



**Government
of South Australia**

TRS20D3186

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

Emily
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 28 September 2020.

Your application seeks access to:

"All documents, including any email, memorandum, note and/or advice, comprising materials relied on or referred to by the Treasurer in making the decision referred to below, or alternatively recording or evidencing the said decision and/or the reasons for the said decision. The Decision The decision in respect of which access to the above documents is sought is the decision of the Treasurer, the Honourable Rob Lucas MLC, pursuant to section 5(9)(b) of the Shop Trading Hours Act 1977 (the Act), to declare, on 14 April 2020, non-exempt shops, excluding shops that are solely or predominantly the retail sale of motor vehicles or boats: • in the Metropolitan Shopping District and the Glenelg Tourist Precinct, exempt from the provisions of the Act between the hours of: - 12 noon and 5.00pm on ANZAC Day (Saturday, 25 April 2020); • in the Greater Adelaide Shopping District, exempt from the provisions of the Act from Monday, 20 April 2020 up to and including Tuesday, 19 May 2020, between the hours of: - 9.00pm and 12 midnight on every weekday; - 5.00pm and 9.00pm on a Saturday, including ANZAC Day (25 April 2020); - 9.00am and 11.00am, and 5.00pm and 9.00pm on a Sunday, which exemption was subject to the following conditions: • Normal trading hours prescribed by section 13 of the Act shall apply at all other times. • All employees working during these extended hours will do so on a strictly voluntary basis. • Any and all relevant industrial instruments are to be complied with. • All work health and safety issues (in particular those relating to extending trading hours) must be appropriately addressed, from 22 March 2018 to 14 April 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 your application.

I refuse you access to 1 document.

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

Refused in Full

Document 1.

I advise the document is publicly available on the Government Gazette website, published on 16 April 2020, and therefore has not been provided to you.

Released in Part

Document 2 and 3.

Documents 2 and 3 are correspondence between my office and Safework SA, personal identifying information has been redacted pursuant to clause 6(1) of the Act.

Please note, that content out of scope of the requested date range has also been redacted.

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.

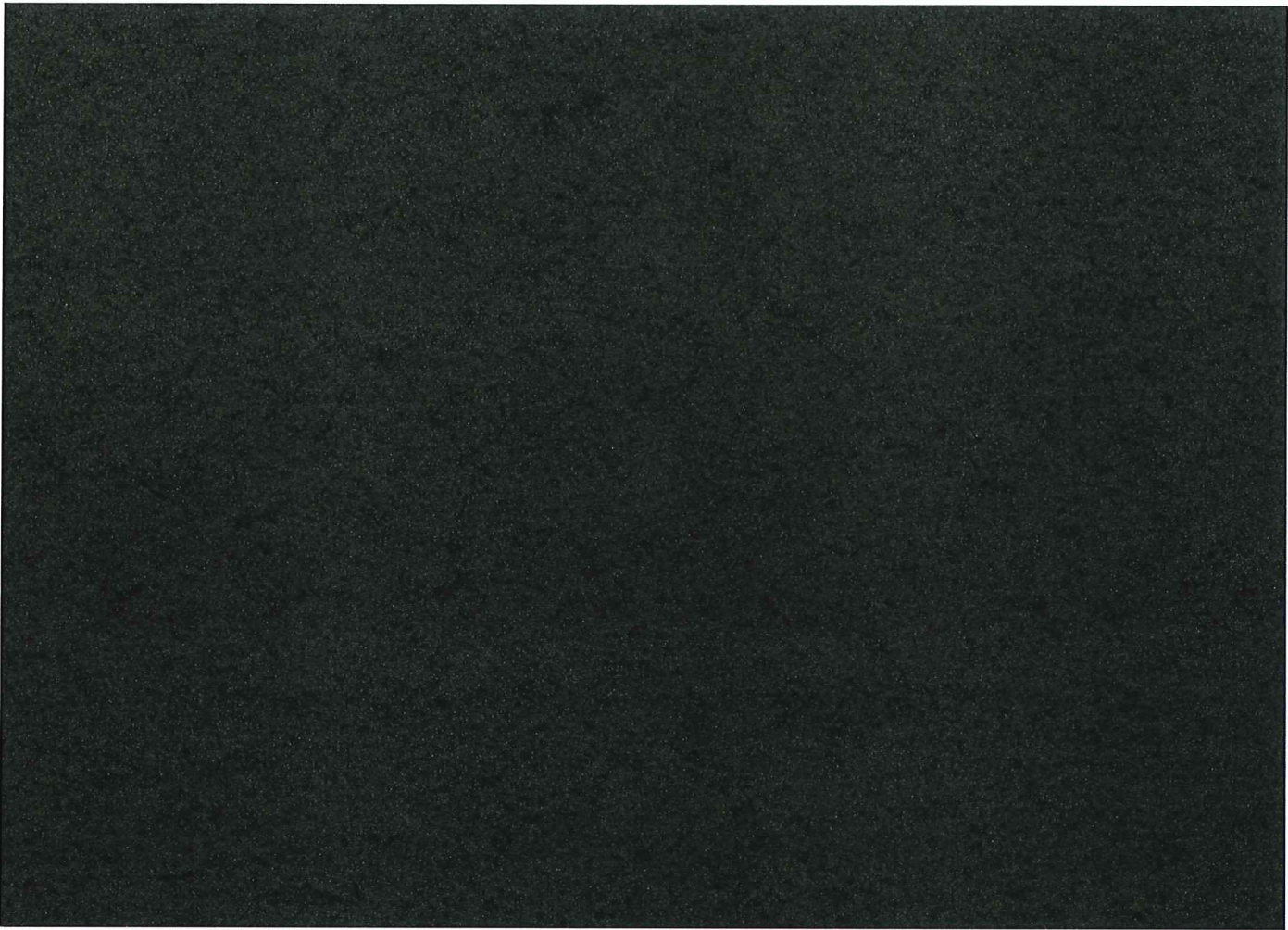
Yours sincerely



Hon Rob Lucas MLC
Principal Officer

1 November 2020

RELEASE IN PART



From: Brown, David (DTF)
Sent: Tuesday, 14 April 2020 12:29 PM
To: Marciano, Nino (DTF) <Nino.Marciano@sa.gov.au>
Subject: RE: Urgent - Shop Trading Hours - Coronavirus No.2

OUT OF SCOPE

I've attach the Gazette version of the latest Covid-19 STH Exemption notice. It's dated for today on the assumption the Treasurer will be signing today.

David Brown
Policy Officer
Policy and Governance Team, SafeWork SA
Ph: +61 8 8463 4987 | Mobile: 0411 590 746

From: Marciano, Nino (DTF) <Nino.Marciano@sa.gov.au>
Sent: Tuesday, 14 April 2020 11:29 AM
To: Brown, David (DTF) <DavidL.Brown@sa.gov.au>
Cc: Osborne, Prema (DTF) <Prema.Osborne@sa.gov.au>; Campbell, Martyn (DTF) <Martyn.Campbell@sa.gov.au>
Subject: RE: Urgent - Shop Trading Hours - Coronavirus No.2

Thanks David,

Looks good. One minor change – as discussed.

Kind regards,

Nino Marciano

Ministerial Adviser
Office of the Treasurer
The Hon Rob Lucas MLC
Level 8 | 200 Victoria Square ADELAIDE SA 5000
t 846 33192 m [REDACTED] nino.marciano@sa.gov.au

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Government of South Australia
Department of Treasury and Finance

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Subject: RE: Urgent - Shop Trading Hours - Coronavirus No.2

Hi Nino

I've made some minor changes just for complete accuracy of not exempting periods that are already permitted. So I have aligned the Metro with the CBD in the first part by exempting them from 12 to 5 on Anzac Day. That then enables the whole GASD (CBD and Metro) to receive the further additional hours as a collective for the 30 day period.

If you are comfortable with how I have crafted the Notice then I will provide a with a formatted copy of how it will look in the Gazette

David Brown
Policy Officer
Policy and Governance Team, SafeWork SA
Ph: +61 8 8463 4987 | Mobile: 0411 590 746

From: Marciano, Nino (DTF) <Nino.Marciano@sa.gov.au>
Sent: Tuesday, 14 April 2020 10:24 AM
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Cc: Campbell, Martyn (DTF) <Martyn.Campbell@sa.gov.au>; Osborne, Prema (DTF) <Prema.Osborne@sa.gov.au>
Subject: Urgent - Shop Trading Hours - Coronavirus No.2

Good morning David,

As discussed, I would greatly appreciate it if you could please urgently review and return the attached notices for a further 30-day shop trading hours exemption. I have gone with 12 noon - 9pm on ANZAC Day in this draft.

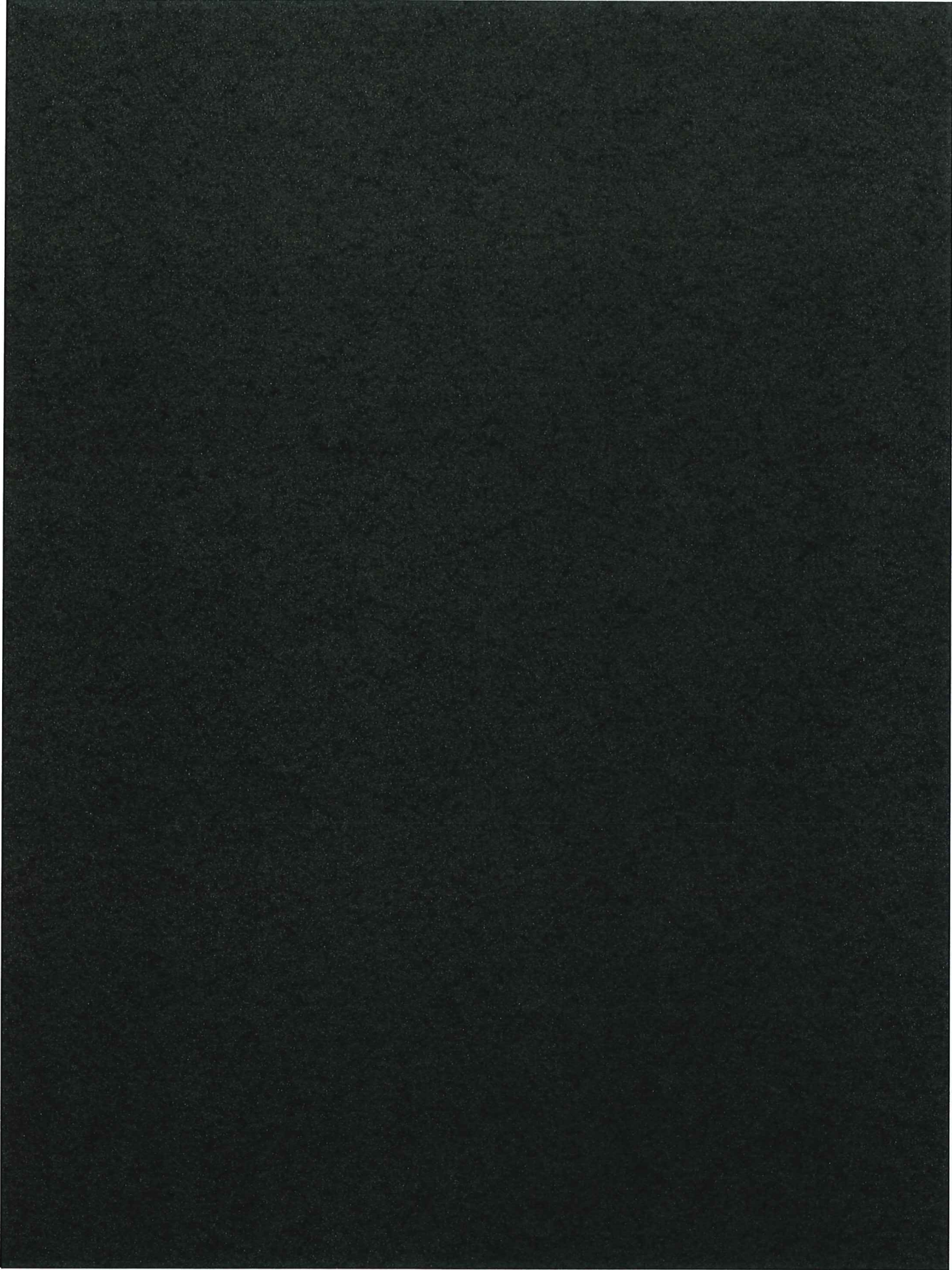
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Ministerial Adviser
Office of the Treasurer
The Hon Rob Lucas MLC
Level 8 | 200 Victoria Square ADELAIDE SA 5000
t 846 33192 m [REDACTED] nino.marciano@sa.gov.au

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Office of the Treasurer

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