

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *National Retail Association Limited, Union of Employers* [2018] QIRC 096

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

CASE NO: TH/2018/1

PROCEEDING: Application

DELIVERED ON: 17 July 2018

HEARING DATE: 17 July 2018

MEMBER: O'Connor DP

HEARD AT: Brisbane

ORDER: **Pursuant to s 5(1)(c) of the Act I declare that:**

- 1. The Mount Isa Mines Rotary Rodeo is for the purposes of s5(1)(c)(ii) a special event;**
- 2. The declaration shall apply for a period commencing on 8 August 2018 and shall continue up to and including 12 August 2018; and**
- 3. The declaration applies to an area from a point on the eastern bank of the Leichhardt River, at its intersection with Isa Street, travelling eastward along Isa Street until the intersection with Gray Street, turning northwards along Gray street and continuing in the same direction on an imaginary line to the intersection of the Barkley Highway, then travelling northwards**

along Atherton Street until the intersection with Mary Street, then travelling westwards along Mary Street and continuing beyond the intersection of West Street on an imaginary line until meeting the Leichhardt River, then in a southerly direction along the eastern bank of the Leichhardt River to its intersection with Isa Street.

CATCHWORDS: INDUSTRIAL LAW – TRADING HOURS – application to classify all non-exempt shops as exempt shops in the Mt Isa CBD for a specified period during a special event, namely, the Mount Isa Rodeo.

LEGISLATION: *Trading (Allowable Hours) Act 1990 s 5*
Trading (Allowable Hours) Amendment Act 2017

APPEARANCES: Mr M Millman for the applicant

Decision (ex tempore)

- [2] The National Retail Association Limited, Union of Employers is seeking an order under the *Trading (Allowable Hours) Act 1990* to classify all non-exempt shops as exempt shops in the Mt Isa CBD for a specified period during a special event, namely, the Mount Isa Rodeo. The Mount Isa Rodeo is described in the application as a major tourism drawcard for regional Queensland that provides employment opportunities and has grown to become the largest rodeo event in the southern hemisphere and a highlight of the outback Queensland sporting calendar.
- [3] Consequent upon the *Trading (Allowable Hours) Amendment Act 2017*, an "exempt shop" includes shops in an area surrounding a special event as declared by the Commission.
- [4] This application is made under s 5(2)(a) of the Act and may be made by an organisation, chief executive, local government or any other person. In short, the applicant seeks a declaration that the Mt Isa Rodeo is a special event under s 5(1)(c) of the Act. The area to be covered by the declaration is the business district of Mt Isa, as described in

Appendix A to the application and as shown on the map being Appendix B, for a period beginning on 8 August 2018, and continuing up to and including 12 August 2018.

[5] Appendix A to the application relevantly provides:

From a point on the eastern bank of the Leichhardt River, at its intersection with Isa Street, travelling eastward along Isa Street until the intersection with Gray Street, turning northwards along Gray Street and continuing in the same direction on an imaginary line to the intersection of the Barkley Highway, then travelling northwards along Atherton Street until the intersection with Mary Street, then travelling westwards along Mary Street and continuing beyond the intersection of West Street on an imaginary line until meeting the Leichhardt River, then in a southerly direction along the eastern bank of the Leichhardt River to its intersection with Isa Street.

[6] The application was made to this Commission on 15 June 2018 with the applicant subsequently filing an amended application on 20 June 2018. A directions order was issued which required *inter alia* that the application be served on the Mount Isa City Council and that those affected by the application would need to make a formal application seeking leave to be heard by 10 July 2018. The directions order also stated that the application would be listed for hearing 11:00AM 17 July 2018.

[7] As required under the Act, the application and directions order were published on the Commission's website.

[8] On 3 July 2018 the Commission received correspondence from Mr Mark Crawley, Acting Deputy Chief Executive Officer Mount Isa City Council, stating that the Council will not be lodging a submission with respect to the application.

Should the Commission grant the declaration sought?

[9] The applicant submits that the Mount Isa Rodeo fits the description of a special event under the Act. Relevantly s 5 of the Act provides:

5 Exempt shops

(1) An *exempt shop* is—

- (a) a shop of a description mentioned in schedule 1AA used predominantly for selling goods by retail, or for supplying services, a reasonable person would expect to be sold or supplied in that shop;
- (b) an independent retail shop; or
- (c) a shop operating in a stated area for an event —
 - (i) that is a unique or infrequent event of local, State or national significance; and
 - (ii) declared by the industrial commission to be a special event for this paragraph

- (2) A declaration for subsection (1)(c) –
- (a) May be made by the industrial commission on an application by an organisation, chief executive, local government or any other person; and
 - (b) must state the following–
 - (i) the details of the event the subject of the declaration;
 - (ii) the period for which the declaration applies;
 - (iii) the area to which the declaration applies; and
 - (c) must be published on the QIRC website.
- (3) In deciding whether to declare an event to be a special event for subsection (1)(c), the industrial commission–
- (a) must consider–
 - (i) The cultural, religious or sporting significance of the event; and
 - (ii) The significance of the event to the economy and the tourism industry; and
 - (b) May consider a submission made by a local government for an area in which the declaration is likely to have an impact.

[10] The Act 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 Commission declares the event to be a "special event". In deciding whether an event is 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. Further, the Commission may consider a submission made by a local government for an area in which the declaration is likely to have an impact.

The cultural, religious or sporting significance of the event.

[11] The applicant states that the rodeo will attract more than 600 competitors from around Australia and overseas and is conducted under the auspices of the Australian Professional Rodeo Association (APRA). As noted earlier, it is the largest rodeo in the Southern Hemisphere. The Mt Isa Rodeo commenced in 1959 and 2018 will mark the diamond jubilee running of the rodeo adding to the cultural significance of the event. The rodeo will be staged over four days with the event also including a street parade in the Mt Isa business district, a live open-air concert, family entertainment, children's activities and street stalls.

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

- [12] The applicant states that the Rodeo website lists no fewer than 26 motels, caravan parks and apartment complexes that offer accommodation to the public during the event. The website also promotes a number of tourist activities that visitors to the rodeo can undertake during their stay in Mt Isa. The application references a report commissioned by Tourism and Events Queensland which stated that the 2017 event provided a "strong economic boost for Mt Isa and the wider Outback region". The material before the Commission suggests that the Mt Isa Rodeo attracted an attendance of approximately 30,500 people. Ms Natalie Flecker, the General Manager of the rodeo is recorded as saying "*the number of nights spent in Mount Isa for the event increased from 27,595 in 2016 to 30,841 visitor nights in 2017, an increase of 12 percent*". Ms Flecker also observed "*The event is vitally important to Mount Isa with spending in Mount Isa by attendees increasing to \$9.22 million in 2017 from \$8.13 million the previous year*" and "*the event also achieved more than \$7 million return on investment for Queensland, so this is a very positive result*".
- [13] The Mt Isa Rodeo is the recipient of numerous awards for tourism including the 2016 gold award in the Australian Tourism Awards – Events and Festivals, a gold award in the Festivals and Events category of the 2016 Queensland Tourism Awards and more recently the silver award for the best Festival and Event at the 2017 Qantas Australian Tourism Awards.
- [14] In support of its application, the applicant also references a media statement from the Honourable Kate Jones MP. In that statement the Minister said:

We know visitors to Queensland are looking for a unique experience and the Mt Isa Rodeo gives spectators an authentic taste of the Australian outback. Attracting up to 15,000 people a year and generating more than \$8 million for the local economy, the Mount Isa Mines Rotary Rodeo definitely deserves its "major event" status.

Major events drive visitors to Queensland and support jobs. In the last term of government, our major events calendar doubled in value. This year, it's tipped to generate \$780 million for Queensland. But events are particularly important for the outback. In the three years to September 2017 we've seen domestic overnight visitation to outback Queensland increase 9.5 percent. Meanwhile, visitor expenditure has increased 9.2 percent. That's why we're committed to supporting events like the Mt Isa Rodeo.

Conclusion

- [15] I am satisfied that the Mt Isa Rodeo is a unique event of local, State and it may well be argued, national significance.¹ In regards to whether the event is a "special event" I am persuaded by the submissions of the applicant that the Mt Isa Rodeo is of cultural and

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

sporting significance,² and that the event is significant to the Mt Isa economy and tourism industry.³

- [16] The Commission did not receive any objections to the application and there were no submissions made by a local government for an area in which the declaration is likely to have an impact.

Orders:

- [17] For the reasons advanced above I am satisfied that I should grant the application. Accordingly, I make the following declaration:

Pursuant to s 5(1)(c) of the Act I declare that:

- 1. The Mount Isa Mines Rotary Rodeo is for the purposes of s5(1)(c)(ii) a special event;**
- 2. The declaration shall apply for a period commencing on 8 August 2018 and shall continue up to and including 12 August 2018; and**
- 3. The declaration applies to an area from a point on the eastern bank of the Leichhardt River, at its intersection with Isa Street, travelling eastward along Isa Street until the intersection with Gray Street, turning northwards along Gray street and continuing in the same direction on an imaginary line to the intersection of the Barkley Highway, then travelling northwards along Atherton Street until the intersection with Mary Street, then travelling westwards along Mary Street and continuing beyond the intersection of West Street on an imaginary line until meeting the Leichhardt River, then in a southerly direction along the eastern bank of the Leichhardt River to its intersection with Isa Street.**

² s 5(3)(a)(i).

³ s 5(3)(a)(ii).