

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *National Retail Association, Union of Employers (Mount Isa Show) [2025] QIRC 154*

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

CASE NO: TH/2025/4

PROCEEDING: Application for Declaration of Special Event

DELIVERED ON: 11 June 2025

HEARING DATE: 10 June 2025

MEMBER: Pratt IC

HEARD AT: Brisbane

ORDERS:

- 1. The Mount Isa Show 2025 is declared to be special event for the purposes of s 5(1)(c) of the *Trading (Allowable Hours) Act 1990 (Qld)*.**
- 2. Section 36BA of the *Trading (Allowable Hours) Act 1990 (Qld)* applies in relation to any employee of particular shops located in the area to which this declaration applies.**
- 3. This declaration applies from the period commencing Friday, 20 June 2025 up to and including Sunday, 22 June 2025.**
- 4. This declaration applies to the geographic area described as:**

Starting at Abel Smith Parade turning south onto Sunset Drive through to Camooweal Street; then onto Patricia Street 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.

CATCHWORDS:

TRADING HOURS – DECLARATION OF SPECIAL EVENT – INFREQUENT AND UNIQUE EVENT OF MAINLY LOCAL SIGNIFICANCE – EVENT OF CULTURAL AND SPORTING SIGNIFICANCE – EVENT SIGNIFICANT TO THE ECONOMY AND THE TOURISM INDUSTRY – NEED FOR EXTENDED TRADING HOURS FOR NON-EXEMPT SHOPS – application for special event declaration relating to the Mount Isa Show 2025 pursuant to s 31A of the *Trading (Allowable Hours) Act 1990* (Qld) – consideration of ss 31A and 31B of the *Trading (Allowable Hours) Act 1990* (Qld) – whether the Mount Isa Show 2025 is a unique or infrequent event of local, State or national significance – whether the Mount Isa Show 2025 is of cultural, religious or sporting significance – whether there is the need for non-exempt shops to trade for extended hours during the period of the Mount Isa Show 2025 and the Sunday immediately after – application granted – orders to include reference to s 36BA of the *Trading (Allowable Hours) Act 1990* (Qld) providing protections to mitigate concerns around employees working additional hours.

LEGISLATION:

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

*Industrial Relations Act 2016 (Qld), s 531(3),
s 531(5).*

CASES:

*National Retail Association Limited, Union of
Employers [2019] QIRC 112.*

*National Retail Association Limited, Union of
Employers [2021] QIRC 155.*

*National Retail Association Limited, Union of
Employers [2021] QIRC 199.*

*National Retail Association Limited, Union of
Employers [2022] QIRC 206.*

*National Retail Association Limited, Union of
Employers [2023] QIRC 185*

*National Retail Association Limited, Union of
Employers [2025] QIRC 45*

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

*National Retail Association Limited, Union of
Employers (the Mount Isa Mines
Rodeo) [2021] QIRC 254.*

*Re: National Retail Association Limited,
Union of Employers [2018] QIRC 118.*

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

APPEARANCES:

Mr D Stout for the Applicant

Mr R Thinee for Mount Isa City Council

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

Reasons for Decision

This application

- [1] The National Retail Association, Union of Employers ('Applicant') seeks an order declaring a "special event" pursuant to s 31A of the *Trading (Allowable Hours) Act 1990* (Qld) ('Act'). The declaration would cover the Mount Isa Show ('Show') itself, running on Friday, 20 June 2025 to Saturday, 21 June 2025, as well as Sunday, 22 June 2025.

Area to be covered by the proposed declaration

- [2] The application is supported by submissions and affidavit evidence deposed by Mr David Stout, Director of Policy for the Applicant. That material contains the following description of the proposed area that the special event declaration would be confined to:

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 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] The relevant area is pictured below, as taken from the affidavit of Mr Stout:



The proceedings

- [4] On 20 May 2025, the Applicant filed this application in the Registry of the Queensland Industrial Relations Commission ('QIRC') along with the abovementioned affidavit of Mr Stout. I subsequently issued directions orders on 21 May 2025, which was published on the QIRC website stating:

AFTER READING the Application in the above matter filed on 20 May 2025, IT IS ORDERED:-

1. That the Applicant is the National Retail Association, Union of Employers.
2. The Industrial Registry serve the Application for Special Event Declaration and this Directions Order on:
 - (a) Mount Isa City Council;
 - (b) Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees;
 - (c) The Australian Workers' Union of Employees, Queensland;
 - (d) Local Government Association of Queensland Ltd;
 - (e) Executive Director, Industrial Relations, Office of Industrial Relations, Department of Education; and
 - (f) Chief Industrial Inspector, Office of Industrial Relations, Department of Education.
3. Those who may be affected by the Application for Declaration may make a formal application seeking leave to be heard. Any application seeking leave to be heard must be filed in the Industrial Registry and served on the Applicant by no later than **4.00 pm on Wednesday, 28 May 2025.**
4. The Applicant file in the Industrial Registry, and serve on any party granted leave to be heard, an outline of submissions by **4.00 pm on Wednesday, 4 June 2025.**
5. Any party granted leave to be heard file in the Industrial Registry, and serve on the Applicant, an outline of submissions by **4.00 pm on Wednesday, 11 June 2025.**
6. This matter will be heard before Commissioner Pratt at the Queensland Industrial Relations Commission, 66 Eagle Street (Corner of Elizabeth and Creek Streets), Brisbane at **10:00am on Friday, 13 June 2025.**

NOTE: The Application for Special Event Declaration and this Directions Order will be published on the QIRC Website at www.qirc.qld.gov.au. All filed documents in relation to this matter (including correspondence) must be sent to the Industrial Registry at qirc.registry@qirc.qld.gov.au

- [5] Both the Australian Workers' Union of Employees, Queensland ('AWU') and the Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees ('SDA') made applications seeking leave to be heard on 28 May 2025 respectively. On 30 May 2025 I heard the prospective parties applications to be heard in

the matter. I granted both unions leave to be heard and amended the abovementioned directions order bringing forward the time for the parties to file an outline of submissions and the hearing date.

[6] The Commission received a written outline of submissions from the Applicant and the AWU on 4 June 2025. The SDA also sent correspondence that stated that it relied on the AWU's submissions and sought leave to be excused from having to appear at hearing of the application. That leave was granted.

[7] At the hearing on 10 June 2025, the Applicant presented its submissions. The AWU, and by extension the SDA, did not oppose those submissions.

Relevant law

Relevant legislation

[8] Generally speaking, as far as is relevant, the Act classifies shops into "exempt shops" and "non-exempt shops". There are others but they are not relevant to the present application. It suffices to note here that non-exempt shops are subject to restrictions as to when they may trade. As the name suggests, exempt shops are not. However, by virtue of how a non-exempt shop is defined in s 5 of the Act, a non-exempt shop will become an exempt shop if it is operating in an area to which a "special event declaration" applies.¹ Hence, the legal effect of a special event declaration is to remove the restrictions to trading hours that otherwise apply to a non-exempt shop which is trading in the defined area of the declaration.

[9] Section 31A confers the power on the Commission to make a special event declaration:

- (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.

¹ s 5(c) *Trading (Allowable Hours Act) 1990* (Qld)

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

[10] Section 31B prescribes a number of factors the Commission must consider when deciding whether to declare an event to be a special event:

- (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.

[11] Sections 36BA(1)(b), 36BA(2) and 36BA(3) of the Act outline the protections for employees during a special event declaration:

- (1) This section applies if—...

... (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.

Penalty—

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.

[12] Sections 531(3) and 531(5) of the *Industrial Relations Act 2016* (Qld) ('IR Act') relevantly say:

- (3) Also, the commission or Industrial Magistrates Court is to be guided in its decisions by equity, good conscience and the substantial merits of the case having regard to the interests of—
- (a) the persons immediately concerned; and
- (b) the community as a whole...
- (5) In making a decision, other than a decision made under chapter 4 , part 3 , division 2 , the commission must consider the public interest, and in doing so must consider—
- (a) the main purpose of this Act; and
- (b) the likely effects of the commission's decision on the community, economy, industry, the particular industry concerned and industry generally.

Relevant case law

[13] This is not the first application of its type. Indeed, for this particular show, there have been several of these applications over recent years. Most recently, I considered a similar application to the present one in *National Retail Association, Union of Employers (Mount Isa Agricultural Show)* ('2024 Show Decision').² In that decision I considered relevant case law concerning the exercise of the discretion to declare special events, noting

² [2024] QIRC 147, [14]-[20] ('2024 Show Decision').

previous applications concerning the Mount Isa Show.³ Of particular relevance here is the decision of his Honour, O'Connor DP, as his Honour then was, in *National Retail Association Limited, Union of Employers ('2018 Rodeo Decision')*.⁴ In that decision, his Honour said of the meaning of "cultural significance" under the former analogue to s 31B(1)(b):⁵

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"

(citations omitted)

[14] In the *2024 Show Decision*, I construed the power to make a special event declaration to be a broad but fettered discretion.⁶ I also noted that the Commission's exercise of the discretion is to be guided by equity, good conscience and the substantial merits of the case, having regard to the interests of those immediately concerned and the community as a whole.⁷ I found in my decision that the Show was:

- (a) a unique and infrequent event of mainly local significance;⁸
- (b) an event of cultural and sporting significance;⁹ and
- (c) significant to the economy and tourism industry of the region.¹⁰

[15] I also found that there was a need for the larger defined non-exempt shops during the trading period to service the increased retail demands during the Mount Isa Show,¹¹ and that extending the allowable trading hours to the Sunday would help accommodate the increased demand.¹² I was also persuaded that the protections afforded by section 36BA of the Act would address the risk of employees being improperly or unlawfully required to work additional hours.¹³ It was in those circumstances that I ordered that the 2024 Show be declared a special event.¹⁴

³ *2024 Show Decision* (n 2) [14]-[20].

⁴ [2018] QIRC 118.

⁵ *Ibid* [23].

⁶ *Ibid* [39].

⁷ *Ibid*.

⁸ *Ibid* [45].

⁹ *Ibid* [50].

¹⁰ *Ibid* [51].

¹¹ *Ibid* [56].

¹² *Ibid*.

¹³ *Ibid* [57].

¹⁴ *Ibid* [57]-[58].

[16] In *National Retail Association Limited, Union of Employers (the Melon Festival Decision)*,¹⁵ Industrial Commissioner Gazenbeek recently dealt with an application for a special event declaration for the Chinchilla Melon Festival.¹⁶ Gazenbeek IC was satisfied that the event was a "unique event of local significance, that was culturally significant and was significant to the economy and the tourism industry."¹⁷ However, Gazenbeek IC found that in that case the applicant had failed to prove that there was 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.¹⁸ The finding was based on the evidence of the applicant that:

- (a) the retail stores who would be allowed to extend their trading hours by virtue of a special event declaration would only open one or two hours either side of their regular hours;¹⁹
- (b) the applicant's admission that it was only aware of one otherwise non-exempt store within the region, being a Woolworths, that would take advantage of being allowed extended trading hours;²⁰ and
- (c) that the Woolworths had been unable to extend its trading hours during a previous iteration of the Chinchilla Melon Festival where there was a special event declaration, and that there was no evidence as to whether this impacted the capacity of the existing retail infrastructure to handle the needs of the festival goers.²¹

[17] Gazenbeek IC concluded that on this evidence "the needs of the local community and its visitors were sufficiently met by Chinchilla's existing retail infrastructure during the 2023 Festival."²² Gazenbeek IC was also influenced by the fact that it was necessary to decide the application on the day the festival started, reducing the utility of any special event declaration.²³

[18] Gazenbeek IC referred to the observations of Dwyer IC in *National Retail Association Limited, Union of Employers (the Chinchilla Show Decision)*,²⁴ and in particular those observations relating to the evidence needed in matters such as these:

I consider that such applications would be more compelling if they were accompanied by evidence from local retailers addressing specific considerations as to the expected hours of opening, or the anticipated increase in trade, and other factors relevant to the considerations

¹⁵ [2025] QIRC 45 (*Melon Festival Decision*).

¹⁶ *Ibid* [1]-[4].

¹⁷ *Ibid* [58].

¹⁸ *Ibid* [60].

¹⁹ *Ibid* [54].

²⁰ *Ibid* [55].

²¹ *Ibid* [55]-[56].

²² *Ibid* [56].

²³ *Ibid* [57].

²⁴ *National Retail Association Limited, Union of Employers* [2021] QIRC 155 (*Chinchilla Show Decision*),

under the Act. The absence of such evidence could render such an application liable to being dismissed if the Commission required a more fulsome examination of the elements of s 5 of the Act...²⁵

- [19] Gazenbeek IC then cited and agreed with McLennan IC's observations in *Re: National Retail Association Limited, Union of Employers (the Roma Show Decision)*.²⁶ McLennan IC observed of applications for extended trading hours:

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.²⁷

- [20] Gazenbeek IC dismissed the application accordingly,²⁸ finding that the applicant had not, in light of the evidence and the case law, "articulated a sufficiently compelling argument as to the need for non-exempt shops". Gazenbeek IC also found it persuasive that there may be "burden placed on employees who, as a result of the NRA's last minute filing of this application, would receive insufficient notice of finalised rostering arrangements for the Festival's duration".²⁹

Submissions

What is the Show?

- [21] The Show is a 2-day festival held at Buchanan Park in Mount Isa that features sideshows, section competitions, amusement rides, fireworks, sporting events, craft displays and other entertainment. The Show is apparently one of the oldest continuous events in Australia. The Applicant submits that the Show is a major tourist attraction for regional Queensland that creates tourism and employment opportunities. The event hosts numerous competitions in:

- (a) photography;
- (b) cookery;
- (c) woodwork;
- (d) home brew;
- (e) horticulture;

²⁵ *Chinchilla Show Decision* (n 24) [30].

²⁶ *Re: National Retail Association Limited, Union of Employers* [2022] QIRC 093.

²⁷ *Ibid* [64].

²⁸ *Melon Festival Decision* (n 15) [62].

²⁹ *Melon Festival Decision* (n 15) [60].

- (f) poultry;
- (g) scarecrows; and
- (h) quilting.

[22] The Application also notes the Show will also feature the following events:

- (a) Bronco branding;
- (b) Demolition derby;
- (c) Dirt bike minikhana;
- (d) Equestrian;
- (e) Pig races;
- (f) Motocross displays;
- (g) Car and motorcycle shows;
- (h) Pets parade;
- (i) Live entertainment; and
- (j) 3B's (bull, bronco and barrels) Rodeo.

[23] The Applicant maintains that the competitions and events provide entertainment, highlight local talent, and showcase local agriculture and industry.

The impact of extended hours

[24] Mr Stout deposes that any work during the extended hours will be voluntary and will not come at the expense of regulation and employees. The Applicant submits that one of the two large non-exempt retailers within the proposed area has confirmed that it will open on Sunday 22 June 2025 if allowed to. It has invited employees to volunteer for work that day, should the application succeed. Thirty employees have volunteered to work that day. Only twenty shifts might be available. The Applicant argues that this demonstrates a keenness on behalf of employees to volunteer to work additional trading hours at appropriate penalty rates if the additional trading hours become a reality by way of the declaration sought.

The influx of visitors

- [25] The Applicant submits that the Show enjoys between 4,000 and 8,000 attendees over the two days. The Applicant points out that the retail offering in the area provides critical infrastructure to surrounding areas, as Mount Isa services the nearby Indigenous communities in Doomadgee, Normanton, Burketown and Mornington Island. In its submissions, the Applicant adds that the members of those communities often come to Mount Isa around the time of year that the Mount Isa Agricultural Show is typically held. The Applicant argues that it is crucial that Mount Isa be adequately resourced at this time, because members of those communities rarely travel to Mount Isa due to the long distance they must travel to get there, and because it is the beginning of winter. The Applicant further argues that these communities have come to expect the extended hours that usually accompanies the Mount Isa Agricultural Show. The Applicant contends that a need for the declaration exists because the existing retail infrastructure would be unable to adequately cope with the spike in demand.
- [26] In its submissions, the Applicant notes that the area the subject of the proposed special event declaration will include Buchanan Park, where the Show is located, and the town itself. The Applicant submits that this would allow retailers to better cater for the needs of the visitors.
- [27] At the hearing of this application, Mr Ross Thinee, representing the Mount Isa City Council, spoke about the influx of visitors over the Show weekend. He noted that a substantial number of community housing occupants in the outer surrounding areas will visit Mount Isa for the Show. Mr Thinee said that he has experience of working closely with these visitors to Mount Isa from the outer surrounding area, both in his current role and his former role with Mount Isa Housing. Mr Thinee advised the Commission that his experience with this category of visitors is that they will come to Mount Isa for the Show and head back to their homes on Sunday after stocking up at Mount Isa on the Sunday morning, further driving the need for extended trading hours on Sunday, 22 June 2025.

The inclusion of the Sunday

- [28] Mr Stout deposes that given the remoteness of Mount Isa and the late time at which the Show finishes, being 10:00pm on the Saturday, that it is unlikely the many Show visitors to Mount Isa will leave until the Sunday. He points to a recent survey that revealed that only 9.98% of the visitors who travelled to Mount Isa for the Show did so by plane, and that the rest travelled by road. The Applicant therefore argues that this further supports the application. The Applicant also refers to earlier decisions where the Commission has included the Sunday within its special event declaration for previous iterations of the

Show, partly because of the remoteness of Mount Isa.³⁰ In particular, the Applicant refers to the conclusions in *National Retail Association Limited, Union of Employees*:³¹

However, given 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, 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.

The cultural significance of the event

- [29] Mr Stout deposes that the Show is of cultural significance. Its cultural significance derives from it being a community event that is an authentic representation and celebration of the Queensland agriculture, craft and skill and something which positively contributes to Queensland's national and international reputation. The Applicant also points to the long list of competitions, displays and events, as described above, and reiterates that these events provide entertainment, highlight local talent, and showcase local agriculture, craft and industry.

The sporting significance of the event

- [30] Mr Stout also deposes to three sporting events of particular significance. First, the 3B Rodeo is a competition featuring open, ladies and junior categories for bull ride, saddle bronc, and barrel race, with over \$12,000 in prizes being competed for. Second, the Dirt Bike Minikhana is a relaxed version of competitive motocross that promotes development of riding skills and techniques and features several race types. Third, the Bronco Branding competition that offers nearly \$4,000 in prizes.

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

- [31] The Applicant further contends that the Show supports Mount Isa's objective of being an outback tourism destination, as opposed to a "stop on the road". The Applicant submits that many other events that had been major drawcards in the region have been cancelled or postponed. They include the Big Red Bash, Camooweal Drivers Festival and the Boullia Rodeo. The Applicant submits that this increases the importance of the Show as an opportunity to bring tourism to the region.
- [32] As for the economic impact, the Applicant submits that the Show weekend carries with it a spike in retail turnover. To demonstrate that point, the submissions note that the total

³⁰ *National Retail Association Limited, Union of Employers* [2021] QIRC 199 ('2021 Show Decision'); *National Retail Association Limited, Union of Employers* [2022] QIRC 206; *National Retail Association Limited, Union of Employers* [2023] QIRC 185; *National Retail Association, Union of Employers (Mount Isa Agricultural Show)* [2024] QIRC 147.

³¹ *2021 Show Decision* (n 15) [51].

weekly sales for one non-exempt retailer during the Show was 2% higher than the previous week and 7% higher than the following week. Mr Stout deposes that the Show has 30 sponsors across government bodies, local businesses, services and families. The Applicant submits that the income from the sponsorship alone is over \$106,000. The Applicant also notes that the show is host to 32 itinerant stall holders and over 50 showmen's guild members for show riders, and that these individuals are expected to restock, refuel, carry out repairs and shop for required events before and after the event. The Applicant also says the ticket sale revenue is invested into the Show and into the local community.

[33] As for attendance, the Applicant concedes that there has been a decline in attendance over the years. The attendance has gone from 8,000 attendees in 2021, to 5,311 attendees in 2023, and 4,944 in 2024. However, the Applicant contends there will be higher attendance in 2025 for several reasons. First, there is a new committee devoted to addressing that decline. Second, the events trialled in 2024 are expected to grow and become attractions in their own right. Third, and perhaps most significant, is that the Show this year will occur outside of school holidays. On that last point, the Applicant argues that it sees about 1000 fewer attendees when the Show takes place during the school holidays. The Applicant says that the reason for this difference in attendance is because local families often travel away from Mount Isa during the school holidays. Consequently, holding the event outside of the school holidays, when families are back in Mount Isa, is likely to boost the local attendance.

[34] Whilst the rodeo had previously been a drawcard, it has been abandoned because it was costly to run and because the rodeo did not reinvestment into the community. The abovementioned sporting events are instead specifically designed to showcase local talent. That has a twofold effect, as I construe it. First, the Show will now feature 'grassroots' type events that showcase local talent, rather than hosting a travelling competition that does little to cultivate the growth of local Mount Isa talent. This change benefits Mount Isa, both in the short and long term, by providing local talent in Mount Isa with greater opportunity to develop their skills. Second, by attracting more local talent to compete, locals might well be more inclined to attend the Show to watch one of their own compete in the events.

Other factors

[35] Mr Stout's affidavit describes how the Show is managed by local community members, and that one local community member has been awarded Volunteer of the Year in the Volunteering North Queensland Awards, demonstrating the significance of the Show. The Applicant also submits that the show is widely promoted across a variety of media channels, including on social media and in traditional media through newspapers and radio.

- [36] The Applicant further assures the Commission that any work carried out in non-exempt shops during the extended hours, should the application succeed, would be voluntary.
- [37] As to need for non-exempt shops to trade during the period of the proposed declaration, the Applicant submits that there is no independent retail shop which can trade freely over the weekend in question in the local area that comes anywhere close to being able to offer what the larger non-exempt shops can. By way of illustration, Mr Stout submitted at the hearing of the application that there is a larger independent grocery retail shop in the area, but which he estimated to be around 400 m² in size and offering around 1000 items for sale. In comparison, the grocery related non-exempt shops occupy around 3,000 m² and put on an offering of more than 25,000 items. The submission is that there is a need for the declaration stemming from the expected spike in demand over the weekend in question, which cannot be adequately met by the existing retail offering.

The submissions of the unions

- [38] Neither union opposed the application, and the AWU supported it in its written submission. The SDA relies on the submissions of the AWU. The AWU submitted that the Commission should make ancillary orders to ensure that the employees in the affected shops receive a protection from being forced to work any extended trading hours pursuant to section 36B of the Act.

Consideration

Section 31B(1)(a) – whether the event is a unique or infrequent event of local, State or national significance

- [39] Based on the previous decisions I have referred to above, and the evidence as to the offering of the Show in 2025, I am satisfied that the Show in 2025 will be a unique event of local significance, as well as further afield. It is certainly unique, given it is the annual show in Mount Isa. And it is significant, given its significance for culture, sporting, the economy, and tourism. I explain that further below. I acknowledge that the size of the place where the event is held is relatively small and that the event is held effectively in one area. In my view, these factors have little bearing on the present application, however, I am required to consider them pursuant to s 31B(2) of the Act.

Section 31B(1)(b) – the cultural, religious or sporting significance of the event

- [40] There is no suggestion that the Show holds any religious significance. However, the cultural and sporting significance is clear. On a broader interpretation of what cultural significance entails, the raft of events, competitions and other entertainment that feature at the Show demonstrate that it is, as the Applicant puts it, a true celebration of Queensland agriculture, craft and skill. And even applying the abovementioned narrower meaning of cultural significance laid down in the *2018 Rodeo Decision*, it is clear that

there is some offering in the form of art and craft displays and creative competitions. In any event, the cultural significance of the Show in 2025 will only serve to contribute to Queensland's national and international reputation in my opinion.

- [41] Far less difficult to apprehend is the sporting significance of the Show. It is abundantly clear to me that even without the rodeo, the 2025 Show holds great sporting significance to the local and broader community. The presence of grassroot style sporting events that emphasise the showcasing of local talent makes the event significant to not only those in the area that compete in such events, but likely also to the community at large. The fact that the variety of events on offer is quite expansive only serves to further solidify the Show's significance as a cornerstone sporting event for Mount Isa.
- [42] In my opinion the Show is likely to attract media attention, at least on a regional level and likely on a state and possibly a national level. Of course, social media coverage via the internet is worldwide. Any media coverage will highlight the cultural and sporting aspects of the Show. That can only add to the cultural and sporting significance of the Show in my view.

Section 31B(1)(c) – the significance of the event to the economy and the tourism industry

- [43] I appreciate that there been a decline in attendance in recent years. However, the decline in attendance alone is insufficient to conclude that the Show is not significant to the economy and the tourism industry. In fact, the weight of the material before me demonstrates that the Show is significant to the economy and the tourism industry. There are strategies in place to address the decline in attendance, including the trialling of new events that feature local talent and the placing of the Show outside school holidays. Those strategies, in my opinion, are likely to reverse that decline in attendance and boost the economy and tourism.
- [44] The Show also boosts employment. The Applicant's unchallenged evidence is that at least one large non-exempt retailer in the defined area will take advantage of the extended Sunday trading hours if the application succeeds. That shop will put on twenty extra shifts, on penalty rates, for those who wish to work them. Mr Stout submitted that others will follow suit once the "anchor" tenant in a centre signals that it intends to trade. It is safe to assume that other work in a similar sense will be generated at other relevant shops. Even exempt shops and independent retail shops may put on extra shifts to cater for an expected increase in trade. Hence, the AWU's request for orders reinforcing the effect of s 36B of the Act to operate in the relevant area. This added opportunity for further work for these workers only adds to the economic significance of the Show in my opinion.
- [45] I accept that the combined effect of the influx visitors and spending by locals over the weekend will cause a significant spike in the need for retail offering. Such a spike will boost Mount Isa's economy in my opinion.

- [46] The significance of the Show to the tourism industry is obvious – the Show provides an attraction that draws in tourists. However, I agree with the Applicant that its significance is increased due to the fact that other drawcard events in the region have been cancelled or postponed. From a tourism perspective, the Show is therefore a substantially more important event than it might have been when those other events were running.
- [47] On the whole, I find that the Show is significant to the economy and to the tourism industry.

Section 31B(1)(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

- [48] The unions do not oppose the Application. However, the Act is clear. The Applicant must demonstrate that a need for the declaration exists. The Applicant's unchallenged evidence and submission is that the current retail infrastructure will not be able to cope with the short but intense spike in demand over the weekend in question, and particularly on the Sunday. I accept that. I also accept that many visitors will be travelling a long way to Mount Isa to attend the Show in 2025 and will likely head back home on the Sunday, not late on the Saturday night. The Applicant argues that those visitors are very likely to need access to the larger retail offering on the Sunday, which is not otherwise going to be available to them. I accept those submission and the supporting evidence.
- [49] This case is quite distinct from the *Melon Festival*. In that case, the Applicant was unable to put on evidence that there was any need to extend trading hours for non-exempt shops and was unable to show that the existing retail infrastructure could not handle the needs of the local community during the Chinchilla Melon Festival. Here, the Applicant has put on evidence proving that there is a need for extended trading hours sought by the declaration. There is evidence that the existing retail offerings cannot adequately accommodate the expected surge in demand from 20 June 2025 to 22 June 2025.
- [50] Overall, I accept that 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 Show and for Sunday, 22 June 2025.

Conclusions

- [51] I conclude that the Applicant has satisfied the requisite elements demonstrating that a need exists for the declaration in the terms sought. I assess the Show to be a unique event of local and broader significance. It contributes to tourism and to the Mount Isa economy. I am also satisfied that there is a need for the declaration because the current retail offering is unable to satisfy the significant, albeit brief, spike in demand over the weekend in question, particularly on Sunday 22 June 2025.

[52] The AWU has submitted that an order reinforcing the effect of s 36B ensuring that all shifts taken up by employees as a result of a declaration are done so voluntarily is worthwhile. I accept the evidence received that at least one large retailer in the relevant area has a strong response from employees wishing to work those extra hours. However, out of an abundance of caution, I also accept the AWU's submission, supported by the SDA, and not opposed by the Applicant, that such an order has merit.

Orders

- 1. The Mount Isa Show 2025 is declared to be special event for the purposes of s 5(1)(c) of the *Trading (Allowable Hours) Act 1990 (Qld)*.**
- 2. Section 36BA of the *Trading (Allowable Hours) Act 1990 (Qld)* applies in relation to any employee of particular shops located in the area to which this declaration applies.**
- 3. This declaration applies from the period commencing Friday, 20 June 2025 up to and including Sunday, 22 June 2025.**
- 4. This declaration applies to the geographic area described as:**

Starting at Abel Smith Parade turning south onto Sunset Drive through to Camooweal Street; then onto Patricia Street 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.