

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: National Retail Association Limited, Union of Employers (No 2) [2014] QIRC 160*

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

CASE NO: TH/2012/7

PROCEEDING: Application to amend Trading Hours Order  
(Toowong Retail Precinct)

DELIVERED ON: 14 October 2014

HEARING DATES: 5 and 6 May 2014  
30 May 2014 (Applicant's submissions)  
12 June 2014 (submissions of the Queensland Retail Trade and Shopkeepers Association, Industrial Organization of Employers)

MEMBERS: Industrial Commissioner Fisher  
Industrial Commissioner Knight  
Industrial Commissioner Neate

ORDERS :  

- 1. The Trading Hours - Non-Exempt Shops Trading by Retail - State order is amended to include reference to the Toowong Retail Precinct**
- 2. The NRA is to provide the Commission with a draft amendment to the Order to give effect to this decision and the decision of the Commission on 7 October 2014 by 4.00 pm on 21 October 2014.**

CATCHWORDS: INDUSTRIAL LAW - TRADING HOURS ORDER  
- Application to create a Toowong Retail Precinct -  
Application granted

CASES: *Trading (Allowable Hours) Act 1990 (Qld)*  
*National Retail Association Limited, Union of Employers [2014] QIRC 157*

APPEARANCES: Ms A. Lamb, for the National Retail Association Limited, Union of Employers, the Applicant  
Mr T. Martin, for the Shop Distributive and Allied Employees' Association (Union of Employees)  
Mr C. Dorber, for the Queensland Retail Traders and Shopkeepers Association, Industrial Organization of

## Employers

### Decision

- [1] The National Retail Association Limited, Union of Employers ("NRA") applied to the Queensland Industrial Relations Commission ("Commission") for an order to amend the *Trading Hours - Non-Exempt Shops Trading by Retail - State* ("the Order") under s 21 of the *Trading (Allowable Hours) Act 1990* (Qld) ("the Act").
- [2] The application sought the amendment to the Order to allow:
- (a) for a Toowong Retail Precinct; and
  - (b) non-exempt retailers located within the proposed boundary of the Toowong Retail Precinct to trade from 7.00 am on Monday to Saturday each week, and to trade up to 7.00 pm on Saturdays.

There was no application to change the trading hours on Sundays or specified public holidays.

- [3] The geographic extent of the proposed Toowong Retail Precinct is shown on maps tendered in evidence (Exhibit 2 and Exhibit 10, Attachment 2). The boundary runs from the intersection of Jephson Street and Lissner Street eastward along Lissner Street, and across to the intersection of Archer Street and Coronation Drive, then in a generally southerly direction to the intersection with High Street, then along High Street to the intersection of Jephson Street then northward along Jephson Street to the intersection with Lissner Street. Within that boundary are the Toowong Village Shopping Centre (in which a Coles supermarket is located), a Woolworths supermarket and other smaller retail outlets.
- [4] For the reasons published on 7 October 2014,<sup>1</sup> the Full Bench ordered that:
- (a) The application is granted in part.
  - (b) The *Trading Hours - Non-Exempt Shops Trading by Retail - State* order is amended to allow non-exempt retailers within the boundary of the Toowong Retail Precinct to trade until 7.00 pm on Saturdays.
  - (c) The operative date for the amendment is 3 November 2014.
- [5] Although it is apparent from the reasons for decision and implicit in the orders that the Full Bench agreed to amend the Order to allow for the creation of the proposed Toowong Retail Precinct, no formal order in that respect was made.
- [6] For the avoidance of doubt, the Full Bench orders that the Order be amended to provide for the creation of the Toowong Retail Precinct to comprise the area described in [3].

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<sup>1</sup> *National Retail Association Limited, Union of Employers* [2014] QIRC 157.

## **Conclusion**

- [7] For the reasons given above, the *Trading Hours - Non-Exempt Shops Trading by Retail - State* order is amended to include reference to the Toowong Retail Precinct comprising the area within the boundary running from the intersection of Jephson Street and Lissner Street eastward along Lissner Street and across to the intersection of Archer Street and Coronation Drive, then in a generally southern direction to the intersection with High Street, then along High Street to the intersection of Jephson Street then northward along Jephson Street to the intersection with Lissner Street.
- [8] The NRA is directed to provide the Commission by 4.00 pm on 21 October 2014 with a draft amendment to the Order to give effect to this decision and the decision dated 7 October 2014.