




Government
of South Australia

TRS20D2009
TRS20D2020

Hon Emily Bourke MLC
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treasurer.dtf@sa.gov.au

emily.bourke@parliament.sa.gov.au


Dear Ms Bourke

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your applications made under the *Freedom of Information Act 1991* (the Act), dated 17 June 2020.

Your applications seek access to:

"Copies of any and all documents (including but not limited to electronic briefings, minutes, reports, emails, letters, meeting agendas, diary entries and any other correspondence) between the Treasurer and or the Treasurer's Office and the Minister for Health and Wellbeing and or the Minister for Health and Wellbeing's Office and or SA Health recommending that trading hours be deregulated across the state during the COVID-19 pandemic, from 10 March 2020 to 16 June 2020."

"Copies of any and all documents (including but not limited to electronic briefings, minutes, reports, emails, letters, meeting agendas, diary entries and any other correspondence) between the Treasurer and or the Treasurer's Office and the Minister for Health and Wellbeing and or the Minister for Wellbeing's Office and or the Department of Health regarding the deregulation of trading hours across the state during the COVID-19 pandemic, from 10 March 2020 to 16 June 2020."

The legislative prescribed timeframe to determine this application has expired and is now deemed to have refused you access to all documents relevant to your application. However, I have determined to process the request as if the statutory timeframe had been met.

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 3 documents were identified as answering the terms of both applications.

I grant you access in full to 2 documents; copies of which are enclosed.
I grant you access in part to 1 document; a copy of which is enclosed.

Released in Full

Document 2 and 3.

Released in Part

Document 1.

Document 1 is correspondence between the Treasurer's Office and Minister Wade's Office, personal identifying information has been redacted pursuant to clause 6(1) of the Act.

Exemptions

Clause 6 – Documents affecting personal affairs

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), the Department of Treasury and Finance is now required to publish a log of all non-personal information released under the Act.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit the website for further information.

As I am determining this application as Principal Officer, section 29(6) of the Act does not provide for an internal review. If you are dissatisfied with my determination you are entitled to exercise your rights of external review with the Ombudsman.

Alternatively, you can apply to the South Australian Civil and Administrative Tribunal. If you wish to seek a review, section 39(3) of the Act states you must do so within 30 calendar days of receiving the determination.

If you require any further information, please contact Vicky Cathro on (08) 8226 9769.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

6 August 2020

RELEASE IN PART

Marciano, Nino (DTF)

From: Westenberg, Greg (Health)
Sent: Monday, 15 June 2020 10:30 AM
To: Marciano, Nino (DTF)
Subject: RE: Shop Trading Hours Exemption

Hi Nino,

Thanks for the email. I have discussed this with Chris Lease, Deputy Chief Public Health Officer, and he has indicated the public health advice remains supportive of any measures which can assist in physical distancing, including the continued exemption from restrictions to shop trading hours.

Cheers,

Greg

Greg Westenberg
Chief of Staff
Office of the Hon Stephen Wade MLC
Minister for Health and Wellbeing

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From: Marciano, Nino (DTF)
Sent: Thursday, 11 June 2020 1:47 PM
To: Westenberg, Greg (Health)
Cc: Robertson, Julian (DTF)
Subject: Shop Trading Hours Exemption

Hi Greg,

The current 30-day exemption to shop trading hours restrictions is due to expire after 18 June 2020. I'm writing to seek advice from the Chief Public Health Officer regarding a proposed 30-day extension to deregulated shopping hours to assist with social distancing, commencing from 19 June 2020.

A response via email, as per below, will be sufficient.

Thanks & kind regards,

Nino Marciano

Ministerial Adviser
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Government of South Australia
Department of Treasury
and Finance

From: Robertson, Julian (DTF) <Julian.Robertson@sa.gov.au>
Sent: Thursday, 11 June 2020 1:14 PM
To: Marciano, Nino (DTF) <Nino.Marciano@sa.gov.au>
Subject: FW: shopping hours

From: Westenberg, Greg (Health)
Sent: Thursday, 7 May 2020 3:40 PM
To: Robertson, Julian (DTF) <Julian.Robertson@sa.gov.au>
Subject: RE: shopping hours

Hi Julian,

Thanks for the email.

I have sought the advice of public health, and have been advised by Chris Lease, Deputy Chief Public Health Officer, that public health continues to support measures that encourage social distancing, including the further extension of extended trading hours.

Cheers,

Greg

Greg Westenberg
A/ Chief of Staff
Office of the Hon Stephen Wade MLC
Minister for Health and Wellbeing

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From: Robertson, Julian (DTF)
Sent: Thursday, 7 May 2020 9:19 AM
To: Westenberg, Greg (Health)
Subject: shopping hours

Hi Greg

We have been contacted by both coles and woolworths regarding shopping hours. The current easing of hours is due to expire on May 18. Both coles and woollies have indicated they are moving back to more normal hours during the week and that they are seeing early trends of shopping moving back to weekends. With increased numbers of shoppers doing their shop on the weekend they are concerned with social distancing and are seeking to trade extended hours, particularly on Sunday so that they can smooth out numbers of customers within store. Can you please seek CMO advice so that we may consider whether or not to grant further trading hours for a further 30 days from May 18.

Regards
Julian Robertson

RELEASE

19 March 2020 – SA Health Presser – Dr Nicola Spurrier

Journalist: Do you support the deregulation of shopping hours for social distancing purposes?

Dr Nicola Spurrier: From a clinical and a public health perspective, this means that when you go to the shop, because it's open for longer, you're less likely to be in a crowded space and this is certainly very good from a public health perspective in terms of that social distancing message.

19 March 2020 – Premier / Minister for Health and Wellbeing / Deputy Chief Public Health Officer, Dr Michael Cusack

Press Conference extracts:

...

Journalist: Premier, on shop trading, can you explain how this decision to extend shop trading hours will help the situation and not, in fact, make it worse?

Premier: Well, the logic is you spread the hours, you spread the people and then you reduce the risk, it's as simple as that. You know this is a decision which has been made not because of ideology or because of politics, it's just a practical decision to reduce the risk of the spread of the coronavirus. We've seen some pretty unsavoury images in recent days within our supermarkets, it's putting a lot of retail workers on the front line under extraordinary pressure and stress. We want to relieve that pressure and stress, spread the hours which stores can open. We're not saying that stores have to be open, but we want to give them a broader number of hours to spread their work, spread the people, reduce the risk.

Journalist: There's been a suggestion that this is part of getting a longstanding policy in, what do you say to that?

Premier: Look, I can't be clearer on this. This has got nothing to do with politics or ideology. This is a practical solution at an extraordinary time. To suggest otherwise is just ludicrous. The reality is that this is 30 days and it's in response to what we've seen in our supermarkets in recent days. I'm not going to be sitting idly while we have these extreme situations in our supermarkets. This is something which is strongly supported by the public health officials in South Australia. We will do anything we can to spread the number of people going into the stores so that we can reduce the risk of the spread of the coronavirus. I can't be any clearer - our number one goal at the moment is to bring down that peak and push it out as far as possible and the more work we do with policies like this, the more protected that we're going to be. And I've hear it all before from people who want to suggest that this is political, that this is ideological – it is 30 days in an extreme situation and it will not be changing.

Journalist: What about suggestions that it will actually make it harder to restock shelves though?

Premier: Simultaneously with the announcement that was made, we have eased the regulations around traffic in and out of stores. There were some very heavy regulations. You can imagine those regulations

when you've got big trucks going in and out often residential areas, we have also relaxed all of those regulations during this period. We are going to do everything we can to spread the hours, give the stores the opportunity to restock and to move back to more normal purchasing. I can't be clearer - we do not have a problem with food supply in Australia and we certainly don't have a problem with food supply here in South Australia. In fact, we're so well-served by our food producers - I've met with them early this week - there are no structural supply chain problems, there are some immediate demand/supply imbalances - they'll certainly get on top of those.

...

Premier: ...we all need to work together to make sure that we can slow the spread of this disease, and part of that, is strictly following the restrictions that have been put in place, especially around social distancing, and that's one of the reasons why we've extended our shop trading hours. If you spread the hours, you spread the people, you spread the risk.

Journalist: Can I just quickly ask Dr Cusack about that issue? Is there a, from a health perspective, is that one of the aims around the increased shop trading hours that we've seen, the change we've been talking about?

Dr Cusack: I think the increase in shop trading hours is certainly consistent with social distancing that we've been talking about. The Premier said, if we have a certain number of people in a shop on any given day, they've got a wider range of hours that they can get through into the shop, then it would be common sense that we would see less sort of footfall in any given hour and there will be less people sort of congregating at certain pinch points in shops.

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