



**Government  
of South Australia**

TRS20D2011

Hon Emily Bourke MLC  
Parliament House  
North Terrace  
ADELAIDE SA 5000

**Treasurer**  
Level 8  
State Administration Centre  
200 Victoria Square  
Adelaide SA 5000  
GPO Box 2264  
Adelaide SA 5001  
DX 56203 Victoria Square  
Tel 08 8226 1866  
treasurer.dtf@sa.gov.au

[emily.bourke@parliament.sa.gov.au](mailto:emily.bourke@parliament.sa.gov.au)

  
Dear Ms Bourke

**APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991***

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

Your application seeks access to:

*"Copies of any and all communications (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 employee and or employer groups 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 6 documents were identified as answering the terms of your application.

I grant you access in full to 2 documents; copies of which are enclosed.  
I grant you access in part to 4 documents, copies of which are enclosed.

**Released in Full**

Document 5 and 6.

**Released in Part**

Document 1, 2, 3 and 4.

Documents 1 and 2 are correspondence from Coles Group Limited, personal identifying information has been redacted pursuant to clause 6(1) of the Act.

Documents 3 and 4 are correspondence from the general public, 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





## **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 its 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.

...



**RELEASE IN PART**





6 May 2020

The Honourable Rob Lucas MP  
Treasurer of South Australia  
GPO Box 2264,  
ADELAIDE SA 5001

Via email: [ltreasurer.dtf@sa.gov.au](mailto:ltreasurer.dtf@sa.gov.au)

Dear Treasurer,

#### **RETAIL TRADING HOURS DURING THE COVID-19 PANDEMIC**

Coles is extremely appreciative of the South Australian Government's approval to allow for extended retail trading for our stores in response to the COVID-19 pandemic.

It is noted that the approval to permit optional 24-hour weekday trade as well as extended hours on Saturdays from 2am to 9pm and Sundays from 9am-9pm currently expires on 19<sup>th</sup> May 2020.

As the impact of the COVID-19 pandemic on the community has evolved over the past weeks, so have the demands of our customers and the operational and safety requirements for our stores and team members.

The imposition of social distancing measures in our stores has included the need for Coles to monitor customer numbers and in some cases has required customers to wait before entering our supermarkets. The additional trading hours provided for under the Government's approval have enabled stores to manage our customer numbers over a greater time period and, especially on the weekends, has meant that customer queuing in peak times has been minimised.

It has also become apparent that with many parents and carers now busy home schooling their children, in addition to the many people working from home, these additional trading hours over the weekend have been invaluable to maintaining safe customer numbers, as well as helping to make the lives of our customers easier at this time.

In order to continue to provide this option to our South Australian customers, we respectfully request the Government consider continuing the extended hours on Saturdays and Sundays for a further four weeks from 19<sup>th</sup> May so that all our customers can continue to access the groceries they need in a safe and convenient way as the COVID-19 pandemic continues.

If you require any further information in relation to this request, please do not hesitate to contact [REDACTED]

Yours sincerely

A handwritten signature in black ink, consisting of a series of loops and a final flourish.

[REDACTED]  
General Manager, Corporate Affairs.

**DTF:Treasurer**

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**From:** [REDACTED]  
**Sent:** Wednesday, 6 May 2020 9:33 AM  
**To:** DTF:Treasurer  
**Cc:** [REDACTED]  
**Subject:** Retail Trading Hours During Covid-19 Pandemic  
**Attachments:** 060520 Ltr to SA Treasurer.pdf

Dear Sir/Madam

Please find attached correspondence regarding continuing to extend trading hours during Covid-19 pandemic.

Kind regards

[REDACTED]  
General Manager | Corporate Affairs

L2 M4 800 Toorak Road Hawthorn East Victoria 3123 Australia

T [REDACTED] | M [REDACTED] | E [REDACTED]

**coles** | Good things are happening

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10 June 2020

Hon Rob Lucas MP  
Treasurer of South Australia  
GPO Box 2264  
ADELAIDE SA 5001

Via email [treasurer.dtf@sa.gov.au](mailto:treasurer.dtf@sa.gov.au)

Dear Treasurer,

Coles is extremely appreciative of the assistance provided by the South Australian Government in regard to extended retail trading hours in response to the COVID-19 pandemic.

We are pleased to report that the extended hours granted by your Government for the Queen's Birthday public holiday were extremely well received by our customers across all our stores. The extended time over the long weekend also allowed Coles to provide more time for customers to access groceries safely and conveniently.

As the impact of the COVID-19 pandemic on the community has evolved, so have the demands of our customers and the operational and safety requirements for our stores and team members.

The imposition of social distancing measures in our stores has included the need for Coles to monitor customer numbers and in some cases has required customers to wait before entering our supermarkets. It has also become apparent that with many people working from home during the week, accessing a supermarket over the weekend has become a more sought after option for many customers. The extended trading hours have been crucial to our ability to manage these issues.

It is noted that the current exemption that extends 24-hour weekday trading and additional weekend trading hours is due to expire on Thursday 18 June. In order to spread out this demand over Saturdays and Sundays and to ensure that social distancing is maintained, Coles would respectfully request the Government consider a further extension of this exemption for another month. This would assist in ensuring our customers are able to safely purchase the food and groceries they require over the weekend and be able to shop in a safe and convenient way as the COVID-19 pandemic continues.

Thank you again for your assistance and consideration and we look forward to hearing from you.

Yours sincerely,

[Redacted Signature]  
State General Manager SA

**DTF:Treasurer**

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**From:** [REDACTED]  
**Sent:** Thursday, 11 June 2020 7:06 AM  
**To:** DTF:Treasurer  
**Cc:** Robertson, Julian (DTF); [REDACTED]  
**Subject:** State trading hours  
**Attachments:** 090620 Ltr to SA Treasurer.pdf

To the Treasurer's office :

Please find attached a letter providing feedback on the recent June Public Holiday trading as well as a request for a further extension to the deregulated trading hours for South Australia.

I look forward to hearing from you.

Kind Regards,

[REDACTED]  
State General Manager SA/NT | Supermarket Operations

20B/40 Cheltenham Parade, St Clair SA 5011

M [REDACTED] | E [REDACTED]

**coles** | Good things. Great value.

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**Fletcher, Toni (DTF)**

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**From:** [REDACTED]  
**Sent:** Saturday, 21 March 2020 4:55 PM  
**To:** DPC:Premier  
**Subject:** The state of affairs

Mr Marshall,

I have been in the retail industry for over thirty years now and never in that time have I felt more worthless than now.

I am very well educated as are most of my colleagues, contrary to what the general population thinks and says.

You think you are assisting us by allowing the stores to have unlimited trading hours. You are terribly mistaken.

We do not have the man power, we do not have the tenacity and no longer have the faith in our fellow citizens to go on like this. We are dumbfounded that us retail workers have not even been considered in what is going on.

We struggle daily with stupid people with stupid questions thinking they are the most important person right there and then.

I have had to deal with elderly customers at breaking point, getting them to pay for items in secret ( yes God damned toilet paper), then smuggling it out in garbage bags for protection to their cars.

I have had to deal with ignorant so called humans over and over thinking their obscure item in their shopping list is more important than the next person, when we are struggling to get staples on the shelf.

Threats of violence, name calling and the list goes on.

We are a very tough resilient group, I am so proud of the team I work with let alone every team of retail workers out there.

So I ask you where are our limits in persons allowed in our proximity?

How many hours do you think one person can work in one day? One week?

It is time to restrict hours not extend so we can refill, recoup and regroup.

It is time to restrict the amount of persons allowed in our proximity, not just pubs, clubs and events. Is a retail workers health worth less?

Then again, as always and as usual you along with every person out there do not give two flying f....s about us retail workers, but guess what Mr. Marshall....we now have the power and the toilet paper in our control.

Regards

A fed up retail worker

We are tougher than you think



The Hon Rob Lucas MLC

**Government  
of South Australia**

TRS20D0609

Treasurer  
Level 8  
State Administration Centre  
200 Victoria Square  
Adelaide SA 5000  
GPO Box 2264  
Adelaide SA 5001  
DX 56203 Victoria Square  
Tel 08 8226 1866  
treasurer.dtf@sa.gov.au

Dear [REDACTED]

Thank you for your email dated 21 March 2020 to the Premier, the Hon Steven Marshall MP, about extended shop trading hours during the COVID-19 pandemic. As the matter falls within my portfolio responsibilities, the Premier has asked that I respond on his behalf.

The *Shop Trading Hours Act 1977* (the Act) restricts trading hours in South Australia for "non-exempt shops" (i.e. supermarkets over 400m<sup>2</sup> and other shops over 200m<sup>2</sup>). The Act also enables me, as the responsible Minister, to grant an exemption to the restrictions in the Act on my own initiative for a period not exceeding 30 days.

On 19 March 2020, following the behaviours being evidenced in shops, in particular in shopping centres, with large numbers of people in small spaces trying to buy certain products, I announced an exemption to apply from 21 March to 19 April 2020 that gave retailers and customers greater choice and flexibility to help alleviate pressures faced as a result of the pandemic. This decision was supported by SA Health and the State's Chief Medical Officer, Dr Nicola Spurrier.

The exemption applied to all non-exempt shops in the Adelaide CBD and suburbs enabling them to trade during any hours on a weekday, between 12.00am to 9.00pm on a Saturday, and between 9.00am to 9.00pm on a Sunday, whilst maintaining existing trading restrictions for Good Friday and Easter Sunday.

While the Government did not expect supermarkets to take up the option of 24-hour trading, the exemption has enabled consumers and staff to better practice social distancing by flattening out periods of peak demand. It has also allowed retailers to assist with supply of grocery stock and give supermarkets greater flexibility in relation to designated shopping times for elderly members of the community and people with a disability.

During the period of the 30-day exemption, retailers responded by using the increased flexibility to extend their trading hours. Woolworths, Coles, Aldi, some Drakes stores and other independent supermarkets all availed themselves of the increased flexibility to extend their trading hours.



On 16 April 2020, following the significant success of the first exemption, I granted a further exemption for an additional 30 days until 19 May 2020, whilst maintaining trading restrictions before 12 noon on ANZAC Day, which falls within that 30-day period. Again, this decision was supported by advice from SA Health and the Chief Medical Officer.

In relation to ANZAC Day, exempt and non-exempt shops in the Adelaide CBD and in regional areas are already able to trade on ANZAC Day under the Act and have done so for many years. However, non-exempt shops in the suburbs would not have been permitted to open on ANZAC Day afternoon if I had not granted an exemption bringing those shops into line with shops in the rest of the State.

As you may be aware, there was a huge response to the exemption across the suburbs on ANZAC Day afternoon. Coles, Woolworths, Aldi, Drakes, and some of the other independent supermarkets, had long queues outside some of their stores.

Further to the extension of trading hours, on 23 March 2020 the Hon Stephan Knoll, Minister for Planning, announced the lifting of planning restrictions which apply to a large proportion of supermarket and grocery stores around the hours in which goods may be delivered. The changes in regulations, which will apply up until 30 September 2020, ensure that enforcement action under the *Development Act 1993* cannot be undertaken where a supermarket, and other businesses that stock essential items, accepts deliveries outside of approved hours.

With regard to the increase of violence towards retail workers the South Australia Police (SAPOL) advise that commencing Friday, 20 March 2020 police officers in the metropolitan and regional areas have been conducting dedicated patrols of supermarkets to provide a visible presence to reassure and protect the public and ensure the safety of staff. If police assistance is required, retailers can contact SAPOL directly on 131 444 or 000 in the case of an emergency.

In these unprecedented times, the Marshall Liberal Government wants to make it as easy and safe as possible for South Australians to get the groceries they need, as well as giving supermarkets the flexibility they need to cater for increased consumer demand, while supporting staff. All employees working during the extended hours do so strictly on a voluntary basis and no-one can be forced to work additional hours.

I appreciate you taking the time to provide the Premier with your views and wish you all the best in the future. Please stay safe during this extremely challenging period.

Yours sincerely



**Hon Rob Lucas MLC**  
*Treasurer*

13 May 2020