

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Trading (Allowable Hours) Act 1990 - s. 21 - trading hours orders on non-exempt shops

**National Retail Association Limited, Union of Employers
AND The Australian Workers' Union of Employees, Queensland and Queensland Retail Traders
and Shopkeepers Association (Industrial Organization of Employers) (TH/2008/5)**

TRADING HOURS - NON-EXEMPT SHOPS TRADING BY RETAIL - STATE

DEPUTY PRESIDENT BLOOMFIELD
COMMISSIONER FISHER
COMMISSIONER THOMPSON

22 March 2010

SUPPLEMENTARY DECISION

- [1] On 15 July 2009 the Commission issued a Decision (191 QGIG 326) in which it approved, in principle, an application by the National Retail Association Limited, Union of Employers (NRA) to extend the boundary of the Cairns Tourist Area to include Edmonton, on the southern outskirts of that city. The Commission approved the application in principle because only preliminary work had commenced, at that stage, on the construction of the Sugar World Shopping Centre which was to house a new Coles supermarket.
- [2] In the course of its Decision the Commission expressed reservations about "pre-approving" an application to allow seven day trading at the Sugar World Shopping Centre because of the precedent that any such Decision might create. Accordingly, following strong assurances from NRA including provision of an undertaking that it would not lodge applications on a pre-emptive basis in the future the Commission was prepared to make the in principle Decision referred to above.
- [3] The Commission directed NRA to inform it, and to provide supporting documentary evidence, of the proposed opening date for the new Centre. The Commission indicated that upon receipt of this information it would issue a subsequent Decision confirming that the application, insofar as it involved Edmonton, would be granted together with an operative date.
- [4] On 9 March 2010 the NRA wrote to the Commission to inform it that the opening date of the Sugar World Shopping Centre at Edmonton would be Thursday 29 April 2010. NRA also provided an Affidavit from Mr David Stout, State Compliance Manager for Coles in the State of Queensland, in which he attested to the opening date and enclosed material confirming the Centre's opening.
- [5] In the circumstances, and in line with its previously announced "in principle" Decision, the Commission now formally approves NRA's application to extend the border of the Cairns Tourist Area in line with the application. The Commission also determines that the operative date for this amendment will be Thursday, 29 April 2010.
- [6] An Amendment to the Trading Hours Order giving effect to this Decision will be issued at the same time.
- [7] The Commission determines and orders accordingly.

A.L. BLOOMFIELD, Deputy President.
G.K. FISHER, Commissioner.
J.M. THOMPSON, Commissioner.

Appearances:

Mr J. Moore for National Retail Association Limited, Union of Employers.
Ms S. Schinnerl for The Australian Workers' Union of Employees, Queensland.

Hearing Details:

2009 21 March (Inspections)
22 March (Hearing)
25 March (Oral Submissions)

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