

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: The National Retail Association Limited, Union of Employers [2014] QIRC 039*

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

CASE NO: TH/2012/2

PROCEEDING: Application to amend Trading Hours Order (Inner City Brisbane)

DELIVERED ON: 20 February 2014

HEARING DATE: 20 February 2014

MEMBERS: Deputy President Swan;
Industrial Commissioner Thompson and Industrial Commissioner Knight.

Decision of the Full Bench

ORDER: **That the late submissions of QRSTA be accepted.**

CATCHWORDS: INDUSTRIAL LAW - TRADING HOURS ORDER - Non-compliance with Directions - Submissions - Late submission accepted.

CASES: *Trading (Allowable Hours) Act 1990*

APPEARANCES: Ms A. Lamb, for National Retail Association Limited, Union of Employers, the Applicant.
Mr T. Martin, for the Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees for the Respondent.

- [1] This matter relates to a Trading Hours application TH/2012/2 made by the National Retail Association Limited, Union of Employers (NRA).
- [2] This decision relates to the non-compliance of a Directions Order issued by the Full Bench in matter No TH/2012/2 by Queensland Retail Traders and Shopkeepers Association (Industrial Organisation of Employers) (QRSTA).
- [3] On 15 November 2013 the Full Bench issued Directions Orders to the parties as follows:

- Applicant submissions to be filed 14 days after the transcript becomes available;
 - Respondent submissions to be filed three weeks after receiving the Applicant's submissions; and
 - Submissions in reply to be submitted one week later.
- [4] On 27 November 2013, the Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees (SDA), requested an extension of time in which to respond to NRA's submissions. The request was made to the Full Bench and that extension was granted.
- [5] The new dates for compliance with the Directions Order were as follows:
- Respondents to file their submissions by 17 January 2014; and
 - Applicant submissions in reply were to be filed by 24 January 2014.
- [6] Those Directions Orders were complied with by both NRA and SDA, but not by QRTSA.
- [7] On 31 January 2014, NRA advised the Full Bench of correspondence it had received from QRTSA requesting a further extension of time for filing their submissions until 7 February 2014. NRA opposed that application.
- [8] Notwithstanding that correspondence, no request was made by QRTSA to the Full Bench seeking an extension of time.
- [9] The matter was set down for hearing on today's date at 9.00 am for the purpose of determining the question of non-compliance with a Directions Order by QRTSA.
- [10] On 6 February 2014, correspondence and final submissions were received by the Full Bench from QRTSA.
- [11] Today's hearing was set for commencement at 9.00 am. The matter was delayed for more than half an hour as the Full Bench and other parties awaited Mr Dorber's attendance. As Mr Dorber had not contacted the Commission and was unable to be contacted via telephone from the Commission, the Full Bench determined to hear the matter in his absence.
- [12] NRA submissions were to the effect that it had re-drafted its final submissions to accommodate QRTSA's late submissions in the event that the application by QRTSA was successful and primarily to be sure that the determination of the matter could be proceeded with expeditiously.
- [13] SDA was supportive of QRTSA's request to have its submissions accepted by the Full Bench for consideration.

Decision

- [14] The Full Bench determined to accept QRTSA's late submissions.
- [15] However, in so doing, the Full Bench advised the parties that had the NRA stated that it would be unfair or unreasonable for it to have to re-do its submissions (encompassing QRTSA's late submissions), then QRTSA's request for an extension of time would not have been granted.
- [16] QRTSA submissions have now been received by the Full Bench and the matter will be determined in due course.
- [17] Order accordingly.