

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 Queensland Retail Traders and Shopkeepers Association (Industrial Organization of Employers) and Another (TH/2010/7)**

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

DEPUTY PRESIDENT SWAN  
COMMISSIONER FISHER  
COMMISSIONER THOMPSON

16 February 2011

Application to amend trading hours order - Inspections - Legislation - Agreed work on Sundays to be on voluntary basis - Witnesses - Evidence - Locality - Tourist industry or other industry - Needs of expanding population - Public interest, consumers' interest and business interest - Survey - Methodology - Significant findings - Most respondents support Sunday trading - Likely impact on employment - View of local government not expressed - Views of elected federal representative - Evidence favours grant of the application - Application granted.

DECISION

**INNISFAIL AREA**

[1] On 28 May 2010 the National Retail Association Limited, Union of Employers (NRA) applied to amend the *Trading Hours - Non-Exempt Shops Trading by Retail - State Order* (the Trading Hours Order) pursuant to s. 21 of the *Trading (Allowable Hours) Act 1990* (the Trading Hours Act) seeking as follows:

1. By inserting a new clause (22) in clause 3.2 as follows:

"(22) The Innisfail Area:

	Opening Time	Closing Time
Monday to Friday	8.00 a.m.	9.00 p.m.
Saturday	8.00 a.m.	5.00 p.m.
Sunday	9.00 a.m.	6.00 p.m.
Public Holidays (except 25 December, Good Friday, 25 April, Labour Day,)	8.30 a.m.	5.30 p.m.

2. By inserting a new clause (29) in Schedule 1 as follows:

(29) *The Innisfail Area* - The area within the following boundaries:

Commencing from the point where Taylor Street intersects with the Bruce Highway; from that point along Taylor Street in an easterly direction until it becomes Garradunga Road; from that point along Garradunga Road until it becomes Jubilee Road; from that point along Jubilee Road until it intersects with Flying Fish Point Road; from that point along Reynolds Road until it intersects with Bergin Road; from that point in a straight line in a South Easterly direction to the intersection of River Road and Esplanade; from that point in a straight line in a Southerly direction to the intersection of Louis Road and Rifle Range Road; from that point in a straight line in a Westerly direction to the intersection of Spannagle Road and the Palmerston Highway; from that point along the Palmerston Highway in a Northerly direction to the intersection with the Bruce Highway; from that point along the Bruce Highway in a northerly direction to the point of commencement."

**Legislation**

[2] Section 21 of the Trading Hours Act states:

**"21 Trading hours orders on non-exempt shops**

- (1) A full bench of the industrial commission may decide trading hours for non-exempt shops.

- (1A) However, the full bench is not to decide trading hours that are less than the following hours on a stated day, other than a public holiday -
- (a) 8 a.m. and 9 p.m. for Monday to Friday;
  - (b) 8 a.m. and 5 p.m. for Saturday.
- (2) The full bench may make any order it considers necessary or convenient to give effect to a decision made under subsection (1), including, for example, an order specifying -
- (a) the earliest time when non-exempt shops may open on any day and the latest time when non-exempt shops must close on any day; or
  - (b) hours for trading wholesale different from the hours fixed for trading retail; or
  - (c) different trading hours by reference to -
    - (i) classes of non-exempt shops; or
    - (ii) localities, or parts of localities, where non-exempt shops are situated.
- (3) In subsection (1A) -
- public holiday*** means -
- (a) a public holiday under the *Holidays Act 1983*; or
  - (b) a day that would have been a public holiday had there not been a substitution under the *Holidays Act 1983*, section 2(2) or (3) or 3."

[3] Section 26 of the Trading Hours Act provides as follows:

**"26 Matters relevant to s 21 order**

In relation to making an order under section 21 the industrial commission must have regard to -

- (a) the locality, or part thereof, in which the non-exempt shop or class of non-exempt shop is situated;
- (b) the needs of the tourist industry or other industry in such locality or part;
- (c) the needs of an expanding tourist industry;
- (d) the needs of an expanding population;
- (e) the public interest, consumers' interest, and business interest (whether small, medium or large);
- (f) the alleviation of traffic congestion;
- (g) the likely impact of the order on employment;
- (h) the view of any local government in whose area the order is likely to have an impact;
- (i) such other matters as the industrial commission considers relevant."

**The application**

**Attitude to the Application**

- [4] The Queensland Retail Traders and Shopkeepers Association (Industrial Organization of Employers) (QRTSA) and The Australian Workers' Union of Employees, Queensland (AWU) were given the right to be heard in relation to the application.
- [5] The QRTSA opposed the application and submitted that the examination of the evidence in relation to the factors listed in s. 26(g) of the Trading Hours Act cannot support the amendment sought by the NRA.
- [6] The AWU cross-examined retailers about their attitudes to employees who did not wish to work on Sundays. Undertakings were given by the retailers, including exempt retailers, that work on Sundays would be voluntary for existing employees and no employee would be adversely affected if they refused to work on a Sunday. On the basis of these undertakings the AWU said it was satisfied its members would not be adversely affected by the application were it to be granted. On that basis the AWU consented to the application.

### **Inspections**

[7] The Full Bench conducted a drive-past inspection of the following stores in Innisfail:

SuperCheap Auto;  
 Coles Supermarket;  
 Harvey Norman;  
 Target Country;  
 Brumbys;  
 Gloria Jeans;  
 Supa IGA;  
 Woolworths;  
 Kmart; and  
 Subway.

### **Witnesses**

[8] The NRA called the following witnesses to give evidence:

William Cummings, Principal, Compass Research;  
 Charles Hammersla, National Compliance Manager - Facilities, Kmart;  
 David Stout, State Compliance Manager, Coles;  
 John Teitzel, Manager SuperCheap Auto, Innisfail;  
 Scott Wallace, Regional Retail Support Manager, Woolworths Limited;  
 Gerard Winzenberg, Queensland District Manager, Target Australia Pty Ltd; and  
 Joe Zadelj, Owner, Brumby's Bakery, Innisfail.

The QRTSA called the following witness:

Robert Katter MP, Federal Parliament Member of the seat of Kennedy.  
 (Note: Mr Katter MP was not required for cross-examination).

### **Evidence**

#### ***(a) locality***

- [9] Mr Cummings gave unchallenged evidence about the locality to which the application relates. He said that Innisfail is the largest urban centre in the Cassowary Coast Regional Council area, situated 88 kilometres south of Cairns and 260 kilometres north of Townsville. Innisfail is a service centre for the area between Cairns and Townsville.
- [10] Mr Cummings also stated that Innisfail has a strong economic base derived from the sugar industry with bulk loading facilities located at Mourilyan harbour. Reference was also made to the burgeoning aquaculture industry, the developing tourism sector and to backpackers regularly stopping at Innisfail to perform fruit picking work. He also noted the significance of the banana industry and said that Innisfail is the largest producer of bananas in Australia.
- [11] Mr Katter said that Innisfail is one of the largest cities in his federal electorate of Kennedy and he has had close affinity and connection with the Innisfail community over his 35 years in politics. With his main electorate office located in the Innisfail CBD Mr Katter said this offered him an even closer understanding of the town's economic, social and environmental needs and wants.
- [12] Mr Katter in referring to Innisfail as a large agricultural town, highlighted the significance of the sugar and banana industries. He said that the Innisfail and Tully regions supply Australia with approximately 95% of its bananas. In addition, the region's cane farmers supply three sugar mills. He said it is estimated that the local banana and sugar industries inject about \$500M per year into the local economy.
- [13] In submissions, the NRA referred to the evidence showing the significant amount of seven day trading which currently exists in the town - SuperCheap Auto, Harvey Norman, pharmacists and Brumby's Bakery - in close proximity to the non-exempt stores. The NRA contended that from this it could be concluded that a seven day trade culture already exists in the town.
- [14] The QRTSA submitted that the NRA failed to adduce any evidence to suggest the nature of the locality supports the granting of the application. Rather, the QRTSA said that the overwhelming evidence was that this locality is one which seeks to retain its unique characteristics unencumbered by the shift to seven day trading.

***(b) the needs of the tourist industry or other industry******(c) the needs of an expanding tourist industry***

- [15] Mr Katter said that Innisfail tourism relies on its uniqueness with its art-deco buildings, laid back CBD/café strip and nearby river frontage. He noted that many backpackers live in the town and work in the local banana industry.
- [16] Mr Cummings noted the popularity of Innisfail for fruit pickers and more generally, the growth in popularity of Tropical North Queensland for international backpackers.
- [17] He acknowledged the limited tourism data available for Innisfail specifically but referred to tourism data from Tourism Research Australia in 2007 relating to the Johnstone Shire of which Innisfail was a part at that time.
- [18] The NRA conceded that Innisfail is not a peak tourism destination, however, it attracts significant drive-through traffic between Cairns and Townsville and this occurs seven days a week.
- [19] The QRTSA submitted that only limited evidence in relation to tourism was presented and said that the region is largely agricultural in nature with cane and banana farming being the particularly significant industries.
- [20] Although reference was made to the evidence of Mr Katter MP about the township's uniqueness the QRTSA pointed to his concern that seven day trading would result in reduced trade and foot traffic in the CBD with a marked effect on a number of businesses. Having regard to this evidence the QRTSA submitted that seven day trading would inadvertently have the effect of undermining the characteristics of the town and thus reduce its appeal to tourists thereby negatively impacting on the health and growth of the tourist industry.

***(d) the needs of an expanding population***

- [21] Mr Cummings supplied data from the Queensland Office of Economic and Statistical Research which estimates the Innisfail population at 30 June 2009 as being 8,837 people with 30,992 residents in the Cassowary Coast Regional Council area. Census data from 2006 showed that the population in the Innisfail Urban Centre/Locality was 8,262. Based on the two sets of data Mr Cummings calculated that the population had increased by 2.3% in Innisfail from 2006 to 2009. However, he conceded in cross-examination that this rate of growth was less than the Queensland State average of 2.6% (also using the same sets of data).
- [22] The NRA also acknowledged in submissions that Innisfail is not a major growth area, however, contended it was experiencing a gradual increase in population.
- [23] In its submissions the QRTSA said that based on Mr Cummings' concessions made in cross-examination that the population growth is "lethargic" and hence there was no compelling evidence in relation to this factor that supported the grant of the application. Moreover, the NRA had failed to adduce evidence that the needs of the current and future populations cannot be met by the existing trading hours.

***(e) the public interest, consumer' interest, and business interest (whether small, medium or large)******Public interest***

- [24] Under this heading the NRA referred to the survey conducted by Mr Cummings' firm. This will be addressed in more detail under the heading of "*consumers' interest*". The NRA did not consider that the evidence of Mr Katter MP should be considered under this factor.
- [25] The QRTSA referred to the evidence of Mr Zadelj where he conceded that he had no evidence to support his contention that seven day trading would improve the retail offer and convenience for residents and visitors. Further, Mr Wallace conceded he had no evidence to suggest the current trading hours regime negatively affected the community through inconvenience and cost through lost employment. This was in contrast to the evidence of Mr Katter who expressed concern about the impact of seven day trading on independent retailers and showed the broader public interest would be negatively affected. However, Mr Wallace said that Woolworths would not change their contributions to the local community if the application was not granted.

***Consumers' interest***

- [26] Evidence in respect of consumers' interest was given by Mr Cummings, the Principal of Compass Research. That organisation was commissioned by the NRA to undertake a survey among Innisfail district residents regarding Sunday trading. Mr Cummings acknowledged in cross-examination that the NRA had developed the questionnaire but rejected the proposition that the NRA had a vested interest in the outcome. He said that the two critical questions asked whether the respondents agreed or disagreed with the idea that it was unfair that

people in Innisfail do not have the same choice and whether they would like retailers in Innisfail to be open on Sundays. Mr Cummings said that based on his experience, a different result would not have ensued if questions about the respondents' attitudes were asked in a different way.

- [27] A copy of the research report, including the survey instrument, was attached to Mr Cummings' Witness Statement.
- [28] The methodology employed was by telephone of a random sample of households in the Innisfail area (but not the Babinda or the Mission Beach areas) structured to approximately reflect the age and gender patterns of the population of the Innisfail district residents as indicated by the Australian Bureau of Statistics. Three hundred telephone surveys were conducted in August 2010 by people regularly engaged by Compass Research for this purpose.
- [29] The significant findings were:
- 52.3% of respondents either strongly agreed or agreed with the proposition that it was unfair that people in Innisfail do not have the same choice compared to 29.6% who disagreed or strongly disagreed;
  - 56.3% of the respondents would like retailers to open in Innisfail on Sundays compared to 30.7% would not and 11.3% who did not care one way or another;
  - 80% of the 18-24 age group preferred the shops to be able to open on Sundays whereas only 39% of the over 65 age group did;
  - 57% of one adult households preferred the shops to be able to open on Sundays with higher percentages coming from those households which had children (62% - one adult with children under 18 years and 69% of households with two adults with children under 18 years);
  - 111 respondents mentioned convenience as one of the top three reasons why they would like shops open on Sundays; and
  - most respondents said that Sunday trading would not impact on their lifestyle.
- [30] The QRTSA did not address the survey undertaken by Mr Cummings in their submissions. Rather, reliance was placed on the concessions made by various NRA witnesses that they had no evidence to support their assertions about seven day trading enhancing customer convenience by easing congestion, minimizing travel to stores with seven day trade and assisting working families. In addition the evidence of Mr Katter attested to the negative impact on consumers that seven day trading would bring through the reduction in competition.

*Business interest*

- [31] Evidence in this matter was heard from representatives of four non-exempt retailers and two exempt retailers. At the hearing in Innisfail the QRTSA sought leave of the Commission to call a witness from an independent store.
- [32] The QRTSA said that the proposed witness had only made himself known to the organisation after the date for filing of witness statements had passed. Although the statement had been filed about one month after the date specified in the Directions Order, the QRTSA submitted that the NRA would not be disadvantaged by the late filing as it still had time to file statements in reply prior to the commencement of the hearing.
- [33] The NRA sought that the Commission exercise its discretion not to accept the statement in view of the lateness of filing. In response to a question from the Commission the NRA acknowledged that there was nothing in the statement which could not be addressed through the witnesses for the NRA and said there was little of probative value contained in it.
- [34] After considering the positions of the parties the Commission determined not to permit the evidence of the proposed witness. The primary consideration was the length of the delay and, when taken with the fact that the QRTSA had not sought the NRA's attitude to the issue, the Commission determined that the prospect of disadvantage to the NRA outweighed any benefit of hearing the evidence.
- [35] As a consequence of the decision the only business interests from which evidence has been heard are the NRA witnesses. It is acknowledged that the witness statement of Mr Katter addressed arguments of competition between the non-exempt retailers, Woolworths and Coles, on the one hand and the independent retailers including IGA on the other. Mr Katter expressed concern that the grant of the application would allow the non-exempt stores to increase their market share at the expense of local and independent stores and would contribute to the loss of sales for those smaller businesses which stock items carried by Woolworths and Coles e.g. flowers, bakery items, hardware and newspapers/magazines.
- [36] The QRTSA relied on this evidence to submit that the negative impact of the application on the businesses within the Innisfail region should be given full weight and demonstrates the need for the application to be refused to protect the broader business interests of the region.

- [37] Mr Katter also stated that to allow Woolworths and Coles to trade in Innisfail on Sunday would take away a significant percentage of the trade for the central business district. He believed customers would not pass through the CBD but restrict their activities to these shops and their car parks.
- [38] Unlike other recent trading hours cases evidence was not adduced from a representative of the Innisfail Supa IGA store which trades seven days per week.

*Large business*

- [39] Without detailing the specific testimony of the representatives from the non-exempt retailers, their evidence can be summarized as follows:
- the vast majority of the stores operated by non-exempt retailers throughout Australia operate seven days per week and trade well on Sundays;
  - customers in Innisfail should be able to be serviced by the non-exempt stores as in many other regional areas of Australia and have access to a good range of products at national prices over seven days of the week;
  - the capital investment in stores in regional areas of Queensland should be able to be utilised over seven days of the week as it is elsewhere;
  - non-exempt stores donate money to local charities and community groups as well as national charities;
  - customer service and stock replenishment pressures are felt in the latter end of the week. Sunday trading helps to alleviate this pressure by distributing some of these sales to Sunday as well as providing incremental sales growth;
  - Sunday trading has proved popular where it has been introduced elsewhere in Queensland and the non-exempt retailers anticipate a similar percentage of weekly sales would occur in Innisfail;
  - non-exempt supermarkets would experience other operational efficiencies in the areas of energy usage (refrigeration and airconditioning) and reduced wastage of fresh product; and
  - Target and Kmart sell similar products to other large stores such as Harvey Norman and SuperCheap Auto which are permitted to trade on Sundays.
- [40] Mr Winzenberg also noted that Target experiences a lot of leakage of customers from Innisfail to Cairns on a Sunday.

*Small business*

- [41] The NRA submitted that there was no evidence led from small business in opposition to the application. Rather, the evidence from small business in this case showed support for the application. In this regard the NRA referred to the evidence of Mr Zadelj, the owner of Brumby's Bakery. Although Mr Zadelj's store presently trades on Sunday from 6.00 a.m. to 2.00 p.m., Mr Zadelj believes that the introduction of Sunday trading for non-exempt stores would benefit his business commercially and would improve the retail offer and convenience to both residents and visitors. Mr Zadelj admitted in cross-examination that he had no verifiable data to support his contentions.
- [42] In answer to questions posed by the Commission Mr Zadelj said that his store is located next to an entrance of an arcade in which the IGA store is situated. However, because the IGA is located near another entrance he does not receive much passing traffic. It was his view that were the non-exempt stores allowed to open then other smaller stores in the city centre would also open thus encouraging shopping.

***(f) the alleviation of traffic congestion***

- [43] The NRA submitted that traffic congestion was not a major factor to be considered. However, the evidence of Mr Stout was that congestion occurs in Coles between 10.00 a.m. and 12.30 p.m. on Saturdays. This congestion would be reduced on Saturdays were Sunday trade to be introduced.
- [44] The QRTSA submitted that this criteria does not provide any support for the granting of the application.

***(g) the likely impact of the order on employment***

- [45] Evidence on this factor was given by the retailer witnesses called by the NRA. In summary, based on the retailers' previous experience with their other stores which have converted from six to seven day trading the evidence about estimated additional hours of employment was as follows:
- Coles - 150 hours of additional employment per week;
  - Kmart - 5,000 hours of additional employment per year;
  - Woolworths - 180 hours of additional employment per week; and
  - Target Country - 20 hours of additional employment per week/1040 hours of additional employment per year.

- [46] All of the witnesses conceded that the above figures were estimates, however, all have long experience in the retail sector and drew on their experiences from other Queensland towns where seven day trade has been introduced to make their estimations.
- [47] Mr Wallace also noted that granting of the application would also result in increased employment in the contract service areas of cleaning and trolley collection.
- [48] All of the witnesses for the above retailers confirmed that if the application was granted work on Sundays would be voluntary for existing employees. In cross-examination all stated that no employee would be adversely affected should they refuse to work on a Sunday.
- [49] The stores operated by Mr Teitzel and Mr Zadelj already trade on Sundays. Nonetheless in cross-examination they confirmed that work for their employees on Sundays would be voluntary.
- [50] The QRTSA relied on the evidence of Mr Katter that jobs would be lost in the region if the application succeeded.

***(h) the view of any local government***

- [51] The NRA advised that although the Cassowary Coast Regional Council had been served with a copy of the application the Council had not expressed a view on the matter.
- [52] The QRTSA submitted that the absence of a view being expressed by the relevant local government heightened the significance of Mr Katter's evidence in opposition given his position of elected federal representative of the local community.

***(i) such other matters as the industrial commission considers***

- [53] The NRA submitted that as the evidence of Mr Katter raised matters of competition not trading hours and his contentions were not supported by evidence, it should be disregarded. This submission was made in general and with particular reference to Mr Katter's evidence concerning the tourist industry, population, the public interest, consumer interest and business interest and employment. In respect of those specifically mentioned factors the NRA noted that the evidence of Mr Katter was personal opinion and was also unsupported by any data, or research. Further, his position as federal representative did not elevate his views beyond personal opinion.

**Conclusion**

- [54] In considering the above factors we have reached the conclusion that the application should be granted for the following reasons. We accept the evidence of Mr Katter and Mr Cummings that Innisfail is an important regional centre for agriculture, especially for the sugar and banana industries. These are seven day a week industries and we consider that those who work in them, including backpackers who arrive for the fruit picking season, would benefit from having access to non-exempt stores on Sundays and public holidays. In our view the locality of Innisfail is a factor which weighs in support of the application.
- [55] Although we accept that tourism is important to Innisfail there is limited data which is specific to Innisfail. In our view because the data are not Innisfail specific and include other locations which would be more attractive to tourists we do not consider that it has much relevance to the determination of the application. As such we do not consider that the needs of the tourist industry or expanding tourist industry are factors in support of the grant of the application.
- [56] The evidence is that Innisfail is not experiencing rapid population growth or at a rate comparable to the rest of Queensland. However, the Act only requires us to consider the needs of an expanding population, not the rate at which the population is growing. In this light the statistics provided by Mr Cummings show the population is expanding in the Innisfail area. Accordingly, this factor is supportive of the application.
- [57] In relation to consumer interest we have considered the evidence of Mr Cummings and particularly the telephone survey of 300 households in the Innisfail area. We consistently note in trading hours decisions the limitations of any survey, however conducted. That comment is not an adverse reflection on the professionalism or skill of the person or organisation administering the survey but is a general statement about the nature of surveys, whether conducted by telephone, in person or by other means.
- [58] Taking the survey results on their face we note the finding of greater support for the introduction of seven day trading than opposition. In particular, the support from young people and families and the high number of respondents who indicated that convenience was the reason for their support shows that seven day trading is

likely to be utilised if introduced. In our view, based on the survey results, the factor of consumers' interest favours the grant of the application.

- [59] The evidence of the witnesses from non-exempt stores all supported the granting of the application. Although Mr Katter expressed concern that the granting of the application would result in the trade from the CBD being reduced we note though that this view does not take into account Target Country which is located in the CBD. Clearly, those who shopped at this store, were it allowed to open, would bring some business into the CBD.
- [60] Only evidence in support of the application was drawn from retailers with stores in Innisfail. The local stores are exempt stores which presently trade on Sundays. Their view, which we consider has some merit, is that allowing non-exempt stores to trade on Sundays will stimulate the retail sector generally in the town and add vibrancy to it. The evidence of the witnesses from the non-exempt stores is that operational efficiencies result from seven day trading leading to a better offer and greater convenience for customers.
- [61] In our view the absence of direct evidence from independent retailers has not assisted the case put by the QRTSA. An inference to be drawn from the lack of interest by small retailers is that they are not concerned about the issue of trading hours. Thus, the absence of opposition from retailers in Innisfail has meant that the factor of business interest is found to be one of support for the application.
- [62] The factor of traffic congestion is not relevant to our determination.
- [63] It is clear from the evidence drawn from the representatives of the non-exempt retailers that the application, if granted, will impact positively on employment in the town. This view is supported by the AWU.
- [64] No view has been expressed by the relevant local government in this case.
- [65] We have considered Mr Katter's views in relation to various hearings identified above, and in doing so, adopt the views expressed by the Full Bench in *Trading Hours - Non-Exempt Shops trading by Retail - State (City of Toowoomba Area)*<sup>1</sup> when considering evidence given by two local Members of Parliament in a like hearing. In essence, that Full Bench acknowledged that due consideration should be given to the level of local knowledge acquired by these Parliamentarians in the course of performing their duties in representing their constituents.
- [66] Having weighed and balanced the evidence and submissions concerning the s. 26 factors we have concluded that the evidence favours the grant of the application. In the particular circumstances of this case, the absence of any evidence from small traders going to any detriment likely to be suffered were the application to be granted, the evidence concerning the employment effects of the introduction of seven day trade and consumer support are the factors which outweigh the other relevant factors.
- [67] In making this decision the Commission has relied on the evidence and submissions made during the hearing of the application and has taken into account the submissions made in *Trading Hours - Non-Exempt Shops Trading by Retail - State (Natural Disasters)*.<sup>2</sup>
- [68] The operative date for the amendment to the Trading Hours Order is 27 March 2011. The NRA is to draft the necessary amendment and file it in the Registry within 14 days of the date of release of this decision.
- [69] Order accordingly.

D.A. SWAN, Deputy President.

G.K. FISHER, Commissioner.

J.M. THOMPSON, Commissioner.

*Hearing Details:*

2010 18 and 22 June  
19 and 20 October

*Submissions received:*

2010 26 November - QRTSA  
3 December - NRA in reply

Released: 16 February 2011

*Appearances:*

Mr J. Moore, National Retail Association Limited, Union of Employers.  
Mr N. Rieck, Neumann and Turnour Lawyers on behalf of the Queensland Retail Traders and Shopkeepers Association (Industrial Organization of Employers).  
Mr C. Donati, The Australian Workers' Union of Employees, Queensland.

<sup>1</sup> *Trading Hours - Non-Exempt Shops trading by Retail - State (TH/2009/4) - Decision* <<http://www.qirc.qld.gov.au>>.

<sup>2</sup> *Trading Hours - Non-Exempt Shops Trading by Retail - State (B/2010/27 and Others) - Decision* <<http://www.qirc.qld.gov.au>>.