year, and is not particularly unique in the sense that it is a fishing competition, it is obviously unique to that area and may very well have its own unique aspect to it. Because it occurs only once yearly, I construe that the drafters of that subsection have indicated by using it as an example that such a frequency qualifies as sufficiently "infrequent" for the purposes of construing section 31B(1)(a).

- [36] It is a trite observation that the fact that the Commission has on previous occasions found the Weipa Fishing Classic to be a special event, although something to be taken into consideration, does not mean that the same outcome is mandated for this application. I note the similar observations of Industrial Commissioner Gazenbeek in the recent decision of *National Retail Association Limited, Union of Employers*,³⁵ which related to an application for the Chinchilla Melon Festival.

³² Citations omitted.

³³ [2022] QIRC 198.

³⁴ [2024] QIRC 147.

³⁵ [2025] QIRC 045.

[37] In that matter the Commission refused to make a special event declaration for the Chinchilla Melon Festival and dismissed the application. In reaching that decision Industrial Commissioner Gazenbeek observed³⁶:

[59] I recognise that the Festival has previously, with particular reference to these factors, been considered a 'special event' by the Commission. However, this does not mean that the Festival will always be deemed so. In that respect, I note, and agree with, Industrial Commissioner McLennan's below observation in *Re: National Retail Association Limited, Union of Employers*:³⁷

[64] I entirely agree with the SDA's comments that it is imperative the Commission vigorously assess such applications for extended trading hours and that such a decision should not be taken lightly. If it were the intention of the Legislature that every local show was to be automatically declared to be a 'special event' within the meaning of s 5(1)(c)(ii) of the Act, no doubt it would have been so expressed. That is not the case.

[38] The evidence before the Commission for this application, in the form of the affidavit of Mr Stout and the Statement of Facts exhibited to that affidavit, in my view establishes that the Weipa Fishing Classic has in fact grown not only size, but also in its importance and significance to the Weipa and Cape York community since 2021.

[39] Mr Stout provided short oral submissions at the hearing of the application. In response to a question from the Commission, Mr Stout confirmed that the event had also been held in 2023 and 2024, however no application for a special events declaration was made by the NRA. Mr Stout confirmed that this was primarily due to resourcing issues impacting the NRA.

[40] The representatives from the AWU and the SDA appeared at the application hearing, however, neither representative made any further submissions.

Is the Weipa Fishing Classic a unique or infrequent event of local, State or national significance?

[41] I am satisfied on the evidence that has been presented that the Fishing Classic is a unique and infrequent event which is of both local and national significance. I consider that it is a highly significant event for the local community in Weipa and surrounds given the size of the event and the number of visitors it brings to Weipa. I note that the 2024 event attracted around 10,000 visitors to Weipa and it is estimated that the 2025 Fishing Classic being the 20th anniversary of the event will attract more visitors to the region. I am further satisfied that given the extent of the event's notoriety and that it attracts anglers from across Australia, it is also of national significance.

³⁶ *National Retail Association Limited, Union of Employers* [2025] QIRC 045, [59].

³⁷ [2022] QIRC 093, [64].

Does the Fishing Classic have cultural, religious or sporting significance?

- [42] No submissions have been made about the religious significance of the Weipa Fishing Classic.
- [43] I am satisfied that the Fishing Classic is a significant sporting event for Weipa and the Cape York area. As noted by Industrial Commissioner Dwyer in *National Retail Association Limited, Union of Employers*,³⁸ it is a stand-alone, singular event of which there is no replica or rival in the community. It attracts competitors from across Australia and also has some international interest.
- [44] In relation to the cultural significance of the event, I am guided as to the meaning of "cultural" by the observations of Vice President O'Connor in *National Retail Association Limited, Union of Employers*³⁹ where his Honour stated in relation to the earlier equivalent to s 31B(1)(b) of the Act:

There are two approaches in determining the meaning to be given to the adjective "cultural" in s 5 of the Act. The first, is to give the word "cultural" a meaning which relates to the ideas, customs, and social behaviour of a society. The second approach relates to use of the word "cultural" in the sense of the arts and to intellectual achievement. In my view, the context of "cultural" within s 5 of the Act reflects and sits more comfortably with the latter interpretation. The example being, for the purposes of s 5(3)(a)(i), a "cultural festival".⁴⁰

- [45] NRA have not provided any evidence of there being cultural or artistic events associated with the Weipa Fishing Classic. I am therefore not satisfied that the event has any substantial cultural significance, other than in the context of bringing the community to together.

Is the Fishing Classic significant to the economy and the tourism economy?

- [46] I am satisfied on the evidence that has been provided by the NRA that the Weipa Fishing Classic provides a significant benefit to the economy and to the tourism trade for Weipa and the Cape York community.
- [47] Even if the event falls short of the one million dollar plus benefit to the local community that the NRA has forecast for the 2025 event, I am satisfied that the event will provide a significant financial boon to the local community.
- [48] Given that the 2024 event resulted in 10,000 visitors to Weipa, and it is forecast that the 20th year anniversary will result in potentially record crowds attending the event, I am also satisfied that the event is highly significant for the tourism industry in the area.

³⁸ [2021] QIRC 287, [27].

³⁹ [2018] QIRC 118.

⁴⁰ Ibid, [23].

Is there a need for non-exempt shops to trade for hours greater than their core trading hours for the period of the Fishing Classic?

- [49] I accept the evidence contained in the Statement of Facts that the Weipa retail community has the infrastructure capacity to service the existing local population of 4,000. I further accept that given the expected numbers of attendees for the 2025 event, it will be necessary in order to meet the needs of both locals and attendees at the event for Weipa to have all available services open.

Should the Commission grant the declaration sought?

- [28] For the reasons I have set out above, I am satisfied that I should grant the application. I make the following declaration:

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

- 1. The Weipa Fishing Classic is for the purposes of s 5(1)(c) a special event;**
- 2. The declaration shall apply for a period commencing on 6 June 2025 and shall continue up to and including 8 June 2025; and**
- 3. The declaration applies to an area in Weipa:**
 - starting at Rocky Point Boat Ramp; travelling south-east to Hibberd Drive through the roundabout onto Central Avenue; travelling southbound on Central Avenue to Kerr Point Drive at Nanum; and turning west onto Kerr Point Drive and travelling alongside the bay back to Rocky Point Boat Ramp.**
- 5. Section 36BA of the Act applies in relation to an employee of particular shops in the area to which the declaration applies.**